

## PJM's PROPOSED SCHEDULE 6 CHANGES (ROFR Issues)

### DEFINITION:

1.\_\_. “Designated Entity” shall mean the entity designated by the Office of the Interconnection to construct, own, and finance Necessary Reliability Projects, Short-term Projects, Immediate-Need Reliability Projects<sup>[A1]</sup>, and Long-lead Projects pursuant to section 1.5.8 of this Schedule 6.

1.19a. “Long-lead Project” shall mean an enhancement or expansion with an in-service date more than five years from the year in which, pursuant to section 1.5.8(c) of this Schedule 6, the Office of the Interconnection posts the violations, system conditions, and economic constraints, to be addressed by the enhancement or expansion.

1.\_\_ “Immediate-Need Reliability Project” shall mean a reliability-based enhancement or expansion with an in-service date of 3 years or less from the year in which the Office of the Interconnection identified in the expansion study process described in section 1.5.3 of this Schedule 6 the existing and projected limitations on the transmission system giving rise to the need for such enhancement or expansion.

1.\_\_ “Short-term Project” shall mean an enhancement or expansion with an in-service date of more than 3 years but no more than 5 years from the year in which, pursuant to section 1.5.8(c) of Schedule 6, the Office of the Interconnection posts the violations, system conditions, and economic constraints to be addressed by the enhancement or expansion.

### 1.5.8 Development of Long-Lead Projects, Short-term Projects and Necessary Reliability Projects.

(a) On an annual basis prior to each planning year<sup>[A2]</sup>, **[should this be tied to planning year? Calendar year? First quarter?]** **[Do we want to allow an entity to pre-qualify outside the submittal period for good cause shown or as determined by PJM?]**<sup>[A3]</sup> entities that desire to be the Designated Entity for Short-term Projects or Long-lead Projects to be included in the recommended plan shall submit to the Office of the Interconnection the following information: (i) name and address of the entity; (ii) the entity's technical and engineering qualifications; (iii) the entity's demonstrated experience to develop, construct, maintain, and operate transmission facilities, including a list of transmission facilities the entity previously constructed and maintained; (iv) the entity's previous record regarding construction and maintenance of transmission facilities both inside and outside of the PJM Region; ~~and~~-(v) the entity's capability to adhere to standardized construction, maintenance and operating practices; (vi) the entity's the entity's financial statements for the most recent fiscal quarter, as well as the most recent three fiscal years, or the period of existence of the entity, if shorter; and (vii) the entity's commitment to execute the Consolidated Transmission Owners Agreement if the entity becomes a Designated Entity. **[Any other information needed for qualification determination?]** Based on this information, prior to the opening of the next proposal window**[need more specific timeframe for PJM determination]**, the Office of the

Interconnection shall determine whether an entity is qualified to be a Designated Entity for Short-term Projects and Long-lead Projects that may be included in the recommended plan and shall notify the entity of such determination. In the event the Office of the Interconnection determines that an entity is not qualified to be a Designated Entity for Short-term Projects or Long-lead Projects that may be included in the recommended plan, the Office of the Interconnection shall include in the notification the basis for this determination. The entity shall have 30 days or such other period as may be agreed to by the Office of the Interconnection and the entity to submit additional information, which the Office of the Interconnection shall consider in re-evaluating whether the entity is qualified to be a Designated Entity. The Office of the Interconnection shall notify the entity of the results of this re-evaluation within [ ] business days **[Do we want to say “within a reasonable time, rather than a specific time period?”]** of receiving the additional information. If an entity qualified to be a Designated Entity in a previous [planning] year, such entity is not required to re-submit information to qualify to be a Designated Entity in the current [planning] year **[Is “planning year the appropriate description? Should it be “planning cycle?”]** provided, however, that such entity must submit to the Office of the Interconnection all updated information to the extent its information has changed. In the event an entity submits updated information, the Office of the Interconnection shall notify the entity whether it continues to qualify to be a Designated Entity within a reasonable period of time. **[Do we want this to be more specific?] [Should this process be in the manuals instead?]** This section shall not apply to entities that desire to propose Short-term Projects or Long-lead Projects for inclusion in the recommended plan but do not intend to be a Designated Entity.

(b) Upon identification of existing and projected limitations on the transmission system’s physical, economic and/or operational capability or performance, in the enhancement and expansion analysis process described in this Schedule 6 and the PJM Manuals, the Office of the Interconnection shall post on the PJM website the violations, system conditions, economic constraints, and Public Policy Requirements identified pursuant to the State Agreement Approach in Section 1.5. [ ] that may be addressed by potential Short-term Projects or Long-lead Projects.

(c) The Office of the Interconnection shall provide notice to stakeholders of a [3045][A4]-day/60-day proposal window for Short-term Projects and a 120-day proposal window for Long-lead Projects in which the Office of the Interconnection will accept proposals for potential enhancements or expansions to address the posted violations, system conditions, economic constraints, as well as Public Policy Requirements for consideration pursuant to the State Agreement Approach in section [##]. Proposals for Short-term Projects and Long-lead Projects must contain: (i) the name and address of the proposing entity; (ii) a statement whether the entity intends to be the Designated Entity [A5] for the proposed Short-term Project or Long-lead Project; (iii) location of proposed Short-term Project or Long-lead Project, including source and sink [A6] if applicable; (iv) relevant engineering studies [A7]; as described in the PJM Manuals pertaining to the proposed Short-term Project or Long-lead Project; and (v) cost estimates ~~and analyses~~ as described in the PJM Manuals for the proposed Short-term Project or Long-lead Project. Proposals for Short-term Projects and Long-lead Projects may contain proposing entity’s capability for cost containment, schedule-keeping and other advantages the entity may

have to build the proposed Short-term Project or Long-lead Project, including any binding agreement by the entity to accept a cost cap. If the proposing entity states that it intends to be a Designated Entity and has not pre-qualified to be a Designated Entity for Short-term Projects or Long-lead Projects pursuant to 1.5.8(a)<sup>[A8]</sup>, the proposal also shall contain information demonstrating: (vi) the entity's technical and engineering qualifications and demonstrated experience to develop, construct, maintain, and operate transmission facilities, including a list of transmission facilities the sponsor previously constructed and maintained; (vii) entity's ability to obtain adequate financing relative to the proposed Short-term Project or Long-lead Project, which may include a letter of intent from a financial institution approved by the Office of the Interconnection **[or other instrument?]**; ~~(viii) entity's capability for cost containment, schedule keeping and other advantages the entity may have to build the proposed Short-term Project or Long-lead Project, including any binding agreement by the entity to accept a cost cap.~~ The Office of the Interconnection may request additional reports or information that it determines are reasonably necessary to evaluate the Short-term Project or Long-lead Project proposal pursuant to the criteria set forth in subsection 1.5.8(e). If the Office of the Interconnection determines any of the information provided in a proposal is deficient or the Office of Information requires additional reports or information, it shall notify the proposing entity of such deficiency or request and the proposing entity shall provide the necessary information within [10] business days of receipt of the notification of deficiency and/or request for additional reports or information or other reasonable time period as determined by the Office of the Interconnection. In the event that the proposing entity fails to timely cure the deficiency or provide the requested reports or information, the entity's proposed project shall not be considered for inclusion in the recommended plan.

(d) Following the close of the **[3045-day/60-day]** or 120-day proposal window, the Office of the Interconnection shall post all proposals submitted pursuant to section 1.5.8(c) of Schedule 6 and determine which, if any, of the proposed Short-term Projects or Long-lead Projects received during the applicable proposal window should be included in the recommended plan. In making this determination, the Office of the Interconnection shall consider the criteria set forth in Subsection 1.5.8(e). **[Should there be a specific time frame for PJM to make this determination?]** PJM shall post the proposed completed recommended plan. The Office of the Interconnection shall present to the Transmission Expansion Advisory Committee for review and comment descriptions of the proposed Short-term Projects and Long-lead Projects recommended for inclusion in the plan. Based on that review, PJM shall, if necessary conduct further study and evaluation and post a ~~a~~-revised recommended plan for review and comment by the Transmission Expansion Advisory Committee.

(e) The Office of the Interconnection shall consider the following criteria, to the extent applicable, in determining whether a proposed Short-term Project or Long-lead Project should be included in the recommended plan: (i) the extent to which the proposed Short-term Project or Long-lead Project would address and solve the posted violation, system condition, economic constraint or Public Policy Requirement in accordance with the State Agreement Approach; (ii) with regard to proposed economic-based Short-term Project or Long-lead Project, whether the relative benefits of the

proposed project meets a Benefit/Cost Ratio Threshold of at least 1.25:1 as calculated pursuant to Section 1.5.7(d) of this Schedule 6; (iii) the extent to which the proposed Short-term Project or Long-lead Project would have secondary benefits, such as addressing additional other system reliability, operational performance, or economic efficiency issues or Public Policy Requirements in accordance with the State Agreement Approach (iv) proposing entity's technical and engineering experience, including previous record regarding construction and maintenance of transmission facilities both inside and outside of the PJM Region, relative to the project proposed; (v) proposing entity's previous record regarding construction and maintenance of transmission facilities both inside and outside of the PJM Region; (vi) proposing entity's capability to adhere to standardized construction, maintenance and operating practices; (vii) proposing entity's ability to assume liability for major losses resulting from failure of facilities; (viii) proposing entity's experience in acquiring rights of way; and (ix) any other factors that may be relevant to ~~the size and scope of~~ [A9] the project proposed. The entity proposing a Short-term Project or a Long-lead Project recommended for inclusion in the recommended plan shall be the Designated Entity, provided the entity indicated in its proposal its intent to be the Designated Entity and the Office of the Interconnection determines that the entity is qualified pursuant to section 1.5.8(a) to submit proposals and be a Designated Entity.

(f) If the Office of the Interconnection determines that: (i) no Long-lead Project was received during the 120-day proposal window that would resolve a posted violation, system condition, or economic constraint, (ii) none of the proposed Long-lead Projects received during the 120-day proposal window would resolve a posted violation, system condition, or economic constraint without significant modification; (iii) no one proposed Long-lead Project is superior to any other, or (iv) the proposing entity did not qualify pursuant to section 1.5.8(a) or 1.5.8(c) [A10], none of the proposed Long-lead Projects will be included in the recommended plan and the Office of the Interconnection shall re-evaluate and post on the PJM website all violations, system conditions, or economic constraints in the next planning cycle pursuant to section 1.5.8(b). **[Should we have an exception if there is an immediacy to resolve a violation (i.e., the project will take 5 plus years to build and we cannot wait until next proposal window?]** [A11]

(g) If the Office of the Interconnection determines that: (i) no Short-term Project was received during a [45/60-day] proposal window that would resolve a posted violation, system condition, or economic constraint, (ii) none of the proposed Short-term Projects received during a [30/45/60-day] proposal window would resolve a posted violation, system condition, or economic constraint without significant modification; (iii) no one proposed Short-term Project is superior to any other, or (iv) the proposing entity did not qualify pursuant to section 1.5.8(a) or 1.5.8(c) [A12], none of the proposed Short-term Projects will be included in the recommended plan. Instead, the Office of the Interconnection shall propose an alternative Short-term Project for inclusion in the recommended plan and will present such alternative Short-term Project to the Transmission Expansion Advisory Committee for review and comment. The Transmission Owner(s) in whose Zone(s) the alternative Short-Project is to be located shall be the Designated Entity for the alternative Short-term Project.

(h) The PJM Board shall approve the inclusion of Short-term Projects and Long-lead Projects and associated Designated Entities in the final Regional Transmission Expansion Plan, pursuant to Section 1.6 of this Schedule 6. Within [redacted] business days of the PJM Board's approval, PJM shall notify the proposing entity that its project is included in the Regional Transmission Expansion Plan and that it shall be the Designated Entity. In such notice, the Office of the Interconnection [A13] shall provide the dates by which ~~(i) construction must commence; (ii) all necessary state approvals must be obtained; and (iii) the project must be in service.~~

(i) Within [10] **[Is 10 business days sufficient time?]** Business Days of receiving notification of its designation as a Designated Entity, the Designated Entity shall submit to the Office of the Interconnection a development schedule which shall include, but not be limited to: (1) construction milestones necessary to develop and construct the Short-term Project or Long-lead Project to achieve the required in-service date, including the deadline for obtaining all necessary state approvals ~~as specified by the Office of the Interconnection in the notice pursuant to section 1.5.8(h)~~, and (2) **[a performance bond/letter of credit/etc need language from Suzanne.]** In the event the Designated Entity (i) fails to provide a development schedule or performance bond pursuant to this section 1.5.8(i); or (ii) fails to meet a ~~significant~~ [A14] milestone in its development schedule that causes a delay of the project's in-service date, the Office of the Interconnection shall re-evaluate the need for the Short-term Project or Long-lead Project, and based on that re-evaluation may (i) retain the Short-term Project or Long-lead Project in the Regional Transmission Expansion Plan, (ii) remove the Short-term Project or Long-lead Project from the Regional Transmission Expansion Plan, or (iii) include an alternative solution in the Regional Transmission Expansion Plan. If the Office of the Interconnection retains the Short-term or Long-term Project in the Regional Transmission Expansion Plan, it shall determine whether to retain the Designated Entity or to designate the Transmission Owner(s) in whose Zone(s) the project is located as Designated Entity for the Short-term Project or Long-lead Project. Any modifications to the Regional Transmission Expansion Plan pursuant to this section shall be presented to the Transmission Expansion Advisory Committee for review and ~~comment~~, and approved by the PJM Board [A15]. Within 30 days of PJM Board approval to remove a Short-term Project or Long-lead Project from the Regional Transmission Expansion Plan, the Office of the Interconnection shall submit an informational filing to the FERC notifying FERC of the removal.

(j) Notwithstanding anything to the contrary in this Section 1.5.8, in all events, the Transmission Owner(s) in whose Zone(s) a proposed Short-term Project or Long-lead Project is to be located will be the Designated Entity for that project, when the Short-term Project or Long-lead Project is: (i) an upgrade to a Transmission Owner's own transmission facilities, (ii) located on a Transmission Owner's existing right of way; or (iii) located solely within a Transmission Owner's Zone and the costs of the project are allocated solely to the Transmission Owner's Zone; or (iv) located solely within a Transmission Owner's Zone and is not selected in the Regional Transmission Expansion Plan for purposes of cost allocation.



(k) The Office of the Interconnection shall develop and recommend Immediate-Need Reliability Projects for inclusion in the Regional Transmission Expansion Plan pursuant to the expansion planning process set forth in sections 1.5.1 through 1.5.6 of Schedule 6. The Office of the Interconnection shall present the recommended Immediate-Need Reliability Projects to the Transmission Expansion Advisory Committee for review and comment. The PJM Board shall review the recommended Immediate-Need Reliability Projects and include such projects that it finds are required for reliability within the following three years in the Regional Transmission Expansion Plan. Transmission Owners that own the transmission facilities located in the Zone where the Immediate-Need Reliability Project is to be located shall be the Designated Entity for the Immediate-Need Reliability Project included in the Regional Transmission Expansion Plan.

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## **1.6 Approval of the Final Regional Transmission Expansion Plan.**

(a) The PJM Board shall approve the final Regional Transmission Expansion Plan, including any alternatives therein, any additions of economic transmission enhancements or expansions pursuant to Sections 1.5.6(d) and 1.5.7 above, Immediate-Need Reliability Projects, Short-term Projects and Long-lead Project pursuant to Section 1.5.8 in accordance with the requirements of this Section 1.6. The PJM Board shall not approve the Supplemental Projects [A16] listed in the Regional Transmission Expansion Plan. PJM Board approval of the Regional Transmission Expansion Plan shall not represent PJM Board review or approval of the Supplemental Projects, and Supplemental Projects are not eligible for cost allocation pursuant to Schedule 12 of the PJM Tariff.

The Office of the Interconnection shall publish the current, approved Regional Transmission Expansion Plan on the PJM Internet site. Within 30 days after each occasion when the PJM Board approves a Regional Transmission Expansion Plan, or an addition to such a plan, that designates one or more Transmission Owners to construct an economic expansion or enhancement developed pursuant to Sections 1.5.6(d) and 1.5.7 above, the Office of the Interconnection shall file with FERC a report identifying the economic expansion or enhancement, its estimated cost, the entity or entities that will be responsible for constructing and owning or financing the project, and the market participants designated under Section 1.5.6(k) above to bear responsibility for the costs of the project.

(b) If a Regional Transmission Expansion Plan is not approved, or if the transmission service requested by any entity is not included in an approved Regional Transmission Expansion Plan, nothing herein shall limit in any way the right of any entity to seek relief pursuant to the provisions of Section 211 of the Federal Power Act.

(c) Following PJM Board approval, the final Regional Transmission Expansion Plan shall be documented, posted publicly and provided to the Applicable Regional Entities.