

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

Voltus, Inc., and	)	
Mission:data	)	
	)	Docket No. EL26-4-000
Complainants,	)	
	)	
v.	)	
	)	
PJM Interconnection, L.L.C.	)	
	)	
Respondent.	)	
	)	

ANSWER OF PJM INTERCONNECTION, L.L.C.

Pursuant to Rule 213 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“Commission”),¹ PJM Interconnection, L.L.C. (“PJM”) answers the October 8, 2025 Complaint filed by Voltus, Inc. and Mission:data² (collectively, “Complainants”) requesting the Commission find PJM’s Open Access Transmission Tariff (“Tariff”) to be unjust and unreasonable and unduly discriminatory to the degree that it prevents Curtailment Service Providers (“CSPs”)³ from utilizing statistical sampling for interval metered residential customers despite attestations that CSPs may have varying success at accessing such interval metered data where advanced metering infrastructure (“AMI”) is owned by electric distribution companies (“EDCs”).⁴ Complainants further request the Commission require PJM to revise its governing documents and manuals to

¹ 18 C.F.R. § 385.213.

² *Voltus, Inc. and Mission:data v. PJM Interconnection, L.L.C.*, Complaint of Voltus, Inc. and Mission:data, Docket No. EL26-4-000 (Oct. 8, 2025) (“Complaint”).

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

⁴ Complaint at 1.

permit CSPs to use the statistical sampling methodology for interval metered residential customers if interval metered data is not reasonably accessible from the EDC.⁵

However, the Complaint is being brought against the wrong party and in the wrong forum. Restrictions on the use of privately owned and installed interval metering equipment is a question for the Relevant Electric Retail Regulatory Authority (“RERRA”), as that is the entity statutorily permitted to exercise jurisdiction over retail companies, retail equipment, and state-specific practices and policies.⁶ There is considerable history behind why RERRAs put limitations on the release of customer data without customer consent, and those restrictions are embedded in many cases in state law or state regulations as a consumer protection measure given widespread evidence of the misuse of customer data.⁷

Complainants ask this Commission to circumvent all of those state laws and regulations by instead amending PJM’s Tariff to decrease the accuracy associated with the accounting of and compensation for residential customer demand response data.⁸ Complainants’ attempt to remedy this state level problem through a degradation of the

⁵ *Id.* at 1-2.

⁶ *Enerwise Glob. Techs., LLC v. PJM Interconnection, L.L.C.*, 188 FERC 61,191, at P 35 (2024) (“CPower Order”) (noting that the Commission “respects the role of states with respect to issues such as electric distribution companies’ policies around residential customer meter data” and recognizing “that some questions governing the availability to third parties of data held by electric distribution companies, including interval data, along with larger questions involving deployment of advanced metering infrastructure, are questions under the jurisdiction of state regulatory authorities”).

⁷ See e.g., 52 Pa. Code § 57.174(a) (2014) (requiring oral confirmation or written authorization whenever a customer selects a new electric generation service provider); 26 Del. Admin. Code 3013 § 15.2.2 (2024) (prohibiting data misuse such as ‘slamming’ or ‘cramming’); N.J. Admin. Code § 14:4-7.8 (2025) (prohibiting disclosure of customer information without the affirmative written consent of the customer, an alternative approved consent methodology, or other limited circumstances); Ohio Admin. Code, Rule 4901: 1-21-08 (2024) (establishing detailed procedures regarding the handling of slamming complaints when customers allege their supplier of electric service has been switched without authorization).

⁸ See e.g., *PJM Interconnection, L.L.C.*, 184 FERC ¶ 61,055, at PP 57, 112 (2023) (finding that allowing adjustment of components of demand curves for auctions after the initial posting deadline is just and reasonable because it ensures accuracy even if market participants may have speculated on auction results based on the value of the component prior to adjustment); *Midcontinent Indep. Sys. Operator, Inc.*, 182 FERC ¶ 61,096, at P 23 (2023) (“MISO”) (confirming MISO’s proposal as just and reasonable despite arguments that it unfairly penalizes generators partly because it improved accuracy).

quality of information PJM receives demonstrates that this Complaint is an inappropriate vehicle to solve the alleged problem, especially when Complainants have not exhausted all administrative remedies available to them before the RERRAs.

Rather than working with RERRAs to seek a re-examination of some of those policies, Complainants instead take aim at PJM and urge this Commission to void a tariff provision requiring that the most accurate data available be used for residential load response customers, a Tariff requirement that PJM has implemented unchanged for over a decade.⁹ This requirement balances the need for accurate data to account for the contribution of load response resources and the Commission's goal of "ensur[ing] that all resource types, including demand-side resources, have just and reasonable and not unduly discriminatory access to Commission-jurisdictional wholesale electricity markets."¹⁰ The Commission should avoid taking actions that would essentially bypass state jurisdiction over a retail issue and instead modify PJM's tariff to decrease the accuracy of data available to PJM when the Complainants have not provided any evidence of working with state commissions to address its issues at the retail level.

This is not a new issue for the Commission, as this very same issue was addressed in the Commission's recent ruling on the CPower complaint which was denied by the Commission.¹¹ In denying the CPower complaint, the Commission did not reach CPower's argument that "the Tariff is unduly discriminatory because electric distribution companies have access to AMI data that Curtailment Service Providers do not" because the

⁹ See *PJM Interconnection, L.L.C.*, PJM Revisions for CSPs with Residential Demand Response Customers, Docket No. ER15-1849-000, at 3 (June 4, 2015) (the "June 4, 2015 Filing") (accepted by delegated letter order on July 23, 2015).

¹⁰ CPower Order at P 35.

¹¹ *Id.* at P 1.

Commission found that CPower had failed to demonstrate that it cannot obtain the required meter data.¹² In this case, although the Complainants attempt to provide evidence of their efforts to obtain this data from EDCs, the Complaint lacks any evidence of Complainants seeking to remedy these concerns by reaching out to the RERRA for relief. As a result, the problems which led to dismissal of the CPower complaint equally exist here both in terms of the wrong venue for bringing this Complaint and the failure of Complainants to first exhaust available remedies at the state level.

Thus, the Commission should affirm that PJM's Tariff is just and reasonable and not unduly discriminatory as limiting the use of statistical sampling to non-interval metered residential demand response customers strikes the appropriate balance between allowing demand response participation and the need for accurate data for purposes of PJM market settlements.

I. BACKGROUND

Demand response is an important resource that can provide key benefits to the PJM system. Specifically, the ability to curtail provides flexibility to help improve system reliability while also increasing competition in the PJM wholesale markets. Due to the large number of individual residential customers that can curtail on demand, residential demand response customers typically participate in PJM's markets through a CSP that can aggregate individual end-use customers for purposes of market participation. As the PJM Member, the CSP is responsible for providing PJM with all the necessary data for the accurate measurement and verification of load reductions provided by residential

¹² *Id.* at P 34.

customers.¹³ Accurate load reduction data is critical for PJM to appropriately compensate the CSP for the actual amount of energy curtailed. PJM's rules therefore generally require actual meter data from demand response customers be submitted to PJM by the CSP to provide accurate compensation for load reductions.¹⁴

A. PJM Allowed Statistical Sampling to Increase Load Response Participation in Limited Circumstances Where Installation of Interval Meters was Impractical

The only exception to this interval metering requirement is when a residential customer does not have an installed interval meter. In light of cost considerations for the installation of interval metering, PJM's rules do not require installation of interval meters on every residence that does not already have an interval meter in order to participate in demand response.¹⁵ Instead, the existing Tariff rules provide a limited exception that allows the CSP to provide interval metered data for a statistically significant representative sample of residential customers that lack interval metering.¹⁶ In other words, for residential customers that do not already have interval meters installed to measure their actual use as it changes by interval, the CSP may rely on a statistical estimate derived from sampling the usage of customers that do have interval metering.

This reduces the barriers to entry for such residential customers to participate as demand response in PJM's markets, as it allows CSPs to facilitate their participation while only incurring the cost of installing interval meters for a representative sample of

¹³ *PJM Interconnection, L.L.C.*, PJM Revisions for CSPs with Residential Demand Response Customers, Docket No. ER15-1849-000, at 3 (June 4, 2015) (the "June 4, 2015 Filing").

¹⁴ See Tariff, Attachment K-Appendix, section 8.3(b); Operating Agreement, Schedule 1, section 8.3(b)

¹⁵ See June 4, 2015 Filing at 7.

¹⁶ See Tariff, Attachment K-Appendix, section 8.3. It is noted that the Complaint is not properly plead given that it does not allege the parallel provisions contained in PJM's Operating Agreement, Schedule 1, section 8.3 are unjust and unreasonable.

residential customers without interval metering. This limiting language was narrowly tailored to increase the capability for CSPs with non-interval metered residential load response customers to participate in the Reliability Pricing Model.¹⁷ The rule was never intended to decrease the accuracy of data by allowing the use of statistical sampling even for residential load response customers with installed interval meters.

B. Complaint of CPower

On September 28, 2023, Enerwise Global Technologies, LLC (“CPower”) filed a substantially similar complaint pursuant to section 206 of the FPA¹⁸ against PJM arguing that the Tariff was unjust, unreasonable, and unduly discriminatory because it prevented CSPs from using statistical sampling rules to provide demand response for interval metered residential customers in PJM markets.¹⁹ CPower’s complaint similarly alleged issues with accessing AMI data for residential load response customers from EDCs and requested the Commission permit the use of statistical sampling for third-party CSPs who encountered such issues.

On September 19, 2024, the Commission denied CPower’s complaint finding that CPower offered “no support for the broad assertions . . . that CPower cannot obtain the required meter data.”²⁰ The Commission additionally found that CPower failed to demonstrate that PJM’s Tariff is unduly discriminatory, noting that entities are not similarly situated unless “there are no differences that are material to the inquiry at hand.”²¹

¹⁷ June 4, 2015 Filing at 13.

¹⁸ 16 U.S.C. § 824e.

¹⁹ *Enerwise Glob. Techs., LLC v. PJM Interconnection, L.L.C.*, Complaint of Enerwise Global Technologies, LLC, Docket No. EL23-104-000 (Sept. 28, 2023).

²⁰ CPower Order at P 33.

²¹ *Id.* at P 34 (quoting *N.Y. Indep. Sys. Operator, Inc.*, 162 FERC ¶ 61,124, at P 10 (2018) (“NYISO”)).

The Commission found that CPower’s complaint failed to “show that the Tariff applies different terms to third-party Curtailment Service Providers in contrast to Curtailment Service Providers who are electric distribution companies. Rather, the Tariff requires all Curtailment Service Providers to provide meter data for interval metered residential customers.”²²

The Commission did not reach the question of whether, “the Tariff is unduly discriminatory because electric distribution companies have access to AMI data that Curtailment Service Providers do not” because it found as a threshold issue that “CPower has failed to demonstrate that CPower cannot obtain the required meter data...”²³ The Commission concluded by noting that it would “consider” any “specific, demonstrable evidence that electric distribution companies are unwilling or unable to provide Curtailment Service Providers with the AMI data” if such evidence was brought before it.²⁴

II. ANSWER TO COMPLAINT

A. Access to Meter Data is a Limited Complaint Appropriately Brought before the RERRA in Specific Cases, Instead of Broadly Leveled at PJM’s Tariff

For the reasons outlined below, the request to allow statistical sampling is a red herring because the Complainants have not provided any “specific, demonstrable evidence that electric distribution companies are unwilling or unable to provide Curtailment Service Providers with the AMI data.”²⁵ The true issue here lies with the alleged steps needed to be taken before CSPs can obtain data from the EDCs, which is governed under state law

²² *Id.*

²³ *Id.*

²⁴ *Id.* at P 36.

²⁵ *Id.*

and state regulations. The Complainants effectively ask this Commission to circumvent the state's jurisdiction over retail data access issues by requiring PJM to allow for less accurate data for interval metered residential demand response customers without even showing any attempt to work with the RERRAs on this issue.

In fact, Complainants' tribulations in requesting that data all involve retail equipment owned by distribution-level entities that are under the jurisdiction of the RERRA.²⁶ And the Commission has previously taken the position that it "respects the role of states with respect to issues such as electric distribution companies' policies around residential customer meter data."²⁷ Regardless of whether Complainants are successful in those forums, those issues are appropriately targeted at EDCs and appropriately heard by the RERRAs—not targeted at PJM before the Commission in the form of a request for a regression in the accuracy of demand response data.

If the RERRA has chosen not to require electric distribution companies to make interval metered data available to third-party vendors, that does not negate the existence of that interval metered data. Because interval metered data access is in the jurisdiction of the RERRA, the proper avenue for Complainants to seek relief on this issue is through the rules and processes made available by the RERRA. As this issue involves retail metering equipment for distribution-level residential customers, the RERRA is the entity that has the jurisdiction to determine how the benefit from the investment into AMI should be allocated between third party and EDC-affiliated CSPs.

²⁶ See Complaint at 7-17.

²⁷ CPower Order at P 35.

Thus, the Commission should direct the Complainants to work with the RERRAs on this issue. In that way, the RERRAs can weigh the reasonableness of their restrictions to protect customer privacy versus the needs of providers like Voltus. Although this could be an excellent issue for discussion in collaboration with the Commission and the RERRAs, it would be inappropriate for this Commission to simply sweep in and circumvent the state's authority over issues related to data access from EDCs with regard to residential customers by requiring PJM lower its standards with regard to data accuracy for interval metered residential demand response customers. Complainants' attempt to remedy a state retail level problem through a degradation of the quality of information PJM receives demonstrates that this Complaint is an inappropriate vehicle to solve this problem, especially when Complainants have not exhausted their administrative remedies before the RERRAs or otherwise.²⁸

B. PJM's Tariff Allowing the Limited Use of Estimates, Rather Than Actual Interval Metered Data, for Purposes of Demand Response Settlements for Only Non-Interval Metered Residential Customers is Just and Reasonable and Not Unduly Discriminatory

1. PJM's Tariff is not Unjust and Unreasonable for Requiring Interval Metered Data Where that Data Exists and Can Be Provided By AMI

The Tariff requirement that CSPs use interval metered data, such as data provided by AMI, where it exists is just and reasonable because interval metered data is more accurate than statistical sampling.²⁹ The Commission considers rates to be just and reasonable not only when they contribute to lower rates or remove barriers to competition,

²⁸ See also Tariff, Attachment K-Appendix, section 1.5A.4(a) (establishing a protocol for CSPs to participate in PJM markets on an alternative metering basis by providing hourly data reflecting meter readings).

²⁹ 16 U.S.C. § 824d(a).

but also when they promote accuracy.³⁰ Using the more accurate interval metered data provides numerous benefits to consumers and PJM, by ensuring ratepayers are only paying for actual measured reductions in load which in turn provides PJM with more accurate data for forecasting load and load response capability. Determining whether rates are just and reasonable requires a balancing of these concerns. The Complainants have not met their burden to demonstrate that PJM's requirement is itself unjust and unreasonable.

PJM adopted statistical sampling in 2015 as an alternative to measurement techniques then in wide use for non-interval metered residences, but the mere fact that PJM adopted an alternative method for measuring non-interval metered residential demand response in no way means that the Commission should abandon use of interval metered data where it is already funded and installed. Allowing residential demand response customers located in electric distribution companies with interval meters to use statistical sampling would be a step in the wrong direction because it would result in less accurate residential demand response load data. This would negatively impact PJM's ability to accurately monitor the actual amount of load reduction provided by these residential demand response customers and effectively operate the bulk electric system. In short, the remedy proposed by the Complainants carries with it significant negative consequences and is a poor response to concerns that effectively lie with the states to address.³¹

³⁰ See e.g., *PJM Interconnection, L.L.C.*, 184 FERC ¶ 61,055, at PP 57, 112 (2023) (finding that allowing adjustment of components of demand curves for auctions after the initial posting deadline is just and reasonable because it ensures accuracy even if market participants may have speculated on auction results based on the value of the component prior to adjustment); *Midcontinent Indep. Sys. Operator, Inc.*, 182 FERC ¶ 61,096, at P 23 (2023) ("MISO") (confirming MISO's proposal as just and reasonable despite arguments that it unfairly penalizes generators partly because it improved accuracy).

³¹ Additionally, PJM stakeholders have already twice considered and rejected the request to take up the issue of balancing the allegedly anti-competitive effects of limit the use of statistical sampling to non-interval metered residential demand response customers with the benefits of having increased accuracy by requiring actual interval metered data for residential customers with interval meters already installed. See PJM, Markets and Reliability Committee Meeting, Summarized Voting Report (Oct. 24, 2022) (showing that the package filed with 2.382 in favor and 15 abstentions), <https://www.pjm.com/-/media/DotCom/committees->

Allowing such a regression would be contrary to PJM's history of revising rules around residential demand response customer participation to increase accuracy as time and technology improved.³² Granting Complainants' requested relief would create the illogical result of coupling increased demand response participation with decreased accuracy. This is especially relevant in light of the tight supply and demand conditions present in PJM today. Load should get what they pay for, especially when residential demand response customers already have interval meters installed.

2. PJM's Tariff is not Unduly Discriminatory as the Interval Metering Requirement Applies Equally to Third-Party CSPs and EDC-Affiliated CSPs

The Tariff requirement is also not unduly discriminatory, as it applies equally to all CSPs regardless of whether they are affiliated with an EDC or are participating as a third-party CSP. The Commission recognized this in the *CPower Order*, finding that CPower did "not show that the Tariff applies different terms to third-party Curtailment Service Providers in contrast to Curtailment Service Providers who are electric distribution companies" because "the Tariff requires all Curtailment Service Providers to provide meter data for interval metered residential customers."³³

Furthermore, PJM's Tariff restricting use of statistical sampling to non-interval metered residential demand response customers is not unduly discriminatory because residential demand response customers with interval meters are differently situated than

[groups/committees/mrc/2022/20221024/summarized-voting-report.ashx](https://www.pjm.com/-/media/DotCom/committees-groups/committees/mrc/2022/20221024/summarized-voting-report.ashx); PJM, Markets Implementation Committee Meeting, Draft Minutes, at 2 (Sept. 7, 2022) (showing that the committee did not approve the revised Issue Charge with 43% in favor, 57% opposed, and 12 abstentions), <https://www.pjm.com/-/media/DotCom/committees-groups/committees/mic/2022/20221006/draft-minutes---mic---972022.ashx>.

³² See June 4, 2015 Filing; *PJM Interconnection, L.L.C.*, PJM Revisions regarding Demand Response as Capacity Resource, Docket No. ER14-822-000 (Dec. 24, 2013).

³³ CPower Order at P 34.

residential demand response customers without interval meters.³⁴ As the Commission has repeatedly explained, entities are not similarly situated unless “there are no differences that are material to the inquiry at hand.”³⁵ The material difference here lies in the existence of interval meters which provide higher accuracy, allowing PJM to more accurately compensate demand response and thereby enhancing PJM’s ability to effectively operate the bulk electric system.³⁶ Notably, the specific Tariff requirement at issue does not speak to CSPs at all but rather duly discriminates among residential demand response customers with interval metering and without.³⁷

3. The Complaint Ignores Recent Commission Precedent Regarding Data Access in the Order No. 2222 Proceedings

The Complaint ignores that the Commission approved metering requirements for Distributed Energy Resources (“DER”), including demand response, as part of Order 2222,³⁸ which itself required PJM to establish that: (1) the DER aggregator is the entity responsible for providing any required metering and telemetry information to the Regional Transmission Organization (“RTO”),³⁹ (2) metering requirements should rely on meter data obtained through compliance with the electric distribution company’s or local

³⁴ The FPA does not prohibit discrimination per se, but instead prohibits undue discrimination which “can only occur when two similarly situated customers are treated differently, and there is no justification for the differing treatment.” *See TranSource, LLC v. PJM Interconnection, L.L.C.*, 168 FERC ¶ 61,119, at P 240 (2019) (quoting *PacificCorp Elec. Operations*, 54 FERC ¶ 61,296, at 61,855 (1991)).

³⁵ CPower Order at P 34 (quoting *NYISO*, 162 FERC ¶ 61,124 at P 10).

³⁶ The Tariff already contains an alternative protocol for demand response participation which allows CSPs to install their own interval meters and thereby participate in PJM markets and which Complainants did not allege that they have attempted to use or demonstrated is insufficient to address their concern. *See* Tariff, Attachment K-Appendix, section 1.5A.4(a) (establishing a protocol for CSPs to participate in PJM markets on an alternative metering basis by providing hourly data reflecting meter readings).

³⁷ *See* Tariff, Attachment K-Appendix, section 8.3.

³⁸ *See Participation of Distributed Energy Resource Aggregations in Markets Operated by Regional Transmission Organizations and Independent System Operators*, Order No. 2222, 172 FERC ¶ 61,247 (2020) (“Order 2222”), order on reh’g, Order No. 2222-A, 174 FERC ¶ 61,197 (2021).

³⁹ *Id.* at P 266.

regulatory authority’s metering system requirements whenever possible for settlement and auditing purposes;⁴⁰ and (3) proposed telemetry requirements should rely on existing telemetry infrastructure whenever possible.⁴¹ Consistent with the existing demand response rules, PJM’s proposal in Order 2222 also required meter data from all DER and only allowed statistical sampling for non-interval metered customers.⁴²

The Commission recently accepted this construct (i.e., requiring actual meter data if there is AMI) in Order 2222, finding that PJM’s proposed requirements pose no unnecessary and undue barriers to DERs like demand response.⁴³ The Complainants did not raise these issues during the Order 2222 proceeding. So, in addition to erring by bringing this Complaint before the Commission instead of before the RERRA, the Complaint further represents a collateral attack on the Commission’s approval during the Order 2222 proceeding.⁴⁴

Furthermore, this requirement comports with the Commission’s most recent order on PJM’s Order No. 2222 compliance filings affirming PJM’s rules on compliance for DER Aggregators.⁴⁵ Specifically, the Commission affirmed PJM’s requirement that DER Aggregators follow the current one-day meter data submission deadline to ensure zonal real-time load values used to set load and billing rates are accurate, avoid cost shifting

⁴⁰ *Id.* at P 269.

⁴¹ *Id.*

⁴² *PJM Interconnection, L.L.C.*, 182 FERC ¶ 61,143, at P 250 (2023) (finding that “PJM has demonstrated that its proposed metering requirements do not pose an unnecessary and undue barrier to distributed energy resources, as Order No. 2222 requires”).

⁴³ *Id.*

⁴⁴ 16 U.S.C. § 8251 (b); *see e.g., Pac. Gas & Elec. Co. v. FERC*, 533 F.3d 820, 824 (D.C. Cir. 2008) (affirming the Commission’s determination that a complaint filed under section 206 of the Federal Power Act was an impermissible collateral attack on Order No. 2003 because the complainant had not challenged Order No. 2003 on that ground).

⁴⁵ *PJM Interconnection, L.L.C.*, 191 FERC ¶ 61,097, at P 23 (2025).

among market participants, and allow for timely financial closure of an operating day.⁴⁶ In that proceeding, PJM explained that the one-day deadline was necessary to provide standardized and comparable treatment to all resources and addressed concerns that the one-day deadline was impractical given that EDC meter data may not be readily available simply by clarifying that a DER Aggregator may use its own metering configuration as long as that configuration meets PJM’s tariff-defined accuracy requirements.⁴⁷ The Commission should follow this same rationale here in upholding these Tariff-defined accuracy requirements as necessary to maintain accuracy even if they result in some impracticalities for third-party CSPs.

4. Complainants Have Not Sufficiently Demonstrated that Interval Metered Data is “Not Reasonably Available” Across PJM

It remains unclear that the issues documented by Complainants in the Affidavit result in undue discrimination as none of the attestations demonstrate that the Complainants actually came before the RERRA to attempt to resolve this issue at the state or retail level. The Complaint is additionally unclear regarding how PJM would enforce the vague standard of determining whether a CSP’s attestation regarding challenges with accessing interval metered data rose to the level of deeming that data “not reasonably available” from the EDC.⁴⁸ Even reviewing the examples detailed in the Complaint, which include steps involved in registering residential demand response customers or accessing their data such

⁴⁶ *Id.*

⁴⁷ *Id.*; *see id.* at P 24 (finding that “PJM satisfied the directive to explain why its proposal is just and reasonable and does not pose an unnecessary and undue barrier” to DERs).

⁴⁸ Complaint at 2, 22.

as two factor authentication,⁴⁹ requiring individual customers “manually login,”⁵⁰ and being limited in how many accounts can be accessed at once,⁵¹ these attestations do not demonstrate “specific, demonstrable evidence that electric distribution companies are unwilling or unable to provide Curtailment Service Providers with the AMI data.”⁵² Additionally, the allegations do not rise to the level of significant barriers that result in undue discrimination.

It is reasonable that CSPs may have to conduct some level of administrative work in registering residential demand response customers, and the Complaint offers no clear criterion by which PJM could determine whether interval metered data is “not reasonably available.”⁵³ This absence of clarity reinforces that this is a fact specific state retail issue best left to the RERRAs, who are the entity best situated to make such determinations and to adjudicate these issues on a programmatic or case-by-case basis, as they see fit.⁵⁴

To the extent there are issues with CSPs obtaining interval metered data from individual EDCs, those issues should be addressed to the RERRA whose rules govern EDC

⁴⁹ Complaint at 11 (discussing the “two-factor authentication process” in ComEd); *Id.* at 13 (describing the “Two-Step-Verification” process in PECO).

⁵⁰ *Id.* at 12 (explaining that in the PSE&G service territory, customer’s must “log in and add Voltus as a secondary user”).

⁵¹ *Id.* at 15.

⁵² See CPower Order at P 36.

⁵³ Complaint at 2, 22; *see id.* 7-17.

⁵⁴ The Complaint does list one instance of other entities that are not the Complainants seeking relief from the RERRA regarding EDC data practices in ComEd which further evinces that Commission action would be inappropriate here as that settlement was appropriately filed with and under the jurisdiction of the RERRA. *Id.* at 8-9 (explaining that ComEd already entered into a memorandum of understanding that included a commitment to provide a scalable, programmatic solution for providing customer usage data to third parties) (citing *Commonwealth Edison Co.*, Direct Testimony of Nikhil Balakumaron Refiled Grid Plan on behalf of Environmental Law & Policy Center, Environmental Defense Fund, Natural Resources Defense Council, Union of Concerned Scientists, and Vote Solar (“Joint NGO”), JNGO Ex. 3.01 RGP, Consolidated Dockets 22-0486, 23-0055 and 24-0181 (May 23, 2024), <https://www.icc.illinois.gov/docket/P2022-0486/documents/350981/files/613798.pdf>).

data sharing practices, as the Commission has made clear that it will defer to states on such matters.⁵⁵ At most, concerns regarding electric distribution companies not giving data to CSPs or AMI meters not being automatically accessible to CSPs, to the extent they exist, could be addressed by requests to the Commission for case-by-case exceptions, which would allow the Commission to assess, based on specific facts, whether there is in fact a concrete problem that prevents compliance with the Tariff.

The Complaint's approach, by contrast, is to offer assertions that CSPs have to take certain steps or incur costs prior to obtaining meter data from EDCs, and therefore that the Commission should broadly hold that any CSP working with residential customers anywhere in PJM can circumvent having to rely on actual interval metered data by simply attesting that "interval metered data is not reasonably available from the EDC and including the efforts undertaken to obtain data."⁵⁶ That is the Complaint's request for relief, couched in its formulation that statistical sampling can be used whether or not the customer location has interval metering installed.

The potential consequence of that requested relief is that, with regard to residential customers, every CSP would likely opt for sampling, and the PJM markets and operations would be denied the benefits of the accuracy of interval metered data that is already installed at countless customer locations in the PJM Region today. Said another way, all non-EDC CSPs would likely opt to use the simple statistical sample estimation approach, since it is easier to implement than providing PJM with the actual interval metered data for all customers that participate. Accordingly, the Commission should reject this request to

⁵⁵ See CPower Order at P 35.

⁵⁶ Complaint at 2.

allow statistical sampling where interval metered data exists, as it would result in an overall less accurate accounting of and compensation for the contribution of demand response within PJM.

C. If, Notwithstanding the Above, the Commission Grants the Complaint, the Commission Should Allow Further Input Prior to Determining a Replacement Rate.

The potential consequence of the Complainants' requested relief is that increasingly more CSPs aggregating residential customers could opt for statistical sampling, and the PJM markets and operations would then be denied the benefits of the AMI installed for countless residences in the PJM Region. At a time when participation in residential demand response may continue to grow, PJM should be able to rely on the most accurate data available to safeguard the accuracy of payments issued out under those programs and thereby maintain just and reasonable rates.

Therefore, PJM maintains that its existing Tariff rules requiring the use of AMI where it exists are just and reasonable and not unduly discriminatory. However, should the Commission find otherwise, the Commission should give serious consideration to the current supply and demand imbalance in selecting an appropriate remedy because such conditions could be exacerbated by decreasing the accuracy of demand response data, which increases the difficulty for PJM to operate the system during tight or constrained conditions. Given that the Complainants' proposed replacement rate is tied to the vague and unworkable standard of requiring PJM to determine whether a specific attestation rises to the level of "not reasonably available,"⁵⁷ PJM requests that, if the Commission grants the Complaint notwithstanding the arguments above, the Commission should give all

⁵⁷ *Id.*

parties an opportunity to propose a replacement rate that gives due consideration to all these factors.

III. ADMISSIONS AND DENIALS

In accordance with Rule 213(c)(2) of the Commission's Rules of Practice and Procedure,⁵⁸ except as stated in this Answer, PJM does not admit any facts in the form and manner stated in the Complaint. To the extent that any fact or allegation in the Complaint is not specifically admitted in this answer, it is denied.

IV. NOTICES AND COMMUNICATIONS

All correspondence and other communications regarding this proceeding should be directed to:

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* Designated for inclusion on the Commission's official service list for this docket.

⁵⁸ 18 C.F.R. § 385.213(c)(2).

V. CONCLUSION

For the foregoing reasons, the Commission should deny the Complaint.

Respectfully submitted,

/s/ Daniel Vinnik

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October 28, 2025

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of October, 2025, I have served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

/s/ Daniel Vinnik
Daniel Vinnik

***Attorney for
PJM Interconnection, L.L.C.***