

**UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION**

**H.A. Wagner LLC**

)

**Docket No. ER24-1787-000**

**MOTION TO INTERVENE AND COMMENTS OF  
PJM INTERCONNECTION, L.L.C.**

Pursuant to Rules 212<sup>1</sup> and 214<sup>2</sup> of the Federal Energy Regulatory Commission’s (“FERC” or the “Commission”) Rules of Practice and Procedure, PJM Interconnection, L.L.C. (“PJM”) respectfully moves to intervene in the above-captioned proceeding, and provides the following comments.

**I. MOTION TO INTERVENE**

PJM respectfully moves to intervene in the above-captioned proceeding pursuant to Rules 212 and 214. PJM is a Commission-certified Regional Transmission Organization. PJM is a transmission provider under, and the administrator of, the PJM Open Access Transmission Tariff (“PJM Tariff”), operates the PJM Interchange Energy Market, the PJM Reliability Pricing Model (i.e., PJM’s forward capacity market), and coordinates the movement of wholesale electricity in the PJM region, which covers all or parts of thirteen states and the District of Columbia.

On April 18, 2024, H.A. Wagner LLC (“Wagner”) submitted a Continuing Operations Rate Schedule (“CORS”) for the continued Reliability Must Run (“RMR”) operation and provision of service from Wagner Units 3 and 4.<sup>3</sup> The CORS sets forth the terms, conditions, and cost-based

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<sup>1</sup> 18 C.F.R. § 385.212.

<sup>2</sup> 18 C.F.R. § 385.214 (“Any person seeking to intervene to become a party, other than the entities specified in paragraphs (a)(1) and (a)(2) of this section, must file a motion to intervene.”). *See also H.A. Wagner LLC*, Notice Extending Comment Period, Docket No. ER24-1787-000, at 2 (May 2, 2024) (“Upon consideration, notice is hereby given that the date for filing interventions, comments, and protests in the above-referenced proceedings is extended to and including May 16, 2024.”).

<sup>3</sup> *H.A. Wagner LLC*, RMR Arrangement - Continuing Operations Rate Schedule, Docket No. ER24-1787-000 (Apr. 18, 2024) (the “April 18 Filing”).

rates under which Wagner will agree to continue to operate Units 3 and 4 for reliability purposes from June 1, 2025 through December 31, 2028.

PJM has a direct, substantial, and independent interest in this proceeding, which no other party can adequately represent. Accordingly, PJM respectfully requests that the Commission grant this motion to intervene and that PJM be afforded all the rights of a party to this proceeding.

## **II. COMMENTS**

On October 16, 2023, Wagner notified PJM, pursuant to Section 113.1 of the PJM Tariff, that it intended to retire Units 1, 3, 4, and CT 1, effective June 1, 2025. As indicated in the April 18 Filing, PJM's analysis indicated that the deactivation of Wagner Units 3 and 4 would adversely affect the reliability of the PJM Transmission System via wide area voltage drop and thermal violations in several transmission zones. Until needed transmission upgrades are in place by December 31, 2028 (at the earliest), the reliability need for the Wagner units will remain critical, and accordingly PJM respectfully requests that the Commission consider this reliability need in assessing the justness and reasonableness of the April 18 Filing and any final rates that emerge from this proceeding.

The PJM Tariff provides that a Generation Owner, who continues to operate a generating unit beyond its proposed deactivation date, is entitled to file a cost-of-service rate to recover the entire cost of operating the generation unit until the unit is deactivated. As such, PJM believes that the CORS contained in the April 18 Filing is consistent with the PJM Tariff.

While PJM takes no position regarding the specific cost-of-service or monetary elements proposed in the April 18 Filing, to the extent that the Commission sets all or part of the CORS for hearing and settlement judge procedures, PJM stands ready to assist the parties in reaching an

expeditious resolution on these issues, and provide assistance in any other way to ensure that this facility is retained for reliability.

### III. CONCLUSION

In accordance with the foregoing, PJM respectfully requests that the Commission grant this motion to intervene and accept these comments into the record in this proceeding.

Respectfully submitted,

*/s/ Thomas DeVita*

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*On behalf of  
PJM Interconnection, L.L.C.*

May 14, 2024

## **CERTIFICATE OF SERVICE**

I hereby certify that I have this 14<sup>th</sup> day of May, 2024 caused a copy of the foregoing document to be served upon each person designated on the official service list compiled by the Secretary in this proceeding.

*/s/ Thomas DeVita*  
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