

**MC Legal Report**  
**Summary of Significant Filings, Legal Activity and**  
**Federal Energy Regulatory Commission (Commission) and Court Orders**  
**(October 14, 2023 – November 13, 2023)**

**ORDERS**

**On November 3, 2023**, in Docket No. EL21-91-003, the Presiding Administrative Law Judge (ALJ) issued an Order Accepting Without Prejudice Preliminary Joint Statement of Issues (Order). This Order acknowledges receipt of the October 31, 2023 Preliminary Joint Statement of Issues submitted by Commission Trial Staff, confirms that the ALJ's acceptance of the Preliminary Joint Statement of Issues is without prejudice to any participant(s) proposing an alternate list of issues to be addressed or to his ruling on the relevance of the particular issues or the scope of this proceeding as a whole, and provides guidance on the ALJ's expectations with respect to the Final Joint Statement of Issues, which is due May 29, 2024.

**On November 3, 2023**, the Commission issued a letter order accepting the filing submitted by PJM submitted on behalf of the PJM Transmission Owners in Docket No. ER18-2102-004, of revisions to Schedule 12-C Appendix C of the PJM Open Access Transmission Tariff. The PJM Transmission Owners requested the revisions will become effective as of January 1, 2016.

**On October 26, 2023**, in Docket No. ER23-1784-000, FERC accepted revisions to the PJM Tariff, section 4.2 to incorporate by reference the North American Energy Standards Board (NAESB) Wholesale Electric Quadrant (WEQ) Version 3.3 Business Practice Standards effective February 1, 2024, subject to additional compliance filings, and granted a continuation of waivers of specified requirements of the Business Practice Standards.

**On October 25, 2023**, in Docket No. EL21-91-003, the Presiding Judge in the PJM Black Start CRF show cause hearings proceeding issued an Order Confirming Bench Rulings Regarding Protective Order, and a new Protective Order for discovery in the hearing proceedings.

**On October 24, 2023**, the Commission issued a letter order accepting the filing submitted by PJM on behalf of Rockland Electric Company (RECO) in Docket Nos. ER22-910-002 of an offer of settlement that will resolve all issues set for hearing regarding RECO's annual transmission revenue requirement and associated transmission rates. RECO's Settlement becomes effective as of December 1, 2023.

**On October 19, 2023**, in Docket No. ER23-2714-000, the Commission issued a letter order accepting the filing by PJM of clerical and ministerial revisions to correct, clarify, and/or make consistent certain provisions of the PJM Tariff, PJM Operating Agreement, and Reliability Assurance Agreement. PJM's clerical and ministerial revisions become effective as of October 28, 2023.

**On October 17, 2023**, in Docket No. ER23-2649-000, the Commissions issued an order accepting PJM's Tariff revisions regarding Critical Infrastructure Protection (CIP) Interconnection Reliability Operating Limit (IROL) Cost Recovery for Generators. The Tariff revisions regarding CIP IROL become effective as of October 18, 2023.

**On October 16, 2023**, in Docket No. EL21-91-003, the Presiding Administrative Law Judge (ALJ), issued an Order Denying Request for Shortened Response Period, Establishing Response Period, and Scheduling Oral Argument (Order), in the Black Start Service Capital Recovery Factor Show Cause hearings. The Order was issued in response to PJM's October 12, 2023 unopposed motion to amend the protective order, to add additional protections for Critical Energy Infrastructure Information and a category of protections for highly confidential information. The ALJ denies PJM's request for the answer period to be shortened to 3 days, invites participants to submit comments on the motion by October 20, 2023, and invites participants to participate in oral arguments on October 24, 2023.

## FILINGS

**On November 3, 2023**, in Docket No. ER22-910-003, PJM submitted on behalf of Rockland Electric Company (RECO) a compliance filing to revise Rockland Electric Company's annual transmission revenue requirement and associated transmission rates in accordance with a FERC approved settlement agreement. RECO requested that the revisions become effective as of August 30, 2022.

**On November 2, 2023**, in Docket No. ER24-319-000, PJM submitted a clean up filing to ensure that the current eTariff record of PJM Tariff, Schedule 12 – Appendix and Appendix A, for Duquesne Light Company (section 18) and Virginia Electric and Power Company (section 20) correctly incorporate revisions previously filed and accepted by the Commission. Due to the overlapping timing of filings and effective dates, the revisions being submitted in this filing which were previously accepted will not be reflected correctly in the Schedule 12 – Appendix and Appendix A tariff records absent this clean up. PJM requested the revisions remain effective on various dates as accepted by the Commission.

**On November 2, 2023**, in Docket No. ER24-321-000, PJM submitted proposed revisions to PJM Tariff, Schedule 12- Appendix A, to incorporate cost responsibility assignments for 3 baseline upgrades in the recent update to the Regional Transmission Expansion Plan approved by the PJM Board of Managers on October 3, 2023. PJM requested an effective date of January 31, 2024, which is 90 days after the date of this filing, to allow a 30 day comment period.

**On November 1, 2023**, in Docket No. ER24-284-000, PJM, FirstEnergy Pennsylvania Electric Company (FE PA), and Keystone Appalachian Transmission Company (KATCo) together filed revisions to the PJM Tariff, PJM Operating Agreement and RAA, in connection with the integration of FE PA and KATCo into PJM as a result of FirstEnergy Corp.'s proposed internal corporate reorganization (the Transaction). FE PA and KATCo anticipate that the Transaction will close on January 1, 2024, but the exact date is not known at this time. Therefore a 12/31/9998 effective date is being used as a placeholder for the proposed revisions.

**On November 1, 2023**, in Docket No. ER24-285-000, PJM, FirstEnergy Pennsylvania Electric Company (FE PA), and Keystone Appalachian Transmission Company (KATCo) together filed revisions to the CTOA, in connection with the integration of FE PA and KATCo into PJM as a result of FirstEnergy Corp.'s proposed internal corporate reorganization (the Transaction). FE PA and KATCo anticipate that the Transaction will close on January 1, 2024, but the exact date is not known at this time. Therefore a 12/31/9998 effective date is being used as a placeholder for the proposed revisions.

**On October 31, 2023**, in Docket No. ER06-78-000, PJM submitted an informational filing to provide the 2024 annual budget of the Organization of PJM States, Inc.

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**On October 31, 2023**, in Docket No. EL24-8-000, Elevate Renewables F7, LLC (Elevate) and Parkway Generation Operating LLC (Parkway) filed a complaint against PJM for refusing to study the proposed modification of existing generation facilities to add energy storage through its necessary studies process. Elevate and Parkway asked the Commission to set the date of the filing of the Complaint as the refund effective date and request that the Commission order PJM to perform the necessary study.

**On October 31, 2023**, in Docket No. ER22-2200-001, PJM submitted on behalf of Atlantic City Electric Company (ACE) an executed, uncontested Settlement Agreement resolving, upon the Commission's approval, all issues in Docket No. ER22-2200 and all sub-dockets thereto. ACE is requesting that the Settlement Agreement have an effective date of September 1, 2022.

**On October 31, 2023**, in Docket No. ER16-561-000, PJM submitted an informational filing to provide the 2023 annual budget of the Consumer Advocates of PJM States, Inc.

**On October 31, 2023**, in Docket No. ER16-561-000, PJM submitted an informational filing to provide the 2024 annual budget of the Consumer Advocates of PJM States, Inc.

**On October 30, 2023**, PJM submitted in FERC Docket Nos. EL23-53-000, et al., a Protest and Answer ("Protest") to the Chief Companies' October 17, 2023 Doc-Less Motion to Intervene ("Intervention") in the complaint dockets filed against PJM relating to Winter Storm Elliott that are resolved in the September 29, 2023 Offer of Settlement. PJM's Protest states that the Commission should deny the Intervention because the Chief Companies' late intervention seriously disrupts the proceeding, places unwarranted burdens on the active parties, and prejudices the interests of the settling parties, and has undermined the Commission's policy of encouraging settlements as an effective means of resolving cases.

**On October 30, 2023**, PJM submitted in FERC Docket Nos. EL23-53-000, et al., PJM's Reply Comments on the Offer of Settlement ("Settlement") filed on September 29, 2023 by PJM and 81 other Settling Parties to resolve the fifteen complaints filed against PJM relating to Winter Storm Elliott. PJM's Reply Comments show that the Settlement is just and reasonable, and the Commission should approve the Settlement notwithstanding the opposition of a single party that failed to participate in the prior litigation or settlement proceedings.

**On October 30, 2023**, in Docket No. ER24-231-001, PJM submitted on behalf of West Penn Power Company (West Penn) an errata to change incorrect metadata within the filing package to its October 27, 2023 filing (the Oct. 27 Filing) which proposes revisions to amend Attachment H-11A to the PJM Tariff setting forth an Other Supporting Facilities Charge related to the use of West Penn's distribution facilities at voltages below 115 kV to provide transmission service to Allegheny Electric Cooperative, Inc. at certain designated delivery points. West Penn requested that the Commission accept for filing the amended Attachment H-11A, effective as of October 30, 2023.

**On October 27, 2023**, PJM on behalf of West Penn Power Company submitted revisions to Attachment H-11A (Part 2) to the PJM Tariff setting forth an OSFC related to the use of West Penn Power Company's distribution facilities at voltages below 115 kV to provide transmission service to Allegheny Electric Cooperative, Inc. West Penn Power Company requested that their Tariff revisions become effective as of October 30, 2023.

**On October 26, 2023**, in Docket No. ER22-962-005, PJM submitted its response to protests and comments regarding PJM's second major compliance filing pursuant to the March 1 Order partially accepting PJM's Order No. 2222 Compliance Filing relating to the participation of distributed energy resource aggregators in PJM's energy, capacity, and ancillary services markets.

**On October 25, 2023**, in Docket Nos. EL23-53, et al., PJM Interconnection, L.L.C. and other petitioners submitted a request for partial rehearing of the Commission's September 25 Waiver Order, to the extent that Order allowed Chief Conemaugh Power, LLC and Chief Keystone Power, LLC to intervene out of time in the Winter Storm Elliot Complaint proceedings.

**On October 25, 2023**, in Docket Nos. RM22-16-000 and AD21-13-000, PJM and participating PJM Transmission Owners jointly submitted a one-time informational report with the Commission on Extreme Weather Vulnerability Assessments pursuant to Order No. 897.

**On October 23, 2023**, in Docket No. ER24-18-000, PJM moved to intervene and filed a protest to the October 2, 2023 Petition of Ridgeview Solar LLC for Limited Prospective Waiver of Tariff Provision, or Alternatively for Remedial Relief, and for Shortened Comment Period and Expedited Action ("Petition"). PJM asks the Commission to deny the Petition because Petitioner failed to timely provide adequate Security as required by the Tariff, and any such Tariff waiver would be retrospective in nature and would cause harm to third parties.

**On October 23, 2023**, in Docket Nos. ER24-98-000 and ER24-99-000, PJM submitted a Motion for Leave to Answer and Answer to oppose the Independent Market Monitor's October 20, 2023 Motions for Extension of Time, Shortened Answer Period, and Expedited Action regarding the proposed enhancements to PJM's capacity market rules.

**On October 23, 2023**, in Docket Nos. ER22-2029-001, et al., PJM filed a compliance revision to Tariff, Attachment Q to comply with the Commission's directive to implement its historical simulation model at a 99% confidence interval. PJM requested an effective date of December 12, 2023, for the proposed Tariff change.

**On October 20, 2023**, in Docket No. EL23-63-000, PJM submitted a motion for leave to answer and answer in response to Energy Harbor's motion for expedited action. In the answer, PJM requested that the Commission first act on the joint offer of settlement in Docket No. ER23-2975-000 and clarified potential refund limitations prior to the Commission acting on the settlement.

**On October 20, 2023**, in Docket No. EL21-91-003, PJM filed an unopposed Supplement to Motion to Amend the October 12, 2023 Protective Order. (Supplement to Motion to Amend). The Supplement to Motion to Amend was filed in accordance with the October 16, 2023 Presiding Judge's Order Denying Request to Shorten Response Period, Establishing Response Period, and Scheduling Oral Argument.

**On October 20, 2023**, in Docket No. ER24-163-000, PJM submitted on behalf of Exeleon Corporation (Exelon), on behalf of its three affiliates Baltimore Gas and Electric Company (BGE), PECO Energy Company (PECO), and Potomac Electric Power Company (Pepco), a request for authorization to recover 100 percent of prudently incurred costs associated with certain transmission projects referred to as the Brandon Shores Project (the Project) in the event the Project is abandoned or cancelled for reasons beyond BGE, PECO or Pepco's control (the Abandoned Plant Incentive). Exelon is requesting that Commission issue an order granting the Abandoned Plant Incentive for the Project effective December 20, 2023.

**On October 19, 2023**, in Docket No. EL23-122-000, PJM submitted its answer to the complaint of Bottlebrush Solar Energy LLC and Pleasant Prairie Solar Energy LLC (collectively, the "Solar Projects"). In its answer, PJM asked the Commission to deny Solar Projects' complaint because the Solar Projects failed to show that PJM's processing of their Interconnection Requests was inconsistent with the PJM Tariff's Reasonable Efforts standards, or that PJM had treated the Solar Projects in a way that was unjust, unreasonable, unduly discriminatory or preferential.

**On October 19, 2023**, in Docket No. ER24-156-000, PJM submitted a compliance filing pursuant to the Commission's Order No. 895 requiring RTOs and ISOs to propose tariff revisions to permit Credit-Related Information Sharing in Organized Wholesale Electric Markets. PJM requested that the revisions become effective as of October 21, 2023.

**On October 18, 2023**, in Docket No. EL23-104-000, PJM submitted its answer to the complaint of Enerwise Global Technologies, LLC d/b/a CPower (CPower). In its answer, PJM asked the Commission to deny CPower's complaint because PJM's Tariff provisions allowing the limited use of estimates of meter data for purposes of demand response settlements for only non-interval metered residential demand response customers are just and reasonable and not unduly discriminatory.

**On October 16, 2023**, in Docket No. ER22-2201-001, PJM submitted on behalf of Delmarva Power & Light Company an executed, uncontested Settlement Agreement resolving, upon the Commission's approval, all issues in Docket No. ER22-2201 and all sub-dockets thereto. Delmarva Power & Light Company is requesting that the Settlement Agreement have an effective date of September 1, 2022.

**On October 16, 2023**, in Docket Nos. ER24-98-000 and ER24-99-000, PJM submitted a letter stating that the reference in paragraph 32 in the Affidavit of Dr. Walter Graf to an appendix was inadvertent and that, contrary to what

is stated in its transmittal letters, the Base Residual Auction for the 2025/2026 Delivery Year is currently scheduled to commence on June 12, 2024.