

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

Dairyland Power Cooperative)	Docket No. ER26-987-000
Elwood Energy LLC)	
)	
)	

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

Pursuant to Rule 213(a)(3) of the Federal Energy Regulatory Commission’s (“Commission”) Rules of Practice and Procedure,¹ PJM submits these comments to the January 8, 2026 request of Dairyland Power Cooperative (“Dairyland”) and Elwood Energy, LLC (collectively, “Applicants”) for expedited action and waiver of PJM’s Open Access Transmission Tariff (“Tariff”), Attachment DD, section 6.6(g) and Tariff, Attachment M-Appendix deadline for seeking a must-offer exception so that Applicants may be able to now request such an exception for the Reliability Pricing Model’s (“RPM”) Third Incremental Auction for the 2026/2027 Delivery Year.²

PJM does not object to this request for waiver and expedited action and offers these comments for the Commission as it considers this request for waiver.

¹ 18 C.F.R. § 385.213.

² *Dairyland Power Cooperative*, Request for Tariff Waiver and Expedited Action, Docket No. ER26-987-000 (Jan. 8, 2026) (“Request for Waiver”). 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.

I. MOTION TO INTERVENE

On January 8, 2026, Applicants filed a request for limited waiver of PJM's Tariff with respect to the deadline to request a capacity market must offer exception. Specifically, Applicants explain that they have missed the applicable deadline to seek an exception to the must-offer requirement and must therefore seek waiver of the deadline to request a must-offer exception for certain units for the Third Incremental Auction associated with the 2026/2027 Delivery Year.³

PJM is the Transmission Provider under, and the administrator of, the Tariff, and administers PJM's capacity market, known as the Reliability Pricing Model. As the administrator of the Tariff, as well as the entity that reviews and makes determinations of must offer exception requests, PJM has an independent interest in this proceeding that no other party can adequately represent. 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.⁴

II. COMMENTS

Capacity Market Sellers of Existing Generation Capacity Resources are generally required to offer the Unforced Capacity equivalent of the installed capacity into each RPM Auction.⁵ However, a Capacity Market Seller may qualify for an exception to the capacity must offer requirement under limited scenarios.⁶ Of relevance here, a Capacity Market Seller may seek an exception by the applicable deadline to the must offer requirement if it

³ Tariff, Attachment DD, section 6.6(g).

⁴ 18 C.F.R. § 385.214.

⁵ Tariff, Attachment DD, section 6.6(a).

⁶ Tariff, Attachment DD, section 6.6(g).

“has a financially and physically firm commitment to an external sale of its capacity.”⁷

The Tariff further specifies that a resource may establish that it “has a financially and physically firm commitment to an external sale of its capacity” by demonstrating that the Capacity Market Seller “has entered into a unit-specific bilateral transaction for service to load located outside the PJM Region.”⁸ The reason a Capacity Market Seller must have a financially and physically firm commitment to sell a resource off system in order to obtain an exception to the must-offer requirement is to demonstrate that the underlying resource will be physically unavailable to PJM and thereby ensure that the megawatts (MW) are not being withheld.

In this case, Applicants have missed the applicable deadline to seek an exception to the must-offer requirement and must therefore seek waiver of the October 27, 2025 deadline to request a must-offer exception for units 5-7 of the Elwood Power Station (“Elwood Units”) for the Third Incremental Auction associated with the 2026/2027 Delivery Year. Applicants have demonstrated that the Elwood Units have “a financially and physically firm commitment to an external sale of [their] capacity” given that the Capacity Market Seller “has entered into a unit-specific bilateral transaction for service to load located outside the PJM Region,”⁹ in this case for Dairyland’s own cooperative load in the Midcontinent Independent System Operator (“MISO”) region. Applicants have also acquired the necessary available transmission capacity through transmission service requests to effectuate the transfer of energy from the Elwood Units through PJM to MISO for all twelve months of the 2026/2027 Delivery Year. As such, PJM has no objection to

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

Applicants' request for waiver of the deadline to request an exception to the must-offer requirement.

III. CONCLUSION

For the reasons stated above, PJM requests that the Commission consider PJM's comments in determining whether to grant or deny the Applicants' request for waiver.

Respectfully submitted,

/s/ Daniel Vinnik

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January 29, 2026

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CERTIFICATE OF SERVICE

I hereby certify that I have this day, January 29, 2026, served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

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