

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

Brookfield Energy Marketing LP,)	
Complainant,)	
)	
v.)	Docket No. EL19-34-000
)	
PJM Interconnection, L.L.C.,)	
Respondent.)	

**ANSWER OF
PJM INTERCONNECTION, L.L.C.**

PJM Interconnection, L.L.C. (“PJM”) hereby submits this limited answer to the June 28, 2019 Motion for Prompt Commission Action¹, filed by complainant Brookfield Energy Marketing LP (“Brookfield”). PJM supports the Federal Energy Regulatory Commission’s (“Commission”) prompt Commission action on Brookfield’s complaint.² PJM opposes, however, Brookfield’s alternative request that, “[i]f the Commission is not in a position to issue an order granting the Complaint” by August 1, 2019, the Commission should issue by that date, “as interim relief,” an order “extend[ing] by one year the current 5-year transition period for external resources with existing pseudo-ties that wish to remain pseudo-tied.”³

The “current 5-year transition period” referenced by Brookfield is embedded in

¹ Motion for Prompt Commission Action of Brookfield Energy Marketing LP, Docket No. EL19-34-000 (June 28, 2019) (“Motion”).

² Whether action by August 1, 2019, as requested by Brookfield, would allow Brookfield to participate in the August 2019 capacity auction, however, is a different matter. Nearly all deadlines for necessary seller data submittals and approvals for that auction will have passed by that date.

³ Motion at 2.

PJM’s Open Access Transmission Tariff (“Tariff”).⁴ Brookfield’s request therefore requires a Tariff change to allow all pre-existing grandfathered pseudo-tied resources (not just Brookfield) to continue to avoid PJM’s current pseudo-tie qualification rules for another year (i.e., until May 31, 2023). Such a Tariff amendment would require action under section 206 of the Federal Power Act (“FPA”),⁵ but Brookfield does not make the showing required by FPA section 206 that the current 5-year transition period is unjust and unreasonable. The Commission expressly found that the 5-year transition period “is just and reasonable because it allows external resources to make all of the necessary arrangements to meet the new pseudo-tie requirements,” while still “addressing potential operational concerns.”⁶ The Motion provides nothing to counter those findings, nor did Brookfield’s original complaint, which focused on only one aspect of the pseudo-tie qualification rules, rather than on the transition period’s duration.

⁴ See Tariff, Attachment DD § 5.5A(c) (providing in part that “[a] Capacity Market Seller of a Prior CIL Exception External Resource may continue to submit Sell Offers for such resource for any RPM Auction for any Delivery Year up to and including the 2021/2022 Delivery Year.” (as filed and accepted by *PJM Interconnection, L.L.C.*, 161 FERC ¶ 61,197 (2017))).

⁵ 16 U.S.C. § 824e.

⁶ *PJM Interconnection, L.L.C.*, 161 FERC ¶ 61,197, at P 134 (2017).

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July 8, 2019

CERTIFICATE OF SERVICE

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

Dated at Washington, D.C., this 8th day of July 2019.

/s/ Elizabeth P. Trinkle

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