

**UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION**

|                                    |   |                                |
|------------------------------------|---|--------------------------------|
| <b>Joint Consumer Advocates</b>    | ) |                                |
| <b>v.</b>                          | ) |                                |
| <b>PJM Interconnection, L.L.C.</b> | ) | <b>Docket No. EL25-18-000</b>  |
|                                    | ) |                                |
| <b>Sierra Club, et al.</b>         | ) |                                |
| <b>v.</b>                          | ) |                                |
| <b>PJM Interconnection, L.L.C.</b> | ) | <b>Docket No. EL24-148-000</b> |
|                                    | ) |                                |
| <b>PJM Interconnection, L.L.C.</b> | ) | <b>Docket No. ER25-682-000</b> |
|                                    | ) |                                |
| <b>PJM Interconnection, L.L.C.</b> | ) | <b>Docket No. ER25-785-000</b> |

*Not consolidated*

**ANSWER OF PJM INTERCONNECTION, L.L.C. TO THE JOINT CONSUMER  
ADVOCATES IN OPPOSITION TO MOTION TO CONSOLIDATE AND FOR  
EXTENSION OF TIME**

PJM Interconnection, L.L.C. (“PJM”), pursuant to Federal Energy Regulatory Commission (“Commission” or “FERC”) Rules of Practice and Procedure 213,<sup>1</sup> submits this Answer to the Joint Consumer Advocates’<sup>2</sup> motion to (1) consolidate each of the above captioned proceedings; and (2) extend the date for the submission of responsive pleadings in Docket No. ER25-682-000 until January 10, 2025. For the reasons set forth below, the Commission should deny the Joint Consumer Advocates’ motion as it fails to meet the Commission’s standard for consolidation and extension of time because it would be disruptive and inefficient.

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<sup>1</sup> 18 C.F.R. § 385.213.

<sup>2</sup> The Joint Consumer Advocates are the Illinois Attorney General’s Office, Illinois Citizens Utility Board, Maryland Office of People’s Counsel, New Jersey Division of Rate Counsel, Office of the Ohio Consumer’s Counsel, and Office of the People’s Counsel for the District of Columbia.

## I. ANSWER

### A. The commission should deny the Joint Consumer Advocates' Motion to Consolidate

As the public utility, PJM is entitled to have the Commission review its filings submitted under section 205 of the Federal Power Act (“FPA”) based on whether PJM has justified its proposed tariff changes as just and reasonable. The fact that others may have submitted complaints under FPA section 206, which is reviewed under a different standard, cannot deprive PJM of its section 205 rights. Whether PJM’s section 205 filings may moot the need for the complaints is not applicable to the determination of the proposals’ just and reasonableness, but rather a discrete matter relevant only to the complaint proceedings.

Moreover, the Joint Consumer Advocates’ motion to consolidate the above captioned proceedings improperly seeks to force the Commission to act on the pending 206 complaints and 205 filing in Docket No. ER25-785-000 in a shorter timeframe than the Commission is required by the Federal Power Act.<sup>3</sup> Indeed, a February 14, 2025 order date (the last business day before the requested February 18, 2025 effective date for PJM’s section 205 filing that proposes revisions to the capacity market relating to the treatment of resources that are retained for reliability and the selection of the Reference Resource in Docket No. ER25-682-000) for all four proceedings would artificially truncate the timeframe for the Commission’s consideration of the issues raised in PJM’s pending section 205 filing in Docket No. ER25-785-000 related to amendments to the capacity market must-offer and Market Seller Offer Cap rules (for which PJM requested a February 21, 2025 effective date). Further, the current deadline to answer the Joint Consumer Advocates’ Complaint in Docket No. EL25-18-000 is January 23, 2025, and a PJM answer on that date would

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<sup>3</sup> See *PJM Interconnection, L.L.C.*, 149 FERC ¶ 61,091, at P 1, n.4 (2014) (recognizing that the timeframe for the Commission to act on a section 206 filing cannot be constrained by the statutory timeframes required for the Commission to act on a section 205 filing).

only provide the Commission with a three-week turnaround to draft and issue an order on complaint.

The Commission should not artificially bound itself to shortening the time allocated for the various proceedings under the Federal Power Act. Rather, the better course of action is to address the pending 205 filings in sequential order and later dispose the 206 proceedings in a deliberative fashion. This approach is particularly prudent given that the scope of the Joint Consumer Advocates' complaint in Docket No. EL25-18-000 complaint is far broader than the issues contained within the scope of any of the pending 205 filings that the Joint Consumer Advocates seek to consolidate. Specifically, the Joint Consumer Advocates also seek numerous capacity market changes beyond those that PJM has proposed, including, but not limited to, standardizing reliability-must-run agreements, determining winter capacity ratings for gas-fired generators, interconnection study priority for certain resources, and imposing a Market Seller Offer Cap on Demand Resources.<sup>4</sup> These additional issues are not addressed in, or within the scope of, any of the other dockets that the Joint Consumer Advocates seek to consolidate and many of these issues will require significant consideration and record development for the Commission to issue a thoughtful decision consistent with the requirements of the Administrative Procedures Act. Moreover, there is insufficient time to develop a thorough record on those these issues prior to the commencement of the 2026/2027 Base Residual Auction absent further delay of the already delayed schedule.<sup>5</sup> In short, given that “the Commission consolidates proceedings only if a trial-

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<sup>4</sup> Complaint of Joint Consumer Advocates, Docket No. EL25-18-000 (filed Nov. 18, 2024).

<sup>5</sup> See *PJM Interconnection, L.L.C.*, 189 FERC ¶ 61,105 (2024) (approving PJM waiver request to delay 2026/2027 Base Residual Auction to June 2025, with some pre-auction activities to be conducted on a compressed schedule).

type evidentiary hearing is required and there are common issues of law and fact,”<sup>6</sup> the Commission should not consolidate the above captioned proceedings because (1) there is no need for a trial-type hearing to resolve the issues raised in PJM’s section 205 filings—nor have the Joint Consumer Advocates alleged the need for such a hearing, and (2) the issues of fact and law contained in the dockets are distinct.

*B. The commission should deny the Joint Consumer Advocates’ Motion For Extension of Time*

The Commission should also deny the Joint Consumer Advocates’ motion to further extend the deadline to comment on PJM’s section 205 filing in Docket No. ER25-682-000 to January 10, 2025. The Commission already granted PJM’s requested one-week extension of the comment deadline for the section 205 filing in Docket No. ER25-682-000 in recognition of the intervening holidays. The Joint Consumer Advocates do not provide any compelling rationale to further extend this deadline. To the contrary, further delaying this comment deadline will only compress the time period for PJM and other parties to timely respond to answers that are eventually filed, and for the Commission to evaluate arguments raised in the comments and protests. Combining answers to the various issues raised in the pending 205 filings will inappropriately burden PJM, other parties, and the Commission in reviewing and responding to the separate and distinct issues in what would be an unnecessarily compressed schedule. This is particularly burdensome given that PJM is already planning to submit its answer to the Joint Consumer Advocates’ complaint in EL25-18-000 by January 23, 2025, which would be around the same timeframe that PJM expects to submit answers to any protests filed in response to the 205 filings.

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<sup>6</sup> *Midcontinent Indep. Sys. Opeartor, Inc.*, 189 FERC ¶ 61,108 (2024)(citing *Dynegy Res. I, LLC*, 150 FERC ¶ 61,232, at P 17 (2015); *Duke Energy Corp.*, 136 FERC ¶ 61,245, at P 33 (2011); *Terra-Gen Dixie Valley, LLC*, 132 FERC ¶ 61,215, at P 44, n.74 (2010); *Startrans IO, L.L.C.*, 122 FERC ¶ 61,253, at P 25 (2008)).

## II. CONCLUSION

Based on the foregoing reasons, the Commission should deny the Joint Consumer Advocates' motion to consolidate the above captioned dockets and deny the motion for extension of time.

Respectfully submitted,

/s/ Chenchao Lu\_\_\_\_\_

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*On behalf of  
PJM Interconnection, L.L.C.*

### **CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated at Audubon, PA this 30<sup>th</sup> day of December 2024.

/s/ *Caroline Winther*

Caroline Winther