



**MC Legal Report  
Summary of Significant Filings, Legal Activity and  
Federal Energy Regulatory Commission (Commission) and Court Orders  
(September 03, 2022 – October 28, 2022)**

**ORDERS**

**On October 18, 2022**, in Docket No. ER22-2764-000, the Commission accepted PJM's September 1, 2022 filing to incorporate the ministerial revisions to the Tariff, Attachment X, Schedule of Parties Adopting Local Transmission Loading Relief Procedures. The revisions are effective as of November 1, 2022.

**On October 7, 2022**, in Docket No. EL22-72-000, the Commission granted in part and denied in part the complaint against PJM. First, the Commission found that PJM had not performed a Material Modification analysis consistent with the Tariff, and directed PJM to conduct a revised analysis of the impact of suspending the Mercer Project for an additional year. Second, the Commission denied Mercer's requested remedy of an additional year of Suspension as premature, pending PJM's revised analysis.

**On October 4, 2022**, in Docket No. ER22-2635-000, the Commission issued a letter order accepting the filing by PJM on behalf of Virginia Electric and Power Company (VEPCO) of revisions to Attachment H-16C to the PJM Open Access Transmission Tariff (Tariff). VEPCO's Tariff revisions became effective as of October 11, 2022.

**On October 3, 2022**, in Case No. 21-1368, the Clerk of the Supreme Court of the United States (SCOTUS) filed a letter notifying the United States Court of Appeals for the Fourth Circuit (the Fourth Circuit) that SCOTUS denied Old Dominion Electric Cooperative's (ODEC) petition for a writ of certiorari filed on April 19, 2022 (SCOTUS Case No. 21-1368). ODEC filed its petition for writ of certiorari to appeal the January 19, 2022 opinion by the Fourth Circuit, which affirmed on appeal the judgment of the United States District Court for the Eastern District of Virginia (the District Court) granting PJM's motion to dismiss ODEC's claims for almost \$15 million in damages with prejudice allegedly incurred during the January 2014 Polar Vortex. The Fourth Circuit agreed with the District Court that ODEC's claims for compensation fall entirely within the PJM Tariff and therefore are exclusively governed by federal law and barred by the filed-rate doctrine. The judgment of the District Court denying remand and dismissing Old Dominion's claims with prejudice was affirmed by the Fourth Circuit and is now final.

**On September 29, 2022**, in Docket No. ER22-2538-000, the Commission issued a letter order accepting the filing by PJM on behalf of Metropolitan Edison Company (Met-Ed) of revisions to the PJM Interconnection, L.L.C., Open Access Transmission Tariff (PJM Tariff), Attachment H-5A to set forth an Other Supporting Facilities Charge (OSFC) related to the use of its distribution facilities at voltages below 69 kV to provide transmission service to Allegheny Electric Cooperative, Inc., at certain designated delivery points. Met-Ed's revisions to PJM Tariff, Attachment H-5A become effective as of October 1, 2022.

**On September 29, 2022**, in Docket No. ER22-2542-000, the Commission issued a letter order accepting the filing by PJM on behalf of Pennsylvania Electric Company (Penelec) revisions to the PJM Interconnection, L.L.C., Open Access Transmission Tariff (PJM Tariff), Attachment H-6A to set forth an Other Supporting Facilities Charge (OSFC) related to the use of its distribution facilities at voltages below 46 kV to provide transmission service to Allegheny Electric Cooperative, Inc., at certain designated delivery points. Penelec's revisions to PJM Tariff, Attachment H-6A become effective as of October 1, 2022.

**On September 29, 2022**, in Docket No. ER22-2443-001, 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) submitted revisions to PJM Tariff, Attachment H-16A to revise certain components of its Formula Rate. Dominion proposes a



discrete revision to Attachment 3, Revenue Credit Workpaper, of its Formula Rate to incorporate a revenue credit, as agreed upon by Dominion's formula rate customers, for rent received from leasing office space. Dominion's revisions become effective as of January 1, 2021.

**On September 28, 2022**, in Docket No. ER22-2705-000, the Commission accepted PJM revisions to the PJM Operating Agreement, Schedule 12, and the RAA, Schedule 17, to (i) add the new members, (ii) remove withdrawn members, and (iii) reflect the signatories to the RAA during the 2nd quarter of 2022. The revisions are effective June 30, 2022 as requested.

**On September 14, 2022**, in Docket No. ER22-2572-000, FERC submitted a letter order accepting UGI Utilities, Inc.'s August 1, 2022 filing of revisions to the transmission depreciation rates contained in its formula transmission rate at Attachment H-8C of the PJM Interconnection, L.L.C. etc. under ER22-2572.

**On September 6, 2022**, in Docket No. ER22-2382-000, the Commission accepted revisions to Operating Agreement, Schedule 7, section 1.2(b), to clarify the Under Frequency Load Shed (UFLS) requirements applicable to East Kentucky Power Cooperative (EKPC). Specifically, PJM proposed to revise Operating Agreement, Schedule 7, to document the UFLS requirements applicable to EKPC as determined by the SERC Reliability Corporation (SERC). The revisions are effective September 14, 2022, as requested.

## **FILINGS**

**On October 28, 2022**, in Docket No. ER23-243-000, PJM submitted amendments to the PJM and Wisconsin Electric Power Company (WEPCO) Balancing Authority Operations Coordination Agreement (BAOCA) to reflect a reconfiguration of existing tie lines in light of a new substation. PJM is requesting for the BAOCA to become effective as of December 30, 2022.

**On October 27, 2022**, in Docket No. ER22-1165-001, PJM submitted modifications to the PJM Tariff to incorporate by reference the North American Energy Standards Board (NAESB) Wholesale Electric Quadrant (WEQ) business practice standards revisions that Order No. 676-J directed public utilities to adopt. PJM requests an effective date of June 2, 2022, for the PFV Standards and Cybersecurity Standards excluding the Cryptographic Security Modules component of the Cybersecurity Standards. PJM requests an indeterminate effective date for the Cryptographic Security Modules. PJM also requests an effective date of January 27, 2023 for the remainder of the WEQ Version 3.3 standards.

**On October 25, 2022**, in Docket No. EO20030203 before the New Jersey Board of Public Utilities (BPU), PJM submitted comments about the BPU staff's 2022 Progress Report on the BPU staff's Investigation of Resource Adequacy Alternatives.

**On October 19, 2022**, in Docket No. EL21-83-001, PJM filed a proposed interim solution to address a potential undefined mileage ratio, which proposes to use the value 0.1 in the denominator in cases where the denominator is zero, because the RegA signal did not move. PJM explained that this interim solution would not supplant the ongoing stakeholder discussions that are holistically reviewing the regulation market.

**On October 18, 2022**, in Docket No. AD21-10-000, PJM submitted answers in response to questions posed in the Commission's April 21, 2022 Order directing reports. In particular, PJM's report describes: (1) current system needs given changing resource mixes and load profiles; (2) how PJM expects its system needs to change over the next five years and over the next ten years; (3) how PJM plans to reform its Energy and Ancillary Services markets to meet



expected system needs over the next five years and over the next ten years; and (4) other potential market reforms as the system needs evolve.

**On October 18, 2022**, in Docket No. ER20-1739-003, PJM submitted on behalf of American Transmission Systems, Incorporated (ATSI) a Settlement Agreement and Offer of Settlement resolving all issues in Docket Nos. ER20-1739-000 and ER20-1739-001. The Settlement, in particular, resolves issues regarding ATSI's filings in compliance with FERC Order No. 864.

**On October 18, 2022**, in Docket No. ER20-1951-003, PJM submitted on behalf of Mid-Atlantic Interstate Transmission, LLC (MAIT) a Settlement Agreement and Offer of Settlement resolving all issues in Docket Nos. ER20-1951-000 and ER20-1951-001. The Settlement, in particular, resolves issues regarding MAIT's filings in compliance with FERC Order No. 864.

**On October 17, 2022**, in Docket No. IN16-4-000, PJM submitted an informational filing in response to the Commission's October 11, 2022 order approving a Stipulation and Consent Agreement (Agreement) between the Office of Enforcement and Coaltrain Energy, L.P. In its informational filing, PJM indicated its intent to comply with a provision of the Agreement applicable to the membership and participation in PJM of the applicable parties to the Agreement.

**On October 14, 2022**, in Docket No. ER22-2690-000, PJM submitted a limited response regarding the PJM Transmission Owners' (TOs) proposed Tariff revisions that will assign cost responsibility for certain public policy projects selected pursuant to the State Agreement Approach. PJM requested expedited FERC action on the TOs' filing.

**On October 13, 2022**, in Docket No. RM22-14-000 (Improvements to Generator Interconnection Procedures and Agreements), PJM submitted Initial Comments in response to the Commission's June 16, 2022 Notice of Proposed Rulemaking (NOPR). PJM stated that it agrees that reforms to the Commission's standard generator interconnection processes are necessary and supports many of the Commission's general conclusions and proposed reforms, but opposes other aspects of the NOPR as unreasonable and contrary to the NOPR's intent of facilitating the timely processing of interconnection requests. PJM also noted that its June 14, 2022 queue reform filing would implement many of the reforms proposed in the NOPR.

**On October 13, 2022**, in Docket No. RM22-14-000, PJM together with other members of the ISO-RTO Council (IRC) filed initial joint comments in response to the Commission's June 16, 2022 Notice of Proposed Rulemaking on Improvements to Generator Interconnection Procedures and Agreements.

**On October 11, 2022**, in Docket Nos. EL22-80-000 and EL22-85-000, PJM filed a Motion for Leave to Answer and Answer in Docket Nos. EL22-85-000 and EL22-80-000. Both FPA section 206 proceedings concern the interpretation of Operating Agreement, Schedule 6, section 1.5.8, the definition of Designated Entity, and when a Designated Entity Agreement is required. PJM requested that the Commission: (i) find Operating Agreement, Schedule 6, section 1.5.8 to be unjust and unreasonable; (ii) direct adoption of PJM's replacement rate as a just and reasonable alternative; and (iii) dismiss the EL22-80 Complaint.

**On October 7, 2022**, in Docket No. ER23-41-000, PJM submitted on behalf of Duke Energy Business Services, LLC (for Duke Energy Ohio, Inc. (DEO)) a notice of termination of the Amended and Restated Interconnection and Operating Agreement, PJM SA No. 3137 among DEO, East Kentucky Power Cooperative, Inc., Columbus Southern Power Company, and Dayton Power and Light. DEO is submitting this filing to terminate PJM SA No. 3137 to be effective as of December 7, 2022.

**On October 7, 2022**, in Docket No. RM22-13-000, PJM together with other members of the ISO-RTO Council (IRC) filed initial joint comments in response to the Commission's July 28, 2022 Notice of Proposed Rulemaking on credit-related information sharing in organized wholesale electric markets.



**On October 5, 2022**, in Docket No. ER22-2690-001, PJM submitted on behalf of PJM Transmission Owners the response to the Commission's deficiency notice issued on September 22, 2022 in regards to the Transmission Owners' proposed cost allocation methodology to be applied to the State Agreement Approach Project selected by New Jersey as part of the State Agreement Approach transmission solicitation.

**On October 3, 2022**, in Docket Nos. ER22-2029-000 and EL22-32-000 (consolidated), PJM submitted responses to the paper hearing questions posed in the Commission's August 2, 2022 Order Accepting and Suspending Tariff Revisions, Establishing Paper Hearing Procedures, and Consolidating Proceedings to PJM's revisions to modify the Financial Transmission Right Credit Requirement calculation.

**On September 30, 2022**, in Docket No. ER22-2110-000, PJM filed an answer to the September 16, 2022 Motion to Intervene – Out of Time and Protest of Dr. David O. Kuranga submitted in response to PJM's June 14, 2022 filing. The June 14, 2022 filing involved revisions to the PJM Tariff to comprehensively reform the PJM interconnection process to more efficiently and timely process New Service Requests and transition from a serial "first-come, first-served" queue approach to a "first-ready, first-served" Cycle approach.

**On September 30, 2022**, in Docket No. ER22-2969-000, PJM submitted on behalf of Mid-Atlantic Interstate Transmission, LLC (MAIT) a revised Operating and Interconnection Agreement to the Federal Energy Regulatory Commission (FERC). SA No. 4578 is a revised Operating and Interconnection Agreement by and between MAIT and Pennsylvania Electric Company (Penelec) which has been amended to reflect revised electrical configurations at the Tipton Substation. The filing party requested an effective date of November 30, 2022.

**On September 30, 2022**, in Docket No. ER22-2984-000, PJM submitted proposed updates to its capacity auction parameters as part of its quadrennial review of Cost of New Entry, Variable Resource Requirement curve, and the energy and ancillary service offset. In this filing, PJM proposed to adopt, among other things, a combined cycle as the Reference Resource, update the Variable Resource Requirement curve, and adopt a forward looking energy and ancillary service offset in calculating the Net Cost of New Entry for the Reference Resource. PJM is requesting these revisions to become effective beginning with the Base Residual Auction associated with the 2026/2027 Delivery Year.

**On September 29, 2022**, PJM submitted in Docket No. ER22-2110-001, a response to Commission Staff's August 30, 2022 deficiency notice issued in response to PJM's June 14, 2022 filing to revise its interconnection procedures by transitioning from a serial "first-come, first-served" queue approach to a "first-ready, first-served." PJM requested Commission action by November 30, 2022 and an effective of January 3, 2023 for new Tariff, Parts VII and IX and related Tariff sections, and an indefinite effective date for new Tariff, Part VIII.

**On September 27, 2022**, in Docket No. AD22-8-000, PJM submitted the Statement of Kenneth Seiler, Vice President of Planning, who will be participating as a panelist in the Commission's October 6, 2022 Technical Conference on Transmission Planning and Cost Management.

**On September 23, 2022**, in Docket No. EL19-58-016, PJM submitted a compliance filing to revise Tariff, Attachment K-Appendix, section 3.2 and the parallel provisions of Operating Agreement, Schedule 1, section 3.2 to further amend certain provisions related to the reserve pricing rules as directed by the Commission's September 1 Order. PJM requested that the revisions become effective as of October 1, 2022.

**On September, 21 2022**, in Docket Nos. ER20-2197-002 and ER20-2198-002 (consolidated), PJM submitted on behalf of Atlantic City Electric Company (ACE) and Delmarva Power & Light Company (DPL) a compliance filing including revised Tariff Records for the ACE and DPL formula rate templates (PJM Tariff, Attachment H-1A and 3D). ACE and DPL requested an effective date of September 1, 2020.

**On September 20, 2022**, in Docket No. ER22-2886-000, PJM submitted a compliance filing to replace the Tariff language that allows Market Sellers to develop and use an alternative Market Seller Offer Cap (MSOC) with PJM's



Independent Market Monitor (IMM) upon approval by the Federal Energy Regulatory Commission, with language that would allow Market Sellers to continue developing a unit-specific MSOC with the IMM after the relevant tariff deadlines as long as PJM, the IMM, and the Market Sellers mutually agree to the unit-specific cap. PJM requested that the Tariff revisions become effective as of August 24, 2022.

**On September 19, 2022**, in Docket No. RM21-17-000, PJM submitted Reply Comments in response to certain issues raised in other commenters' initial comments on the Commission's April 21, 2022 Notice of Proposed Rulemaking proposing reforms aimed at requiring forward-looking, long-term scenario planning to meet transmission needs driven by changes in the resource mix and demand.

**On September 16, 2022**, in Docket No. ER19-469-005, PJM submitted supplemental information requesting that the Commission amend the effective date for the limited provisions related to directly accounting for the state of charge characteristics of those revisions to the PJM Tariff and the Operating Agreement filed by PJM in this proceeding on December 16, 2019, and accepted by FERC on July 16, 2020, from the current designation of March 31, 2024. While PJM fully anticipates that the foundational Next Generation Markets (or nGem) initiative will be completed by September 1, 2026, and aims to implement provisions related to directly accounting for the state of charge on such date, PJM submitted the related Tariff and Operating Agreement revisions with a December 31, 9998 effective date to accommodate any potential future nGem implementation delays.

**On September 15, 2022**, in Docket No. ER21-83-003, PJM submitted on behalf of Potomac Electric Power Company (Pepco) a compliance filing in response to the August 16, 2022 Commission Order (the Order) accepting the prior filing by PJM on behalf of Potomac Electric Power Company (Pepco) of a Joint Offer of Settlement resolving all issues in Docket Nos. ER21-83-000 and EL21-28-000 and establishing revised depreciation rates for Pepco's formula rate template (PJM Tariff, Attachment H-9A). The Order required Pepco to make this compliance filing to resubmit revised tariff records.

**On September 14, 2022**, in Docket No. ER22-1200-002, PJM submitted a request for rehearing of the Commission's August 15, 2022 order on PJM's intelligent reserve deployment proposal.

**On September 14, 2022**, in Docket No. ER22-2849-000, PJM submitted on behalf of Mid-Atlantic Transmission, LLC (MAIT) 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) which has been amended to add the following Points of Interconnection: Lucent, Windsor, River Pointe, and Van Reed. The filing party requested an effective date of November 14, 2022.

**On September 14, 2022**, in Docket No. ER22-2443-001, Virginia Electric and Power Company d/b/a Dominion Energy Virginia (Dominion) submitted a ministerial amendment to its July 20, 2022 Formula Rate filing to correct a discrepancy between the actual proposed effective date of the July 20 Formula Rate filing, January 1, 2021, and an incorrect effective date included in the eTariff record metadata.