

Notice of RPM Auction Deadlines

Problem / Opportunity Statement

The United States Court of Appeals for the Third Circuit's ("Third Circuit") opinion in *PJM Power Providers Grp. v. FERC* recently held that legal consequences attach to past actions absent advanced notice of potential changes.¹ In light of this opinion, PJM has identified a need to include additional notice provisions in the governing documents to allow for additional flexibility in timelines associated with pre-auction activities for RPM Auctions. Specifically, PJM believes it is appropriate to include prior notice provisions related to the capacity market in the Tariff that will:

- Allow PJM to extend pre-capacity auction deadlines related to PJM's obligations to facilitate the orderly administration of the capacity market
- Expressly provide notice that PJM may submit 205 filings that would allow changes to any capacity auction rules so long as they are filed in advance of the commencement of the auction window
- Explicitly provide notice that no legal consequence attach with posted planning parameters prior to the commencement of the auction window

¹ *PJM Power Providers Grp. v. FERC*, 96 F.4th 390 (3d Cir. 2024).