

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

<b>Constellation Energy Generation, LLC</b>	)	
	)	
v.	)	<b>Docket No. EL25-20-000</b>
	)	
<b>PJM Interconnection, L.L.C.</b>	)	

**MOTION FOR EXTENSION OF TIME, AND  
REQUEST FOR EXPEDITED ACTION, AND NON-OPPOSITION TO A MOTION  
ANSWER DEADLINE OF DECEMBER 3 OR DECEMBER 4, 2024 OF  
PJM INTERCONNECTION, L.L.C.**

Pursuant to Rules 212, 213, and 2008 of the Federal Energy Regulatory Commission’s (“Commission”) Rules of Practice and Procedure,<sup>1</sup> PJM Interconnection, L.L.C. (“PJM”) respectfully requests a 46-day extension of time to Monday, January 27, 2025 to answer the November 22, 2024 complaint of Constellation Energy Generation, LLC (“Complaint”) in the above-captioned proceeding. Commission Rule 2008 authorizes extensions of time for “good cause” shown.<sup>2</sup> The Commission has good cause to grant this Motion. PJM requests that the Commission grant this motion on or before December 6, 2024. By default under the rules, the answer deadline to this motion is December 2, 2024<sup>3</sup> but PJM would not oppose extending the answer deadline to this motion until December 3 or 4, 2024, so long as the Commission finds such an extended deadline acceptable and such an extension would not upset the Commission’s ability to grant by December 6, 2024 the relief requested in this motion.

The Complaint alleges that the existing PJM Open Access Transmission Tariff (“Tariff”) is unjust and unreasonable, and requests modifications to the Tariff on an expedited time frame to

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<sup>1</sup> 18 C.F.R. §§ 385.212, .213, .2008 (2024).

<sup>2</sup> *Id.* § 385.2008.

<sup>3</sup> *Id.* § 385.213(d)(1)(i).

facilitate what the Complaint coins the interconnection of “Fully Isolated Co-Located Load.”<sup>4</sup> The Complaint seeks to achieve this outcome by suggesting that the Commission import into the Tariff certain terms and conditions from a non-binding guidance document PJM shared with stakeholders after an unsuccessful stakeholder process.<sup>5</sup> The Complaint acknowledges that there are likely other open issues warranting consideration relating to co-located loads, but for which there appears no ready fix.<sup>6</sup> The Commission is, indeed, familiar with many of these open issues given the myriad contested dockets relating to the co-location of large loads that have been initiated in PJM and generically.<sup>7</sup> The Commission has issued at least two deficiency notices<sup>8</sup> and at least one rejection<sup>9</sup> relating to such issues to date, and has invited generic post-technical conference comments due a mere three days before the noticed answer date for the Complaint and approximately two weeks before an anticipated response to a recent Commission-issued deficiency notice in other of the PJM co-located load dockets.<sup>10</sup>

PJM needs time to consider and respond to the Commission’s generic request for comment, which will require significant attention from key PJM personnel, some of whom have been and

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<sup>4</sup> Complaint at 1-12.

<sup>5</sup> *Id.* at 19-28.

<sup>6</sup> *Id.* at 2-3, 28-29.

<sup>7</sup> See, e.g., *Large Loads Co-Located at Generating Facilities*, Docket No. AD24-11-000; *Baltimore Gas & Elec. Co. & PECO Energy Co.*, Petition for Declaratory Order, Docket No. EL24-149-000 (initiated Sept. 30, 2024); Exelon Companies’ Section 205 filings proposing to revise Tariff, Attachment H, Docket Nos. ER24-2888-000, ER24-2889-000, ER24-2890-000, ER24-2891-000, ER24-2893-000, and ER24-2894-000 (initiated Aug. 28, 2024).

<sup>8</sup> *PJM Interconnection, L.L.C.*, Deficiency Notice, Docket No. ER24-2172-000 (Aug. 2, 2024); *Atlantic City Elec. Co., et al.*, Deficiency Notice, Docket Nos. ER24-2888-000, ER24-2889-000, ER24-2890-000, ER24-2891-000, ER24-2893-000, and ER24-2894-000 (Nov. 22, 2024).

<sup>9</sup> *PJM Interconnection, L.L.C.*, 189 FERC ¶ 61,078 (2024).

<sup>10</sup> *Large Loads Co-Located at Generating Facilities*, Notice of Request for Comments, Docket No. AD24-11-000 (Nov. 8, 2024).

will be unavailable during the Thanksgiving holiday. The Commission has routinely extended answer periods when holidays limited availability.<sup>11</sup>

Moreover, PJM's comments responding to the request for post-technical conference comments are due December 9, 2024 – which is a mere three days before the Commission's noticed deadline for PJM to answer this Complaint. PJM's resources are currently focused on preparing its post-technical conference comments (and, to be sure, other filings of great import to the PJM Region) in an effort to assist the Commission in adopting a path forward on this emerging and important industry issue. The Complaint has the effect of commandeering resources and jumping immediately to solution space. And to avoid any doubt, PJM will resist any request to simply incorporate into its Tariff all or parts of the guidance document, which was the best clarity PJM could issue when stakeholders were unable to advance a comprehensive solution on this complex issues. Indeed, PJM is rethinking its guidance document in light of subsequent developments including the record developed in the recent Technical Conference and the Commission's action in Docket No. ER24-2172, as noted below. These developments and the consequential nature of these issues and their precedential value going forward represent additional reasons why more time is necessary for PJM to respond to the issues implicated by the Complaint.

In addition, twenty-six days ago, the Commission rejected an effort to adopt enhanced terms and conditions relating to a co-located load configuration that were predicated, in part, on the guidance the Complaint now seeks to elevate.<sup>12</sup> In that rejection, the Commission observed

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<sup>11</sup> See, e.g., *Canales v. Edison Int'l*, Docket No. EL14-11-000, Notice of Extension of Time (Jan. 9, 2014) (granting extension of time to file answer to complaint to account for Christmas and New Year's holidays); *Cal. Wind Energy Ass'n, v. Cal. Indep. Sys. Operator Corp.*, Docket No. EL14-14-000 (Dec. 26, 2013) (same); *La. Pub. Serv. Comm'n v. Entergy Servs., Inc.*, Docket No. EL01-88-015, Notice of Extension of Time (Nov. 23, 2016) (same).

<sup>12</sup> *PJM Interconnection, L.L.C.*, 189 FERC ¶ 61,078 (2024).

that “significant aspects of the proposed non-conforming provisions [in the subject filing] rely heavily on a generally applicable document, the PJM Guidance Document” and the “filing leaves multiple important questions unresolved.”<sup>13</sup> The Commission acknowledged that PJM encouraged the Commission to consider opportunities to provide guidance “in light of issues concerning resource adequacy impacts, and appropriate compensation for ancillary services and transmission services” and “case-specific details to be embodied in any implementing” agreements.<sup>14</sup> The Complaint leapfrogs PJM’s requests, additional stakeholder engagement in light of the many open issues and developments since the last stakeholder process concluded, and other longer-pending litigations. The timing of the Complaint calls into question the Commission’s stated path forward in the technical conference docket. The Complaint adds to the litigation and invites more Commission practice and procedure – which may or may not be prudent or productive.<sup>15</sup>

PJM appreciates efforts by complainant (and other stakeholders) to engage in discussions over the preceding months in the hopes of avoiding this Complaint, and does not seek to chill such efforts in future matters. But it is reasonable to request a 46-day extension of time for PJM to answer this Complaint and allow PJM to focus on its upcoming filings in the co-located load technical conference docket (and potentially other co-located load proceedings as those records continue to develop), consider an efficient, effective, and comprehensive path forward on co-located load issues for the PJM Region and generically to avoid potentially undue discrimination, and promote opportunities to streamline resolution of co-located load issues. Further, the

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<sup>13</sup> *Id.* at PP 87, 88.

<sup>14</sup> *Id.* at P 48 n.143.

<sup>15</sup> To be clear, PJM will respond to the Complaint and unless otherwise stated herein, this motion should not be construed to pre-judge any position PJM might take with respect to the Complaint or any of the other dockets referenced herein.

additional time will afford other necessary entities who are not named parties to the Complaint to get appropriately involved given the Complaint’s potential impact on allocating certain transmission system costs<sup>16</sup> – a subject over which the PJM Transmission Owners have rights.<sup>17</sup>

Fairness requires that PJM be granted additional time to respond to the Complaint. Several months ago, complainant (and others) requested a 21-day extension of time in another co-located load proceeding. Thus extensions of time on matters relating to this topic have been sought by others and granted in cases of substantially narrower scope than the Complaint’s proposed PJM Region-wide Tariff changes to reliability review processes, technology requirements, and yet more capacity market changes.<sup>18</sup> Nor should redirecting PJM’s attention to the Complaint be permitted to hinder the preparation of PJM’s upcoming post-technical conference comments relating to large load co-location. Moreover, the Complaint acknowledges issues potentially calling for paper hearings or settlement discussions on an expedited time table that would require additional time for PJM to consider and prepare for.

Given the Complaint’s proposed approach to modifying the Tariff, PJM’s forthcoming co-located load filing, and the impending holidays, the default twenty-day answer period is an unreasonably insufficient amount of time for PJM to fully respond to the Complaint. The requested extension to January 27, 2025 will allow PJM to develop a meaningful answer to the Complaint. For the foregoing reasons, PJM respectfully requests that the Commission grant the extension

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<sup>16</sup> See Complaint at 2 (acknowledging that “the Commission could evaluate questions of fact regarding the extent to which, if at all, a generator hosting a Fully Isolated Co-Located Load is receiving grid services”); Complaint at 11 n.29 (quoting Technical Conference observations from a complainant witness stating “load wants to pay its fair share.” (cleaned up)).

<sup>17</sup> See, e.g., *Atl. City Elec. Co. v. FERC*, 295 F.3d 1 (D.C. Cir. 2002); Tariff, section 9.1; Consolidated Transmission Owners Agreement, section 7.1.1.

<sup>18</sup> Complaint at 2.

requested in this Motion and set January 27, 2025, as the deadline for PJM to answer the Complaint.

PJM requests that the Commission grant this motion for extension of time on or before December 6, 2024. PJM would not oppose extending the answer deadline to this motion until December 3 or 4, 2024, so long as the Commission finds such an extended deadline acceptable and such an extension would not upset the Commission's ability to grant by December 6, 2024 the relief requested in this motion.

Respectfully submitted,

/s/ Mark J. Stanisz

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November 27, 2024

**CERTIFICATE OF SERVICE**

I hereby certify that I have on this day caused to be served a copy of the foregoing motion for extension upon all parties on the service list in these proceedings in accordance with the requirements of Rule 2010 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.2010 (2024).

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