

UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION

LS Power Development, LLC

)

Docket No. ER21-404-000

COMMENTS OF  
PJM INTERCONNECTION, L.L.C.

Pursuant to the Combined Notice of Filings #1 issued by the Federal Energy Regulatory Commission's ("Commission") on November 13, 2020, PJM Interconnection, L.L.C. ("PJM") respectfully files the following comments in the above captioned proceeding.

On November 12, 2020, LS Power Development, LLC ("LS Power"), submitted a waiver request ("Waiver Request") of certain requirements of the PJM Open Access Transmission Tariff ("Tariff") and the PJM Reliability Assurance Agreement ("RAA") related to the calculation of the equivalent demand forced outage rate ("EFORd") for [REDACTED]

[REDACTED] LS Power states that the requested relief is identical to that recently granted to Virginia Electric and Power Company d/b/a Dominion Energy Virginia ("Dominion") with respect to the Novel Coronavirus pandemic ("COVID-19") pandemic-related delays in returning certain generation facilities from outages, [REDACTED]

[REDACTED] Because PJM is scheduled to lock-in EFORd values for the Third Incremental Auction for the 2021/2022 Delivery Year (the "2021/2022 Third Incremental Auction") by November 30, 2020,<sup>2</sup> LS Power requested expedited issuance of an order granting this request on or before November 27, 2020.

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[REDACTED]

<sup>2</sup> The Tariff provides that the "EFORd applied to the Third Incremental Auction will be the final EFORd established by [PJM] six (6) months prior to the Delivery Year," Tariff, Attachment DD, § 5.6.1(c)(ii), and further provides that PJM will advise owners of Generation Capacity Resources of the updated EFORd values for their generation "[i]n accordance with the schedule provided in the PJM Manuals . . . ." Tariff, Attachment DD, §5.11(d). The applicable

PJM offers the following comments in support of LS Power’s Waiver Request and its request for expedited issuance of an order on or before November 27, 2020.

**I. COMMENTS**

In the ER20-2759 Request, Dominion sought and was granted a waiver of PJM’s Tariff requirements related to EFORd calculation for certain Dominion generation resources, [REDACTED] [REDACTED] which experienced extended outages due to the COVID-19 pandemic and associated governmental restrictions.<sup>3</sup> Dominion stated that but for the COVID-19 pandemic restrictions, it would have been able to return their resources from outages in a timely manner.<sup>4</sup>

On September 17, 2020, Old Dominion Electric Cooperative (“ODEC”) filed comments in support of Dominion’s ER20-2759 Request [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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PJM Manual provides that “[t]he EFORd that is effective for the Delivery Year is considered locked in the Capacity Exchange system by November 30 prior to the execution of the Third Incremental Auction.” PJM, *PJM Manual 18: PJM Capacity Market*, § 4.2.5 (May 28, 2020), <https://www.pjm.com/-/media/documents/manuals/m18.ashx>.

<sup>3</sup> ER20-2759 Request at pages 1-2.

<sup>4</sup> *Id.*, at pages 2, 5, and 8.

[REDACTED]

The Commission declined to [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

## II. NOTICE AND COMMUNICATIONS

Pursuant to 18 C.F.R. § 385.203 (b) (3), PJM designates the following persons as those to receive all notices and communications with respect to this proceeding:

Steven R. Pincus  
Associate General Counsel  
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[REDACTED]

### III. REQUEST FOR PRIVILEGED TREATMENT

PJM respectfully requests privileged treatment of portions of these Comments pursuant to Section 388.112 of the Commission’s regulations.<sup>8</sup> The portions of these comments for which privileged treatment would disclose the identity of the generation facility that experienced the extended outage. That information is confidential and commercially sensitive and is exempt from the mandatory public disclosure requirements of the Freedom of Information Act (“FOIA”).<sup>9</sup> In accordance with Section 388.112(b)(2)(i) of the Commission’s regulations, LS Power attached to the Waiver Request, as Attachment B, a proposed protective order pursuant to which parties will have access to the non-public materials.<sup>10</sup> PJM submits that parties who wish to access the non-public materials contained in these comments be accessible by parties in accordance with the terms of the protective order as approved by the Commission.

Consistent with LS Power’s proposed protective order and its request for privileged treatment in the Waiver Request, the non-public materials in these comments should be treated as privileged materials reviewable by Commission Staff. The non-public materials are marked “**CONTAINS PRIVILEGED INFORMATION**” and “**DO NOT RELEASE.**” In addition, in accordance with the Commission’s notice on labelling of non-public information,<sup>11</sup> each page of the non-public version of this filing is marked “**CUI//PRIV,**” and blue highlighting is used to identify the privileged information.

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<sup>8</sup> 18 C.F.R. § 388.112 (2020).

<sup>9</sup> 5 U.S.C. § 552 (2018).

<sup>10</sup> 18 C.F.R. § 388.112 (b)(2)(i) (2020).

<sup>11</sup> See Notice of Document Labelling Guidance for Documents Submitted to or Filed with the Commission or Commission Staff (June 14, 2018) (unreported).

#### IV. CONCLUSION

PJM respectfully requests that the Commission accept and consider the comments provided herein

Respectfully submitted,

By: /s/ Steven R. Pincus

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Dated: November 19, 2020

**CERTIFICATE OF SERVICE**

I hereby certify that I this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated at Audubon, PA this 19th day of November 2020.

/s/ Steven R. Pincus  
Steven R. Pincus  
Associate General Counsel