

194 FERC ¶ 61,230
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Laura V. Swett, Chairman;
David Rosner, Lindsay S. See,
Judy W. Chang, and David LaCerte.

PJM Interconnection, L.L.C.

Docket No. ER26-1432-000

ORDER GRANTING WAIVER REQUEST

(Issued March 25, 2026)

1. On February 18, 2026, pursuant to Rule 207(a)(5) of the Commission’s Rules of Practice and Procedure,¹ PJM Interconnection, L.L.C. (PJM) filed a request for waiver of PJM Open Access Transmission Tariff (Tariff), Attachment DD, section 5.10(a)(ii)(C), which requires PJM to post certain Variable Resource Requirement curves (VRR Curves) by March 31, 2026 for the 2028/2029 Base Residual Auction (BRA).² PJM requests that the Commission grant waiver to allow for a 35-day extension of the deadline for PJM to post certain VRR Curves for the 2028/2029 BRA, from March 31, 2026 to May 5, 2026. As discussed below, we grant PJM’s waiver request.

I. Background

2. PJM generally conducts a BRA three years in advance of a delivery year to procure resource commitments sufficient to meet reliability requirements in the PJM region.³ These auctions include an annual BRA and three Incremental Auctions for each delivery year. Each auction is cleared using supply curves consisting of the supply offers submitted by sellers and administratively determined demand curves called VRR Curves.⁴ PJM establishes VRR Curves for the PJM region as a whole, as well as for

¹ 18 C.F.R. § 385.207(a)(5) (2025).

² PJM, Intra-PJM Tariffs, OATT, attach. DD, § 5.10 (Auction Clearing Requirements) (36.0.0), § 5.10(a)(ii)(C). Capitalized terms used but not otherwise defined in this order have the meanings ascribed to them in the Tariff.

³ PJM, Intra-PJM Tariffs, attach. DD § 5.4 (Reliability Pricing Model Auctions) (10.0.0), § 5.4(a) (Base Residual Auction) (“The [BRA] shall be conducted in the month of May that is three years prior to the start of such Delivery Year.”).

⁴ PJM, Intra-PJM Tariffs, OATT, attach. DD, § 5.10 (Auction Clearing

Locational Deliverability Areas (LDA) if certain criteria are met, including three standard tests.⁵

3. Tariff, Attachment DD, section 5.10(a)(ii)(C) provides, in relevant part, that:

ii) For any Delivery Year, the Office of the Interconnection shall establish a separate [VRR] Curve for each LDA for which: . . .

C. such LDA is determined in a preliminary analysis by the Office of the Interconnection to be likely to have a Locational Price Adder, based on historic offer price levels . . . provided . . . that the Office of the Interconnection may establish a separate [VRR] Curve for an LDA not otherwise qualifying under the above three tests if it finds that such is required to achieve an acceptable level of reliability consistent with the Reliability Principles and Standards, in which case the Office of the Interconnection shall post such finding, such LDA, and such [VRR] Curve on its internet site no later than the March 31 last preceding the [BRA] for such Delivery Year.

II. Waiver Request

4. PJM requests waiver of Tariff, Attachment DD, section 5.10(a)(ii)(C) to allow a 35-day extension of the deadline for PJM to post certain VRR Curves for the 2028/2029 BRA, from March 31, 2026 to May 5, 2026.⁶ PJM argues that the requested waiver will allow it to conduct the 2028/2029 BRA without further delay, while the Commission considers PJM's forthcoming filing pursuant to section 205 of the Federal Power Act (FPA)⁷ that will set a cap and a floor to the VRR Curve for the

Requirements) (36.0.0).

⁵ PJM determines which LDAs to model in each auction by, among other things, comparing the import limit of an LDA to the amount of capacity that needs to be imported into an LDA to remain within a loss of load expectation of one event in 25 years when the area is experiencing a localized capacity emergency. *See* PJM, Intra-PJM Tariffs, OATT, attach. DD, § 5.10 (Auction Clearing Requirements) (36.0.0), § 5.10(a)(ii).

⁶ Waiver Request at 1.

⁷ 16 U.S.C. § 824d.

2028/2029 and 2029/2030 delivery years.⁸ PJM explains that all other planning parameters will continue to be posted on or before March 31, 2026, and are not the subject of this waiver request.⁹ PJM asserts that its waiver request satisfies the Commission's criteria for granting waiver.

5. First, PJM argues that it has acted in good faith.¹⁰ PJM explains that this waiver request is in response to a stakeholder process following the "Statement of Principles Regarding PJM" issued by the National Energy Dominance Council within the White House and all 13 governors from the PJM states. PJM states that during that stakeholder process, PJM sought feedback on extending the existing price collar for two additional delivery years. PJM explains that the PJM Board decided to proceed with seeking approval from the Commission to extend the existing price collar through the 2029/2030 delivery year. PJM explains that the requested waiver would allow PJM to post final VRR Curves based on the disposition of the upcoming FPA section 205 filing, without having to further delay any of the other pre-auction activities for the upcoming 2028/2029 BRA.

6. Second, PJM asserts that the requested waiver is limited in scope as PJM is requesting a modest 35-day delay of the upcoming March 31, 2026 posting deadline for certain VRR Curves for the 2028/2029 BRA.¹¹

7. Third, PJM argues that the requested waiver addresses a concrete problem.¹² PJM states that, absent waiver, the Commission will not have time to consider PJM's forthcoming FPA section 205 proposal and issue an order before the March 31, 2026 posting deadline for certain VRR Curves. PJM argues that the requested waiver would allow the Commission the full 60-day timeframe to consider PJM's proposal before issuing an order, without having to further delay any of the other pre-auction activities of the upcoming 2028/2029 BRA. In addition, PJM argues that the requested waiver would prevent the need for PJM to post two sets of VRR Curves for the 2028/2029 BRA, one

⁸ Waiver Request at 1-3. On February 27, 2026, in Docket No. ER26-1556-000, PJM submitted its FPA section 205 filing, which is currently pending.

⁹ *Id.* at 2.

¹⁰ *Id.* at 3-4.

¹¹ *Id.* at 4.

¹² *Id.* at 4-5.

based on the existing rules and another that would be contingent on the Commission's acceptance of the forthcoming FPA section 205 filing.¹³

8. Finally, PJM argues that the requested waiver would not have undesirable consequences, such as harm to third parties, because the delayed posting of certain VRR Curves will not impact any actions taken by market participants until the commencement of the upcoming 2028/2029 BRA.¹⁴ PJM avers that the requested waiver removes administrative obstacles that could otherwise delay the upcoming BRA.

III. Notice and Responsive Pleadings

9. Notice of PJM's filing was published in the *Federal Register*, 91 Fed. Reg. 8859 (Feb. 24, 2026), with interventions and protests due on or before February 27, 2026. Timely motions to intervene were filed by: Constellation Energy Generation, LLC; Monitoring Analytics, LLC, acting in its capacity as the Independent Market Monitor for PJM; Old Dominion Electric Cooperative; and Vistra Corp.

IV. Discussion

A. Procedural Matters

10. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2025), the timely, unopposed motions to intervene serve to make the entities that filed them parties to this proceeding.

B. Substantive Matters

11. We grant PJM's request for waiver of PJM Tariff, Attachment DD, section 5.10(a)(ii)(C) to allow for a 35-day extension for PJM to post certain VRR Curves for the 2028/2029 BRA, from March 31, 2026, to May 5, 2026.¹⁵ The Commission has granted waiver of tariff provisions where: (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

¹³ *Id.* at 3 n.4.

¹⁴ *Id.* at 5.

¹⁵ See *PJM Interconnection, L.L.C.*, 190 FERC ¶ 61,194, at P 12 (2025) (granting waiver to allow 28-day extension of the deadline for PJM to post certain VRR Curves for the 2026/2027 BRA).

third parties.¹⁶ We find that the circumstances of PJM's waiver request satisfy these criteria.

12. First, we find that PJM has acted in good faith by seeking to delay the posting of certain VRR Curves due to the uncertainty regarding the shape of those curves caused by the pending FPA section 205 proceeding in Docket No. ER26-1556-000. Second, we find that the requested waiver is limited in scope because it is a one-time waiver of PJM Tariff, Attachment DD, section 5.10(a)(ii)(C) to allow for a 35-day extension of the requirements in that section and applies only to the posting of certain VRR Curves for the 2028/2029 BRA. Third, we find that granting waiver will remedy a concrete problem because, absent waiver, PJM states that it would be required to post two sets of contingent VRR Curves, which could cause confusion among market participants. Finally, we find based on the record here that granting waiver will not have undesirable consequences, such as harm to third parties, because, as PJM explains, the requested waiver will not impact any actions taken by market participants. We further note that no party has challenged the waiver request.¹⁷

The Commission orders:

PJM's waiver request is hereby granted, as discussed in the body of this order.

By the Commission.

(S E A L)

Debbie-Anne A. Reese,
Secretary.

¹⁶ See, e.g., *Citizens Sunrise Transmission LLC*, 171 FERC ¶ 61,106, at P 10 (2020); *Midcontinent Indep. Sys. Operator, Inc.*, 154 FERC ¶ 61,059, at P 13 (2016).

¹⁷ Specifically, we note that while interventions were filed in this docket, neither comments nor protests were filed.