

154 FERC ¶ 61,183  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Norman C. Bay, Chairman;  
Cheryl A. LaFleur, Tony Clark,  
and Colette D. Honorable.

PJM Interconnection, L.L.C.

Docket No. ER15-135-002

ORDER DISMISSING REHEARING

(Issued March 9, 2016)

On December 19, 2014, the Commission accepted, subject to condition, PJM Interconnection, L.L.C.'s (PJM) proposed transition mechanism to relieve certain demand response resources of their pre-existing cleared capacity obligations for the 2015-16 delivery year and subsequent delivery years.<sup>1</sup> Based solely on the opinion of the U.S. Court of Appeals for the District of Columbia Circuit in *Electric Power Supply Association v. FERC* (D.C. Circuit *EPSA* decision),<sup>2</sup> the PPL Companies<sup>3</sup> argued in their protest to the filing, and also argue on rehearing, that the Commission lacks jurisdiction to regulate demand response resources participating as supply in the wholesale energy and capacity markets. On January 25, 2016, however, the U.S. Supreme Court, in *FERC v. Electric Power Supply Association*,<sup>4</sup> reversed the jurisdictional determination in the D.C. Circuit *EPSA* decision. We therefore dismiss the PPL Companies' request for rehearing as moot.

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<sup>1</sup> *PJM Interconnection, L.L.C.*, 149 FERC ¶ 61,264, at P 1 (2014).

<sup>2</sup> 753 F.3d 216 (D.C. Cir. 2014) (finding the Commission lacks jurisdiction to regulate compensation to demand response resources in wholesale energy markets).

<sup>3</sup> The PPL Companies consist of PPL EnergyPlus, LLC, PPL Brunner Island, LLC, PPL Holtwood, LLC, PPL Ironwood, LLC, PPL Martins Creek, LLC, PPL Montour, LLC, PPL Susquehanna, LLC, Lower Mount Bethel Energy, LLC, PPL New Jersey Solar, LLC, PPL New Jersey Biogas, LLC, and PPL Renewable Energy, LLC.

<sup>4</sup> 136 S.Ct. 760 (2016).

The Commission orders:

The PPL Companies' request for rehearing is hereby dismissed as moot, as discussed in the body of this order.

By the Commission.

( S E A L )

Nathaniel J. Davis, Sr.,  
Deputy Secretary.