



**MC Legal Report
Summary of Significant Filings, Legal Activity
and
Federal Energy Regulatory Commission (Commission) and Court Orders
(June 14, 2022 – July 15, 2022)**

ORDERS

On July 12, 2022, in Docket Nos. ER22-1420-000, -001 and -002, the commission issued a letter order accepting the filing by PJM of revisions to the Tariff and Operating Agreement to clarify rules for participation of PJM's Hybrid Resources. PJM requested that the Commission grant an effective date of July 13, 2022, for the proposed Tariff and Operating Agreement revisions regarding classification and categorization of various types of Mixed Technology Facilities, as well as miscellaneous other provisions. Additionally, PJM requested an effective date of December 31, 9998, for proposed Tariff and Operating Agreement revisions regarding energy and ancillary services market provisions. PJM's proposed revisions to become effective as of July 13, 2022 and December 31, 9998 were accepted as requested, and PJM is directed to make an informational filing at least 30 days prior to the desired effective date of those tariff records related to market participation for Hybrid Resources.

On June 24, 2022, in Docket No. ER22-1568-000, the commission issued a letter order accepting the filing by PJM on behalf of Virginia Electric and Power Company d/b/a Dominion Energy Virginia (Dominion) of revisions/modifications to the PJM Tariff, Attachment H-16AA, to reflect the expiration of the settlement credit provided for thereunder. Dominion's revisions to Attachment H-16AA become effective as of July 1, 2022.

On June 30, 2022, in Docket No. ER22-1796-000, the commission issued a letter order accepting the filing by PJM on behalf of Commonwealth Edison Co. of revisions/modifications to PJM Tariff, Attachment H-13 to terminate the Wholesale Distribution Charge for battery storage operators West Chicago Battery Storage LLC and Joliet Battery Storage LLC. Commonwealth Edison Co.'s revisions to PJM Tariff Attachment H-13 become effective as of April 29, 2022.

On June 29, 2022, in Docket No. ER22-600-000 and ER22-600-001, the commission issued a letter order accepting the filings by PJM on behalf of American Electric Power Service Corporation (AEPSC), on behalf of its affiliates, Appalachian Power Company, Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Ohio Power Company, and Wheeling Power Company (together, the AEP East Operating Companies), of an informational filing to update the base Post-employment Benefits Other than Pensions (PBOP) expense as contemplated in PJM Tariff, Attachment H-14. AEPSC's informational filings become effective as of April 12, 2022.

On June 23, 2022, in Docket No. ER20-1740-002, the commission issued a letter order accepting the filing by PJM on behalf of American Transmission Systems, Incorporated (ATSI) of revisions/modifications to the PJM Open Access Transmission Tariff, Attachment H-21 and Attachment II, in compliance with the Commission's order of March 24, 2022 approving the settlement submitted in this proceeding on October 14, 2021. ATSI's revisions to the PJM Tariff become effective as of December 1, 2020.

On June 22, 2022, in Docket No. ER22-486-002, the Commission accepted PJM's additional clarifying information regarding certain eTariff records initiated by PJM's November 29, 2021 and February 28, 2022 Governing Documents Enhancement and Clarifications Subcommittee (GDECS) Federal Power Act section 205 filing. The revisions are effective January 29, 2022, as requested.



FILINGS

On July 12, 2022, in Docket No. ER22-2342-000, PJM submitted revisions to the Tariff, Part V Deactivation Process specific to the timeframe to study the impact of a proposed deactivation upon receipt of a notice to deactivate a generating unit. PJM requested that the Tariff revisions become effective as of September 11, 2022.

On July 12, 2022, in Docket No. ER22-2359-000, PJM submitted revisions to add a new PJM Tariff, Attachment W (Attachment W) to the PJM Tariff in compliance with Order Nos. 881 and 881-A: Managing Transmission Line Ratings (Final Rule). The Final Rule aims to improve the accuracy and transparency of thermal transmission facility ratings used by regional transmission organizations/independent system operators, and transmission owners. The Attachment W closely mirrors with minor adjustments the pro forma Open Access Transmission Tariff Attachment M issued in the Final Rule. All Final Rule requirements shall be fully implemented no later than three years from July 12, 2022.

On July 11, 2022, in Docket No. ER22-2029-000, PJM submitted an answer to comments and protests to its June 3, 2022 filing of revisions to Tariff, Attachment Q to revise the FTR Credit Requirement. PJM argued that substantial evidence in the records supports use of a historical simulation model with a 97 percent confidence interval as just and reasonable. PJM also argued that its cost/benefit analysis demonstrates that the proposed Revised FTR Credit Requirement is just and reasonable.

On July 7, 2022, in Docket No. ER22-962-001, PJM submitted its response to Commission Staff's May 18, 2022 request for additional information in PJM's Order No. 2222 compliance proceeding regarding participation of Distributed Energy Resource (DER) aggregations in PJM's markets.

On June 29, 2022, in US Court of Appeals for the DC Circuit Case No. 22-1141, PJM filed a petition for review appealing the Commission's February 28 rejection of PJM's revised FTR Credit Requirement filing and the Commission's May 2 denial of PJM's request for rehearing in Docket No. ER22-703.

On June 27, 2022, Mid-Atlantic Transmission, LLC (MAIT) submitted a revised Operating and Interconnection Agreement with the Federal Energy Regulatory Commission (FERC). S.A. No. 4577 is a revised Operating and Interconnection Agreement for wholesale load by and between MAIT and Metropolitan Edison Company (ME) with has been amended to add the following POI: Shoemakersville. The filing party requested an effective date of August 27, for S.A. No. 4577.

On June 27, 2022, in Docket Nos. ER20-1948-002, PJM submitted on behalf of Potomac-Appalachian Transmission Highline, LLC revisions to the PJM Tariff, Attachment H-19A, in accordance with the Commission's April 27, 2022 order on Order No. 864 compliance. Potomac-Appalachian Transmission Highline, LLC is requesting that the revisions to Attachment H-19A be effective as of January 27, 2020.

On June 24, 2022, in Docket No. ER22-1520-001, PJM submitted on behalf of Commonwealth Edison Co. (ComEd) a response to the deficiency letter issued on May 26, 2022 regarding ComEd's March 31, 2022 modifications to PJM Tariff, Attachment M-2 (ComEd) in order to make clear how recently enacted Illinois legislation that has an impact on how ComEd determines an individual customers' peak load contribution comports with the PJM Tariff. Commonwealth Edison Co. requests that the modifications to PJM Tariff Attachment M-2 (ComEd) be effective as of September 1, 2022.

On June 24, 2022, in Docket No. ER20-1085-002, PJM on behalf of Virginia Electric and Power Company d/b/a Dominion Energy Virginia (Dominion) submitted a filing in compliance with the Commission's April 27, 2022 Order



and Order No. 864 related to excess and deficient accumulated deferred income taxes. Dominion requested the compliance filing to be effective as of January 27, 2020.

On June 21, 2022, in Docket No. EPA-HQ-OAR-2021-0668, PJM submitted comments on the EPA's proposed rule on the implementation of nitrogen oxide emission limits on electric generating units. PJM's comments explain the reliability-related implementation challenges and highlight the need for including a reliability-based 'safety valve' provision in any future final rule. As part of the reliability safety valve, PJM is proposing (1) a new seasonal bank of reliability allowances that would be available to generators that are needed to run to maintain reliability, and (2) an emergency-focused short-term reliability safety valve mechanism that would allow units to run to maintain reliability during abnormal operating conditions.

On June 21, 2022, in Docket No. EPA-HQ-OAR-2021-0668, the Joint ISO/RTOs (ERCOT, MISO, PJM, and SPP) submitted comments on the EPA's proposed rule on the implementation of nitrogen oxide emission limits on electric generating units. The Joint ISO/RTOs' comments explain the reliability-related implementation challenges and highlight the need for including a reliability-based 'safety valve' provision in any future final rule.

On June 21, 2022, in DC Circuit Court of Appeals Case No. 21-1214, PJM submitted an intervenor brief in support of petitioners in the appeal of the Market Seller Offer Cap order. The underlying FERC case (Docket Nos. ER19-47 and EL19-63) concerns the replacement of the prior default Offer Cap with the Net ACR Offer Cap rules.

On June 17, 2022, in File No. S7-10-22, PJM submitted comments relating to the Securities and Exchange Commission's (SEC) Proposed Rule relating to the Enhancement and Standardization of Climate-Related Disclosures for Investors. PJM's comments support the SEC's flexibility and openness to allowing registrants to include alternative methods for calculating certain greenhouse gas emissions – most specifically, marginal emissions rates – for purchased electricity in any new SEC disclosure requirements.

On June 17, 2022, in Docket No. ER22-2145-000 PJM submitted on behalf of AEP Service Corporation (AEP) revisions to the PJM Tariff and RAA to remove from the AEP companies Kentucky Power Company (Kentucky Power) and AEP Kentucky Transmission Company, Inc. (Kentucky Transco.) and add them as individual companies, as a result of AEP's sale of Kentucky Power and Kentucky Transco to Liberty Utilities Co. (the Transaction). PJM requests a proposed effective date for these revisions to be the date on which the Transaction is consummated, which has yet to be determined. Thus, a 12/31/9998 effective date is being used as a placeholder. Because the parties to the Transaction expect the Transaction to close in mid-2022, PJM requests an order by July 31, 2022.

On June 17, 2022, in Docket No. ER22-2146-000 PJM submitted on behalf of AEP Service Corporation (AEP) revisions to the CTOA to remove from the AEP companies Kentucky Power Company (Kentucky Power) and AEP Kentucky Transmission Company, Inc. (Kentucky Transco.) and add them as individual companies, as a result of AEP's sale of Kentucky Power and Kentucky Transco to Liberty Utilities Co. (the Transaction). PJM requests a proposed effective date for these revisions to be the date on which the Transaction is consummated, which has yet to be determined. Thus, a 12/31/9998 effective date is being used as a placeholder. Because the parties to the Transaction expect the Transaction to close in mid-2022, PJM requests an order by July 31, 2022.

On June 14, 2022, in Docket No. ER22-2110-000, PJM filed revisions to modify the PJM Tariff to add new Parts VII, VIII, and IX and make other related Tariff changes. The filing represents a comprehensive reform of the PJM interconnection process to more efficiently and timely process New Service Requests by transitioning from a serial "first-come, first-served" queue approach to a "first-ready, first-served" cycle approach. PJM requested an effective date of January 3, 2023 for new Parts VII and IX and related Tariff sections, and an indefinite effective date for new Part VIII.



On June 14, 2022, in Docket No. ER22-2114-000, PJM submitted on behalf of the PJM Transmission Owners revisions to the PJM Tariff to conform to PJM's proposed changes to the PJM Tariff as part of its effort to modify the interconnection process under the PJM Tariff. The PJM Transmission Owners requested the revisions to PJM Tariff, Part VII and Part IX and the associated Table of Contents be effective as of January 3, 2023 and the revisions to PJM Tariff, Part VIII and the associated Table of Contents be effective as of 12/31/9998.

On June 13, 2022, PJM, MISO and SPP (collectively, the Indicated RTOs) filed comments in Department of Energy (DOE) Docket No. DOE_FRDOC_0001-4401, responding to a Notice of Intent and Request for Information regarding the proposed rules pursuant to which eligible entities may participate in the DOE's Transmission Facilitation Program. The Indicated RTOs' comments focused on ensuring reliability and efficiency, upholding time-tested regional transmission planning principles, and non-discriminatory bid practices when considering developer applications for federal financing tools.

On June 13, 2022, PJM submitted supplemental comments in Department of Energy (DOE) Docket No. DOE_FRDOC_0001-4401, responding to a Notice of Intent and Request for Information regarding the proposed rules pursuant to which eligible entities may participate in the DOE's Transmission Facilitation Program. PJM's supplemental comments provide a high-level summary of its regional transmission expansion planning (RTEP) process, as well as the process by which merchant transmission facilities are submitted through PJM's interconnection study queue process.

On June 13, 2022, in Docket No. ER22-1200-001, PJM submitted a response to Commission staff's May 13, 2022 deficiency notice that was issued in response to PJM's March 4, 2022 filing to revise the PJM Tariff and Operating Agreement to implement intelligent reserve deployment. PJM requests Commission action by August 12, 2022 and for the tariff revisions to become effective as of September 1, 2022.