

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

Roy J. Shanker,)	
Complainant)	
)	
v.)	
)	
PJM Interconnection, L.L.C.,)	Docket No. EL23-13-000
Respondent.)	
)	

**MOTION FOR EXTENSION OF TIME, SHORTENED ANSWER PERIOD AND
REQUEST FOR EXPEDITED ACTION
OF PJM INTERCONNECTION, L.L.C.**

PJM Interconnection, L.L.C. (“PJM”), pursuant to Rules 212 and 2008 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“Commission”),¹ respectfully requests a three-week extension of time to answer the complaint filed by Roy J. Shanker (“Complainant”) against PJM in the above captioned proceeding.² The requested extension would extend the deadline for PJM’s answer to the Complaint, currently set for December 20, 2022, to January 10, 2023. PJM further requests that the Commission waive or shorten the answer period for this motion and grant PJM’s extension request as expeditiously as possible, but no later than December 13, 2022. There

¹ 18 C.F.R. §§ 385.212, 385.2008(a).

² *Roy J. Shanker v. PJM Interconnection, L.L.C.*, Complaint of Roy J. Shanker Ph.D. that PJM Interconnection, L.L.C. Has Violated Its Filed Tariff, Governing Agreements, and Contracts When Identifying the Energy Output in the Accredited UCAP for Variable/Intermittent Resources Offered in PJM’s Reliability Pricing Model Auctions, Thus Causing Unjust, Unreasonable, and Unduly Discriminatory Rates for Load and Competing Capacity Resources, Docket No. EL23-13-000 (Nov. 30, 2022) (“Complaint”).

is good cause for the Commission to approve the requested extension of the current deadline, as set forth below.

I. BACKGROUND

On November 30, 2022, Complainant filed the Complaint asserting that PJM is violating its filed Open Access Transmission Tariff (“Tariff”),³ Operating Agreement, and certain Interconnection Service Agreements through the methodology PJM uses to identify the energy output of a Capacity Resource in its Effective Load Carrying Capability (“ELCC”) process and the associated accreditation process for the Accredited Unforced Capacity (“Accredited UCAP”) offered for sale in PJM’s Reliability Pricing Model capacity auctions (“RPM Auction”) by Intermittent/Variable Resources.⁴ Pursuant to Rule 206 of the Commission’s Rules of Practice and Procedure, the deadline for PJM to respond to the complaint is December 20, 2022.⁵ PJM respectfully requests that the Commission extend this deadline by three weeks, until January 10, 2023.

II. MOTION FOR EXTENSION AND REQUEST FOR EXPEDITED ACTION

Good cause exists for the requested modest three-week extension of time. The Complaint alleges⁶ a multi-year failure by PJM to abide by its Tariff, Governing

³ The Tariff is currently located under PJM’s “Intra-PJM Tariffs” eTariff title. *See* PJM Interconnection, L.L.C. - Intra-PJM Tariffs, <https://etariff.ferc.gov/TariffBrowser.aspx?tid=1731> (last visited Dec. 7, 2022). Terms not otherwise defined herein shall have the same meaning as set forth in the Reliability Assurance Agreement (“RAA”), the Tariff, and the Amended and Restated Operating Agreement of PJM Interconnection, L.L.C. (“Operating Agreement”).

⁴ Complaint at 1.

⁵ 18 C.F.R. § 385.206(f).

⁶ Complaint at 20-29.

Agreements, including its Operating Agreement, and RAA, as well as certain Interconnection Service Agreements. The central issue of the Complaint—the manner in which PJM determines the quantity of Accredited UCAP each Intermittent/Variable Generation Capacity Resource can offer into PJM’s RPM Auctions⁷—is a complex issue that could affect existing and future Capacity Resources and Capacity Market Sellers.⁸

Moreover, the Complaint requests⁹ that the Commission re-run previously conducted RPM Auctions, replacing the capacity offers actually submitted with revised quantity offers recalculated to meet Complainant’s incorrect view of the Tariff. Such a remedy would be extremely disruptive. The Complaint’s extraordinary claims, and extraordinary proposed relief, warrant a careful and comprehensive rebuttal.

The Complaint accordingly requires PJM’s careful consideration and response. The requested extension will provide PJM adequate time to prepare its response to the Complaint, particularly given the upcoming holiday season, and facilitate the development of a robust record on which the Commission can render a decision. A modest three-week

⁷ Complaint at 6.

⁸ As the Complaint notes, PJM and its stakeholders have been discussing the issue presented by the Complaint through a special section of PJM’s Planning Committee for about two years. The special section continues to be active to date and is working with stakeholders to develop a solution. For a detailed history of the stakeholder process on this issue, please see the “Capacity Interconnection Rights (CIR) for ELCC Resources” section of PJM’s “Issue Tracking” section of its website. *Issue Details*, PJM Interconnection, L.L.C., <https://www.pjm.com/committees-and-groups/issue-tracking/issue-tracking-details.aspx?Issue=83aadda8-b6c1-4630-9483-025b6b93fc28> (last visited Dec. 7, 2022).

⁹ Complaint at 19.

extension of time will not prejudice the Complainant or any other party to the proceeding or otherwise unduly delay resolution of the issues raised in the Complaint.

PJM respectfully requests that the Commission: (i) waive or shorten the ordinary five-day period for answers to this motion; and (ii) issue an order as soon as practicable but no later than December 13, 2022. Good cause exists for waiving the answer period and taking expedited action, given that waiving comments and issuing an order by December 13, 2022, will provide PJM and other interested parties with certainty regarding the time allowed to develop responses to the Complaint.

Accordingly, for good cause shown, the Commission should extend the deadline for PJM's answer to the Complaint to January 10, 2023.

III. CONCLUSION

For the reasons stated above, PJM respectfully requests that the Commission (i) grant PJM's request to extend the time to answer the Complaint from December 20, 2022, to January 10, 2023; (ii) waive or shorten the comment period; and (iii) issue an order granting this request no later than December 13, 2022.

Respectfully submitted,

/s/ Ryan J. Collins

Craig Glazer
Vice President – Federal Government Policy
PJM Interconnection, L.L.C.
1200 G Street, NW, Suite 600
Washington, DC 20005
202-423-4743 (phone)
202-393-7741 (fax)
craig.glazer@pjm.com

Paul M. Flynn
Wendy B. Warren
Ryan J. Collins
Melinda Warner
WRIGHT & TALISMAN, P.C.
1200 G Street, NW, Suite 600
Washington, DC 20005-3898
202-393-1200 (phone)
202-393-1240 (fax)
flynn@wrightlaw.com
warren@wrightlaw.com
collins@wrightlaw.com
warner@wrightlaw.com

Thomas DeVita
Assistant General Counsel
PJM Interconnection, L.L.C.
2750 Monroe Blvd.
Audubon, PA 19403
610-635-3042 (phone)
thomas.devita@pjm.com

December 7, 2022

CERTIFICATE OF SERVICE

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

Dated at Washington, D.C., this 7th day of December 2022.

/s/ Melinda Warner
Melinda Warner