

**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.)	

**MOTION FOR LEAVE TO ANSWER AND ANSWER
OF PJM INTERCONNECTION, L.L.C.**

Pursuant to Rules 212 and 213 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“Commission”),¹ PJM Interconnection, L.L.C. (“PJM”) submits this motion for leave to answer and answer to the June 1, 2026 motion to file supplement to complaint (“Supplement”) of Voltus, Inc. (“Voltus”) and Mission:data² (collectively, “Complainants”).

While the Supplement provides an update to Voltus’ continued participation in state-level proceedings examining residential data access across the PJM footprint, neither that update nor anything else in the Supplement provides any new information that modifies the position of the Complainants or that renders PJM’s Open Access Transmission Tariff (“Tariff”), Attachment K-Appendix, section 8.3 unjust and unreasonable or unduly discriminatory.³

¹ 18 C.F.R. §§ 385.212 and 385.213.

² *Voltus, Inc. and Mission:data v. PJM Interconnection, L.L.C.*, Motion to File Supplement to Complaint of Voltus, Inc. and Mission:data, Docket No. EL26-4-000 (June 1, 2026) (“Supplement”).

³ See *Enerwise Global Technologies, LLC v. PJM Interconnection, L.L.C.*, 188 FERC ¶ 61,191, at P 36 (2024) (stating a willingness to consider “specific, demonstrable evidence that electric distribution companies are unwilling or unable to provide Curtailment Service Providers with the AMI data that PJM’s Tariff requires”).

I. MOTION FOR LEAVE TO ANSWER

While an answer to a supplemental answer is not a matter of right under the Commission's regulations,⁴ the Commission routinely permits answers when the answer provides useful and relevant information that will assist the Commission in its decision-making process,⁵ assures a complete record in the proceeding,⁶ and provides information helpful to the disposition of an issue.⁷ This answer satisfies each of these criteria, and PJM therefore respectfully requests that the Commission grant leave and accept this pleading.

II. ANSWER TO SUPPLEMENT

A. The Supplement Demonstrates that Complainants Have Not Adequately Exhausted Other Avenues for Relief

The Supplement provides an update regarding Voltus' continued participation in the Illinois Commerce Commission's ("ICC") Data Access Working Group ("DAWG") regarding Commonwealth Edison Company's ("ComEd") pending Multi-Year Integrated Grid Plan proceeding (ICC Docket No. 26-0047).⁸ Notably, while the Supplement alleges that Voltus has also been active in "other fora" at the state-level, no further update or information is provided regarding their efforts in other states outside of Illinois.⁹

The updates in the Supplement demonstrate three things. First, the Supplement

⁴ 18 C.F.R. § 385.213(a)(2).

⁵ See, e.g., *Pioneer Transmission, LLC v. N. Ind. Pub. Serv. Co.*, 140 FERC ¶ 61,057, at P 94 (2012) (accepting answers that "provided information that assisted us in our decision-making process"); *Tallgrass Transmission, LLC*, 125 FERC ¶ 61,248, at P 26 (2008) (same); *Midwest Indep. Transmission Sys. Operator, Inc.*, 120 FERC ¶ 61,083, at P 23 (2007) (permitting answer to protests when it provided information that assisted the Commission in its decision-making process).

⁶ See, e.g., *Pac. Interstate Transmission Co.*, 85 FERC ¶ 61,378, at 62,443 (1998), *order on reh'g*, 89 FERC ¶ 61,246 (1999); see also *Morgan Stanley Cap. Grp., Inc. v. N.Y. Indep. Sys. Operator, Inc.*, 93 FERC ¶ 61,017, at 61,036 (2000) (accepting an answer that was "helpful in the development of the record").

⁷ See, e.g., *PJM Interconnection, L.L.C.*, 190 FERC ¶ 61,088, at P 19 (2025); *CNG Transmission Corp.*, 89 FERC ¶ 61,100, at 61,287 n.11 (1999).

⁸ Supplement at 4.

⁹ *Id.*

demonstrates that there are active, ongoing Relevant Electric Retail Regulatory Authority (“RERRA”) stakeholder processes in place to address the data access issue. Specifically, ComEd informed Voltus by email on May 4, 2026 “that ComEd’s proposed investment in a new data access platform is intended to address third-party data access needs going forward.”¹⁰

Second, the updates confirm that data access issues are a result of state-specific, RERRA-jurisdictional proceedings intended to protect residential customers. ComEd made clear that the current restrictions on third party access to a customer’s electric data usage was a result of the ICC’s ruling in their Investigation of Applicability of Sections 16-122 and 16-108.6 of the Illinois Public Utilities Act, citing ICC’s Docket No. 13-0506, Order at 26 (Jan. 28, 2014).¹¹ As such, the issues involved in third-party data access for electric customers are uniquely situated for consideration by state-level RERRAs. Voltus’ ask that this Commission circumvent those proceedings on these state issues and predetermine that the RERRAs will not take action to address data access concerns before those proceedings are even concluded would raise significant jurisdictional issues and impinge upon much needed cooperative federalism between the states and the Commission.

Third, these emails demonstrate that there may be other avenues for relief outside of stakeholder processes before the RERRA. The update shows that the conversation between ComEd and Voltus is still ongoing, as Voltus’ follow-up inquiry regarding the distinction between a third party seeking access with just a customer’s account or contract

¹⁰ Supplement, Attachment C - Affidavit of Lidia Estreed on Behalf of Voltus, Inc., at P 8.

¹¹ *Id.*

number as compared to their request to seek access with evidence of express consent remains unanswered.¹² It is possible that, upon review, ComEd may be able to confirm that Voltus can in fact access the necessary data by providing evidence of express consent. If ComEd is unwilling to do so, Voltus also retains the ability to take the issue to the ICC to determine the appropriate interpretation of the state laws in question.

PJM acknowledges that it continues to value demand response resources as important capacity resources, especially given the recent capacity shortfalls. However, this desire should not provide license for the Commission to circumvent state proceedings currently in the process of addressing this very issue or require PJM to revert to a lesser standard of accuracy for residential demand response submitted as Capacity Resources where advanced metering is already installed. The update provided in the Supplement therefore demonstrates that Voltus’ concerns may yet be addressed by the RERRA. The fact that those processes may not provide a “near term solution,”¹³ as Voltus may prefer, does not render PJM’s Tariff unjust and unreasonable.

On the contrary, the update provided in the Supplement reinforces PJM’s explanation in previous answers that “the proper venue in which to remedy any data access challenges are regulatory proceedings and other processes undertaken by the state-level RERRA” because “[u]nlike the Commission, or PJM, these entities are fully empowered to improve [Advanced Metering Infrastructure (“AMI”)] meter data access for third-party [Curtailed Service Providers (“CSPs”).”¹⁴ Accordingly, rejecting this Complaint and

¹² *Id.*

¹³ Supplement at 4.

¹⁴ *Voltus, Inc. and Mission: data v. PJM Interconnection, L.L.C.*, Motion for Leave to Answer and Answer of PJM, Docket No. EL26-4-000, at 7 (Dec. 8, 2025).

directing third-party CSPs facing data access issues to present those issues before the RERRA, *i.e.*, the entity statutorily permitted to exercise jurisdiction over retail companies, retail equipment, and state-specific practices and policies,¹⁵ appropriately respects the cooperative federalism model established by the Federal Power Act.

Furthermore, the Complainants noted in their previous answer that several states, including New Jersey, Maryland and Pennsylvania, have open proceedings to discuss AMI meter data access “that would, when finalized and implemented by [electric distribution companies], significantly improve CSP access to interval usage data.”¹⁶ Yet the Supplement provides no update to the Complainant’s efforts in their proceedings. The Commission should allow those proceedings to run their course before the RERRAs in those states where Voltus seeks to do business, as their result would substantially change the evidentiary basis for the present Complaint. Additionally, a unilateral ruling by the Commission may discourage state-level RERRA proceedings seeking to address data access issues in a way that provides PJM with accurate meter data through AMI.

B. The Addition of Uncertain Supply Could Exacerbate Rather Than Alleviate Resource Adequacy Concerns in the PJM Region

Complainants allege that “ComEd’s data access policies limited Voltus from registering approximately 19,200 residential customers . . . stranding approximately 23

¹⁵ *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”).

¹⁶ *See Voltus, Inc. and Mission:data v. PJM Interconnection, L.L.C.*, Motion for Leave to Answer and Answer of Voltus, Inc. and Mission:data, Docket No. EL26-4-000, at 11 (Nov. 18, 2025) (“Maryland, New Jersey and Pennsylvania all have pending proceedings at their state commissions that would, when finalized and implemented by EDCs, significantly improve CSP access to interval usage data.”).

MW of grid capacity.”¹⁷ The Supplement further extrapolates this figure to suggest that these policies could leave stranded “a significant analogous portion of the 4.9 GW across the PJM footprint.”¹⁸ However, as with claims used in the Complaint and subsequent answer, these figures are based on Complainants’ incongruous equivalency of their inability to expediently register demand response customers with those customers being otherwise willing but prevented from participating as demand response in PJM’s markets altogether.¹⁹

To the extent any lack of participation was due to a lack of interval metered data, the statistical sampling methodology was specifically included as a Tariff exception to allow such customers to participate in PJM’s markets without requiring the installation of AMI.²⁰ Even if the existing *RERRA rules* were in fact inhibiting participation for large amounts of residential demand response customers, such a demonstration on its own would not necessarily result in a finding that *PJM’s Tariff* is unjust and unreasonable.

Moreover, the Supplement makes the false equivalency that 4.9 GW of residential demand response participating through statistical sampling would be equivalent to the same amount participating through AMI. On the contrary, demand response participating through statistical sampling does not provide an equivalent benefit and certainty that demand response participating with interval-metered data does. The statistical sampling methodology is a necessary avenue to permit participation where actual meter data does

¹⁷ Supplement at 3.

¹⁸ *Id.* at 5.

¹⁹ See *Voltus, Inc. and Mission:data v. PJM Interconnection, L.L.C.*, Complaint, Docket No. EL26-4-000, at 7, 23 (Oct. 8, 2025) (“Complaint”).

²⁰ 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); Tariff, Attachment K-Appendix, section 8.3.

not exist. However, where actual meter data exists, statistical sampling represents a relative degradation of the quality of data that PJM is able to rely on when determining available load curtailment in the PJM Region and calculating accurate settlements for PJM Market Participants.

III. CONCLUSION

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

Respectfully submitted,

/s/ Daniel Vinnik

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June 16, 2026

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of June, 2026, 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

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