

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

Joint Consumer Advocates)	
)	
v.)	Docket No. EL25-18-000
)	
PJM Interconnection, L.L.C.)	

**MOTION FOR EXTENSION OF TIME AND
REQUEST FOR EXPEDITED ACTION OF
PJM INTERCONNECTION, L.L.C.**

Pursuant to Rules 212, 213, and 2008 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission,¹ PJM Interconnection, L.L.C. (“PJM”) respectfully requests a 45-day extension of time to January 23, 2025 to answer the November 18, 2024 complaint of the Joint Consumer Advocates² (“Complaint”) in the above captioned proceeding. Commission Rule 2008 authorizes extensions of time for “good cause” shown.³ The Commission has good cause to grant this Motion.

Joint Consumer Advocates request an extraordinary amount of relief. They effectively ask the Commission to redesign various elements of PJM’s capacity market, deactivation, and interconnection rules all before the next Base Residual Auction (“BRA”). Specifically, the Joint Consumer Advocates’ complaint requests that the Commission direct PJM to: (a) revoke categorical exemptions from must-offer requirements for existing resources while exempting certain resources from Non-Performance Charges if they are unable to perform during a

¹ 18 C.F.R. §§ 385.212, .213, .2008 (2024).

² The Joint Consumer Advocates are the Illinois Attorney General’s Office; Illinois Citizens Utility Board; Maryland Office of People’s Counsel; New Jersey Division of Rate Counsel; Office of the Ohio Consumers’ Counsel; and Office of the People’s Counsel for the District of Columbia.

³ *Id.* § 385.2008.

Performance Assessment Interval; (b) require longer notice periods for deactivation notices and adopt new reliability must-run (“RMR”) provisions and a *pro forma* RMR agreement; (c) alter effective load carrying capability accreditation; (d) change PJM’s interconnection study procedures; and (e) apply offer price caps to demand response resources. PJM needs time to consider and respond to these requests, which will require significant attention from key PJM personnel, some of whom will be unavailable during the Thanksgiving holiday. The Commission has routinely extended answer periods when holidays limited availability.⁴

Furthermore, as the Joint Consumer Advocates acknowledge,⁵ PJM is currently preparing capacity market reforms for submission under Federal Power Act (“FPA”) section 205 to be filed on or about December 9, 2024. That is currently the same day the Commission’s notice set the deadline for PJM to answer this Complaint. However, PJM’s resources are currently focused on the forthcoming 205 filings. And, as all PJM stakeholders are aware, the forthcoming 205 filings will propose much more targeted amendments than those proposed in the Complaint. Importantly, PJM’s proposed reforms will also be feasible to implement before the BRA for the 2026/2027 Delivery Year, which is currently scheduled to commence on July 9, 2025. By contrast, the sweeping changes proposed in the Complaint would be extremely challenging to even attempt to implement within that timeframe, regardless of merit.

The Complaint is an extremely disruptive attempt to ambush the rules that will apply in the 2026/2027 BRA. The Complaint was triggered by the Joint Consumer Advocates’ dissatisfaction

⁴ See, e.g., *Canales v. Edison Int’l*, Docket No. EL14-11-000, Notice of Extension of Time (Jan. 9, 2014) (granting extension of time to file answer to complaint to account for Christmas and New Year’s holidays); *Cal. Wind Energy Ass’n, v. Cal. Indep. Sys. Operator Corp.*, Docket No. EL14-14-000 (Dec. 26, 2013) (same); *La. Pub. Serv. Comm’n v. Entergy Servs., Inc.*, Docket No. EL01-88-015, Notice of Extension of Time (Nov. 23, 2016) (same).

⁵ See Complaint at 53.

with the results of the 2025/2026 BRA that concluded four months earlier in July 2024. The Sierra Club and other public interest organizations filed a relatively targeted complaint two months after the 2025/2026 BRA,⁶ and that complaint is still pending. In that proceeding, the Joint Consumer Advocates hinted they might “soon file a separate complaint identifying additional changes that should be made before conducting the BRA for the 2026/2027 delivery year.”⁷ Yet, Joint Consumer Advocates did not seem to have any urgency in getting these additional issues resolved as they waited over one month after those comments were submitted to actually submit the underlying Complaint. As a result, it is reasonable to grant the requested 45-day extension of time for PJM to answer this Complaint and allow PJM to focus on the forthcoming capacity reform filing in the intervening time.

Moreover, the Joint Consumer Advocates raised issues in their Complaint that cannot reasonably be addressed by the 2026/2027 BRA even if the current answer deadline is not extended. The Commission granted PJM’s waiver request to delay the 2026/2027 BRA because it solved the “concrete problem” that there was a “lack of sufficient time before the scheduled 2026/2027 BRA to address the market uncertainty precipitated by the [Sierra Club] Complaint and the resulting potential consequential changes in the market rules.”⁸ Yet, in the teeth of that order issued only ten days earlier, the Joint Consumer Advocates filed a Complaint that demands much more complex and broader reforms with the incorrect expectation that those more extreme proposals could be feasibly implemented within the same timeframe.

⁶ See *Sierra Club v. PJM Interconnection, L.L.C.*, Docket No. EL24-148, Complaint of Sierra Club, Natural Resources Defense Council, Public Citizen, Sustainable FERC Project and Union of Concerned Scientists (filed Sept. 27, 2024).

⁷ *Sierra Club v. PJM Interconnection, L.L.C.*, Docket No. EL24-148, Comments and Answer of Consumer Advocates at 4 (filed Oct. 17, 2024).

⁸ *PJM Interconnection, L.L.C.*, 189 FERC ¶ 61,105, at P 28 (2024).

Fairness requires that PJM be granted additional time to respond to the Complaint. First, there is no reason this Complaint needs to be considered contemporaneously with PJM's forthcoming section 205 filing given that the Complaint proposes changes that are far beyond those PJM intends to file. Nor should redirecting PJM's attention to the Complaint be permitted to hinder the preparation of PJM's forthcoming capacity market reform proposal. Moreover, the Complaint raises additional issues significantly beyond those raised in the Sierra Club complaint and will require additional time for PJM to respond.

Given the scope and complexity of the Joint Consumer Advocates' requested relief, PJM's forthcoming FPA section 205 filings, and the impending holidays, the default twenty-day answer period is an unreasonably insufficient amount of time for PJM to fully respond to the Complaint. The requested extension to January 23, 2025 will allow PJM to develop a meaningful answer to the Complaint. For the foregoing reasons, PJM respectfully requests that the Commission grant the extension requested in this Motion and set January 23, 2025, as the deadline for PJM to answer the Complaint.

Consistent with Rule 213(d)(1)(i), answers to this motion for extension of time should be filed within five days, by November 26, 2024. PJM requests that the Commission grant this motion for extension of time on or before December 3, 2024.

Respectfully submitted,

/s/ John Lee Shepherd, Jr.

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November 21, 2024

CERTIFICATE OF SERVICE

I hereby certify that I have on this day caused to be served a copy of the foregoing motion for extension upon all parties on the service list in these proceedings in accordance with the requirements of Rule 2010 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.2010 (2024).

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