

MC Legal Report
Summary of Significant Filings, Legal Activity and
Federal Energy Regulatory Commission (Commission) and Court Orders
(April 11, 2023 – May 5, 2023)

ORDERS

On May 5, 2023, in Docket No. ER23-1431-000, the Commission issued an order accepting the filing by PJM of revisions to the PJM Tariff and Operating Agreement. PJM's revisions will become effective June 1, 2023.

On May 4, 2023, in Docket No. ER21-265-002, the Commission issued an order accepting the filing by PJM, submitted on behalf of Keystone Appalachian Transmission Company (KATCo), of revisions to the PJM Open Access Transmission Tariff Attachments H-34A and H-34B. KATCo's revisions become effective as of January 1, 2021.

On May 4, 2023, in Docket No. ER21-253-003, the Commission issued an order accepting the filing by PJM on behalf of Monongahela Power Company, The Potomac Edison Company, and West Penn Power Company, of a Motion to Implement Interim Rates, of revisions to PJM Open Transmission Tariff Attachment H11-A and H-11B. The revisions by Monongahela Power Company, The Potomac Edison Company, and West Penn Power Company become effective as of January 1, 2021.

On April 26, 2023, in Docket No. ER20-1951-004, the Commission issued a letter order accepting the filing PJM submitted on behalf of Mid-Atlantic Interstate Transmission, LLC (MAIT) of revisions to the PJM Tariff, Attachment H-28A in accordance with the Commission's February 16, 2023 order on Order No. 864. MAIT's revisions to Attachment H-28A be effective as of January 27, 2020.

On April 26, 2023, in Docket No. ER20-1739-004, the Commission issued a letter order accepting the filing PJM submitted on behalf of American Transmission Systems, Incorporated (ATSI), of revisions to the PJM Tariff, Attachment H-21A in accordance with the Commission's February 16, 2023 order on Order No. 864. ATSI's revisions to Attachment H-21A are effective as of January 27, 2020 and December 1, 2020, respectively.

On April 18, 2023, in Docket No. ER23-1138-000, the Commission issued an order accepting PJM's proposed revisions to streamline the review process for operating and maintenance costs used in cost-based offers, including the addition of default operating costs and minor maintenance adders to the Operating Agreement. These revisions will be effective June 1, 2023.

On April 14, 2023, in Docket Nos. ER23-423-000 and ER23-423-001, the Commission issued an order (Order) accepting PJM's November 14, 2022 filing (Nov.14 Filing), in Docket No. ER23-423. In the Nov.14 Filing PJM proposed revisions to Operating Agreement, Schedule 12 to reflect the permanent termination of Hill Energy Resource & Services, LLC as a PJM Member as a result of multiple payment and credit defaults in accordance with Operating Agreement, section 15.1.6 (c) and 4.1 (c). FERC accepted the Nov.14 Filing effective January 17, 2023, as requested.

On April 12, 2023, in Docket No. ER22-1165-003, the Commission accepted PJM's revisions to PJM Tariff, section 4.2 in compliance with February 23 Commission order regarding the cybersecurity and parallel flow visualization NASEB standards related requirements of Order No. 676-J. The revisions are effective date of February 23, 2023.

On April 11, 2023, in Docket No. ER22-962-001, the Commission granted PJM's March 30, 2023 motion to extend the deadline for PJM's 60-day compliance filing in the Order No. 2222 compliance proceeding, from May 1, 2023 to September 1, 2023. The motion was submitted in response to the Commission's March 1, 2023 order, in which the Commission accepted PJM's initial Order No. 2222 compliance filing, to become effective July 1, 2023 and February

2, 2026, subject to further compliance filings to be submitted within 30 and 60 days of the date of issuance of the order. On March 31, 2023, PJM submitted its 30-day compliance filing.

FILINGS

On May 5, 2023, in Docket No. EL23-29, PJM filed an unopposed motion to hold the complaint proceeding in abeyance and request for expedited consideration and shortened answer period. The motion requests that the Commission defer action on the Complaint and hold the proceeding in abeyance for thirty days from the date of the motion. The requested abeyance will afford PJM and Invenergy time to investigate whether there can be a resolution of the Complaint without the need for further Commission action.

On May 1, 2023, in Docket No. ER23-1784-000, PJM filed revisions to the PJM Tariff, section 4.2 to incorporate by reference the North American Energy Standards Board (NAESB) Wholesale Electric Quadrant (WEQ) Version 3.3 Business Practice Standards that PJM has not already incorporated by reference through its October 27, 2022 and February 1, 2023 compliance filings in Docket No. ER22-1165. By today's filing, following Commission staff guidance PJM resubmits (essentially as set forth in the October 27 Filing), the revisions to Tariff, section 4.2, needed to incorporate by reference the remaining WEQ Version 3.3 Standards, i.e., those Standards that were not already addressed in previous filings. PJM also seeks continuation of previously granted Commission waivers of specified requirements of the Business Practice Standards because PJM's current processes continue to be consistent with, or superior to, those requirements.

On April 28, 2023, in Docket Nos. EL23-53-000, et al., PJM submitted a motion for leave to answer and answer to the April 24, 2023 protest of Constellation Energy Generation, LLC. In this answer, PJM further explains that the Commission does not need to set matters for hearing or issue an initial order before it may set the matters for settlement proceedings.

On April 27, 2023, in Docket No. EL23-50-000, PJM Interconnection, L.L.C. (PJM) filed limited reply comments to the comments filed by Public Citizen, Inc. (PCI) in response to the Complaint filed by Monitoring Analytics, LLC, acting in its capacity as the Independent Market Monitor for PJM (IMM) concerning Liaison Committee attendance. PJM responds to certain incorrect statements of PCI concerning PJM voting rules and PCI's erroneous comparison of the meetings of the Public Interest Environmental Users Group (PIEUG) to meetings of the Liaison Committee.

On April 27, 2023, in Docket No. ER23-1439-000, PJM filed a Motion for Leave to Answer and Answer to Illinois Generation LLC's, Invenergy Solar Development North America LLC's and Blue Sky Solar Energy, LLC's April 12, 2023 protests regarding the unexecuted service agreements related to Queue No. AD1-100. PJM submits that the agreements are just and reasonable and not unduly discriminatory or preferential and consistent with the Commission's cost allocation principles and the PJM Tariff. PJM requests that the Commission accept the agreements as filed.

On April 27, 2023, in Docket Number ER23-1265-001, PJM submitted an amendment to PJM's March 8, 2023 Enhancements and Clarifications to the Tariff, Operating Agreement and Reliability Assurance Agreement filing (March 8 Filing). PJM is submitting this filing to correct two non-substantive, administrative errors made in March 8 Filing of PJM Tariff, Attachment K, Appendix, section 1.4 and PJM Tariff, Attachment DD redline records. PJM requests an effective date of May 8, 2023, the same previously requested effective date.

On April 27, 2023, in Docket No. ER23-1221-001, PJM submitted on behalf of Duquesne Light Company (Duquesne) an amendment to Attachment H-17A, to permit recovery of abandonment costs associated with the Beaver Valley Deactivation Transmission Project. The amendment clarifies aspects of the filing originally made on March 2, 2023. Duquesne is requesting that the revisions have an indefinite effective date and will revise the requested effective date when it submits a future filing.

On April 27, 2023, in Docket No. ER23-1221-001, PJM submitted on behalf of Duquesne Light Company (Duquesne) an amendment to Attachment H-17A, to permit recovery of abandonment costs associated with the Beaver Valley Deactivation Transmission Project. The amendment clarifies aspects of the filing originally made on March 2, 2023. Duquesne is requesting that the revisions have an indefinite effective date and will revise the requested effective date when it submits a future filing.

On April 26, 2023, in Docket No. ER22-1420-002, PJM submitted a required informational filing on effective date implementation, in response to the Commission's July 12, 2022 order accepting PJM's proposed market participation of certain facilities that feature multiple and distinct generation technologies (i.e., "Mixed Technology Facilities"). PJM requested for the revisions to be effective as of June 1, 2023.

On April 24, 2023, in Docket No. ER23-1700-000, PJM submitted revisions to update Default Gross Cost of New Entry and Avoidable Cost Rate values, which are used for purposes of the Minimum Offer Price Rule and Minimum Seller Offer Cap in PJM's Capacity Market. PJM requested that the revisions be effective as of June 23, 2023.

On April 20, 2023, PJM submitted comments to the U.S. Department of Energy's Grid Deployment Office regarding its Draft National Transmission Needs Study in order to provide additional information to be considered in deciding whether and where to designate National Corridors.

On April 19, 2023, in Docket No. ER19-469-006, PJM submitted a supplemental filing proposing to remove the relevant provisions related to the state of charge characteristics for Energy Storage Resources in the PJM Tariff and the Operating Agreement, so that the existing rules continue to apply on March 31, 2024. Consistent with PJM's September 16, 2022 filing in this docket, PJM requested a delayed effective date of September 1, 2026 to implement the state of charge provisions.

On April 18, 2023, in Docket No. ER23-1038-001, PJM submitted a compliance filing pursuant to the Commission's April 3, 2023 Order to specify that in the event PJM determines that an extension of any future Non-Performance Charges is merited, the extension would apply to all resources that are subject to Non-Performance Charges rather than extended on a unit-by-unit basis. PJM requested that the compliance filing be effective as of April 4, 2023.

On April 17, 2023, in Docket No. EL23-50-000, PJM filed an answer to the Monitoring Analytics, LLC, acting in its capacity as the Independent Market Monitor for PJM (IMM)'s March 24, 2023 complaint. PJM argued that the IMM failed to demonstrate that PJM violated the Federal Power Act, the Commission's regulations, or any of PJM's Commission-filed governing agreements in implementing the rules adopted by the PJM Members for attendance at PJM's Liaison Committee meetings.

On April 17, 2023, in Docket No. AD19-16-000, PJM submitted updated performance metrics, in accordance with the Commission's January 18, 2023 voluntary request for information to Independent System Operators and Regional Transmission Organizations.

On April 17, 2023, in Docket No. ER23-1653-000, PJM submitted on behalf of Jersey Central Power & Light Company (JCP&L) a request for authorization to recover 100 percent of prudently incurred costs of certain transmission upgrades which JCP&L plans to construct pursuant to selection by the New Jersey Board of Public Utilities under the PJM State Agreement Approach. JCP&L is requesting that the Commission issue an order by June 16, 2023 granting the Abandoned Plant Incentive to JCP&L for its Offshore Wind Upgrades to be effective as of June 17, 2023.

On April 14, 2023, in Docket Nos. EL23-53, EL23-54, EL23-55, EL23-56, EL23-57, EL23-58, EL23-59, and EL23-60, PJM submitted a motion for establishment of settlement procedures for complaints relating to Winter Storm Elliott. PJM requests that the Commission appoint a settlement judge to actively engage, through publicly noticed settlement

conferences, with PJM, complainants, and intervenors across all the Winter Storm Elliott complaint proceedings in an attempt to seek consensual resolution of the matters.

On April 14, 2023, in Docket No. ER23-1645-000, PJM submitted on behalf of Virginia Electric and Power Company, doing business as Dominion Energy Virginia (Dominion), revisions to Attachment H-16C of the PJM Tariff to update the prior-year actual Other Post-Employment Benefits (OPEB) expense to reflect the 2022 actual OPEB expense under Dominion's transmission formula rate. Dominion requests that the revisions to Attachment H-16C become effective June 15, 2023.

On April 14, 2023, in Docket No. ER23-1646-000, PJM submitted on behalf of Virginia Electric and Power Company, doing business as Dominion Energy Virginia (Dominion), revisions to Attachment H-16A of the PJM Tariff to update the depreciation rates. Dominion requests that the revisions to Attachment H-16A become effective as of June 14, 2023.

On April 13, 2022, in Docket No. ER23-1629-000, PJM submitted on behalf of PPL Electric Utilities Corporation (PPL) revisions to the PJM Tariff, Attachment H-8G regarding Attachment 9 – Depreciation Rate and update survivor curves and service life estimates that are incorporated into the straight-line remaining life depreciation methodology PPL Electric uses in its cost-of-service formula transmission rate. PPL requested the revisions become effective as of June 12, 2023.

On April 12, 2023, in Docket No. EL23-45-000, PJM filed Reply Comments to the comments filed by Public Citizen Inc.'s (Public Citizen) in the Public Service Commission of West Virginia v. PJM complaint. In the Reply Comments, PJM argues that Public Citizen's comments on the Complaint concerning PCI's failure to qualify as a PJM Member and a call for a Notice of Inquiry on Order No. 719 concerning Regional Transmission Organization governance and transparency are out of scope, without merit, and a collateral attacks on prior Commission orders.

On April 11, 2023, in Docket No. EL23-55-000, PJM submitted a motion seeking extension of time to answer and request for expedited action in response to a Complaint filed on April 4, 2023 by the Coalition of PJM Capacity Resources. PJM requests that the Commission adopt the standard five day answer period to motions for extensions of time and issue an order granting PJM a two week extension beyond the standard thirty day deadline (until May 18, 2023) to answer the Complaint.

On April 11, 2023, in Docket No. ER23-1609-000, PJM submitted a section 205 filing to delay RPM Auctions through the 2028/2029 Delivery Year, along with a request for waiver to delay associated pre-auction activities through the 2028/2029 Delivery Year. In this filing, PJM requested an effective date of June 10, 2023.