

# Interconnection Process Reforms

## Tariff Language: Site Control Revisions

**DOMINION – PSEG – ORSTED**

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Presentation to MRC March 23, 2022



# **PJM's Proposed Tariff Language Doesn't Take Into Account Non-Standard Sites**

- PJM's proposed revisions are an improvement to existing site control process language but require additional clarification and revision
- Site control provisions should specifically address property rights obtained from governmental entities, both onshore and offshore
- Such property rights come in the form of leases, licenses, easements, permits and other similar type of arrangements

# PJM's Proposed Tariff Language Doesn't Take Into Account Non-Standard Sites

- Obtaining required submerged land and bodies of water property rights from state and federal governmental entities can take upwards of two years after execution of a lease giving rights to the land, body of water or submerged land for permitting, submission and approval of construction plans, etc.
- What qualifies as site control at each phase should take this new reality into consideration

# PJM's Proposed Tariff Language Requires Certain Limited Clarifications

- Clarification is needed to address why memoranda are not acceptable proof of site control
  - What type of memoranda is referenced?
  - Memoranda of Understanding or Memoranda of Agreement might be considered contracts under some state laws in certain circumstances
- Clarification is needed regarding why rights of way are only acceptable up to the point of interconnection
  - Easement is included in the definition of Site
  - ROW almost always obtained via easement
  - For offshore wind, may need additional interconnection facilities beyond the POI

# Dominion, PSEG & Orsted Propose Revisions

- Make clear in the Tariff that Site and Site Control specifically include “property” and property rights in bodies of water and submerged land
- Clarify that leases, licenses, permits and easements received from state and/or federal authorities associated with land, bodies of water and submerged land are acceptable forms of property rights that are deemed evidence of site control
- Clarify that the exclusivity of the property rights are only needed to the extent that there is no interference with the developer’s property rights
  - to address the fact that licenses granted by governmental entities and others at times allow for other entities to use the same easement or right of way to lay cable, for example, so long as it doesn’t interfere with another entity’s (governmental or otherwise) use of the same.