

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

**PJM Interconnection, L.L.C.**

)

**Docket No. ER20-1392-000**

**REQUEST OF PJM INTERCONNECTION, L.L.C.  
FOR WAIVER OF TARIFF PROVISIONS, EXPEDITED CONSIDERATION,  
AND SHORTENED COMMENT PERIOD**

Pursuant to Rules 207 and 212 of the Federal Energy Regulatory Commission’s (“Commission” or “FERC”) Rules of Practice and Procedure,<sup>1</sup> PJM Interconnection, L.L.C. (“PJM”) requests expedited consideration of, and an order issued by March 31, 2020, granting, a limited-time blanket waiver (“Waiver Request”) of certain generator interconnection-related deadlines in its Open Access Transmission Tariff (“Tariff”) in order to allow New Service Customers,<sup>2</sup> Interconnected Transmission Owners, and PJM additional time to meet those deadlines in light of the ongoing National Emergency that has been declared due to the Novel Coronavirus Disease (“COVID-19”).<sup>3</sup> PJM seeks an extension of time until May 1, 2020, or, for certain Tariff provisions, until 15 days after the otherwise applicable deadline, to allow parties additional time to: (1) comply with certain deadlines for reviewing New Service Requests; (2) process and respond to deficiency reviews that are applicable to generation Interconnection Requests in PJM’s “AF2” New Service Queue; and (3) submit study deposits.<sup>4</sup> This Waiver

---

<sup>1</sup> 18 C.F.R. §§ 385.207 and 385.212.

<sup>2</sup> Capitalized terms not defined herein have the meaning set forth in the Tariff.

<sup>3</sup> See Proclamation No. 9994, 85 Fed. Reg. 15,337, Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak (Mar. 13, 2020).

<sup>4</sup> PJM’s Waiver Request includes request for waiver of the short circuit analyses to be performed for and included in the AF2 New Service Queue Interconnection Feasibility Study reports due by July 31, 2020. See Tariff, section 36.2. Waiver of this requirement will have minimal impact on customers’ decisions as to whether to progress to the System Impact Study phase as, typically, very few violations are found as a result of the short circuit analysis and the analysis will be conducted again in the System Impact Study phase.

Request includes but is not limited to the Tariff provisions referenced in this Waiver Request, and requests waiver until May 1, 2020, to comply with any other deadline applicable to the AF2 New Service Queue not specifically referenced herein, other than the close of the AF2 New Service Queue window on March 31, 2020. PJM requests expedited action on this filing along with a shortened comment period of two days.

This Waiver Request is necessitated by the work-at-home measures and the social distancing steps and shutdowns PJM and others have instituted in response to the COVID-19 pandemic.<sup>5</sup> As PJM will show herein, this Waiver Request complies with the Commission's requirements, is limited in scope, will not unduly harm any party, and will address concrete problems arising from COVID-19. The Waiver Request and the request for expedited treatment are also consistent with the Commission's March 19, 2020 Notice Granting Extension of Time.<sup>6</sup>

PJM emphasizes that it is *not* seeking waiver of the March 31, 2020 deadline for close of the AF2 New Service Queue window (or of the March 31, 2020 deadline to submit a New Service Request), but only for the processing deadlines around the close of the window. As PJM explains below, many of the studies the Tariff calls for have deadlines tied to the date on which the relevant queue window closes.<sup>7</sup> Therefore, delaying the close of the AF2 New Service Queue window will either compress the time available to perform the required studies for the AF2 New Service Queue, making compliance difficult, or have a cascading effect of additional delays on future interconnection queues.

---

<sup>5</sup> PJM Inside Lines, *PJM Provides Update on Coronavirus Precautions*, PJM Interconnection, L.L.C. (Mar. 18, 2020), <https://insidelines.pjm.com/pjm-implements-additional-coronavirus-precautions/>.

<sup>6</sup> *Extension of Non-Statutory Deadlines*, Notice of Extension of Time, Docket No. AD20-11-000, at 3 (Mar. 19, 2020) (“Extension Notice”).

<sup>7</sup> See Tariff, sections 36.2 & 205.3.

## I. BACKGROUND

PJM administers New Service Requests under numerous parts of its Tariff.<sup>8</sup> PJM administers two interconnection queue “windows” each year, one starting April 1 of each year and ending September 30 of that year, and the second starting October 1 of each year and ending March 31 of the next year. The current queue window, for the New Service Queue designated AF2, closes March 31, 2020. The Tariff delineates various deadlines by which PJM must review New Service Requests, New Service Customers are to respond to deficiency notices, and PJM is to review those deficiency notice responses.<sup>9</sup> The Tariff provisions establish relatively tight time frames, which require PJM to review a New Service Request and issue a notice of any deficiencies within five Business Days of receipt of the New Service Request, require the New Service Customer to respond to a deficiency notice within 10 Business Days, and provide PJM with an additional five Business Days to review the New Service Customer’s response to the deficiency notice.<sup>10</sup> Other interconnection-related Tariff provisions require parties to execute study agreements and interconnection agreements, as well as pay deposits and additional deposit amounts, or take other steps.<sup>11</sup> Despite the fact that each queue window is open for six months, PJM typically receives 50 percent or more of the total number of New Service Requests in a given queue window during

---

<sup>8</sup> *See id.*, Parts IV, VI, and Attachments N-P.

<sup>9</sup> *See, e.g., id.*, sections 36.1.01 & 36.1.01(2)(c); sections 36.1.03 (first paragraph) & 36.1.01.3(c); sections 110.1 & 110.1(2)(c); sections 111.1 & 111.1(2)(c); sections 112.1 & 112.1(2)(c); sections 112A.1 & 112A.1(2)(b); section 112B.1.

<sup>10</sup> *See, e.g., id.*, sections 36.1.01(2)(c) & 36.1.03(2)(c).

<sup>11</sup> *See, e.g., id.*, section 36.1.01(2)(b)(ii); section 36.1.03(2)(b)(ii); section 109.4; section 110.1(2)(b)(ii); sections 110.2-110.4; section 111.1(2)(b)(ii); sections 111.2-111.4; section 112.1(2)(b)(ii); section 206.2; section 209.1; section 212.4; section 212.6; section 212.7; section 213.4; section 213.8; Attachment N-1, section 10; Attachment N-2, sections 14-16. These provisions generally require the Interconnection Customer, Interconnected Transmission Owner, or PJM to take required actions within 10 to 30 days.

the last month of the queue window.<sup>12</sup> This means PJM engineers face an extreme time crunch at the end of queue windows to process New Service Requests. With the current New Service Queue, AF2, closing on March 31, 2020, PJM engineers are facing that time crunch to process New Service Requests while also working from home and experiencing other disruptions stemming from the COVID-19 pandemic.

The Commission has recognized the impact COVID-19 has had on the regulated community, indicating in the March 19 Extension Notice that good cause exists to extend numerous non-statutory deadlines, and stating that “entities may seek waiver of the Commission’s orders, regulations, tariffs and rate schedules, as appropriate, to address needs resulting from steps they have taken in response to the coronavirus.”<sup>13</sup> PJM, and many New Service Customers and Interconnected Transmission Owners with which PJM works, have implemented work-at-home protocols and other social distancing measures to “protect the health and safety of their employees and the public, and to help mitigate or slow the transmission of the coronavirus within their communities.”<sup>14</sup>

## **II. WAIVER REQUEST**

The measures taken in response to COVID-19 have the potential to hamper the ability of New Service Customers in the AF2 New Service Queue, as well as PJM and the Interconnected Transmission Owners, to meet certain Tariff deadlines. While teleworking is a viable option, it

---

<sup>12</sup> For example, in the AF1 queue window, PJM received 241 out of 360 Interconnection Requests in the last month of the queue window.

<sup>13</sup> Extension Notice at 1-2; *see also FERC, NERC Provide Industry Guidance to Ensure Grid Reliability Amid Potential Coronavirus Impacts*, Federal Energy Regulatory Commission & North American Electric Reliability Corporation (Mar. 18, 2020), <https://www.ferc.gov/media/news-releases/2020/2020-1/03-18-20.pdf> (indicating that the effects of the COVID-19 virus will be considered an acceptable basis for non-compliance with certain North American Electric Reliability Corporation Reliability Standards).

<sup>14</sup> Extension Notice at 1.

generally has not been used on a long-term, enterprise-wide basis and can make complying with the Tariff deadlines difficult. Enterprise-wide teleworking may make it harder for knowledgeable and critical employees to confer or exchange information as needed, e.g., in evaluating a feasibility study or determining the response to a deficiency notice, or to get the necessary officers or corporate representatives to execute study agreements and interconnection agreements. It may also be difficult to get the back-office support necessary to implement wire transfers, and persons may experience bandwidth or other technological issues.

In light of all these concerns, PJM is submitting this limited-time blanket Waiver Request. Under established Commission precedent, the Commission will grant 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 harm to third parties.<sup>15</sup> The Commission has granted tariff waiver requests in extreme cold weather or other emergency or exigent circumstances,<sup>16</sup> as well as to address inefficient market outcomes.<sup>17</sup>

The Waiver Request satisfies all four of the Commission's criteria. First, the Waiver Request is being submitted in good faith in response to a recognized, bona fide emergency.<sup>18</sup> The

---

<sup>15</sup> *Sierra Pac. Power Co.*, 170 FERC ¶ 61,236, at P 10 (2020) (“*Sierra Pacific*”) (order granting waiver of in-person meeting requirements in response to COVID-19); *Midcontinent Indep. Sys. Operator, Inc.*, 154 FERC ¶ 61,059, at P 13 (2016) (citing waiver standards and allowing tariff waiver to implement equitable relief in light of certain tariff provisions).

<sup>16</sup> *Sierra Pacific* at P 10-11; *see also* *PJM Interconnection, L.L.C.*, 146 FERC ¶ 61,041, at P 5 (order granting waiver to allow entities whose bids exceed the market clearing price to receive make-whole payments to address concerns arising from “sustained extreme weather currently being experienced in the PJM Region and to maintain confidence in market operations”), *order on reh’g*, 149 FERC ¶ 61,059 (2014); *Midcontinent Indep. Sys. Operator, Inc.*, 165 FERC ¶ 61,135, at P 14 (2018) (order granting price cap waiver to address similar price cap concerns); *N.Y. Indep. Sys. Operator, Inc.*, 162 FERC ¶ 61,018, at PP 12-13 (2018) (allowing New York Independent System Operator, Inc. to consider offers that exceed tariff cap for demonstrable costs to address weather and market conditions, and noting the Commission has allowed similar waivers to address exigent circumstances).

<sup>17</sup> *ISO New England, Inc.*, 170 FERC ¶ 61,188, at P 14 (2020) (allowing waiver of de-list bid submittal deadline to prevent unfair and inefficient market outcomes).

<sup>18</sup> *See supra* notes 3, 5.

Commission has recognized that the COVID-19 pandemic is an “unprecedented health emergency” that merits extensions of time, and may justify tariff waivers.<sup>19</sup> PJM also is acting in good faith to meet the needs of New Service Customers, and allow those customers, PJM, and Interconnected Transmission Owners additional time to meet the deadlines associated with the close of the AF2 New Service Queue, including but not limited to the Tariff requirements and deadlines discussed herein.

Second, the Waiver Request is of limited scope. PJM seeks a one-time extension until May 1, 2020, or an additional 15 days beyond the applicable deadline, of the deadlines associated with the close of the AF2 New Service Queue, including but not limited to the deadlines discussed in this Waiver Request. PJM is not requesting an across-the-board or open-ended extension of its deadlines associated with the close of the AF2 New Service Queue nor is it seeking an extension of the March 31, 2020 date for the AF2 New Service Queue close.

Third, the Waiver Request addresses a concrete problem—the fact that work-at-home and social distancing measures will make it difficult for New Service Customers, PJM, and Interconnected Transmission Owners to meet certain Tariff deadlines. The Waiver Request also reduces the chances for unintentional Tariff violations that may arise from rushed processing or for New Service Customers being removed from the queue because the measures they have taken in response to the COVID-19 pandemic cause them to miss deadlines. The Waiver Request will allow PJM additional time to evaluate New Service Requests.

Fourth, granting the Waiver Request will not have undesirable consequences, such as harm to third parties. In fact, granting the requested extension of time will benefit New Service Customers and Interconnected Transmission Owners that are affected by the work-at-home and

---

<sup>19</sup> See *supra* note 13.

social distancing measures, as well as PJM and its staff. No third party will be harmed by granting the Waiver Request.

Finally, PJM emphasizes that *it is not* seeking authorization or waiver of any Tariff requirement to extend the close of the AF2 New Service Queue window past March 31, 2020. Many of the study deadlines under the Tariff are based on when the relevant queue window closes. For example, the Tariff requires that for the AF2 New Service Queue, PJM is to use due diligence to complete Interconnection Feasibility Studies by July 31, 2020, and to use the month of April 2020 to conduct any remaining scoping meetings and assemble the necessary models to begin the Interconnection Feasibility Study by May 1, 2020.<sup>20</sup> Extending the close of the AF2 New Service Queue window will either compress these timelines or make compliance difficult if the next queue window closing is not also delayed, or will have a cascading effect on future interconnection queues if the next queue window is similarly delayed due to delay of the AF2 New Service Queue closing date. PJM views either alternative as undesirable. In contrast, retaining the existing closing date of March 31, 2020, for the AF2 New Service Queue will not harm any parties, as it simply maintains the existing deadline. Any prospective New Service Customers and developers that cannot meet the AF2 New Service Queue closing date may enter the next interconnection queue that commences on April 1, 2020.

### **III. REQUEST FOR EXPEDITED CONSIDERATION AND SHORTENED COMMENT PERIOD**

PJM requests expedited consideration of this Waiver Request, and for the Commission to issue an order granting the Waiver Request by no later than March 31, 2020. Granting expedited consideration and issuing an order by this date will provide PJM with the assurance that it may

---

<sup>20</sup> Tariff, section 36.2; *see also id.*, section 205.3 (establishing deadlines for commencement of System Impact Studies).

start implementing the requested extensions of time as of the close of the AF2 New Service Queue window. The Commission has granted expeditious consideration of requests for waiver in other instances, and in the Extension Notice, stated that action on waiver requests “will be taken as expeditiously as possible.”<sup>21</sup>

PJM also requests a shortened comment period of two days for this Waiver Request given that the March 31, 2020 deadline is less than one week from the date of filing of the Waiver Request. This Waiver Request presents the straight-forward issue of whether, in light of measures taken in response to the COVID-19 pandemic, the deadlines associated with the close of the AF2 New Service Queue, including but not limited to the deadlines set forth herein, should be waived. The Commission has granted similar relief in other instances.<sup>22</sup>

#### **IV. COMMUNICATIONS**

Correspondence and communications with respect to this filing should be sent to, and PJM requests the Secretary to include on the official service list, the following:<sup>23</sup>

Craig Glazer  
Vice President – Federal Government Policy  
PJM Interconnection, L.L.C.  
1200 G Street, NW, Suite 600  
Washington, DC 20005  
202-423-4743 (phone)  
202-393-7741 (fax)  
[craig.glazer@pjm.com](mailto:craig.glazer@pjm.com)

Wendy B. Warren  
David S. Berman  
Wright & Talisman, P.C.  
1200 G Street, NW, Suite 600  
Washington, DC 20005-3898  
202-393-1200 (phone)  
202-393-1240 (fax)  
[warren@wrightlaw.com](mailto:warren@wrightlaw.com)  
[berman@wrightlaw.com](mailto:berman@wrightlaw.com)

---

<sup>21</sup> Extension Notice at 2.

<sup>22</sup> See *S. Power Co.*, 163 FERC ¶ 61,096, at PP 6, 9 (2018); *N.Y. Indep. Sys. Operator, Inc.*, 147 ¶ 61,138, at PP 1, 11 (2014).

<sup>23</sup> To the extent necessary, PJM requests waiver of Rule 203(b)(3) of the Commission’s Rules of Practice and Procedure, 18 C.F.R. § 385.203(b)(3), to permit all of the persons listed to be placed on the official service list for this proceeding.



Jeanine S. Watson  
Senior Counsel  
PJM Interconnection, L.L.C.  
2750 Monroe Boulevard  
Audubon, PA 19403  
610-666-4438 (phone)  
610-716-9558 (cell)  
610-666-8211 (fax)  
[jeanine.watson@pjm.com](mailto:jeanine.watson@pjm.com)

## V. SERVICE

PJM has served a copy of this filing on all PJM Members and on the affected state utility regulatory commissions in the PJM Region by posting this filing electronically. In accordance with the Commission's regulations,<sup>24</sup> PJM will post a copy of this filing to the FERC filings section of its internet site, located at the following link: <http://www.pjm.com/documents/ferc-manuals/ferc-filings.aspx> with a specific link to the newly-filed document, and will send an email on the same date as this filing to all PJM Members and all state utility regulatory commissions in the PJM Region,<sup>25</sup> alerting them that this filing has been made by PJM and is available by following such link. If the document is not immediately available by using the referenced link, the document will be available through the referenced link within 24 hours of the filing.

---

<sup>24</sup> See *id.* §§ 35.2(e) and 385.2010(f)(3).

<sup>25</sup> PJM already maintains, updates, and regularly uses email lists for all PJM Members and affected state commissions.

## VI. CONCLUSION

For the reasons stated herein, PJM requests that the Commission grant a shortened comment period and expeditiously grant this Waiver Request by March 31, 2020.

Respectfully submitted,

*/s/ David S. Berman*

Craig Glazer  
Vice President – Federal Government  
Policy  
PJM Interconnection, L.L.C.  
1200 G Street, NW, Suite 600  
Washington, DC 20005  
202-423-4743 (phone)  
202-393-7741 (fax)  
[craig.glazer@pjm.com](mailto:craig.glazer@pjm.com)

Wendy B. Warren  
David S. Berman  
Wright & Talisman, P.C.  
1200 G Street, NW, Suite 600  
Washington, DC 20005  
202-393-1200 (phone)  
202-393-1240 (fax)  
[warren@wrightlaw.com](mailto:warren@wrightlaw.com)  
[berman@wrightlaw.com](mailto:berman@wrightlaw.com)

**Counsel for  
PJM Interconnection, L.L.C.**

Jeanine S. Watson  
Senior Counsel  
PJM Interconnection, L.L.C.  
2750 Monroe Boulevard  
Audubon, PA 19403  
610-666-4438 (phone)  
610-716-9558 (cell)  
610-666-8211 (fax)  
[jeanine.watson@pjm.com](mailto:jeanine.watson@pjm.com)