

171 FERC ¶ 61,015
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Neil Chatterjee, Chairman;
Richard Glick, Bernard L. McNamee,
and James P. Danly.

PJM Interconnection, L.L.C.

Docket Nos. ER20-584-000
EL19-100-000
(consolidated)

ORDER ON COMPLIANCE FILING, ESTABLISHING PAPER HEARING
PROCEDURES, CONSOLIDATING AND HOLDING PROCEEDINGS IN
ABEYANCE

(Issued April 10, 2020)

1. In Docket No. EL19-100-000, the Commission instituted a paper hearing proceeding under section 206 of the Federal Power Act (FPA)¹ to examine the minimum run times for Capacity Storage Resources, and directed PJM Interconnection, L.L.C. (PJM) to submit Tariff provisions reflecting its minimum run-time rules and procedures applicable to all resources.² On December 12, 2019, in Docket No. ER20-584-000, PJM responded by proposing revisions to its Reliability Assurance Agreement (RAA) to incorporate rules for determining capacity values of all resources in compliance with the Commission's directive.³ On February 27, 2020, in Docket Nos. ER20-584-000 and EL19-100-000, PJM filed a motion to hold these proceedings in abeyance until January 29, 2021. In this order, we establish paper hearing procedures to examine the rules pertaining to the determination of capacity values for all resources. We also consolidate the proceeding in Docket No. ER20-584-000 with the paper hearing proceeding in Docket No. EL19-100-000 and require that future filings in the consolidated proceedings must be made solely in Docket No. EL19-100-000. We

¹ 16 U.S.C. § 824e (2018).

² As we discuss herein, PJM explains that rules for determining capacity values of all resources are the rules to which the Commission referred in the October 17, 2019 order when it discussed minimum run-times.

³ *PJM Interconnection, L.L.C.*, 169 FERC ¶ 61,049 (2019) (October 17 Order).

also grant PJM's motion in part and hold these proceedings in abeyance through October 30, 2020.

I. Background

2. On October 17, 2019, the Commission accepted, subject to a further compliance filing, PJM's proposed revisions to its Open Access Transmission Tariff (Tariff) and Amended and Restated Operating Agreement (Operating Agreement)⁴ in compliance with the requirements of Order No. 841.⁵ The Commission also instituted an investigation in Docket No. EL19-100-000, pursuant to FPA section 206, to determine whether PJM's minimum run-time rules and procedures are unjust, unreasonable, or unduly discriminatory or preferential as applied to Capacity Storage Resources.⁶ The Commission explained that PJM's current Tariff does not include any minimum run-time requirements other than a statement specifying that the Manual must allow resources to de-rate their capacity. Thus, the Commission established, in the same docket, an FPA section 206 proceeding to direct PJM to submit Tariff provisions reflecting its minimum run-time rules and procedures applicable to all resources.⁷

II. Notice and Responsive Pleadings

A. Docket No. EL19-100-000

3. Notice of the FPA section 206 proceeding instituted in Docket No. EL19-100-000 was published in the *Federal Register*, 84 Fed. Reg. 57,725 (Oct. 28, 2019), with interventions due on or before November 7, 2019. Appendix A lists those entities filing timely and late motions to intervene.

B. Docket No. ER20-584-000

4. Notice of PJM's filing in Docket No. ER20-584-000 was published in the *Federal Register*, 84 Fed. Reg. 69,368 (Dec. 18, 2019), with interventions and protests due on or

⁴ Capitalized terms that are not defined in this order have the meaning specified in the Tariff.

⁵ October 17 Order, 169 FERC ¶ 61,049 at P 2; see *Electric Storage Participation in Markets Operated by Regional Transmission Organizations and Independent System Operators*, Order No. 841, 162 FERC ¶ 61,127 (2018), *order on reh'g*, Order No. 841-A, 167 FERC ¶ 61,154 (2019).

⁶ October 17 Order, 169 FERC ¶ 61,094 at P 142.

⁷ *Id.* P 140.

before January 13, 2020.⁸ Appendix B lists those entities filing timely and late motions to intervene.

III. Docket No. ER20-584-000: Current Rules to Determine Capability of All Resource Types for Capacity Resource Qualification Purposes⁹

A. PJM Filing

5. PJM states that, when the Commission accepted PJM's proposed revisions to comply with Order No. 841, the Commission directed PJM to submit tariff provisions in a compliance filing that reflect PJM's minimum run-time rules and procedures applicable to all Capacity Resources. PJM states that it interprets this directive to incorporate the minimum run-time rules to mean that it should incorporate the Manual provisions referred to in RAA, Schedule 9. PJM states that PJM Manual 21¹⁰ fully details the rules pertaining to the determination of capacity values for all Capacity Resources except for Demand Resources.¹¹

6. PJM states that its filing incorporates rules in PJM's Manual 21 for determining the capacity values of Capacity Resources into RAA, Schedule 9, and groups them into three categories of resources. PJM clarifies that it does not include the determination of capacity values for Demand Resources in this filing because those values are provided in

⁸ See Notice of Extension, *PJM Interconnection, L.L.C.*, Docket No. ER20-584-000 (Dec. 31, 2019) (granting a motion for extension of the deadline to submit interventions and protests to January 13, 2020).

⁹ PJM clarifies in its transmittal that "minimum run time" is commonly used in PJM to refer to a seller-defined parameter of an energy market offer, specifying that a resource must be dispatched and compensated for running for a certain minimum number of hours. Transmittal at 3. PJM thus explains that the relevant rules in its compliance filing are the rules pertaining to the determination of capacity values for Capacity Resources. In light of PJM's clarification, we refer in this order to the relevant rules as the rules for determining the capability of differing resource types for Capacity Resource qualification purposes.

¹⁰ PJM Interconnection, L.L.C., *PJM Manual 21: Rules & Procedures for Determination of Generating Capability*, (rev. 14, Aug. 1, 2019), <https://www.pjm.com/-/media/documents/manuals/m21.ashx>.

¹¹ Transmittal at 2-4 (citing October 17 Order, 169 FERC ¶ 61,049 at PP 139, 143).

each Demand Resource's Sell Offer Plan in accordance with RAA, Schedule 6,- and Attachment DD-1 of PJM's Tariff.¹²

7. PJM states that the first category of resources includes generating units that can maintain a stated level of output without interruption for an extended period of time. PJM explains that the capacity value for such units is determined based on the level of output those units are capable of providing under ambient conditions that are expected to exist during PJM system peak loads.¹³

8. PJM states that the second category of resources includes generating units with limited energy capability. PJM explains that the capacity value for such units is determined based on the stated level of output that those resources can sustain over a continuous 10-hour duration.¹⁴

9. PJM states that the third category of resources includes generating units with output that varies as a function of a non-continuous energy source and that cannot be directly controlled. PJM explains that it defines the capacity values of such resources by the level of output that their energy source allows them to reliably produce at the time of system peak loads. PJM further explains that, for wind and solar generating units, the capacity value is determined by the units' average output provided in the 368 hours of hours ending 15, 16, 17 and 18 of each day in June, July and August.¹⁵

10. PJM requests that the Commission find this filing complies with the directive to include in the PJM Tariff the rules for determining the capability of all Capacity Resources. PJM also requests that the Commission only address the reasonableness of the application of the 10-hour duration requirement for generating units with limited energy capability after PJM submits its brief, due March 11, 2020.¹⁶

B. Comments on the Filing

11. ESA requests that the Commission defer ruling on the tariff provisions until the FPA section 206 proceeding in Docket No. EL19-100-000 is resolved so that the tariff provisions are not implemented in their current form before the Commission issues a

¹² *Id.* at 5 & n.17.

¹³ *Id.* at 5-6 (citing PJM Manual 21, § 1.2).

¹⁴ *Id.* at 6.

¹⁵ *Id.* at 7-8 (citing PJM Manual 21, app. B).

¹⁶ *Id.* at 2.

decision. Alternatively, ESA requests that the Commission reject the specific tariff provision that would require a 10-hour duration requirement for Capacity Storage Resources and direct PJM to make a new tariff filing after the Commission decides the matter in Docket No. EL19-100-000.¹⁷

12. AWEA, SEIA, and Solar Council (together, Joint Parties) state that they do not formally protest the compliance filing, as they recognize that all interested parties will have the opportunity to address the justness and reasonableness of the 10-hour minimum run-time requirement in the upcoming paper hearing, and they state that they do not oppose other RAA revisions proposed in the compliance filing.¹⁸ Joint Parties state that they simply request that, if the Commission accepts the compliance filing, the Commission clarify that it is not making a determination that the 10-hour minimum run-time requirement as applied to Capacity Storage Resources is just and reasonable.¹⁹

13. P3 states that PJM's compliance filing meets the Commission's requirement to incorporate rules into the RAA for the qualifications for all capacity resources.²⁰ However, P3 states that this filing highlights the inherent discriminatory treatment among capacity resources in PJM. P3 also opposes ESA's request to reject the 10-hour minimum run-time requirement as a procedurally improper request for rehearing and/or motion for stay.²¹

14. Brookfield filed a protest, arguing that the Commission should reject PJM's compliance filing for failure to satisfy the Commission's directive in the October 17, 2019 Order. Brookfield maintains that the Commission directed PJM to "submit Tariff provisions reflecting the minimum run-time rules and procedures currently specified in its Manual for every resource."²² Brookfield argues that PJM's filing does not accurately reflect PJM's existing rules for determining the net capability of run-of-river hydroelectric resources or PJM's prior approval of Brookfield's methodologies for

¹⁷ ESA Comments at 1-2.

¹⁸ Joint Parties Comments at 4 & n.13.

¹⁹ *Id.* at 4.

²⁰ P3 Comments at 1-2.

²¹ *Id.* at 2 n.6.

²² Brookfield Protest at 4 (citing October 17 Order, 169 FERC ¶ 61,049 at P 140).

determining the net capability of its run-of-river hydroelectric resources for purposes of participating in the PJM capacity market.²³

15. Brookfield argues that PJM's filing proposes to treat run-of-river hydroelectric resources with reservoir storage capability similarly to Energy Storage Resources, and to treat run-of-river hydroelectric resources without reservoir storage capability in a manner comparable to wind and solar resources. Brookfield argues that PJM's proposal substantively changes PJM's existing rules without demonstrating that the changes are just and reasonable pursuant to FPA section 205.²⁴ Brookfield argues that Manual 21 states that the methodology for determining the net capability of hydroelectric resources without reservoir storage capability is based on a one-hour Net Capacity Verification Test, which is not the same as the methodology for wind and solar. Brookfield also argues that Manual 21 does not require a demonstration of continuous output over 10 hours by a run-of-river hydroelectric unit with reservoir storage capability in the net capability determination.²⁵ Brookfield also argues that PJM's proposed changes to RAA Schedule 9 do not reflect how PJM actually determines the net capability of run-of-river hydroelectric resources for purposes of participating in the PJM capacity market. Brookfield maintains that PJM has worked with Brookfield in determining the capability of these resources to participate in the PJM capacity market in a manner consistent with Manual 21.²⁶

16. Brookfield asks that the Commission reject the instant filing. Alternatively, Brookfield requests that the Commission: (1) direct PJM to demonstrate that its proposed changes are just and reasonable during the paper hearing in Docket No. EL19-100-000, and provide parties with an opportunity in the hearing to address the reasonableness of these changes; or (2) open a separate FPA section 206 investigation into whether PJM's proposed changes are just and reasonable.²⁷

C. Answers

17. PJM filed an answer to Brookfield's protest. PJM states that it proposes to provide further evidence to justify the reasonableness of its tariff provisions during the paper hearing in Docket No. EL19-100-000. PJM maintains that the compliance filing

²³ *Id.* at 1-2, 4.

²⁴ *Id.* at 4-7.

²⁵ *Id.* at 7-8.

²⁶ *Id.* at 11-13.

²⁷ *Id.* at 2.

was merely a ministerial incorporation of a structure which categorizes all resources in an effort to bring PJM's existing rules into its Tariff. PJM states that it is more appropriate to address Brookfield's protest in that proceeding. Thus, PJM states that the Commission should hold in abeyance any ruling on the issues Brookfield has raised. PJM also notes that it intends to reevaluate the rules pertaining to resources with limited energy capability through a future stakeholder process to further address Brookfield's protest.²⁸

18. Moreover, PJM avers that the compliance filing meets the Commission's directive and is consistent with the requirements provided in PJM's Manuals.²⁹ PJM argues that it appropriately categorized run-of-river hydroelectric units with reservoir storage capability as resources with limited energy capability, and run-of-river hydroelectric units without reservoir storage capability as resources that cannot be continuously and directly controlled.³⁰ PJM rejects Brookfield's argument that the PJM Manual indicates that the capacity value for run-of-river hydroelectric resources with reservoir storage capability is based on a one-hour requirement.³¹ PJM elaborates that the Manual section that Brookfield cites is not used for determining the Capacity Interconnection Rights, but that instead it pertains to the testing requirements for run-of-river hydroelectric resources to maintain their existing Capacity Interconnection Rights and to demonstrate the ability to generate up to their committed capacity levels.³² PJM also disagrees that Brookfield has established that PJM approved Brookfield's methodology for determining capacity value.³³

D. NextEra's Motion to Consolidate and Comments on NextEra's Motion

19. NextEra filed a motion to consolidate this proceeding with the paper hearing in Docket No. EL19-100-000.³⁴ NextEra argues that consolidation is consistent with the intent of the October 17 Order. NextEra maintains that the Commission cannot accept

²⁸ PJM Answer at 2-3, 6.

²⁹ *Id.* at 3 (citing PJM 21, § 2.1(5)).

³⁰ *Id.* at 4.

³¹ *Id.* at 4-5.

³² *Id.* at 4-5.

³³ *Id.* at 5.

³⁴ NextEra also filed comments by attaching to its motion several pages from the protest it filed in Docket No. ER19-469-000 on the issue of the minimum run-time requirement for Capacity Storage Resources.

the compliance filing as just and reasonable without first making a finding in Docket No. EL19-100-000 because the Commission instituted an investigation in Docket No. EL19-100-000 after finding that the minimum run-time rules as applied to Capacity Storage Resources are unjust and unreasonable. NextEra further argues that consolidation promotes administrative efficiency and would not prejudice any party in this proceeding or in Docket No. EL19-100-000.³⁵ Alternatively, NextEra requests that the Commission either defer ruling on the compliance filing until it issues an order in Docket No. EL19-100-000 or reject the compliance filing as it relates to Capacity Storage Resources and direct PJM to submit a further compliance filing after the Commission issues an order in Docket No. EL19-100-000.³⁶

20. Joint Parties do not object to the Commission granting NextEra's request to consolidate this proceeding with Docket No. EL19-100-000.³⁷

21. P3 states that it supports NextEra's motion to consolidate this proceeding with Docket No. EL19-100-000.³⁸

IV. Docket Nos. ER20-584-000 and EL19-100-000

A. Motion to Hold Proceedings in Abeyance

PJM's Filing

22. On February 27, 2020, in Docket Nos. ER20-584-000 and EL19-100-000, PJM filed a motion to hold these proceedings in abeyance until January 29, 2021. PJM states that it submits this motion in order to pursue an Effective Load Carrying Capability (ELCC) construct with PJM stakeholders for calculating the capability of resources in the PJM Reliability Pricing Model (RPM). PJM maintains that an ELCC construct established in PJM's governing documents could potentially address the issues the Commission has identified regarding PJM's existing rules for Capacity Storage Resources and eliminate the need for these proceedings.³⁹

³⁵ NextEra Motion at 4-5.

³⁶ *Id.* at 5.

³⁷ Joint Parties Comments at 4-5.

³⁸ P3 Comments at 2-4 & n.11.

³⁹ Motion at 1, 6. PJM requested that the Commission shorten the comment period on its motion to four days and issue an order on its motion by March 9, 2020.

23. PJM states that January 29, 2021 is a reasonable date by which it could submit a FPA section 205 filing to establish the new ELCC construct in its governing documents. PJM explains that, if it cannot submit a section 205 filing by this date, then its requested abeyance period would end, and PJM would submit an informational filing to the Commission as the Commission establishes a revised briefing schedule.⁴⁰

B. Comments on the Motion

24. The following entities filed comments supporting PJM's motion to hold the proceedings in abeyance: AEE; AWEA, SEIA, and Solar Council (together, Clean Energy Associations); Dominion; Enel North America; ESA; NextEra; NHA; P3 and EPSA; PJM Utilities Coalition.⁴¹ GlidePath filed comments conditionally supporting PJM's motion. Public Interest Organizations (PIOs)⁴² filed comments conditionally opposing PJM's motion.

25. Dominion argues that the Commission should direct PJM to examine an ELCC methodology for Energy Storage Resources in parallel to the reforms for wind and solar resources that PJM's stakeholders are considering. Dominion also argues that, if the Commission agrees that PJM should examine a similar methodology for run-of-river hydroelectric resources, the Commission should direct PJM to initiate that process after completing work on wind, solar, and Energy Storage Resources because run-of-river hydroelectric resources have their own unique set of attributes.⁴³

26. GlidePath conditions its support of PJM's motion on the Commission requiring PJM to file revisions applicable to Energy Storage Resources by January 29, 2021, pursuant to FPA section 205 rather than section 206, regardless of the progress on other classes of resources, because Energy Storage Resources in the PJM markets face significant uncertainty under the 10-hour requirement.⁴⁴

27. PIOs express concern that there is the potential for additional delay if the Commission grants PJM's motion and does not require an FPA section 205 filing by a

⁴⁰ *Id.* at 5-6.

⁴¹ The PJM Utilities Coalition states that it comprises the following parties: AEPSC, Duke, EKPC, and the FirstEnergy Utilities.

⁴² PIOs include Earthjustice, NRDC/FERC Project, Sierra Club, and Union of Concerned Scientists.

⁴³ Dominion Comments at 3-4.

⁴⁴ GlidePath Comments at 3-4.

certain date. PIOs are further concerned that, if these proceedings remain open significantly beyond January 29, 2021, multiple RPM auctions and additional interconnection queues may be under threat of refund, and Capacity Storage Resources will be undervalued significantly for multiple years. PIOs state that their concerns would be resolved if the Commission ordered PJM to file its replacement rate by January 29, 2021 and clarified that this replacement rate must be reasonably consistent with the Commission's previous rulings discussing the appropriate treatment of Capacity Storage Resources in the market.⁴⁵

28. P3 and EPSA state that they condition their support of PJM's actions on the assumption that the status quo regarding the current 10-hour minimum run-time for Energy Storage Resources will remain in effect for the duration of the new stakeholder process.⁴⁶

29. NHA argues that, if PJM considers an ELCC methodology for run-of-river hydroelectric resources, the Commission direct PJM to do so in Phase II pursuant to PJM's Issue Charge to avoid this complex resource delaying implementation of ELCC for other resources.⁴⁷

30. Several commenters also seek clarification about the procedures relating to PJM's proposed FPA section 205 filing and the paper hearing. ESA and NextEra argue that the Commission should continue to hold the proceedings in abeyance if PJM makes a section 205 filing until it accepts PJM's proposal as just and reasonable. However, they argue, if PJM does not make a section 205 filing, the Commission should either: (1) direct PJM to promptly submit a motion to set a briefing schedule when it determines not to make the 205 filing; or (2) set briefing dates at this time.⁴⁸

V. Discussion

A. Procedural Matters

31. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2019), the timely, unopposed motions to intervene in Docket No. ER20-584-000 and Docket No. EL19-100-000 serve to make the entities that filed them parties to these proceedings. Pursuant to Rule 214(d) of the Commission's Rules of

⁴⁵ PIOs Comments at 1-3.

⁴⁶ P3 and EPSA Comments at 2.

⁴⁷ NHA Comments at 3-4.

⁴⁸ ESA Comments at 3; NextEra Comments at 3.

Practice and Procedure, 18 C.F.R. § 385.214(d), the Commission will grant the late-filed motions to intervene in Docket No. ER20-584-000 and Docket No. EL19-100-000 given the entities' interests in the proceedings, the early stage of the proceedings, and the absence of undue prejudice or delay.

32. Rule 213(a)(2) of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.213(a)(2) (2019), prohibits an answer to a protest unless otherwise ordered by the decisional authority. We accept PJM's answer because it has provided us information that assisted us in our decision-making process.

B. Substantive Matters

33. We grant NextEra's motion to consolidate. We find that there are common issues of law and fact regarding PJM's methodologies to determine the capability of Capacity Storage Resources and of all other resource types and thus establish the consolidated paper hearing procedures in Docket No. EL19-100-000 to address the issues raised in Docket Nos. ER20-584-000 and EL19-100-000. Brookfield's protest regarding PJM's filing in Docket No. ER20-584-000 demonstrates the overlap between the issues. Brookfield contends that PJM's compliance filing may not reflect its existing methodologies for run-of-river hydroelectric resources with and without reservoir storage capability, and asserts that PJM has not shown these methodologies to be just and reasonable. In its answer, PJM states that it is more appropriate to address Brookfield's protest in Docket No. EL19-100-000, as PJM intended its compliance filing to be ministerial and intends to explain in Docket No. EL19-100-000 the capacity valuations for resources with limited energy capability. We are concerned that PJM's methodologies to determine the capability of all resource types for Capacity Resource qualification purposes are not clear and may be unjust and unreasonable and unduly discriminatory or preferential, or otherwise unlawful. We conclude that we need to expand the paper hearing to evaluate the justness and reasonableness of PJM's methodologies to determine the capability of all resource types for Capacity Resource qualification purposes.

34. We also grant PJM's motion in part and hold these proceedings in abeyance through October 30, 2020. This will permit PJM and the PJM stakeholders time to consider a methodology or methodologies to apply to all resource types while also allowing for such rules to become effective in advance of the next capacity auction. This order does not require PJM to alter its current practice before the resolution of this proceeding.⁴⁹

35. If PJM makes an FPA section 205 filing on or before October 30, 2020 with a proposed methodology or methodologies to determine the capability of all resource types

⁴⁹ See P3 and EPSA Comments at 2.

for Capacity Resource qualification purposes, the instant consolidated proceedings will be held in further abeyance until Commission action on that filing. If PJM does not make such a filing pursuant to FPA section 205 on or before October 30, 2020, then the paper hearing will resume and PJM must instead submit its initial brief in the instant consolidated proceedings on or before October 30, 2020. The deadline to file responses to PJM's initial brief will be November 20, 2020, and the deadline to file replies to those responses will be December 7, 2020.

36. Any future filings in the consolidated proceedings, including briefs, must be made solely in Docket No. EL19-100-000.

The Commission orders:

(A) A paper hearing shall be held concerning the justness and reasonableness of PJM's methodologies to determine the capability of all resource types for Capacity Resource qualification purposes, as discussed in the body of this order.

(B) NextEra's motion to consolidate is hereby granted and Docket No. ER20-584-000 is hereby consolidated with the ongoing proceeding in Docket No. EL19-100-000 for purposes of hearing and decision, as discussed in the body of this order.

(C) PJM's motion to hold the proceedings in abeyance is hereby granted in part. The consolidated paper hearing procedures in Docket No. EL19-100-000 to address issues raised in Docket Nos. ER20-584-000 and EL19-100-000 are hereby held in abeyance through October 30, 2020, with future filings dependent on whether PJM makes a filing on or before that date, as discussed in the body of this order. If PJM files, pursuant to FPA section 205, a proposed methodology or methodologies to determine the capability of all resource types for Capacity Resource qualification purposes on or before October 30, 2020, the instant consolidated proceedings will be held in abeyance pending Commission action on that FPA section 205 filing. If PJM does not make such a filing pursuant to FPA section 205 on or before October 30, 2020, then the consolidated paper hearing procedures in Docket No. EL19-100-000 to address issues raised in Docket Nos. ER20-584-000 and EL19-100-000 will resume with PJM's initial brief in these proceedings due October 30, 2020, responses due November 20, 2020, and replies to those responses due December 7, 2020.

(D) All filings in the consolidated proceedings must be made solely in Docket No. EL19-100-000.

By the Commission. Commissioner Glick is dissenting in part with a separate statement attached.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.

Appendix A

Timely Motions to Intervene in Docket No. EL19-100-000

1. Advanced Energy Economy (AEE)
2. Advanced Energy Management Alliance
3. American Electric Power Service Corporation (AEPSC), on behalf of its affiliates
4. Appalachian Power Company, Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Ohio Power Company, Wheeling Power Company and AEP Energy Partners, Inc.
5. American Municipal Power, Inc. (AMP)
6. American Wind Energy Association (AWEA) and Solar Energy Industries Association (SEIA)
7. Calpine Corporation (Calpine)
8. The Delaware Division of the Public Advocate (Delaware Public Advocate)
9. Delaware Municipal Electric Corporation, Inc.
10. Dominion Energy Services, Inc. (Dominion)
11. EDF Renewables, Inc.
12. Electric Power Supply Association (EPSA)
13. Enel North America, Inc.
14. Enel X North America, Inc. and Enel Green Power North America, Inc.
15. Energy Storage Association (ESA)
16. GlidePath Development LLC (GlidePath)
17. Lockheed Martin Corporation
18. LS Power Associates L.P.
19. NCEMC
20. Monitoring Analytics, LLC, acting in its capacity as the Independent Market Monitor for PJM (IMM)
21. National Rural Electric Cooperative Association (NRECA)
22. New Jersey Board of Public Utilities (NJBPU)
23. NRDC/FERC Project
24. NRG Power Marketing LLC (NRG)
25. Old Dominion Electric Cooperative
26. PJM Power Providers Group (P3)
27. Public Citizen, Inc.
28. Talen Energy Corporation

Notices of Intervention

1. Maryland Public Service Commission
2. Michigan Public Service Commission

Late Filed Motions to Intervene in Docket No. EL19-100-000

1. Brookfield Renewable Trading and Marketing LP (Brookfield)
2. Duke Energy Corporation (Duke)
3. East Kentucky Power Cooperative, Inc. (EKPC)
4. Enerwise Global Technologies, LLC
5. Exelon Corporation (Exelon)
6. FirstEnergy Service Company, as agent for its affiliates Ohio Edison Company, The Cleveland Electric Illuminating Company, The Toledo Edison Company, Pennsylvania Power Company, Pennsylvania Electric Company, Metropolitan Edison Company, West Penn Power Company, Jersey Central Power & Light Company, Monongahela Power Company and The Potomac Edison Company (collectively, the FirstEnergy Utilities)
7. Malta, Inc.
8. The National Hydropower Association (NHA)
9. NextEra Energy Resources LLC (NextEra)
10. Sierra Club
11. Tesla, Inc.
12. Union of Concerned Scientists

Appendix B

Timely Motions to Intervene in Docket No. ER20-584-000

1. AEPSC
2. AMP
3. AWEA
4. Brookfield
5. Calpine
6. Dominion
7. EKPC
8. EPSA
9. ESA
10. Exelon
11. GlidePath
12. IMM
13. NextEra
14. NJBPU
15. North Carolina Electric Membership Corporation (NCEMC)
16. NRECA
17. NRG
18. P3
19. Solar Council and SEIA

Late Filed Motions to Intervene in Docket No. ER20-584-000

1. Delaware Public Advocate
2. The FirstEnergy Utilities
3. NHA
4. Tesla, Inc.

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

PJM Interconnection, L.L.C.

Docket Nos. ER20-584-000
EL19-100-000
(consolidated)

(Issued April 10, 2020)

GLICK, Commissioner, *dissenting in part*:

1. I dissent in part from today's order because I would grant PJM's motion to hold these proceedings in abeyance through January 29, 2021. This now-consolidated proceeding will require PJM to determine the capacity capability of *all* resource types for capacity market qualification purposes. That is no mean feat and will require a considerable investment of time and resources on the part of all parties involved, including PJM. In addition, doing that task well will go a long way toward ensuring that resource adequacy contributions are properly evaluated and compensated. Suffice it to say, this is not the place to go looking for short cuts.

2. Nevertheless, the Commission truncates PJM's requested abeyance period without significant discussion or any explanation of why it is reasonable to expect PJM and its stakeholders to sort out these issues in the time allotted. All we get is the conclusory assertion that this schedule will "permit PJM and the PJM stakeholders time to consider a methodology or methodologies to apply to all resource types."¹ Maybe, but whether it is enough time to do that job properly is far from clear.

3. In any case, it does not appear that Commission action is needed to hurry things along. PJM has begun a stakeholder process to develop an Effective Load Carrying Capability construct that can calculate the capacity capability of resources in its capacity market. The stakeholder task force that PJM established had its first virtual meeting earlier this week.² I see no reason to assume that stakeholders will drag their feet or that a shorter timeline will help us get to a better answer. That is especially so because this is the type of proceeding in which PJM, its stakeholders, and the Commission itself, would

¹ *PJM Interconnection, L.L.C.*, 171 FERC ¶ 61,015, at P 34 (2020).

² See *Capacity Capability Senior Task Force*, <https://pjm.com/-/media/committees-groups/task-forces/ccstf/2020/20200407/20200407-item-03-draft-work-plan.ashx> (last visited Apr. 10, 2020).

be best served by taking the time to explore the possibility of a reaching a consensus that could lead to a section 205 filing.³ That certainly seems preferable to a rushed process that ends up with these issues being litigated in a paper hearing.

4. In addition, I am sure that I don't need to remind anyone that we are in the middle of a national emergency due to COVID-19. Although I recognize that PJM and its stakeholders are doing their best to press ahead under the circumstances, it certainly does not appear that they will be able to get in a room to hash out these issues at any point in the near future, especially since many stakeholders have more pressing concerns on their plates. As such, these hardly seem like the circumstances in which to rush the timeline for dealing with important market design principles.

5. Finally, I cannot help but observe the irony in the Commission now hurrying PJM and its stakeholders along so that the capacity values will be ready for the next capacity auction—the date of which is still uncertain. I am sure that those reading this statement need no reminder of the Commission's recent struggles in meeting deadlines linked to PJM capacity auctions or that the Commission, more than any other entity, is responsible for the fact that what should be the 2019 Base Residual Auction will likely be run, at the earliest, in 2021. Particularly in light of that record, I would give PJM some deference on the time needed to do justice to this important task. Instead, the Commission is once again doing PJM the disservice of substituting the Commission's preferences for PJM's judgment, which was unopposed by its stakeholders.

6. That said, I encourage PJM and its stakeholders to do their best to adequately address these important issues on the Commission's timeline. If additional time ends up being necessary, I will remain open to granting PJM and its stakeholders the time needed to do the job right.

For these reasons, I respectfully dissent in part.

Richard Glick
Commissioner

³ 16 U.S.C. § 824d (2018).