

**IN THE
UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

Delaware Division of the Public Advocate,)
Maryland Office of People’s Counsel,)
Office of the People’s Counsel for the)
District of Columbia, and Sierra Club,)

Petitioners,)

v.)

No. 20-1212

Federal Energy Regulatory Commission,)

Respondent.)

_____)

**MOTION FOR LEAVE TO INTERVENE OF
PJM INTERCONNECTION, L.L.C.**

PJM Interconnection, L.L.C. (“PJM”), pursuant to Rule 15(d) of the Federal Rules of Appellate Procedure and Rule 15(b) of the Circuit Rules of this Court, hereby moves for leave to intervene in the above-captioned review proceeding.

PJM is the regional transmission organization (“RTO”) for all or portions of Delaware, the District of Columbia, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia (the “PJM Region”). PJM is authorized by Respondent Federal Energy Regulatory Commission (“FERC”) to administer an Open Access Transmission Tariff (“Tariff”), provide transmission service under the Tariff on the electric transmission facilities under PJM’s control, operate an energy and other

markets, and otherwise conduct the day-to-day operations of the bulk power system of a multi-state electric control area. PJM was approved by FERC first as an independent system operator, *Pennsylvania-New Jersey-Maryland Interconnection*, 81 FERC ¶ 61,257 (1997), *reh'g denied*, 92 FERC ¶ 61,282 (2000), *modified sub nom. Atl. City Elec. Co. v. FERC*, 295 F.3d 1 (D.C. Cir. 2002), and then as an RTO, *PJM Interconnection, L.L.C.*, 101 FERC ¶ 61,345 (2002).

On June 15, 2020, Delaware Division of the Public Advocate, Maryland Office of People's Counsel, the Office of the People's Counsel for the District of Columbia, and the Sierra Club, filed in No. 20-1212 a petition for review of the following orders issued by FERC:

1. *PJM Interconnection, L.L.C.*, Order Accepting Proposed Tariff Revisions, Docket Nos. ER19-105-001, ER19-105-002, 167 FERC ¶ 61,029 (April 15, 2019); and
2. *PJM Interconnection, L.L.C.*, Order Denying Rehearing, Docket No. ER19-105-004, 171 FERC ¶ 61,040 (April 16, 2020).

The underlying FERC proceedings concern PJM's proposal to revise the administratively-determined demand curve (and its key inputs) that is used to clear auctions in PJM's capacity market, known as the Reliability Pricing Model. PJM's proposed modifications to the shape of the curve and two of its key inputs: the Cost of New Entry for a representative new power plant and the methodology to

determine a generation resource's expected annual energy and ancillary services revenues.

PJM was the applicant in the FERC proceedings that resulted in the challenged orders, which approved changes to PJM's FERC-filed tariff. Consequently, PJM has a direct and substantial interest in the Court's review of those orders, and PJM's interest cannot be adequately represented by any other party. Accordingly, PJM requests leave to intervene in this review proceeding.

Respectfully submitted,

/s/ Paul M. Flynn

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PJM Interconnection, L.L.C.

Dated: June 26, 2020

**IN THE
UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

Delaware Division of the Public Advocate,) Maryland Office of People’s Counsel,) Office of the People’s Counsel for the) District of Columbia, and Sierra Club,)) Petitioners,)) v.)) Federal Energy Regulatory Commission,)) Respondent.) _____)	No. 20-1212
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**CORPORATE DISCLOSURE STATEMENT OF
PJM INTERCONNECTION, L.L.C.**

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and Rules 26.1 and 35(c) of the Circuit Rules of this Court, intervenor PJM Interconnection, L.L.C. (“PJM”), states that it is a limited liability company (“L.L.C.”) organized and existing under the laws of the State of Delaware. PJM is a regional transmission organization (“RTO”) for all or portions of Delaware, the District of Columbia, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia. PJM is authorized by Respondent Federal Energy Regulatory Commission (“FERC”) to administer an Open Access Transmission Tariff (“Tariff”), provide transmission service under the Tariff on the electric transmission facilities under PJM’s control,

operate an energy and other markets, and otherwise conduct the day-to-day operations of the bulk power system of a multi-state electric control area. PJM was approved by FERC first as an independent system operator and then as an RTO. *See Pennsylvania-New Jersey-Maryland Interconnection*, 81 FERC ¶ 61,257 (1997), *reh'g denied*, 92 FERC ¶ 61,282 (2000), *modified sub nom. Atl. City Elec. Co. v. FERC*, 295 F.3d 1 (D.C. Cir. 2002); *PJM Interconnection, L.L.C.*, 101 FERC ¶ 61,345 (2002).

Under Delaware law, the members of an L.L.C. have an “interest” in the L.L.C. *See* Del. Code Ann. tit. 6, § 18-701 (2019). PJM members do not purchase their interests or otherwise provide capital to obtain their interests. Rather, the PJM members’ interests are determined pursuant to a formula that considers various attributes of the member, and the interests are used only for the limited purposes of: (i) determining the amount of working capital contribution for which a member may be responsible in the event financing cannot be obtained;¹ and (ii) dividing assets in the event of liquidation. PJM is not operated to produce a profit, has never made any distributions to members, and does not intend to do so (absent dissolution). In addition, “interest” as defined above does not enter into

¹ Under the Amended and Restated Operating Agreement of PJM Interconnection, L.L.C., the amount of capital contributions received from all PJM members combined is capped at \$5,200,000. Because PJM has financed its working capital requirements, there have been no member contributions to date, and none are expected.

governance of PJM and there are no individual entities that have a 10% or greater voting interest in the conduct of any PJM affairs.

Respectfully submitted,

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CERTIFICATE OF SERVICE

Pursuant to the Federal Rules of Appellate procedure, I hereby certify that I have this 26th day of June 2020, served the foregoing Motion for Leave to Intervene and Corporate Disclosure Statement of PJM Interconnection, L.L.C. via the CM/ECF system. I certify I have served the foregoing via the CM/ECF system, email, or U.S. Mail on all parties, as indicated below.

Contact Info	Case Number/s	Service Preference	ECF Filing Status
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