

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

Morgantown Power, LLC)	
)	Docket No. ER25-3339-000
)	

**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 Further Limited Waiver and Request for Shortened Comment Period of Morgantown Power, LLC (“Morgantown”).² Specifically, PJM supports the requested prospective waiver to allow the Morgantown unit 5 to retain its existing Capacity Interconnection Rights (“CIRs”) until November 30, 2025.³ Granting this limited prospective waiver will help to facilitate the efforts to fully return Morgantown back into service, which will ultimately help contribute to PJM’s resource adequacy needs. The 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

¹ 18 C.F.R. §§ 385.212, 385.213.

² *Morgantown Power, LLC*, Request for Limited Waiver and Request for Shortened Comment Period, Docket No. ER25-3339-000 (August 28, 2025) (“Morgantown 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).

bulk-power system” and actively seeking to return the units to operation is consistent with national energy policy directives. In addition, the retention of Morgantown unit 5’s CIRs for an additional two months until the units are returned back to service on or before November 30, 2025 will allow the Morgantown to honor its capacity commitments as a result of clearing the Base Residual Auction for the 2026/2027 Delivery Year.⁵ Accordingly, the requested waiver should be granted.

I. MOTION TO INTERVENE

On August 28, 2025, Morgantown filed a request for further 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, following the Commission’s May 30 Order that extended Morgantown unit 5’s CIR termination date from June 1, 2025 until September 30, 2025, Morgantown has successfully completed necessary repairs and returned unit 6 back to service.⁶ The completion of work on unit 6 demonstrates that Morgantown has made concrete efforts to return the resource back into service. However, Morgantown explains that while substantial progress has been made towards repairing Morgantown unit 5, it has encountered delays in completing these repairs and is concerned that these repairs cannot be completed by September 30, 2025.⁷ Thus, out of an abundance of caution, Morgantown now seeks a limited further extension, until November 30, 2025, before the CIRs associated with unit 5 would otherwise terminate.⁸

⁵ Morgantown Waiver at 3.

⁶ *Id.*

⁷ *Id.* at 3-4.

⁸ *Id.* at 4.

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.⁹

II. COMMENTS

A. Granting Morgantown's Waiver Request Will Facilitate the Unit's 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, based on the Commission's May 30 Order, the CIRs associated with unit 5 are currently scheduled to terminate on September 30, 2025.¹⁰ However, Morgantown explains that despite making progress of repairs to unit 5, "[d]ue to factors beyond its control, Morgantown may be unable to complete the needed repairs on Morgantown 5 until after September 30, 2025, when the CIRs for that unit are now scheduled to terminate."¹¹ Consequently, Morgantown now seeks a further limited two month extension to allow the ongoing repairs to be completed by November 30, 2025.¹²

⁹ To the extent deemed necessary by the Commission, PJM moves for acceptance of this late-filed motion to intervene and comments in support of Morgantown's waiver request due to an administrative oversight on the comment deadline. Acceptance of these comments will assist the Commission in its decision-making process.

¹⁰ *Morgantown Power, LLC*, 191 FERC ¶ 61,179 (2025) (the "May 30 Order").

¹¹ Morgantown Waiver at 4.

¹² *Id.* at 4.

Based on this representation, it is appropriate to allow Morgantown unit 5 to retain its existing CIRs beyond September 30, 2025 until they can resume operation on or before November 30, 2025. Retaining the CIRs through November 30, 2025 will enable Morgantown to avoid the CIR termination provision specified in Tariff, Part VI, section 230.3.3 while the ongoing repairs to the Morgantown units are completed.

Maintaining Morgantown's CIRs during the intervening period will allow the unit to honor its commitments that were already made in the Base Residual Auction associated with the 2026/2027 Delivery Year. Morgantown's ongoing repairs to bring the unit back into service was in response to "changed market dynamics, including the results of the Base Residual Auction for the 2025/2026."¹³ In other words, Market Participants, such as Morgantown, 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,¹⁴ terminating Morgantown unit 5's CIRs in the event all necessary repairs are not completed by September 30, 2025—even though it is expected to be available for upcoming 2026/2027 Delivery Year and cleared the capacity auction for such Delivery Year—could artificially exacerbate the resource adequacy concerns in the PJM Region. Granting the requested waiver will enable Morgantown unit 5 to fulfill the commitment it appropriately made by offering and clearing in the capacity auctions. Accordingly, PJM supports Morgantown's request for a limited

¹³ *Id.* at 3.

¹⁴ 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-notice/special-reports/2023/energy-transition-in-pjm-resource-retirements-replacements-and-risks.ashx>.

waiver to retain the associated CIRs until November 30, 2025, at which time unit 5 is expected to return to service and the CIRs will no longer be subject to termination.

Granting Morgantown’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.”¹⁵ Given the cited Executive Orders, PJM respectfully requests that the FERC issue the waiver promptly and well in advance of September 30, 2025.

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

Morgantown’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 limited scope; (3) the waiver addresses a concrete problem; and (4) the waiver does not have undesirable consequences, such as harming third parties.”¹⁶

First, Morgantown acted in good faith by seeking this prospective waiver while it completes the necessary repairs to the units. Morgantown represents that the unanticipated repair delays were outside of its control due to “due to the limited availability of needed parts and strains on the capacity of repair shops needed to do the work.”¹⁷ Second, Morgantown’s request is limited in scope as it only seeks a waiver of the CIR termination

¹⁵ EO 14262 (emphasis added).

¹⁶ *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).

¹⁷ Morgantown Waiver at 3.

provision in Tariff, Part VI, section 230.3.3 to retain its CIRs for a time-bound two additional month extension while it completes the necessary repairs to allow unit 5 to return to service prior to November 30, 2025. Third, the requested waiver addresses the concrete problem that the CIRs associated with Morgantown units would terminate on September 30, 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 Morgantown units already have the CIRs today and Morgantown is not seeking to retain the relevant CIRs for anticompetitive purposes. Rather, granting this waiver will benefit the PJM Region as Morgantown is seeking to retain its CIRs so that the Morgantown units can be returned to service.

III. CONCLUSION

Based on the foregoing, PJM respectfully requests that the Commission expeditiously grant Morgantown'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

/s/ Chenchao Lu

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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 September 2025.

/s/ Chenchao Lu

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