

**UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION**

PJM Interconnection, L.L.C.

)

Docket No. ER23-1996-000

**NOTICE OF INTERVENTION AND MOTION FOR EXTENSION OF TIME  
OF THE ORGANIZATION OF PJM STATES, INC.**

Pursuant to Rules 212 and 214 of the Federal Energy Regulatory Commission’s (“FERC” or “Commission”) Rules of Practice and Procedure, 18 C.F.R. § 212 and 214, the Organization of PJM States, Inc. (“OPSI”),<sup>1</sup> respectfully submits this Notice of Intervention and Motion for Extension of Time to submit comments in this proceeding.

**I. MOTION FOR EXTENSION OF TIME**

OPSI requests that the Commission extend the time for parties to submit comments in this docket through the close of business on June 20, 2023, which was the initial comment deadline in this docket.<sup>2</sup> Given the current deadline of June 9, 2023, OPSI requests a Commission order on this motion by June 6, 2023.

This filing has its genesis in an expedited stakeholder process at PJM Interconnection, L.L.C. (“PJM”) that began on April 26, 2023.<sup>3</sup> PJM Members then endorsed a package of reforms on May 11, 2023.<sup>4</sup> Following this vote, the PJM Board of Managers met on May 22,

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<sup>1</sup> OPSI’s following members support this motion: the Delaware Public Service Commission, Public Service Commission of the District of Columbia, Illinois Commerce Commission, Indiana Utility Regulatory Commission, Kentucky Public Service Commission, Maryland Public Service Commission, Michigan Public Service Commission, New Jersey Board of Public Utilities, The Public Utilities Commission of Ohio, Pennsylvania Public Utility Commission, Virginia State Corporation Commission, and Public Service Commission of West Virginia.

<sup>2</sup> FERC, Combined Notice of Filings #1, Docket ER23-1996 (May 31, 2023).

<sup>3</sup> PJM, Agenda, Markets & Reliability Committees (April 26, 2023) available at: <https://www.pjm.com/-/media/committees-groups/committees/mrc/2023/20230426/20230426-agenda.ashx>.

<sup>4</sup> See PJM, Summarized Voting Report presented at the PJM Members Committee (May 11, 2023) available at: <https://www.pjm.com/-/media/committees-groups/committees/mc/2023/20230511-special/summarized-voting-report.ashx>.

2023, to consider whether to file the package endorsed by the PJM Members Committee.<sup>5</sup> OPSI, with two state commissions abstaining, wrote to the PJM Board of Managers on the same day expressing concerns with two of the three components of the endorsed package. OPSI declined to take a position on the third, which is the subject of this proceeding and revises the definition of an “Emergency Action.”<sup>6</sup> The PJM Board of Managers shared its decision to file with this Commission only the “Emergency Action” component of the Members’ proposal on May 23, 2023.<sup>7</sup>

On May 30, 2023, PJM filed tariff revisions to revise the “Emergency Action” definition used for the purpose of determining Performance Assessment Intervals (“PAIs”).<sup>8</sup> PJM requested that the Commission rule on its request by July 14, 2023, and shorten the comment period to June 9, 2023 “as it would allow for a consistent application of the Capacity Performance construct” should a PAI be declared after June 1, 2023, which is the start of the delivery year.<sup>9</sup> PJM also argues the Commission’s expedited acceptance of its filing will reduce the uncertainty should PJM have to call a PAI after June 1, 2023 but before the Commission rules on PJM’s proposal in this proceeding.<sup>10</sup>

Because of the expedited stakeholder process and expedited PJM Board decision that led to the proposal now before the Commission, OPSI believes it is reasonable for the Commission

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<sup>5</sup> PJM, Board of Managers Agenda (May 22, 2023) available at: <https://www.pjm.com/-/media/about-pjm/who-we-are/board-meetings/2023/20230522/20230522-agenda.ashx>.

<sup>6</sup> OPSI, Letter to the PJM Board of Managers (May 22, 2023) (The Delaware PSC and the PUC of Ohio abstained in the vote on this letter) available at: <https://www.pjm.com/-/media/about-pjm/who-we-are/public-disclosures/20230522-opsi-letter-re-capacity-performance-penalty-rate-stop-loss-trigger-changes.ashx>.

<sup>7</sup> PJM, PJM Board Response to Several Letters Regarding CP Penalty Rate, Stop Loss and Trigger Changes (May 23, 2023).

<sup>8</sup> PJM Interconnection, L.L.C., *Proposed Revisions to Prospectively Refine the Definition of Emergency Action, Request for Shortened Comment Period and Expedited Commission Action*, ER23-1996 (May 30, 2023) (“PAI Filing”).

<sup>9</sup> PAI Filing at 2.

<sup>10</sup> *Id.*

to reinstate the original filing deadline in this docket of June 20, 2023. This would give retail regulators an adequate amount of time to fully consider the changes PJM is proposing.

OPSI does not take a position on when the Commission should rule on PJM's proposal.

## **II. NOTICE OF INTERVENTION**

OPSI is an inter-governmental organization of utility regulatory commissions from the 14 jurisdictions located wholly or partly in the service area of PJM. OPSI's activities and actions include formal engagement at the Commission as well as engagement in the PJM Stakeholder process. As such, OPSI files its Notice of Intervention in the dockets above under Rule 214(a)(2), 18 C.F.R. §385.214(a)(2), of the Commission's Rules of Practice and Procedure.

Service of pleadings, documents, and communications in this proceeding should be made on the following:

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## **III. CONCLUSION**

For the reasons above, OPSI requests the Commission extend the time for comments to June 20, 2023, to allow OPSI and its members the opportunity to fully consider the proposal in this proceeding. OPSI requests the Commission rule on this motion by June 6, 2023.

Respectfully Submitted,

**Gregory V. Carmean**

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Dated: June 5, 2023

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing has been served in accordance with 18 C.F.R. Section 385.2010 upon each person designated on the official service list compiled by the Secretary in this proceeding.

*/s/ Gregory V. Carmean*

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Dated at Newark, Delaware this June 5, 2023.