

174 FERC ¶ 61,261  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Richard Glick, Chairman;  
Neil Chatterjee, James P. Danly,  
Allison Clements, and Mark C. Christie.

PJM Interconnection, L.L.C.

Docket No. ER21-1016-000

ORDER GRANTING WAIVER

(Issued March 31, 2021)

1. On January 29, 2021, pursuant to Rules 207 and 212 of the Commission's Rules of Practice and Procedure,<sup>1</sup> PJM Interconnection, L.L.C. (PJM) filed a request for limited waiver of certain deadlines related to its deficiency review requirements of New Service Requests in PJM's Open Access Transmission Tariff (Tariff).<sup>2</sup> As discussed below, we grant PJM's waiver request and direct PJM to submit an informational filing within 45 days of the date of this order updating the Commission on the stakeholder review of its interconnection procedures.

**I. Background**

2. PJM administers two New Services Queue<sup>3</sup> windows per year to accept New Service Requests. Each window is open for six months: the first queue window starts April 1 of each year and ends on September 30 of that year, and the second queue window starts on October 1 of each year and ends on March 31 of the next year. The current queue window, designated as AG2 New Services Queue (AG2 Queue), closes on March 31, 2021. The next queue window, designated as AH1 New Services Queue (AH1 Queue) will start on April 1, 2021, and will close September 30, 2021.

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<sup>1</sup> 18 C.F.R. §§ 385.207, 385.212 (2020).

<sup>2</sup> PJM defines New Service Request as an interconnection request, a completed application, or an upgrade request and New Service Customer as a customer that submits a New Service Request. PJM, Intra-PJM Tariffs, OATT, Definitions L – M – N (28.0.0).

<sup>3</sup> A New Services Queue is collectively comprised of all interconnection requests, completed applications, and upgrade requests that are received within each six-month period ending on March 31 and September 30 of each year. *Id.*

3. The Tariff establishes deadlines for the processing of New Service Requests.<sup>4</sup> Specifically, the Tariff requires PJM to acknowledge the receipt of a New Service Request, provide a deficiency review of the New Service Request, and issue a notice of any deficiencies within five business days of receipt of the New Service Request. A New Service Customer is required to respond to a PJM deficiency notice within 10 business days. PJM then has five business days to review the New Service Customer's response to the deficiency notice.<sup>5</sup>

## II. Waiver Request

4. PJM requests waiver of a specific set of deadlines for deficiency reviews of New Service Requests under its Tariff in light of the large number of New Service Requests PJM has received in prior queue windows and expects to receive at the end of the current AG2 Queue window. Specifically, for all New Service Requests that are submitted in the last month of the AG2 Queue window (March 2021) and the first month of the AH1 Queue window (April 2021), PJM seeks waiver of its deadlines to acknowledge receipt and undertake a deficiency review, and to review an interconnection customer's deficiency response.<sup>6</sup> PJM states that it seeks an extension of time for these two review periods on a sliding scale that depends on the volume of New Service Requests that PJM receives in the AG2 Queue. Specifically, PJM seeks extensions of: 15 business days for

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<sup>4</sup> See, e.g., PJM, Intra-PJM Tariffs, OATT, §§ 36.1.01, 36.1.01(2)(c), 36.1.03, & 36.1.03(2)(c); §§ 110.1 & 110.1(2)(c); §§ 111.1 & 111.1(2)(c); §§ 112.1 & 112.1(2)(c); §§ 112A.1 & 112A.1(2)(b); §112B.1.

<sup>5</sup> See, e.g., PJM, Intra-PJM Tariffs, OATT, § 36.1.01(2)(c) (8.0.1). The Commission previously granted PJM a waiver of Tariff deadlines for PJM's deficiency review due to the significant number of New Service Requests PJM received at the end of the queue window that closed September 30, 2020, designated as the AG1 New Services Queue (AG1 Queue). See *PJM Interconnection, L.L.C.*, 172 FERC ¶ 61,268 (2020) (September 2020 Order). The Commission also previously granted waiver for certain interconnection-related Tariff deadlines at the end of the queue window ending March 31, 2020, due to the volume of New Service Requests and the COVID-19 pandemic. See *PJM Interconnection, L.L.C.*, 170 FERC ¶ 61,279 (2020).

<sup>6</sup> Waiver Request at 2. PJM seeks waiver of the referenced deadlines in the following Tariff sections: sections 36.1.01, 36.1.01(2), 36.1.01(2)(c), and 36.1.01(2)(c)(iii); sections 36.1.03, 36.1.03(2), 36.1.03(2)(c), and 36.1.03(2)(c)(iii); sections 110.1, 110.1(2), 110.1(2)(c), and 110.1(2)(c)(iii); sections 111.1, 111.1(2), 111.1(2)(c), and 111(2)(c)(iii); sections 112.1, 112.1(2), 112.1(2)(c), and 112.1(2)(c)(ii); sections 112A.1, 112A.1(2), 112A.1(2)(b), and 112A.1(2)(b)(iii); and sections 204.2.2.1 and 204.2.2.2. *Id.*

a volume of 300 to 399 New Service Requests; 20 business days for 400 to 499 New Service Requests; or 25 business days for 500 to 599 New Service Requests.<sup>7</sup> PJM explains that New Service Customers would continue to have the same time period allowed under the Tariff to provide responses to PJM deficiency notices, which would begin as of the date those customers receive a deficiency notice from PJM.<sup>8</sup>

5. PJM states that it usually receives 50% or more of the total New Service Requests for a given New Services Queue window during the last month of that window, with most of these requests submitted the last week or day of the six-month queue window.<sup>9</sup> PJM states that this provides very little time for its employees to process the large number of New Service Requests it receives at the end of a queue window. PJM states that this also affects PJM's ability to review New Service Requests submitted at the beginning of the next queue window, which would need to be processed at the same time PJM's employees are processing the New Service Requests from the queue window that just closed.

6. PJM explains that the total number of New Service Requests has been increasing in recent years.<sup>10</sup> PJM states that for the most recent AG1 Queue window that closed on September 30, 2020, PJM received significantly more New Service Requests than the three prior New Services Queue windows.<sup>11</sup> PJM also states that, of the 563 total New Service Requests submitted in the AG1 Queue window, 433 were submitted in the last month, with 340 in the last week, and 247 on the last day. Similarly, PJM states that of

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<sup>7</sup> *Id.* at 3, 8. PJM also states that for every 100 New Service Requests that PJM receives in excess of 599 in the AG2 Queue, PJM requests an additional five business days beyond the otherwise applicable extension. *Id.* at 3 n.9.

<sup>8</sup> *Id.* at 2 n.5. PJM also notes that it is not seeking waiver of Tariff provisions applicable to interconnection customers or interconnected transmission owners nor is PJM seeking waiver of the dates for the close of the AG2 and AH1 Queues windows. *Id.* at 2 & n.5, 8-9 & n.17.

<sup>9</sup> *Id.* at 5.

<sup>10</sup> *Id.* at 6.

<sup>11</sup> Specifically, PJM states that the AG1 Queue represented an approximately 27% increase in total New Service Requests over the AF2 New Services Queue and an approximately 65% increase over each of the AF1 and AE2 New Services Queues. *Id.*

the 341 New Service Requests submitted in the AF1 New Services Queue window, 164 were submitted in the last week.<sup>12</sup>

7. PJM states that for the AG2 Queue, PJM anticipates receiving 400 New Service Requests in the last week of the window, and 300 or more New Service Requests on the last day, March 31, 2021.<sup>13</sup> PJM explains that, compared to the AG1 Queue, these estimates for the AG2 Queue represent an increase of about 18% for the last week of the queue window and 22% for the last day.<sup>14</sup> PJM notes that the actual number of New Service Requests that it received in the AG1 Queue window was higher than predicted.<sup>15</sup>

8. PJM states that the Commission previously granted a waiver of Tariff deadlines for PJM's deficiency review due to the significant number of New Service Requests PJM received at the end of the AG1 Queue window that closed September 30, 2020.<sup>16</sup> According to PJM, this trend of increased New Service Requests has become more extreme. PJM also states that it is currently reviewing interconnection processes with its stakeholders with the idea of potentially developing Tariff changes that would improve the interconnection process and that could eliminate the need for future waivers.<sup>17</sup> PJM explains that there is not enough time to implement the changes prior to when the upcoming AG2 Queue window closes on March 31, 2021. PJM also notes that in addition to hiring new contractors to address the workload, PJM is examining a potential fast track stakeholder process or using its Federal Power Act section 205 authority to achieve these fixes.<sup>18</sup>

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<sup>12</sup> *Id.* at 7, 9. PJM also provides tables demonstrating this pattern for the AF2 New Services Queue windows in addition to the AF1 and AG1 New Services Queue windows. *Id.* at 6-7.

<sup>13</sup> *Id.* at 9.

<sup>14</sup> *Id.* at 9-10.

<sup>15</sup> *Id.* PJM had predicted it would receive 200 requests in the last week and 100 requests on the last day of the AG1 Queue; instead, PJM received 340 requests in the last week and 245 on the last day.

<sup>16</sup> *Id.* at 4 (citing September 2020 Order, 172 FERC ¶ 61,268).

<sup>17</sup> *Id.* at 1 n.3, 4.

<sup>18</sup> *Id.* at 1 n.3.

9. PJM argues that its waiver request satisfies the Commission's criteria for granting waiver and is consistent with Commission precedent.<sup>19</sup> First, PJM argues that it is acting in good faith to meet the requirements of its interconnection procedures in a non-discriminatory manner in anticipation of receiving an extraordinary number of New Service Requests at the end of the AG2 Queue window.<sup>20</sup> PJM also asserts that it is narrowly tailoring its waiver request with the sliding scale of the requested extension of time.

10. Second, PJM asserts that its waiver request is limited in scope because it seeks an extension of the provisions relating only to PJM's acknowledgement and deficiency review and PJM's review of responses to deficiency notices of New Service Requests submitted in the last month of the AG2 Queue window and the first month of the AH1 Queue window.<sup>21</sup> PJM explains that, given it cannot accurately predict how many New Service Requests will be submitted, it proposes time extensions based on the volume of New Service Requests received. PJM argues that this approach limits the length of the deadline extensions and avoids the need for PJM to seek additional requests for waiver if the volume of New Service Requests is greater than the amount that PJM anticipates.<sup>22</sup> PJM states that it does not request waiver of all deadlines associated with the close of the AG2 Queue window, such as the date this queue window closes (March 31, 2021) or the same deadlines for the AH1 Queue window.

11. Third, PJM contends that its waiver request addresses a concrete problem. Specifically, PJM states the waiver request will address the substantial number of New Service Requests submitted at the end of the AG2 Queue window that will make it difficult for PJM to meet certain Tariff deadlines.<sup>23</sup> PJM also argues that the waiver request reduces the chance for unintentional Tariff violations or discriminatory differences in application of Tariff requirements that may arise from rushed processing, by allowing PJM additional time to review and process New Service Requests.

12. Finally, PJM argues that granting the waiver request will not have undesirable consequences, such as harm to third parties. PJM argues that, instead, the limited waiver

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<sup>19</sup> *Id.* at 11 (citing September 2020 Order, 172 FERC ¶ 61,268 at PP 14-15).

<sup>20</sup> *Id.* at 12.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.* at 13.

<sup>23</sup> *Id.*

will benefit PJM, New Service Customers, and transmission owners by facilitating the orderly processing of New Service Requests in the AG2 and AH1 Queues.<sup>24</sup>

13. PJM requests that the Commission act on its waiver request by March 31, 2021, the date the AG2 Queue window closes.<sup>25</sup>

### **III. Notice and Responsive Pleadings**

14. Notice of PJM's waiver request was published in the *Federal Register*, 86 Fed. Reg. 8612 (Feb. 8, 2021), with interventions and protests due on or before February 19, 2021. The Delaware Division of the Public Advocate filed a timely motion to intervene. No protests were filed.

### **IV. Discussion**

#### **A. Procedural Matters**

15. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2020), the Delaware Division of the Public Advocate's timely, unopposed motion to intervene serves to make it a party to this proceeding.

#### **B. Substantive Matters**

16. As discussed below, we grant PJM's waiver request and direct PJM to make an informational filing. Specifically, we grant PJM's request for waiver of the Tariff deadlines for PJM's acknowledgment and deficiency review, and PJM's review of responses to deficiency notices for New Service Requests submitted during the last month of the AG2 Queue window and the first month of the AH1 Queue window. As requested by PJM, we grant an extension of these Tariff deadlines that varies depending on the total number of New Service Requests that PJM receives for the AG2 Queue: 15 business days, if 300 to 399 New Service Requests are submitted in the AG2 Queue, with an additional five business days for every additional 100 New Service Requests submitted in the AG2 Queue.<sup>26</sup>

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<sup>24</sup> *Id.* at 13-14.

<sup>25</sup> *Id.* at 1, 16.

<sup>26</sup> We expect PJM to post on its website the length of the extensions resulting from the number of New Service Requests actually received, consistent with this order, promptly after the close of the AG2 Queue window to ensure that New Service Customers have notice of the deadlines applicable to their New Service Requests.

17. 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 third parties.<sup>27</sup> We find that the circumstances of PJM's waiver request satisfy these criteria.

18. First, we find that PJM is acting in good faith by anticipating the need for additional time to process and perform deficiency reviews in response to an increasing number of New Service Requests that PJM anticipates will be submitted towards the close of the AG2 Queue window and seeking to meet the requirements of its interconnection procedures in a not unduly discriminatory manner.

19. Second, we find that PJM's waiver request is limited in scope, as PJM is seeking a limited, one-time waiver of Tariff deadlines associated with the deficiency review for New Service Requests submitted in the last month of the AG2 Queue window and the first month of the AH1 Queue window. Further, we find that tying the time extensions to the number of New Service Requests received in the AG2 Queue places bounds on the length of the extensions.

20. Third, we find that waiver addresses the concrete problem that, absent waiver, a significant number of New Service Requests submitted at the end of the queue window would make it challenging for PJM to meet certain Tariff deadlines. Granting PJM's requested waiver allows PJM additional time to review the substantial number of New Service Requests anticipated towards the end of the AG2 Queue window.

21. Fourth, we find that waiver will not result in undesirable consequences, such as harming third parties, because, as PJM explains, waiver would facilitate an orderly review of New Service Requests that will benefit PJM, New Service Customers, and transmission owners.

22. Although we grant the requested waiver, we note that PJM sought a similar waiver to the one requested here twice during the past year. PJM states that a detailed review of PJM's interconnection processes with stakeholders is underway and that it intends to propose Tariff revisions that would "improve the interconnection process and could obviate the need for future waivers of the type being sought herein."<sup>28</sup> We agree that it is appropriate to explore solutions through PJM's stakeholder process, but expect PJM to timely follow-through on its commitment to revise its deficiency review tariff provisions through its stakeholder process to eliminate the need for similar waiver requests of its

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<sup>27</sup> 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).

<sup>28</sup> Waiver Request at 1 n.3.

deficiency review deadlines in the future. To provide the Commission with information regarding the status of such stakeholder review, we direct PJM to submit an informational filing within 45 days of the date of this order.<sup>29</sup>

The Commission orders:

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

(B) PJM is hereby directed to submit an informational filing within 45 days of the date of this order, as discussed in the body of this order.

By the Commission.

( S E A L )

Kimberly D. Bose,  
Secretary.

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<sup>29</sup> This informational filing will not be noticed for comment or require Commission action. We acknowledge that PJM has fast-tracked its stakeholder process for Tariff revisions that could alleviate the need for future waiver requests of deficiency review deadlines. Therefore, we do not require an informational report if these Tariff revisions are filed with the Commission prior to 45 days of the date of this order. *See* PJM Planning Committee Presentation, *New Service Requests Deficiency Review Requirements* (Mar. 9, 2021), <https://www.pjm.com/-/media/committees-groups/committees/pc/2021/20210309/20210309-item-06a-new-service-requests-deficiency-review-requirements.ashx>.