

161 FERC ¶ 61,162
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Neil Chatterjee, Chairman;
Cheryl A. LaFleur, and Robert F. Powelson.

PJM Interconnection, L.L.C.

Docket No. ER17-249-001

ORDER DENYING REHEARING

(Issued November 16, 2017)

1. In an order issued on December 22, 2016, the Commission accepted revisions submitted by PJM Interconnection, L.L.C. (PJM) to the PJM Open Access Transmission Tariff (Tariff) to extend and update the rate mechanism to recover PJM's administrative costs of serving as a regional transmission organization.¹ On January 23, 2017, Public Citizen, Inc. (Public Citizen) sought rehearing of the December 22 Order. For the reasons discussed below, we deny rehearing.

2. Public Citizen repeats on rehearing its argument that it should be accorded the rights of a PJM voting member in the PJM stakeholder process.² It asserts that the Commission failed in the December 22 Order "to ensure that members of the public – such as public interest organizations like Public Citizen – are afforded the same rights and privileges as energy corporations and government offices within the stakeholder processes of RTOs."³ Public Citizen also states that it applied for PJM membership in 2015 with the specific purpose of engaging in PJM's stakeholder process, but it was informed that it did not qualify for voting rights in that process. According to Public Citizen, this denied it a meaningful opportunity to participate in the stakeholder process,

¹ *PJM Interconnection, L.L.C.*, 157 FERC ¶ 61,236 (2016) (December 22 Order).

² Rehearing Request at 2; *see* Public Citizen, Inc., Motion to Intervene and Protest, Docket No. ER17-249-000, at 2 (filed Nov. 21, 2016); Public Citizen, Inc., Answer, Docket No. ER17-249-000, at 1, 4 (filed Dec. 12, 2016).

³ Rehearing Request at 3.

and the Commission approved PJM's proposed rate increase in this proceeding relying entirely upon this stakeholder process.⁴

3. In response, we note first that while Public Citizen may not meet PJM's criteria for membership as a voting member, Public Citizen can, by joining PJM as a non-voting member, express its views on proposals at PJM. More importantly, like any other party affected by a PJM tariff filing, Public Citizen has the right to have its views fully aired by intervening in the related proceeding at the Commission. The Commission considered all petitions in this proceeding on the merits, including that submitted by Public Citizen.

4. Public Citizen does not address on rehearing any of the determinations made in the December 22 Order. Instead Public Citizen maintains that "the December 22 Order threatens to undermine the rights of the public to have equal representation in any and all of the FERC-sanctioned RTOs."⁵ However, Public Citizen does not identify any statute, regulation, court decision, Commission order, or other authority that creates such rights either directly or by implication. Public Citizen thus provides no explanation of how the Commission's approval of PJM's proposal could undermine those asserted representation rights.

5. The Commission found in the December 22 Order that "disputes regarding PJM's classification of members . . . fall outside of the scope of this proceeding"⁶ As indicated above, Public Citizen does not contest this finding on rehearing. If Public Citizen wishes to challenge PJM's membership rules or the voting rights granted to PJM members, it may do so by filing a complaint under section 206 of the Federal Power Act.

6. In sum, Public Citizen neither argues that the Commission erred in finding that disputes over PJM membership classifications are beyond the scope of this proceeding nor explains how the error regarding PJM member voting rights it alleges the Commission made in the December 22 Order is in fact an error. Public Citizen thus presents no arguments that are within the scope of this proceeding to address on rehearing, and we therefore deny its rehearing request.

⁴ *Id.* at 1-3.

⁵ Rehearing Request at 3.

⁶ December 22 Order, 157 FERC ¶ 61,236 at P 22.

The Commission orders:

Public Citizen's rehearing request is hereby denied, as discussed in the body of this order.

By the Commission.

(S E A L)

Kimberly D. Bose,
Secretary.