

189 FERC ¶ 61,105
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Willie L. Phillips, Chairman;
Mark C. Christie, David Rosner,
and Judy W. Chang.

PJM Interconnection, L.L.C.

Docket Nos. ER25-118-000

Sierra Club, Natural Resources Defense Council,
Public Citizen, Sustainable FERC Project, and
Union Of Concerned Scientists

EL24-148-000

v.

PJM Interconnection, L.L.C.

ORDER GRANTING WAIVER REQUEST AND DISMISSING MOTION

(Issued November 8, 2024)

1. On October 15, 2024, in Docket No. ER25-118-000, pursuant to Rule 207(a)(5) of the Commission's Rules of Practice and Procedure,¹ PJM Interconnection, L.L.C. (PJM) submitted a request for waiver of section 5.4(a) of Attachment DD to its Open Access Transmission Tariff (Tariff) to delay the commencement of the 2026/2027 Base Residual Auction (BRA) by approximately six months from December 2024 to June 2025.² PJM also requests a waiver of Tariff, Attachment DD, section 5.4(b) to cancel certain Incremental Auctions, and a waiver of Tariff provisions that prescribe deadlines for conducting certain pre-auction activities for BRAs and Incremental Auctions through the 2029/2030 delivery year. Also on October 15, 2024, in Docket No. EL24-148-000, pursuant to Rule 212 of the Commission's Rules of Practice and Procedure,³ PJM filed a motion to delay the 2026/2027 BRA. PJM states that its motion seeks the same relief as

¹ 18 C.F.R. § 385.207(a)(5) (2024).

² Capitalized terms used but not otherwise defined in this order have the meanings ascribed to them in the Tariff.

³ 18 C.F.R. § 385.212 (2024).

its waiver request. As discussed below, we grant PJM's waiver request and dismiss PJM's motion as moot.

I. Background

2. Under PJM's Reliability Pricing Model (RPM), PJM generally conducts a BRA three years in advance of a delivery year to procure resource commitments sufficient to meet reliability requirements in the PJM region.⁴ PJM also holds three Incremental Auctions, which provide opportunities for capacity market participants to sell available capacity and purchase replacement capacity and for PJM to secure additional commitments of capacity or relieve sellers from prior capacity commitments based on updated reliability requirements. PJM's currently effective Tariff reflects delays along with compressed schedules for some capacity auctions.⁵

3. Section 5.4(a) of Attachment DD states that, notwithstanding the PJM Tariff requirement that BRAs be conducted in the month of May three years prior to the delivery year, "the [BRA] for the 2026/2027 Delivery Year shall be conducted in December 2024."⁶ Based on this requirement, PJM scheduled the BRA for the

⁴ PJM, Intra-PJM Tariffs, attach. DD § 5.4 (Reliability Pricing Model Auctions) (9.0.0), § 5.4(a) (Base Residual Auction) ("The [BRA] shall be conducted in the month of May that is three years prior to the start of such Delivery Year.").

⁵ See, e.g., *PJM Interconnection, L.L.C.*, 183 FERC ¶ 61,172, at PP 2, 39 (2023) (accepting PJM's tariff revisions to delay the BRAs and Incremental Auctions for the 2025/2026 delivery year through the 2028/2029 delivery year).

⁶ PJM, Intra-PJM Tariffs, attach. DD, § 5.4(a) (Base Residual Auction). Section 5.4(a) also specifies that the BRA for the 2027/2028 delivery year shall be conducted in June 2025 and the BRA for the 2028/2029 delivery year shall be conducted in December 2025.

2026/2027 delivery year to commence on December 4, 2024.⁷ Section 5.4(b) of Attachment DD specifies when Incremental Auctions are conducted.⁸

4. Relevant to these proceedings, on September 27, 2024, Sierra Club, Natural Resources Defense Council, Public Citizen, Sustainable FERC Project, and Union of Concerned Scientists (Complainants) filed a complaint in Docket No. EL24-148-000, asserting that PJM's capacity market rules are unjust and unreasonable because they fail to account for the resource adequacy contributions of reliability-must-run (RMR) units in the capacity auction (Complaint). Complainants' requested relief is that the Commission issue an order directing PJM to delay the upcoming 2026/2027 BRA for a limited time as needed to allow for tariff revisions to be approved and implemented.

II. Filings

A. Waiver Request and Motion

5. PJM states that its request to delay the 2026/2027 BRA stems from the Complaint.⁹ PJM states that the Complaint raises complex issues of law and fact that have resulted in significant market uncertainty only two months before the scheduled commencement of the 2026/2027 BRA. PJM also states that, while the Complaint is focused on RMR agreements, there are interrelated capacity market rules that may also need to be redesigned. To address the issues raised in the Complaint, along with other attendant issues, PJM states that it anticipates submitting a filing under section 205 of the Federal Power Act (FPA)¹⁰ to propose market rule revisions to be effective for the 2026/2027 BRA. Therefore, PJM requests a limited delay of the auction so that the 2026/2027 BRA can be conducted with the confidence of market participants and other

⁷ See PJM, Auction Schedule Tab 2026-2027 BRA, <https://www.pjm.com/-/media/markets-ops/rpm/rpm-auction-info/rpm-auction-schedule.ashx>. The PJM Tariff also imposes deadlines for pre-auction activities in advance of when the BRA is conducted. See e.g., PJM, Intra-PJM Tariffs, attach. DD, § 5.14 (Clearing Prices and Charges) (33.1.1), § 5.14(i) (requiring that a seller request a unit-specific exception to minimum offer price rule no later than 120 days prior to the commencement of the offer period for the BRA).

⁸ PJM, Intra-PJM Tariffs, attach. DD, § 5.4 (9.0.0), § 5.4(b) (Scheduled Incremental Auctions).

⁹ Waiver Request at 2-3.

¹⁰ 18 U.S.C. § 824d.

stakeholders, and to provide time for the Commission to consider PJM's forthcoming FPA section 205 filing.

6. PJM requests a waiver to delay the 2026/2027 BRA by approximately six months.¹¹ PJM states that the six-month delay would have a cascading effect on other BRAs through the 2029/2030 delivery year and will require cancelling several Incremental Auctions to accommodate the compressed auction schedule in order to put PJM on track to return to a three-year forward RPM auction schedule in the least time consistent with an orderly process.¹² In its waiver request PJM includes the following table which illustrates the revised RPM auction schedule:¹³

Table 1 – Revised Auction Schedule			
Delivery Year	Auction	Current Schedule	Proposed Schedule
2026/2027	BRA	Dec. 2024	June 2025
2026/2027	Third IA	Feb. 2026	Feb. 2026
2027/2028	BRA	June 2025	Dec. 2025
2027/2028	Second IA	July 2026	cancelled
2027/2028	Third IA	Feb. 2027	Feb. 2027
2028/2029	BRA	Dec. 2025	May 2026
2028/2029	Second IA	July 2027	July 2027
2028/2029	Third IA	Feb. 2028	Feb. 2028
2029/2030	BRA	May 2026	Dec. 2026
2029/2030	First IA	Sept. 2027	cancelled
2029/2030	Second IA	July 2028	July 2028
2029/2030	Third IA	Feb. 2029	Feb. 2029
2030/2031	BRA	May 2027	May 2027

7. PJM states that its requested delay in the auction dates will also require extensions to the relevant pre-auction activity deadlines associated with each auction.¹⁴ PJM states that the Commission has already granted PJM's waiver related to pre-auction deadlines

¹¹ *Id.*

¹² *Id.* at 4-5.

¹³ PJM states that this estimated timeline assumes a Commission order on the merits addressing PJM's forthcoming FPA section 205 filing by mid-January 2025 and could shift if the Commission deems that additional filings are required in reviewing PJM's forthcoming filing. *Id.* at 4.

¹⁴ Waiver Request at 7.

through the 2028/2029 BRA, and PJM now seeks the same revised pre-auction timelines through the 2029/2030 BRA.¹⁵ PJM also explains that, if the Commission grants waiver, pre-auction activities should be reset and market participants would need to resubmit all relevant pre-auction requests (e.g., unit-specific offer caps, must offer exceptions, notices of intent to offer) and elections (e.g., Fixed Resource Requirement elections/terminations) to provide the most up to date information.

8. PJM states that it will post a preliminary schedule of the specific auction date and associated pre-auction timelines for the 2026/2027 BRA within one week of a Commission order granting waiver to delay the 2026/2027 BRA.¹⁶ PJM states that it will post a final schedule of the specific auction date and associated pre-auction timelines for the 2026/2027 BRA within one week of a Commission order accepting PJM's forthcoming FPA section 205 filing, and make the analogous postings at least eight months before the commencement of the relevant RPM Auction for the 2027/2028 through 2029/2030 delivery years.

9. PJM asserts that its request satisfies the Commission's criteria for granting waiver.¹⁷ First, PJM states that it acted in good faith because the complaint has resulted in market uncertainty being injected into the BRA only two months before commencement of the auction, and PJM seeks to obtain clarity on the going-forward rules before conducting the next auction. PJM also explains that it is consulting with stakeholders to develop a FPA section 205 filing to propose market rule revisions that may address the Complaint as well as other aspects of the RPM market design, with such revisions to be effective for the 2026/2027 BRA.¹⁸ Second, PJM states that the scope of the waiver is limited to delaying capacity market auctions by approximately six months, which is no greater than needed to return to a normal three-year-forward auction schedule beginning with the 2030/2031 BRA, which is scheduled to commence in May 2027. Third, PJM states that the waiver addresses a concrete problem, which is the significant market uncertainty caused by the Complaint. PJM states that the delay will allow the 2026/2027 BRA to be conducted with the confidence of market participants and other stakeholders, and to provide time for the Commission to consider PJM's forthcoming FPA section 205 filing.¹⁹ Fourth, PJM avers that the waiver meets the Commission's standards concerning impact on third parties. PJM states that, in applying this standard,

¹⁵ *Id.* (citing *PJM Interconnection, L.L.C.*, 183 FERC ¶ 61,172 at P 40).

¹⁶ *Id.* at 4, n.7.

¹⁷ *Id.* at 8.

¹⁸ *Id.* at 3.

¹⁹ *Id.* at 2.

the Commission factors such impacts into its overall assessment of the waiver but does not require that the waiver have zero impact on third parties. PJM states that the proposed six-month delay would not have major consequences that outweigh granting the request, and that market participants would be allowed to effectively respond to any changed auction rules by having additional time to prepare and submit requests and elections in advance of the next auction. PJM states that, given the close proximity of the auction to the issues raised by Complainants and the impact of their requested refund effective date, PJM has struck the appropriate balance by seeking this targeted delay.²⁰

10. PJM filed a motion in Docket No. EL24-148-000 on the same day it filed its waiver request. In its motion, PJM requests an interim order granting Complainants' request to delay the 2026/2027 BRA.²¹ PJM states that its motion seeks the same relief as the waiver request.²²

III. Notice of Filing and Responsive Pleadings

11. Notice of PJM's waiver request and motion were published in the *Federal Register*, 89 Fed. Reg. 84,563 (Oct. 23, 2024), with interventions and protests due on or before October 22, 2024.

12. Notices of intervention and timely motions to intervene were submitted by the entities described in the Appendix.²³ Out of time motions to intervene were filed by: PJM Industrial Customer Coalition; AES Clean Energy Development, LLC; Enerwise Global Technologies, LLC; Buckeye Power, Inc.; EDF Renewables, Inc., and Exelon Corporation. Comments were filed by Complainants, Constellation, FirstEnergy, PSEG, New Jersey Commission, and P3 and EPSA. Protests were filed by AMP, Ohio FEA, and Talen. PJM filed an answer. The Commission also received correspondence from the Governors of Illinois, Maryland, Delaware, New Jersey, and Pennsylvania.

²⁰ *Id.* at 9.

²¹ PJM Motion at 1.

²² *Id.* at 2.

²³ The entity abbreviations listed in the Appendix are used throughout this order.

IV. Comments and Protests

13. Complainants, Constellation, FirstEnergy, PSEG, New Jersey Commission, and P3 and EPSA support PJM's request to delay the 2026/2027 BRA.²⁴ The Governors of Illinois, Maryland, Delaware, New Jersey, and Pennsylvania also support PJM's request.²⁵ Constellation and P3 and EPSA state that a delay in the auction schedule is prudent to provide time for the Commission to consider important reforms, such as revising the reference resource from a combined cycle to a combustion turbine resource.²⁶ Constellation and P3 and EPSA explain that PJM's recent shift to a combined cycle reference resource has resulted in a net cost of new entry (Net CONE) value of \$0/MW-day in several capacity zones, which may result in zero capacity performance penalty exposure in those zones during a potential Performance Assessment Interval event because the penalty rate is calculated as a function of Net CONE. Constellation states that such an outcome runs directly contrary to the stated purpose of the Capacity Performance reforms and reveals a fatal market design flaw.²⁷

14. Complainants and the New Jersey Commission argue that PJM's request complies with the Commission's requirements for approving Tariff waivers.²⁸ They argue that PJM's request is provided in good faith to allow PJM and stakeholders to address significant concerns with RPM rules before the 2026/2027 BRA is conducted. They state that PJM's request is limited in scope because it only covers Tariff provisions necessary to allow the delay of auctions through the 2029/2030 delivery year. They assert that PJM's request addresses the concrete problem of challenges to RPM rules raised in the Complaint as well as other issues raised by OPSI in OPSI's letter to the PJM Board. Additionally, they state that PJM's waiver will avoid undesirable consequences because conducting the 2026/2027 BRA under existing RPM rules will likely lead to an unjust and unreasonable outcome.

²⁴ Complainants Comments at 1; Constellation Comments at 1; FirstEnergy Comments at 2; PSEG Comments at 1; New Jersey Commission Comments at 7; P3 and EPSA Comments at 3.

²⁵ Governors' Correspondence at 1.

²⁶ Constellation Comments at 2; P3 and EPSA Comments at 4.

²⁷ Constellation Comments at 2.

²⁸ Complainants Comments at 5; New Jersey Commission Comments at 5.

15. AMP, Ohio FEA, and Talen filed protests. With respect to PJM's waiver request, AMP argues that it fails under each part of the Commission's four-part test.²⁹ Questioning PJM's good faith argument, AMP argues that PJM is using the pendency of the complaint (which PJM opposes) as grounds to delay the BRA so PJM can rush through other capacity market changes with limited stakeholder review.³⁰ AMP states that PJM neither asserts the existing rules are unjust and unreasonable, nor provides any indication of how the upcoming FPA section 205 filing will address deficiencies. AMP contends that the mere filing of a complaint should not serve as the basis to delay the auction.³¹ AMP also argues that PJM's waiver is not limited in scope because it will impact several future BRAs and the rules under which those auctions are conducted.³² Regarding PJM's obligation to demonstrate a concrete problem, AMP argues that market uncertainty is not a concrete problem, and that an auction delay may increase market uncertainty and further undermine confidence in PJM's auction construct. Finally, AMP argues that that granting the waiver will have undesirable consequences in the form of diminished certainty and confidence in PJM's capacity market. With respect to PJM's motion in Docket No. EL24-148-000, AMP argues that the timing of the BRA and pre-auction activities are governed by the Tariff, and the Commission may not set aside those deadlines in response to a motion.³³

16. Talen argues that PJM's request to delay the auction is unreasonable because it will erode market confidence and set bad precedent that auction delays can be granted based solely on unfounded claims in complaints.³⁴ Talen also states that, if PJM acknowledges that its existing rules are just and reasonable, then it does not follow that the Complaint has caused significant market uncertainty. Talen states that if the Commission grants waiver, it should grant only a four-month delay so that the BRA returns to a three-year-forward timeframe one year earlier than proposed.³⁵

²⁹ *Id.* at 3.

³⁰ *Id.* at 4.

³¹ *Id.* at 6.

³² AMP Protest at 7.

³³ *Id.* at 2.

³⁴ Talen Protest at 1-2.

³⁵ *Id.* at 5.

17. Ohio FEA states it is opposed to “any significant delay” in the auction schedule.³⁶ Ohio FEA argues that auction delays undermine confidence in the PJM’s capacity market and inhibit new entry.³⁷ Ohio FEA states that, for five years, auction delays have resulted in market uncertainty in PJM, frustrated long-term contracts for Ohio’s competitive retail electric suppliers, and necessitated the Public Utilities Commission of Ohio using a proxy rate for its electric distribution utilities’ competitively bid standard service offer auctions until the relevant BRA is run.

V. PJM Answer

18. In response to AMP’s questioning of PJM’s good faith argument, PJM states that it does not describe the forthcoming FPA section 205 filing because that proposal will be informed by stakeholder input through the member consultation process pursuant to section 9.2(b) of the Tariff.³⁸ PJM adds that, based in part on AMP’s protest, PJM has scheduled additional stakeholder meetings to discuss the proposal.³⁹

19. PJM also disagrees with AMP’s contention that the Commission cannot act on PJM’s motion in Docket No. EL24-148-000. PJM notes that, in the Complaint docket, the Commission requested comments related to “the request to delay the upcoming 2026/2027 BRA” in its notice of extension of time.⁴⁰ PJM argues that the Commission’s request demonstrates that the issues are not mutually exclusive and that the Commission could grant the requested delay in the Complaint docket.⁴¹

20. In response to AMP’s other arguments, PJM argues that the waiver request is limited in scope because it limits the auction delay to four delivery years, and PJM explained why the RPM Auctions beyond the 2026/2027 BRA would be impacted.⁴² As further support for its concrete problem argument, PJM notes that in prior waiver orders

³⁶ Ohio FEA Protest at 5.

³⁷ *Id.* at 4.

³⁸ PJM Answer at 2.

³⁹ PJM states that it anticipates making the FPA section 205 filing around early December 2024. *Id.* at 3.

⁴⁰ *Id.* (citing Notice of Extension of Time, Docket No. EL24-148-000 (Oct. 16, 2024)).

⁴¹ *Id.* at 3-4.

⁴² *Id.* at 4.

the Commission explained that delaying the RPM Auctions to allow the Commission time to consider pending proceedings represents a remedy to a concrete problem.⁴³ PJM also states that the Commission has found that the possibility that an auction delay may increase uncertainty is not reason enough to reject that delay.⁴⁴ PJM also argues that Talen's proposal to delay the 2026/2027 BRA by four months is not workable under the compressed auction schedule.⁴⁵

VI. Discussion

A. Procedural Matters

21. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2024), the notices of intervention and timely, unopposed motions to intervene serve to make the entities that filed them parties to this proceeding.

22. Pursuant to Rule 214(d) of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214(d), we grant the late-filed motions to intervene of PJM Industrial Customer Coalition; AES Clean Energy Development, LLC; Enerwise Global Technologies, LLC; Buckeye Power, Inc.; and EDF Renewables, Inc. given their interest in the proceeding, the early stage of the proceeding, and the absence of undue prejudice or delay.

23. Rule 213(a)(2) of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.213(a)(2) (2024), prohibits an answer to a protest or answer unless otherwise ordered by the decisional authority. We accept PJM's answer because it has provided information that assisted us in our decision-making process.

B. Substantive Matters

24. We grant PJM's request for waiver of Attachment DD, sections 5.4(a-b) of the Tariff to delay the commencement of the 2026/2027 BRA and the related changes to subsequent auctions, consistent with the time periods set forth in Table 1 of PJM's waiver request. We also grant PJM's request for waiver of the Tariff provisions listed in

⁴³ *Id.* at 5 (citing *PJM Interconnection, L.L.C.*, 151 FERC ¶ 61,067, at P 27 (2015); *PJM Interconnection, L.L.C.*, 164 FERC ¶ 61,153, at P 13 (2018)).

⁴⁴ *Id.* (citing *PJM Interconnection, L.L.C.*, 151 FERC ¶ 61,067 at P 28).

⁴⁵ *Id.* at 6-7.

Attachment A of PJM's waiver request relating to the timing and pre-auction processes through the 2029/2030 BRA.⁴⁶

25. The Commission has granted waiver of tariff provisions where: (1) the applicant acted in good faith; (2) the waiver is of limited scope; (3) the waiver addresses a concrete problem; and (4) the waiver does not have undesirable consequences, such as harming third parties.⁴⁷ We find that the circumstances of PJM's waiver request satisfy these criteria.

26. First, we find PJM acted in good faith to delay the BRA to provide time for PJM and stakeholders to evaluate potential market rule changes before the 2026/2027 BRA. PJM explains that it is working with stakeholders on the components of a forthcoming FPA section 205 filing that may address issues raised in the Complaint as well as other attendant issues, as further discussed below. We disagree with AMP that PJM's waiver request is deficient because PJM does not describe this FPA section 205 filing, as it is still in development. We also disagree with AMP that PJM is acting in bad faith by using this waiver request as a pretext for "rushed" reforms, without first showing that the current rules are unjust and unreasonable. On the contrary, we find that PJM has acted in good faith in proposing to delay the 2026/2027 BRA to explore consequential market rule changes, which it expects to file with the Commission soon, in an attempt to minimize disruption and ensure the orderly conduct of RPM auctions. In short, PJM cites additional circumstances, aside from the filing of the Complaint, which support a delay.

27. Second, we find that the waiver request is limited in scope. PJM has supported its requested six-month delay as the amount of time reasonably necessary for PJM and market participants to conduct relevant pre-auction activities following any market rule changes that may result from PJM's forthcoming FPA section 205 filing or the Complaint.⁴⁸ Although PJM's waiver will affect the timing of several future BRAs, we disagree with AMP that these effects impermissibly broaden the scope of PJM's waiver request. PJM has shown the delay in the 2026/2027 BRA necessitates changes to succeeding auctions.

28. Third, we find that the waiver request remedies a concrete problem, i.e., the current lack of sufficient time before the scheduled 2026/2027 BRA to address the

⁴⁶ See *supra*, P 6.

⁴⁷ See, e.g., *Citizens Sunrise Transmission LLC*, 171 FERC ¶ 61,106, at P 10 (2020); *Midcontinent Indep. Sys. Operator, Inc.*, 154 FERC ¶ 61,059, at P 13 (2016).

⁴⁸ See PJM Waiver Request at 4 ("The delay for six months would also be necessary for PJM and Market Participants to conduct any relevant pre-auction activities following any market rule change that may be accepted by the Commission.").

market uncertainty precipitated by the Complaint and the resulting potential consequential changes in the market rules. In its waiver request, PJM explains that the Complaint has generated significant market uncertainty and that, to address this uncertainty, it plans to file a FPA section 205 filing that will propose several capacity market rule changes.⁴⁹ PJM's waiver will provide the time to address potential consequential changes in the market rules by delaying the 2026/2027 BRA and compressing the timelines for subsequent auctions to facilitate the return to a three-year forward schedule.⁵⁰

29. Fourth, on the issue of undesirable consequences, such as harm to third parties, we find that, based on the record here, the benefits of delaying the capacity market auctions outweigh any potential harm.⁵¹ Although the auction delay will have an effect on other BRAs through the 2029/2030 delivery year and will require cancelling several Incremental Auctions, on balance we find that granting the waiver request provides the opportunity to address potential consequential changes in the market rules and provides the opportunity for market participants to respond to any changed rules by having additional time to prepare and submit requests and elections in advance of the next auction.

⁴⁹ PJM states that its proposed market rule changes may address issues surrounding RMR resource participation, as well as modifications to other aspects of the capacity market design, including must-offer requirements, maximum capacity prices, Effective Load Carrying Capacity accreditation, accounting for recent environmental policies and other developments that may potentially affect the choice of the Reference Resource. *Id.* at 3, 9.

⁵⁰ See *PJM Interconnection, L.L.C.*, 151 FERC ¶ 61,067 at P 27 (finding that PJM's proposal to delay a BRA to give the Commission time to consider a capacity performance proposal is a "timing concern [that] represents a concrete problem" and that PJM's waiver request would address that problem).

⁵¹ The Commission has previously granted waivers where, on balance, the potential benefits of the waiver outweigh the potential harm. See e.g. *PJM Interconnection, L.L.C.*, 177 FERC ¶ 61,050, at P 25 (2021) (finding that the potential harm of delaying the 2023/2024 BRA is outweighed by the benefits of ensuring the auction is run under the new offer cap rules and to allow parties to have adequate time to understand the mechanics and results of those new rules); See also *PJM Interconnection, L.L.C.*, 151 FERC ¶ 61,067 at P 28 (finding that the potential impacts of delaying the BRA is outweighed by the importance of the Commission having the opportunity to consider the full record in the capacity performance proceeding prior to PJM running the auction).

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30. We dismiss as moot PJM's motion because it seeks the same relief as PJM's waiver request, which we grant herein. We further emphasize that nothing in this order is intended to prejudge the merits of the Complaint, which the Commission will address in a separate order.

The Commission orders:

(A) PJM's waiver request in Docket No. ER25-118-000 is hereby granted, as discussed in the body of this order.

(B) PJM's motion in Docket No. EL24-148-000 is dismissed as moot, as discussed in the body of this order.

By the Commission. Commissioner See is not participating.

(S E A L)

Debbie-Anne A. Reese,
Secretary.

Appendix

List of Intervenors: Docket No. ER24-118

*Intervenors that also intervened in Docket No. EL24-148

American Electric Power Service Corporation (AEPSC)^{52*}
Boston Energy Trading and Marketing LLC*
Calpine Corporation*
Constellation Energy Generation, LLC*
Duke Energy Corporation^{53*}
Electric Power Supply Association (EPSA)*
First Energy Service Company (FirstEnergy)⁵⁴
LS Power Development, LLC*
Monitoring Analytics, LLC (Market Monitor)*
New Jersey Board of Public Utilities (New Jersey Commission)*
New Jersey Division of Rate Counsel*
Office of the Ohio Consumers' Counsel*
PJM Power Providers Group (P3)*
PPL Electric Utilities Corporation*
Public Citizen, Inc.
Public Service Electric and Gas Company, PSEG Power LLC, and PSEG Energy
Resources & Trade LLC (PSEG)*
Shell Energy North America (US), L.P.*

⁵² AEPSC states that it moves to intervene on behalf of its affiliates Appalachian Power Company, Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Ohio Power Company, Wheeling Power Company, AEP Appalachian Transmission Company, Inc., AEP Indiana Michigan Transmission Company, Inc., AEP Kentucky Transmission Company, Inc., AEP Ohio Transmission Company, Inc., and AEP West Virginia Transmission Company, Inc., and AEP Energy Partners, Inc.

⁵³ Duke Energy Corporation states that it moves to intervene on behalf of its franchised public utility affiliates, Duke Energy Ohio, Inc., Duke Energy Kentucky, Inc., Duke Energy Indiana, LLC, Duke Energy Carolinas, LLC, and Duke Energy Progress, LLC.

⁵⁴ First Energy Service Company states that it moves to intervene as agent for its franchised public utility affiliates Ohio Edison Company, The Cleveland Electric Illuminating Company, The Toledo Edison Company, FirstEnergy Pennsylvania Electric Company, Jersey Central Power & Light Company, Monongahela Power Company and The Potomac Edison Company.

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Solar Energy Industries Association*
Southern Maryland Electric Cooperative, Inc.*
Sustainable FERC Project; Natural Resources Defense Council; Union of Concerned
Scientists (Complainants)*

List of Intervenors: Docket No. EL24-148

Advanced Energy United
Alpha Generation, LLC
America's Power
American Clean Power Association
American Municipal Power
Blue Ridge Power Agency
Brookfield Renewable Trading and Marketing LP
Buckeye Power, Inc.
Chief Keystone Power, LLC and Chief Conemaugh Power, LLC
Coalition of Midwest Power Producers, Inc.
Cogentrix Energy Power Management, LLC
CPV Power Holdings, LP
Crete Energy Venture, LLC, Lincoln Generating Facility, LLC
Delaware Municipal Electric Corporation, Inc.
Dominion Energy Services, Inc.
Duquesne Light Company
Easton Utilities Commission
EDF Renewables, Inc.
Enel X North America, Inc.
Enerwise Global Technologies, LLC dba CPower
Exelon Corporation
Fairless Energy, L.L.C.
Forked River Power LLC
Illinois Attorney General's Office
Illinois Citizens Utility Board
Illinois Commerce Commission
Invenergy Thermal LLC
Maryland Office of People's Counsel
Maryland Public Service Commission
New England Power Generators Association Inc.
Newark Energy Center, LLC
North Carolina Electric Membership Corporation
Northern Virginia Electric Cooperative, Inc.
NRG Business Marketing LLC and Midwest Generation, LLC
Office of the People's Counsel for the District of Columbia
Old Dominion Electric Cooperative

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Onward Energy Holdings, LLC
Organization of PJM States, Inc.
Pennsylvania Office of Consumer Advocate
Pennsylvania Public Utility Commission
PJM Industrial Customer Coalition
Red Oak Power, LLC
Retail Energy Supply Association
Rockland Capital
Rockland Electric Company
Talen Energy Corporation, H.A. Wagner LLC, Brandon Shores LLC
Tenaska, Inc.
Vistra Corp.
Vitol Inc.VC Renewables LLC
Voltus, Inc.
WIN Waste Innovations Holdings Inc.

Document Content (s)

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