

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

AES WR Limited Partnership)	
)	
)	Docket No. ER25-2197-000

**MOTION TO INTERVENE AND
COMMENTS OF PJM INTERCONNECTION, L.L.C.**

PJM Interconnection, L.L.C. (“PJM”), pursuant to Federal Energy Regulatory Commission (“Commission” or “FERC”) Rule 213 of Practice and Procedure,¹ submits these Comments to the Request for Limited Waiver of AES WR Limited Partnership (“Warrior Run”).² Specifically, PJM supports the requested prospective waiver to allow the Warrior Run generating facility to retain their existing Capacity Interconnection Rights (“CIRs”).³ Granting this limited prospective waiver will help to facilitate the efforts to return the Warrior Run generating facility back into service, which will ultimately help contribute to PJM’s resource adequacy needs. The requested waiver seeks relief that is consistent with the national policy of ensuring that the “electric grid . . . utilize all available power generation resources” during a “national energy emergency.”⁴ Keeping the generation already interconnected to the grid “from leaving the bulk-power system” and

¹ 18 C.F.R. § 385.213.

² *AES WR Limited Partnership*, Request for Limited Waiver and Request for Shortened Comment Period, Docket No. ER25-2197-000 (May 9, 2025) (“WR Waiver”).

³ For the purpose of this filing, capitalized terms not defined herein shall have the meaning as contained in the PJM Open Access Transmission Tariff, Amended and Restated Operating Agreement, and the Reliability Assurance Agreement Among Load Serving Entities in the PJM Region.

⁴ Exec. Order No. 14262, *Strengthening the Reliability & Security of the United States Elec. Grid*, 90 Fed. Reg. 15,521, at 15,521 (Apr. 14, 2025) (“EO 14262”); Exec. Order 14156, *Declaring a Nat’l Energy Emergency*, 90 Fed. Reg. 8,433 (Jan. 29, 2025) (“EO 14156”); *see also* Exec. Order 14261, *Reinvigorating America’s Beautiful Clean Coal Industry and Amending Executive Order 14241*, 90 Fed. Reg. 15,517 (Apr. 8, 2025).

actively seeking to return the units to operation is consistent with national energy policy directives. In addition, the retention of Warrior Run's CIRs past June 1, 2025 until the units are returned back to service on or before January 31, 2026 will allow the Warrior Run generating facility to be offered in the upcoming Base Residual Auction for the 2026/2027 Delivery Year. Accordingly, the requested waiver should be granted.

I. MOTION TO INTERVENE

On May 9, 2025, Warrior Run filed a request for limited waiver of the PJM's Open Access Transmission Tariff ("Tariff"), section 230.3.3 to waive the Tariff provision regarding the termination of CIRs after one year from the Deactivation Date. Specifically, Warrior Run explains that the Warrior Run generating facility have been mothballed⁵ since June 1, 2024.⁶ Thus, absent a Commission order that grants Warrior Run's request for waiver, the CIRs associated with the Warrior Run generating facility are scheduled to terminate on June 1, 2025 and these units will not be permitted to be offered into the upcoming Base Residual Auction.

PJM is the Transmission Provider and the administrator of the Tariff, including PJM's Reliability Pricing Model. As the administrator of the Tariff, PJM has an independent interest in this proceeding that no other party can represent adequately. Accordingly, PJM respectfully requests that the Commission grant this Motion to Intervene and that PJM be afforded all the rights of a party to this proceeding.

⁵ Under PJM's Tariff, a Generation Owner of a resource that is being retired or mothballed is required to submit a deactivation notice pursuant to Tariff, Part V, section 113.1.

⁶ WR Waiver at 5.

II. COMMENTS

A. Granting Warrior Run's Waiver Request Will Facilitate the Units Return to Service.

Tariff, Part VI, section 230.3.3 provides that “any Capacity Interconnection Rights associated with such facility shall terminate one year from the Deactivation Date.” In turn, the Tariff defines Deactivation Date as “the date a generating unit within the PJM Region is either retired or mothballed and ceases to operate.” Here, given that the Warrior Run generating facility is the subject of a deactivation notice effect June 1, 2024, the associated CIRs are currently scheduled to terminate on June 1, 2025 absent an order from the Commission granting Warrior Run’s requested waiver. Warrior Run now represents that it intends to bring the facility back online as soon as practicable due to changed “market conditions, the need for capacity in PJM to support load growth driven by data centers, artificial intelligence, and other factors.”⁷ However, it will take a few months for Warrior Run to bring the facility back online, such as “undertaking potential repairs, reestablishing coal supply agreements, and reestablishing other contractual arrangements necessary to support the operation of Warrior Run.”⁸ Consequently, Warrior Run does not expect the facility to be returned back to service prior to January 1, 2026.⁹ Based on this representation, it is appropriate for the Warrior Run generating facility to retain their existing CIRs beyond June 1, 2025 until they can resume operation on or before January 31, 2026. Retaining the CIRs through January 31, 2026 will enable Warrior Run to avoid

⁷ *Id.* at 4.

⁸ *Id.*

⁹ *Id.*

the CIR termination provision specified in Tariff, Part VI, section 230.3.3 while the necessary steps are taken to return the Warrior Run facility back into service.

Maintaining Warrior Run’s CIRs during the intervening period will allow the units to be offered in the upcoming Base Residual Auction, which is scheduled to commence on July 9, 2025. Warrior Run’s decision to return the facility back to service is due, in part, to a “shift in market conditions and resource adequacy constraints [that] has altered the economic viability of Warrior Run for the better.”¹⁰ In other words, Market Participants, such as Warrior Run, are taking concrete steps in response to the price signals generated by the Reliability Pricing Model Auctions from the 2025/2026 Delivery Year. Given the tightening of supply and demand in PJM’s capacity market,¹¹ excluding Warrior Run from being offered as capacity—even though it is now expected to be available for upcoming Delivery Years—could adversely impact resource adequacy for the State of Maryland. Granting the requested waiver will enable the auction to accurately reflect the available capacity during the relevant Delivery Years. Accordingly, PJM supports Warrior Run’s request for a limited waiver to retain the associated CIRs until January 31, 2026, at which time the units are expected to return to service and the CIRs will no longer be subject to termination.

While the Tariff also provides an alternative avenue for a resource owner to retain a unit’s CIRs by submitting a new Generation Interconnection Request within one year after the Deactivation Date,¹² that option would require Warrior Run to submit a new

¹⁰ *Id.* at 6.

¹¹ PJM has highlighted the growing risk of a tightening supply and demand balance for some years now. See PJM, Energy Transition in PJM: Resources, Retirement, Replacement, & Risks (Feb. 24, 2023), <https://www.pjm.com/-/media/DotCom/library/reports-notices/special-reports/2023/energy-transition-in-pjm-resource-retirements-replacements-and-risks.ashx>.

¹² See Tariff, Part VI, section 230.3.3.

interconnection queue request for its units as part of Study Cycle 1. Under current projected timelines, projects in Study Cycle 1 are estimated to reach Decision Point 1 at the end of 2026.¹³ Thus, absent the requested waiver, the *earliest* opportunity for the Warrior Run generating facility to be offered as capacity is in Base Residual Auction for the 2029/2030 Delivery Year that will be conducted in December of 2026. In effect, declining to grant the waiver related to the termination of the CIRs on June 1, 2025, would necessitate establishing a new queue position and render the Warrior Run generating facility ineligible to be offered into the Base Residual Auction for at least three Delivery Years (i.e., 2026/2027 through 2028/2029 Delivery Years).

Granting Warrior Run’s requested waiver is also consistent with “the policy of the United States that in order to ensure adequate and reliable electric generation in America, to meet growing electricity demand, and to address the national emergency declared pursuant to Executive Order 14156 of January 20, 2025 (Declaring a National Energy Emergency), our electric grid must utilize *all* available power generation resources.”¹⁴ Given the cited Executive Orders, PJM respectfully requests that the Commission issue the waiver promptly and well in advance of May 31, 2025.

B. Warrior Run’s Request for Limited Waiver Satisfies the Commission’s Waiver Standard.

Warrior Run’s requested waiver is consistent with Commission standard for granting waivers where, as here, “(1) the applicant acted in good faith; (2) the waiver is of

¹³ Under current projections, Decision Point I for projects in Study Cycle 1 is currently estimated to be between November 24, 2026 and December 23, 2026. See PJM, Cycle Timeline: Interconnection Cycle Study Timeline (updated as of May 7, 2025), <https://www.pjm.com/planning>.

¹⁴ EO 14262 (emphasis added).

limited scope; (3) the waiver addresses a concrete problem; and (4) the waiver does not have undesirable consequences, such as harming third parties.”¹⁵

First, Warrior Run acted in good faith by seeking this prospective waiver while it completes the necessary actions to return the facility back into service. Warrior Run represents that it “has worked (and is working) as quickly as possible to return Warrior Run to service” in response to the recent Executive orders and changes in market conditions since it submitted its deactivation notice.¹⁶ Second, Warrior Run’s request is limited in scope as it only seeks a waiver of the CIR termination provision in Tariff, Part VI, section 230.3.3 to retain its CIRs for a time-bound eight month extension while it completes necessary repairs, reestablish coal supply agreements, and reestablish other contractual arrangements necessary to return the facility to service prior to January 31, 2026.¹⁷ Third, the requested waiver addresses the concrete problem that the CIRs associated with Warrior Run generating facility would terminate on June 1, 2025 absent a waiver of the Tariff, Part VI, section 230.3.3. Fourth, granting this waiver will not create any undesirable consequences since the Warrior Run generating facility already has the CIRs today and Warrior Run is not seeking to retain the relevant CIRs for anticompetitive purposes. Rather, granting this waiver will benefit the PJM Region as Warrior Run is seeking to retain its CIRs so that the Warrior Run generating facility can be returned to service.

¹⁵ *Rush Solar Project II, LLC*, 187 FERC ¶ 61,013, at P 26 (2024) (footnote omitted). *See also, e.g., Lee Cnty. Generating Station, LLC*, 186 FERC ¶ 61,089, at P 20 (2024); *LS Power Dev., LLC*, 186 FERC ¶ 61,145, at P 14 (2024); *American Elec. Power Serv. Corp.*, 186 FERC ¶ 61,086, at P 21 (2024); *Dunkirk Power LLC*, 147 FERC ¶ 61,146, at P 13 (2014).

¹⁶ WR Waiver at 6.

¹⁷ *Id.* at 5.

III. CONCLUSION

Based on the foregoing, PJM respectfully requests that the Commission expeditiously grant Warrior Run's request for limited waiver as it is consistent with the Commission's precedent for granting waivers and will help to facilitate the national energy policies specified in the cited Executive Orders.

Respectfully submitted

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May 16, 2025

***Attorney for
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CERTIFICATE OF SERVICE

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

Dated at Audubon, PA on this 16th day of May 2025.

/s/ Jesse Jacobe

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