February 28, 2020

Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426-0001

Re:  
PJM Interconnection, L.L.C., Docket No. ER20-___-000
Revisions to PJM Open Access Transmission Tariff for Silver Run Electric, LLC

PJM Interconnection, L.L.C., Docket No. ER20-___-000
Revisions to PJM Consolidated Transmission Owners Agreement for Silver Run Electric, LLC

Dear Ms. Bose:


1 16 U.S.C. § 824d.

2 18 C.F.R. part 35.

3 PJM Interconnection, L.L.C., Consolidated Transmission Owner Agreement, Rate Schedule FERC No. 42 (“CTOA”).

4 PJM is separately filing today, in separate dockets, the proposed revisions to the Tariff and the CTOA under cover of this same transmittal letter given the common facts and justification for amending both the Tariff and CTOA to identify SRE as a PJM Transmission Owner.
Under both the Tariff and CTOA, an entity that is not yet a PJM Transmission Owner becomes a PJM Transmission Owner once all equipment and facilities necessary for the safe and reliable operation of its Transmission Facilities as part of the PJM Region are constructed, energized and placed in service,⁵ and the entity meets the definition of a Transmission Owner under the Tariff and CTOA.⁶ While the parties estimate that will occur for at least a portion of SRE’s Transmission Facilities (the “SRE Facilities”) on April 28, 2020, which is more than sixty days after the date of this filing, the precise date is necessarily subject to a certain amount of variability, given the vagaries of construction scheduling and related uncertainties. For this reason, PJM is unable to propose a specific effective date for the changes proposed herein.

PJM therefore has included a placeholder effective date in the eTariff metadata of this filing, and proposes to submit a further filing within one week following the finally determined effective date, specifying the date on which the Tariff and CTOA revisions submitted in this filing took effect. PJM respectfully requests that the Commission waive both the sixty-day and 120-day notice requirements⁷ in this proceeding to the extent necessary to allow the changes to the Tariff and CTOA to become effective on the day of completion of the SRE Facilities.

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⁵ CTOA at section 3.1.
⁶ CTOA at sections 1.27 & 1.28.
⁷ 18 C.F.R. §35.3(a)(1).
I. BACKGROUND

SRE is a wholly-owned subsidiary of LS Power Associates, L.P. (“LS Power”), which is a development, investment, and operating company, and is organized under the laws of the State of Delaware. SRE is one of several of LS Power’s transmission-only affiliates and has been a member of PJM since February 2011.

SRE, as successor to Northeast Transmission Development, LLC, is responsible for constructing portions of the Artificial Island Project, identified as part of the PJM Regional Transmission Expansion Plan (“RTEP”) process set forth in the Amended and Restated Operating Agreement of PJM, Schedule 6. SRE’s portion of the Artificial Island Project (i.e., the SRE Facilities), consists of: 1) six miles of 230 kilovolt (“kV”) transmission line, including three miles of overhead transmission line in Delaware and New Jersey and three miles of subsea cable under the Delaware River; and 2) the 230kV Silver Run Substation.

On April 29, 2013, PJM opened an RTEP window seeking solution proposals to improve operational performance on bulk electric system facilities in the southern New Jersey—Artificial Island Project area is where the Salem and Hope Creek nuclear generation stations are located. Seven different sponsors submitted twenty-six separate proposals for consideration in the Artificial Island Project window. Following evaluation, including analytical work and constructability assessments, and review by stakeholders of five finalist proposals, PJM staff recommended to the PJM Board of Managers that the 230 kV transmission line across the Delaware River and the new Silver Run substation be designated to SRE. SRE executed a Designated Entity Agreement with PJM on October

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A Designated Entity Agreement, which formally designates an entity selected to construct transmission facilities required under the RTEP, defines the terms, duties, accountabilities, and obligations of each party, and documents project scope,
29, 2015, memorializing the parties’ rights and obligations with respect to the development of the SRE Facilities.

The SRE Facilities will meet the definition of “Transmission Facilities” set forth in the section 1.27 of the CTOA once SRE has “demonstrated to the satisfaction of PJM to be integrated with the Transmission System of the PJM Region.”9 As of the date of this filing, PJM was informed that April 28, 2020 is the estimated date on which the SRE Facilities’ substation will be energized and cut into Delmarva Power & Light Company’s Red Lion or Cedar Creek transmission lines. As of such energization date, SRE will meet the criteria for becoming a Transmission Owner under section 3.1 of the CTOA because it will then be an owner of “Transmission Facilities,” as defined by section 1.27, and by then will “ha[ve] in place all equipment and facilities necessary for [the] safe and reliable operation of such Transmission Facilities as part of the PJM Region.”10 Further, upon energizing and placing into service the SRE Facilities, PJM will exercise functional control over the SRE Facilities. SRE executed and became a signatory to the CTOA on February 27, 2020.

II. DESCRIPTION OF PROPOSED REVISIONS TO THE TARIFF AND CTOA

A. CTOA, Attachment A

PJM hereby submits a revised Attachment A of the CTOA to add SRE to the list of PJM Transmission Owners. PJM also submits an added signature page to the CTOA planning criteria, development schedules, project milestones, and other pertinent terms and conditions of project development.

9 CTOA at section 1.27.

10 CTOA at section 3.1.
executed by an authorized officer of SRE. As explained above, SRE will satisfy the eligibility criteria to become a PJM Transmission Owner under sections 1.27 and 3.1 of the CTOA because, *inter alia*, upon completion of the SRE Facilities, SRE will own facilities that are integrated with and operated as part of the PJM Transmission System. As such, SRE will become a party to the CTOA through its execution of the signature page submitted herewith effective once such facilities are placed in service.

**B. Tariff, Attachment L**

Tariff, Attachment L contains a list of the Transmission Owners under the Tariff. The Tariff states that “‘Transmission Owners’ shall mean a Member that owns or leases with rights equivalent to ownership Transmission Facilities and is a signatory to the PJM Transmission Owners Agreement.” The CTOA includes a similar definition at section 1.28. As discussed earlier, SRE satisfies the eligibility criteria to become a “Transmission Owner” under the CTOA and has executed the CTOA. Accordingly, upon completion of the SRE Facilities, SRE will be a Transmission Owner under the Tariff. Therefore, PJM proposes to include SRE in the list of Transmission Owners under Tariff, Attachment L.

**III. EFFECTIVE DATE**

As noted, PJM presently estimates that the conditions required for the changes proposed herein to become effective will occur on or about April 28, 2020, which is more than sixty days from the date of this filing. However, considering the uncertainties present with construction and energization of the facilities, PJM is unable at this time to propose an exact effective date. Instead, PJM includes a placeholder effective date in this filing of

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11 Tariff, section 1 (definitions T-U-V).
“12/31/9998,” and proposes to submit a further filing within one week following confirmation of the actual effective date, specifying the date on which the Tariff and CTOA revisions submitted became effective.

Accordingly, PJM respectfully requests that the Commission waive both the sixty-day and 120-day notice requirement in this proceeding to the extent necessary to permit the effective date to match the realization of the conditions precedent to SRE becoming a PJM Transmission Owner. Section 205(d) of the FPA expressly authorizes the Commission to waive its sixty-day notice requirement, and Commission Rule 35.11 provides for waiver “for good cause shown.”12 Good cause exists here for the Commission to grant waiver. The changes proposed herein are to become effective at the time that the facilities are completed and energized. Due to the uncertainties associated with construction and energization of the SRE Facilities, PJM is unable at this time to state with certainty the exact date that such conditions will occur. Therefore, PJM respectfully requests that the Commission waive the sixty-day and 120-day notice requirements, to the extent necessary, so that the enclosed changes will become effective on the day the SRE Facilities are placed into service.

IV. DOCUMENTS ENCLOSED

Attached to this transmittal letter are the following documents:

CTOA Amendment Docket

1. Attachment A – Revised CTOA, Attachment A (Marked Format);
2. Attachment B – Revised CTOA, Attachment A (Clean Format); and
3. Attachment C – Copy of the CTOA signature page executed by SRE.

12 16 U.S.C. § 824d(e); 18 C.F.R. § 35.11.
1. **Attachment A** – Revised Tariff, Attachment L (Marked Format); and

2. **Attachment B** – Revised Tariff, Attachment L (Clean Format).

**V. CONCLUSION**

PJM requests that the Commission accept the revisions to the Tariff and CTOA as described herein and grant waiver, to the extent necessary, of its notice requirements. PJM agrees to submit a filing within one week following confirmation of the actual effective date, specifying the date on which the Tariff and CTOA revisions submitted in this filing took effect.

Respectfully submitted,

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Attachment A

Revisions to the
PJM Open Access Transmission Tariff

(Marked/Redline Format)
ATTACHMENT L
List of Transmission Owners

Allegheny Electric Cooperative, Inc.
American Transmission Systems, Incorporated
Atlantic City Electric Company
Baltimore Gas and Electric Company
Essential Power Rock Springs, LLC
Delmarva Power & Light Company
Duke Energy Ohio, Inc.
Duke Energy Kentucky, Inc.
East Kentucky Power Cooperative, Inc.
Hudson Transmission Partners, LLC
ITC Interconnection LLC
Jersey Central Power & Light Company
Mid-Atlantic Interstate Transmission, LLC
Neptune Regional Transmission System, LLC
Old Dominion Electric Cooperative
PECO Energy Company
Pennsylvania Power & Light Company
Potomac Electric Power Company
Public Service Electric and Gas Company
Rockland Electric Company
Trans-Allegheny Interstate Line Company
Transource West Virginia, LLC
UGI Utilities, Inc.

Commonwealth Edison Company and Commonwealth Edison Company of Indiana, Inc.
The Dayton Power and Light Company
Duquesne Light Company
Virginia Electric and Power Company
Linden VFT, LLC
City of Cleveland, Department of Public Utilities, Division of Cleveland Public Power
City of Hamilton, OH
Southern Maryland Electric Cooperative, Inc.
Ohio Valley Electric Cooperative
AMP Transmission, LLC
Silver Run Electric, LLC
Attachment B

Revisions to the
PJM Open Access Transmission Tariff

(Clean Format)
ATTACHMENT L
List of Transmission Owners

Allegheny Electric Cooperative, Inc.
American Transmission Systems, Incorporated
Atlantic City Electric Company
Baltimore Gas and Electric Company
Essential Power Rock Springs, LLC
Delmarva Power & Light Company
Duke Energy Ohio, Inc.
Duke Energy Kentucky, Inc.
East Kentucky Power Cooperative, Inc.
Hudson Transmission Partners, LLC
ITC Interconnection LLC
Jersey Central Power & Light Company
Mid-Atlantic Interstate Transmission, LLC
Neptune Regional Transmission System, LLC
Old Dominion Electric Cooperative
PECO Energy Company
Pennsylvania Power & Light Company
Potomac Electric Power Company
Public Service Electric and Gas Company
Rockland Electric Company
Trans-Allegheny Interstate Line Company
Transource West Virginia, LLC
UGI Utilities, Inc.
Commonwealth Edison Company and Commonwealth Edison Company of Indiana, Inc.
The Dayton Power and Light Company
Duquesne Light Company
Virginia Electric and Power Company
Linden VFT, LLC
City of Cleveland, Department of Public Utilities, Division of Cleveland Public Power
City of Hamilton, OH
Southern Maryland Electric Cooperative, Inc.
Ohio Valley Electric Cooperative
AMP Transmission, LLC
Silver Run Electric, LLC