

**BERMAN AND TODDERUD LLP**

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August 28, 2024

**Re: Commonwealth Edison Company Tariff Filing Modifying PJM OATT  
Attachment H-13 Docket**

**No. ER24-2890-000**

Honorable Debbie-Anne A. Reese  
Acting Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, D.C. 20426

Dear Secretary Reese:

Pursuant to Section 205 of the Federal Power Act (“FPA”)<sup>1</sup> and Part 35 of the regulations of the Federal Energy Regulatory Commission (“FERC” or “Commission”), Commonwealth Edison Company (“ComEd”) hereby submits revised rate schedules reflecting updates to Attachment H-13 of the PJM Interconnection LLC Open Access Transmission Tariff (“PJM OATT”) governing transmission service to an emerging subset of Network Integration Transmission Service, hereinafter referred to as “co-located load,” interconnected with the ComEd transmission system.<sup>2</sup>

As further discussed below, ComEd respectfully requests that the Commission accept, without condition or modification, the proposed Tariff sheets to be effective December 2, 2024, without further suspension or hearing. Good cause exists to grant a

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<sup>1</sup> 16 U.S.C. § 824d.

<sup>2</sup> Pursuant to Order No. 714, this filing is submitted by PJM Interconnection, L.L.C. (“PJM”) on behalf of ComEd as part of an XML filing package that conforms with the Commission’s regulations. PJM has agreed to make all filings on behalf of the PJM Transmission Owners in order to retain administrative control over the PJM Tariff. Thus, ComEd has requested that PJM submit this revision to Attachment H-13 in the eTariff system as part of PJM’s electronic Intra PJM Tariff.

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December 2, 2024 effective date without further suspension, because this amendment does not alter rate levels and instead merely clarifies obligations.

## **I DESCRIPTION OF APPLICANT**

ComEd, an Illinois corporation, is an operating subsidiary of Exelon Corporation, a Pennsylvania corporation. ComEd maintains more than 73,000 miles of overhead and underground transmission and distribution facilities in northern Illinois, as well as transmission facilities in Northern Indiana owned by its subsidiary Commonwealth Edison Company of Indiana, Inc. and provides delivered electric power to more than four million customers. ComEd transferred operational control over its transmission facilities to PJM on May 1, 2004. ComEd's retail electric service is regulated by the Illinois Commerce Commission, while PJM's provision of transmission service over its transmission facilities and its sales for resale of electric energy in interstate commerce are regulated by the Commission.

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### II PERSONS TO WHOM CORRESPONDENCE SHOULD BE ADDRESSED

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### **III STATEMENT OF, REASONS, AND BASIS FOR FILING**

#### **A. Introduction**

Data centers are proliferating in the United States and will be substantial contributors to electric load growth for the foreseeable future.<sup>3</sup> Energy demand from data centers is expected to double by 2030.<sup>4</sup>

Recently end-use customers including but not limited to data centers have been exploring arrangements where they are “co-located” adjacent to large electric power generators, such as nuclear power plants, and interconnect with the grid through the same interconnection as the generator uses to inject power. Often, the generator is described as serving that load through facilities located on the “generator side of the meter” or the “fence,” meaning that both the load and the generation will be interconnected to the grid using, at least in part, the pre-existing interconnection facilities for the generator.

ComEd supports the opportunity for end-use load customers to co-locate where it can be done without threatening reliability. Because the new loads are end-use customers, state law, rather than the FPA, determines the retail rate treatment of these arrangements. ComEd has no objection to state law incentives for co-location, including incentives targeted at end uses that achieve state or regional policy goals, where policymakers select that path, and we stand ready, and welcome the opportunity, to work with our state and local regulators to further any policy goal to create appropriate incentives to co-locate load.

But it is likewise important that the load, through its Load Serving Entity (“LSE”), whomever that might be, bear its share of the costs of transmission services it uses and of the transmission facilities that will interconnect the load as well as the generator to the grid. Those costs include the costs of the transmission network itself, as well as other costs that are charged to network users, such as the costs of ancillary services and PJM and FERC administrative charges.

Service to such co-located load is Network Integration Transmission Service (“NITS”) as defined in the PJM OATT.<sup>5</sup> In general, such loads (or the LSEs that serve

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<sup>3</sup> See, e.g., 2024 Summer Energy Market and Electric Reliability Assessment, at 8 (May 23, 2024) (presentation of FERC Staff).

<sup>4</sup> EPRI, *Powering Intelligence: Analyzing Artificial Intelligence and Data Center Energy Consumption*, at 4 (May 2024) (available at <https://www.epri.com/research/products/3002028905>).

<sup>5</sup> ComEd is aware that, in another docket, another utility has taken the position that this type of load is not network load. *PJM Interconnection, L.L.C.*, Amendment to IS, SA No. 1442; Queue No. NQ-123, Docket No. ER24-2172 (Jun. 3, 2024). On August 2, 2024, the Commission issued a deficiency letter in that docket. *PJM Interconnection*,

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them) should bear responsibility for these services in the same manner and to the same extent as service to any other Network Loads. Indeed, one need only consider two slightly different load situations – one load located at a nuclear site, and one load located a half mile down the road but not quite at the nuclear site – to see that the co-located load does not impose substantially different needs on PJM when it comes to ancillary services and PJM monitoring and administration, justifying comparable treatment of the two situations.

On August 2, 2024, in order to explore issues concerning such co-located load arrangements, the Commission directed a Commissioner-led technical conference to consider the topic, and that conference is now scheduled for November 1, 2024.<sup>6</sup> That technical conference is welcome and important, to be sure. But the pace of these new arrangements is such that customers are asking questions now requiring this clarification of the rate treatment.

As a result, these Tariff revisions are designed to:

- Clarify that, consistent with the existing PJM Tariff, load interconnected with the ComEd system must either be designated as Network Load, or appropriate Point-to-Point transmission service must be arranged for the end-use customer.
- Ensure that any otherwise lawful state law rate structures are not federally preempted by this Tariff language;<sup>7</sup> and
- Provide regulatory certainty for entities to co-locate load.

## **B. Description of Rate Design and its Implementation in the Tariff Revisions**

ComEd proposes a limited addition to Attachment H-13 of the PJM OATT to effect that clarification. The amendment to Attachment H-13 does not change ComEd's

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*L.L.C.*, Deficiency Letter, Docket No. ER24-2172 (August 2, 2024). The parties to that docket have yet to submit a response to the deficiency letter.

<sup>6</sup> *Large Loads Co-Located at Generating Facilities*, Notice of Commissioner-Led Technical Conference, Docket No. AD24-11 (August 2, 2024); *Large Loads Co-Located at Generating Facilities*, Supplemental Notice of Commissioner-Led Technical Conference, Docket No. AD24-11 (August 16, 2024).

<sup>7</sup> ComEd takes no position in this proceeding on the consistency of such service with state utility regulatory requirements. ComEd reserves the right to take any appropriate position on retail issues relating to such service to co-located loads in state regulatory proceedings.

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formula rate in any respect and no change to ComEd's formula is required, requested, or envisioned with this filing. The amendment will have no impact on ComEd's revenue requirement, or ComEd's overall collections for transmission service, nor will it affect rates or rate design. It simply confirms that service to co-located load is NITS, and thus the generator (or other party allowed to serve retail load under state law) serving co-located load is an LSE under the PJM OATT to be treated as any other LSE under the Tariff, unless the load is designated to receive Point-to-Point service, in which case it would pay charges like any point-to-point customer. The tariff amendment also preserves, and does not alter, state regulatory jurisdiction, if any, over the end-use aspects of the service.

Including this clarification in the Tariff removes any doubt that co-located end-use load will bear its share of the costs of the transmission system it uses and from which it benefits. Co-located load will be responsible for paying a share of the cost of transmission services as well as ancillary services, and other PJM charges (such as the administrative costs of PJM) just as any other load must do.

Finally, as would be the case with other load, the distribution utility or the LSE serving co-located load will be required to install metering to measure the gross load of the end use customer. Transmission and ancillary service charges will be based on metered deliveries to the co-located load.

## **IV COMPLIANCE WITH COMMISSION REQUIREMENTS**

### **A. List of Documents Submitted**

ComEd submits the following documents:

1. This transmittal letter;
2. Marked Tariff sheets – PJM OATT Attachment H-13 (Attachment 1);
3. Clean Tariff sheets – PJM OATT Attachment H-13 (Attachment 2).

### **B. Proposed Effective Date**

ComEd respectfully requests that the Commission accept, without condition or modification, the proposed Tariff sheets to be effective December 2, 2024, without suspension (other than a nominal period of one day) or hearing. Good cause exists to

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permit the requested effective date without further suspension because the amendment does not actually increase rates for anybody, and it is likely that generators that are interconnected with ComEd transmission facilities will soon be seeking to provide energy and capacity to co-located loads and such customers will benefit from prompt clarification of their obligations.

## **C. Service of Filing**

PJM has served a copy of this filing on all PJM Members and on all state utility regulatory commissions in the PJM Region by posting this filing electronically. In accordance with the Commission's regulations,<sup>8</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/library/filing-order> with a specific link to the newly filed document, and will send an e-mail on the same date as this filing to all PJM Members and all state utility regulatory commissions in the PJM Region<sup>9</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. Also, a copy of this filing will be available on the Commission's eLibrary website located at the following link: <http://elibrary.ferc.gov> in accordance with the Commission's regulations and Order No. 714.

## **D. Description of Filing**

A description of the filing is set forth above.

## **E. Statement of the Reasons for the Tariff Change**

This transmittal letter and enclosed materials explain the reasons for the proposed changes to ComEd's Attachment H-13.

## **F. Requisite Agreement**

No agreement is required by contract for the filing of proposed changes.

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<sup>8</sup> See 18 C.F.R. §§ 35.2(e) and 385.2010(f)(3).

<sup>9</sup> PJM already maintains, updates, and regularly uses e-mail lists for all PJM members and affected state commissions.

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**G. Statement Regarding Inclusion of Any Expense or Costs in Cost of Service Statements that Have Been Alleged or Adjudged Illegal, Duplicative, or Unnecessary Costs that are Demonstrably the Product of Discriminatory Employment Practices**

There are no costs included in this filing that have been alleged or adjudged in any administrative or judicial proceeding to be illegal, duplicative, or unnecessary costs, nor has any expense or cost been demonstrated to be the product of discriminatory employment practices, within the meaning of Section 35.13(d)(3) of the Commission's regulations.

**H. Cost of Service and Revenue Information to Support Filing and Request for Waiver**

The filing does not alter rate levels. The cost of service and rate design information for the ComEd rate are set forth in PJM OATT Attachment H-13A. This amendment to Attachment H-13 merely clarifies that co-located load, like other load on the ComEd system, will pay that rate. ComEd believes that it has provided sufficient information for the Commission to determine the reasonableness of the proposed changes, which will have no impact on revenue requirements. To the extent that this filing requires waivers of Section 35.13 or other provisions of the Commission's regulations, ComEd respectfully requests such waivers, including waivers of Section 35.13(c), (d), (e), and (h) of the Commission's regulations, 18 C.F.R. §§ 35.13(c), (d), (e), and (h). To the extent that this filing fails to contain any information otherwise required for technical compliance with the Commission's regulations, ComEd respectfully requests that compliance with such regulations be waived.



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## **V CONCLUSION**

WHEREFORE, for the foregoing reasons, ComEd respectfully requests the Commission accept its revised Attachment H-13, effective December 2, 2024.

Respectfully submitted,

/s/ Stan Berman

Stan Berman

Berman and Todderud LLP

3502 Fremont Ave N, #1

Seattle, WA 98103

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On behalf of Commonwealth Edison Co.

ATTACHMENT 1  
MARKED TARIFF SHEETS

## ATTACHMENT H-13

### **Annual Transmission Rates -- Commonwealth Edison Company for Network Integration Transmission Service**

1. The annual transmission revenue requirement and the gross rate for Network Integration Transmission Service are equal to the results of the formula shown in Attachment H-13A, posted on the PJM website, which reflects the transmission facilities of Commonwealth Edison Company ("ComEd") under the operational control of PJM. The rate determined pursuant to Attachment H-13A shall be implemented pursuant to the Formula Rate Implementation Protocols set forth in Attachment H-13B. Service utilizing other facilities will be provided at rates determined on a case-by-case basis.
2. On a monthly basis, revenue credits shall be calculated based on the sum of ComEd's share of revenues collected during the month from: (i) the PJM Border Rate under Schedule 7; (ii) Network Integration Transmission Service to Non-Zone Network Load under Attachment H-A; (iii) Seams Elimination Charge/Cost Adjustment/Assignment ("SECA") revenues allocable to ComEd under the Tariff; and (iv) any Point-To-Point Transmission Service where the Point of Receipt and the Point of Delivery are both internal to the ComEd Zone. On this basis, the sum of these revenues will appear as a reduction to the gross monthly rate stated above on a Network Customer's bill in that month for service under this attachment.
3. Within the ComEd Zone, a Network Customer's peak load shall include a transmission loss percentage of 1.6% applied to the measured load as well as any distribution losses as reflected in applicable state tariffs and/or service agreements that contain specific distribution loss factors for said Network Customer.
4. The rate and revenue requirement in paragraph 1 of this attachment shall be effective until amended by the Transmission Owner(s) within the Zone or modified by the Commission.
5. In addition to the rate set forth in paragraph 1 of this attachment, the Network Customer purchasing Network Integration Transmission Service shall pay for transmission congestion charges, in accordance with the provisions of the Tariff, and any amounts necessary to reimburse the Transmission Owners for any amounts payable by them as sales, excise, "Btu," carbon, value-added or similar taxes (other than taxes based upon or measured by net income) with respect to the amounts payable pursuant to the Tariff.
6. In addition to the other rates set forth in this schedule customers, within the ComEd zone shall be charged for recovery of RTO start-up costs at the following rates, each computed to four decimal places:

Annual Rate - \$/kW/year = \$1,523,039, divided by the 1 CP demand for the ComEd zone for the prior calendar year;

Monthly Rate - \$/kW/month = Annual Rate divided by 12;

Weekly Rate - \$/kW/week = Annual Rate divided by 52;

Daily Rate - \$/kW/day = Weekly Rate divided by 5.

In order to ensure that the charge does not result in either an over-recovery or under-recovery of ComEd's start-up costs, PJM will institute an annual true-up mechanism in the month of May of each of the years 2008-2014. In May of each of those years, PJM will compare the amount collected under this charge for the previous 12 months with the target annual amount of \$1,523,039 and calculate any credits or surcharges that would be needed to ensure that \$1,523,039 is collected for each year. Any credit or surcharge will be assessed in the June bills for years 2005-2014, consistent with the above methodology.

7. An annual Fixed Charge Rate of 24% shall apply to the net distribution plant that is directly assigned to a customer taking wholesale distribution service over ComEd distribution facilities. The net distribution plant will be directly assigned to the customer based on the customer's pro-rata share of the non-coincident peak loading of the distribution facilities necessary to provide the service. Generating units connected at the distribution level and requiring wholesale distribution service will not be assessed a charge based on application of the Fixed Charge Rate, but will be responsible for paying interconnection costs and other incremental costs determined for such customer.
8. In accordance with Paragraph 7 above, wholesale distribution service shall be provided to the customers identified below at the identified monthly/annual charge corresponding to such customer:

<b>Customer</b>	<b>Charge</b>
Town of Winnetka	\$164,080/year
Town of Rock Falls	\$166,082/year
City of Naperville	\$58,540.79/month
City of St. Charles	\$181,479/month
McHenry Battery	\$131,824.87/year
Marengo Battery	\$ 7,367.24/month
Magid Glove & Safety Mfg. Co.	\$ 3,921.02/month
Sterling Rail LLC	\$ 2,620.91/month

9. In accordance with Paragraph 3 above, the annual distribution loss factors identified below shall apply to wholesale distribution service provide to the identified customers:

<b>Customer</b>	<b>Annual Distribution Loss Factor</b>
Town of Winnetka	0.30%
Town of Rock Falls	0.83%
The City of Geneva	2.20%
City of Naperville	0.09%
City of St. Charles	1.94%

10. In accordance with the settlement reached between ComEd and Geneva in Docket No. ER06-133, when Geneva operates its generating facility ("GGF") on a behind the meter ("BTM")

basis pursuant to Section 1.3B of this OATT, Geneva will pay ComEd an annual charge of \$1,075,000 (\$89,583.33 per month) for wholesale distribution service. There will be no additional charge associated with operation of the GGF on a BTM basis to serve the entirety of Geneva's load. When Geneva does not operate the GGF BTM, Geneva will pay ComEd an annual charge for wholesale distribution service of \$1,255,000 (\$104,583.33 per month). In addition, Geneva will pay ComEd a one-time fee of \$256,920.00 for a new point of interconnection to the Delnor substation on ComEd's distribution system.

11. For avoidance of doubt and to ensure compliance with the definition of "Network Load," all load in the ComEd Zone that is electrically connected and synchronized when consuming power, regardless of the location of the physical interconnection to ComEd Transmission Facilities or whether that connection also uses facilities owned by a third party, shall either (a) be designated as Network Load by a Network Customer under Tariff, Part III, and subject to all associated charges and services; or (b) where an Eligible Customer has elected not to designate a particular load at a discrete point of delivery as Network Load, the Eligible Customer is responsible for making separate arrangements under Tariff, Part II for Point-To-Point Transmission Service for such non-designated load. For further avoidance of doubt, the Network Customer Facilities required by Section 29.4 includes metering measuring the gross load of the Network Customer consistent with the Tariff and any state retail access program. Nothing in this paragraph alters the transmission revenue requirement for Network Integration Transmission Service under the Tariff nor preempts any otherwise lawful state jurisdictional rate, incentive, subsidy, or other similar provision for the benefit of load.

ATTACHMENT 2  
CLEAN TARIFF SHEETS

## ATTACHMENT H-13

### **Annual Transmission Rates -- Commonwealth Edison Company for Network Integration Transmission Service**

1. The annual transmission revenue requirement and the gross rate for Network Integration Transmission Service are equal to the results of the formula shown in Attachment H-13A, posted on the PJM website, which reflects the transmission facilities of Commonwealth Edison Company ("ComEd") under the operational control of PJM. The rate determined pursuant to Attachment H-13A shall be implemented pursuant to the Formula Rate Implementation Protocols set forth in Attachment H-13B. Service utilizing other facilities will be provided at rates determined on a case-by-case basis.
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3. Within the ComEd Zone, a Network Customer's peak load shall include a transmission loss percentage of 1.6% applied to the measured load as well as any distribution losses as reflected in applicable state tariffs and/or service agreements that contain specific distribution loss factors for said Network Customer.
4. The rate and revenue requirement in paragraph 1 of this attachment shall be effective until amended by the Transmission Owner(s) within the Zone or modified by the Commission.
5. In addition to the rate set forth in paragraph 1 of this attachment, the Network Customer purchasing Network Integration Transmission Service shall pay for transmission congestion charges, in accordance with the provisions of the Tariff, and any amounts necessary to reimburse the Transmission Owners for any amounts payable by them as sales, exise, "Btu," carbon, value-added or similar taxes (other than taxes based upon or measured by net income) with respect to the amounts payable pursuant to the Tariff.
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8. In accordance with Paragraph 7 above, wholesale distribution service shall be provided to the customers identified below at the identified monthly/annual charge corresponding to such customer:

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11. For avoidance of doubt and to ensure compliance with the definition of "Network Load," all load in the ComEd Zone that is electrically connected and synchronized when consuming power, regardless of the location of the physical interconnection to ComEd Transmission Facilities or whether that connection also uses facilities owned by a third party, shall either (a) be designated as Network Load by a Network Customer under Tariff, Part III, and subject to all associated charges and services; or (b) where an Eligible Customer has elected not to designate a particular load at a discrete point of delivery as Network Load, the Eligible Customer is responsible for making separate arrangements under Tariff, Part II for Point-To-Point Transmission Service for such non-designated load. For further avoidance of doubt, the Network Customer Facilities required by Section 29.4 includes metering measuring the gross load of the Network Customer consistent with the Tariff and any state retail access program. Nothing in this paragraph alters the transmission revenue requirement for Network Integration Transmission Service under the Tariff nor preempts any otherwise lawful state jurisdictional rate, incentive, subsidy, or other similar provision for the benefit of load.