UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

Rush Solar Project II, LLC) Docket No. ER24-1266-000

MOTION TO INTERVENE OUT OF TIME AND PROTEST OF PJM INTERCONNECTION, L.L.C. TO PETITION OF RUSH SOLAR PROJECT II, LLC FOR WAIVER AND EXPEDITED ACTION

Pursuant to Rules 211, 212 and 214 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission ("Commission"),[1] PJM Interconnection, L.L.C. ("PJM") files this Motion to Intervene Out of Time and Protest to the February 15, 2024 Petition of Rush Solar Project II, LLC ("Rush Solar") for Prospective Waiver and Expedited Action in the above-captioned proceeding.[2]

I. BACKGROUND

Rush Solar has proposed to develop a 210-megawatt ("MW") solar generating facility to be located in Rush and Fayette Counties, Indiana ("Rush Project"). The Rush Project is subject to the requirements of Tariff, Part VII, which governs projects that submitted a valid Interconnection Request to PJM during the period of April 1, 2018, through September 30, 2020, and were not tendered an Interconnection Service Agreement prior to January 2024. The Rush Project has been assigned PJM Queue No. AG1-224, and

[1] 18 C.F.R. §§ 385.211, 385.212 and 385.214.

[2] *Rush Solar Project II, LLC*, Request of Rush Solar Project II, LLC for Prospective Tariff Waiver and Expedited Action, Docket No. ER24-1266-000 (Feb. 15, 2024) ("Waiver Request"). Capitalized terms not defined herein have the meaning set forth in PJM's Open Access Transmission Tariff ("Tariff").

is currently being studied in the Phase I System Impact Study as part of Transition Cycle #1.[3]

Upon completion of the Phase I System Impact Study, New Services Requests will proceed to Decision Point I,[4] which is expected to occur in May 2024. In addition to being required to provide Readiness Deposits, demonstrations of Site Control, and other demonstrations of intention to proceed, Project Developers at Decision Point I may make only "expressly allowed" modifications to New Services Requests.[5] Included in these expressly allowed modifications are changes to the Project Site if both of the following criteria are satisfied: "(a) the Project Developer satisfied the requirements for Site Control for both the initial Site proposed in the New Service Request Application and the newly proposed Site; and (b) *the initial Site and the proposed Site are adjacent parcels*."[6] The second prong of this requirement is the provision of which Rush Solar requests waiver.[7]

The Site Control provisions, including the adjacency provision, were a critical part of PJM's June 14, 2022 Filing to holistically revise its interconnection procedures.[8] In

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[3] *See PJM Interconnection, L.L.C.*, Transition Period Status, Docket Nos. ER22-2110-004, et al. (Jan. 16, 2024); Waiver Request at 6.

[4] Tariff, Part VII, section 309(A).

[5] Tariff, Part VII, section 309(B)(1).

[6] Tariff, Part VII, section 309(B)(5) (emphasis added).

[7] Waiver Request at 8 (seeking relief from Tariff, Part VII, section 309(B)(5)(b)).

[8] *PJM Interconnection, L.L.C.*, Tariff Revisions for Interconnection Process Reform, Request for Commission Action by October 3, 2022, and Request for 30-Day Comment Period, Docket No. ER22-2110-000 (June 14, 2022) ("June 14 Filing"). The Tariff reforms were the result of the Interconnection Process Reform Task Force and other stakeholder efforts. The Commission accepted the June 14 Filing subject to certain minor compliance requirements in an order issued on November 29, 2022. *PJM Interconnection, L.L.C.*, 181 FERC ¶ 61,162 (2022) ("November 2022 Order"), *order on reh'g*, 184 FERC ¶ 61,006 (2023), *appeal dismissed*, *Lee Cnty. Generating Station, LLC v. FERC*, 2023 U.S. App. LEXIS 28606 (D.C. Cir. Oct. 26, 2023), *appeal pending*, Petition for Review, *Hecate Energy LLC v. FERC*, Nos. 23-1089, et al. (D.C. Cir. Mar. 31, 2023).

that filing, PJM stated the Site Control, readiness and other requirements of the June 14 Filing were necessary to reduce the number of speculative or non-ready projects in a Cycle.[9] PJM further explained that a project that lacks adequate Site Control may not be viable, and allowing it nevertheless to maintain a position in the new Cycle will tie up headroom on the Transmission System and harm other Project Developers that have done their due diligence to procure the necessary land to build their facilities in conformance with the Tariff.[10] PJM later explained that the adjacency requirement is a just and reasonable way of ensuring that a Project Developer can satisfy the Site Control elements and has the actual land necessary to construct its project.[11] In its order accepting the June 14 Filing, the Commission stated:

> We find PJM's proposed site control requirements to be just and reasonable. The Commission has previously recognized that, as a general matter, more stringent site control requirements may help reduce the number of speculative, duplicative, and non-ready projects entering the interconnection queue. The proposed site control requirements are intended to help reduce speculative projects entering and progressing through the interconnection process and causing the need for restudies and resulting in delays. We agree with PJM that more stringent site control requirements will discourage or prevent project developers from submitting speculative projects. Although the proposed site control requirements will add to the burden of prospective interconnection customers, we find that those burdens will be outweighed by the benefits associated with decreasing the number of speculative interconnection requests entering the interconnection queue, such as improving PJM's ability to timely process viable interconnection requests.[12]

With respect to the adjacency requirement, the Commission stated:

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[9] June 14 Filing at 28, 31.

[10] June 14 Filing at 46-47.

[11] *PJM Interconnection, L.L.C.*, Motion for Leave to Answer and Answer of PJM Interconnection, L.L.C., Docket No. ER22-2110-000, at 19 (Aug. 2, 2022).

[12] November 2022 Order at P 99.

> Further, we are not persuaded by Tenaska's argument that PJM's proposed requirements for a requested generating or transmission facility site change are unsupported or at odds with the goal of reducing speculative projects. Among other benefits, PJM explains that limiting a project developer's site change to an adjacent parcel over which it demonstrates site control will prevent gaming of the site control requirements by project developers that enter the interconnection process with site control for a site obtained solely for the purpose of meeting the application requirements. We therefore find that PJM's proposed site change provisions and required demonstration of site control for both the initial site and the adjacent parcels will help ensure that projects entering the queue obtain site control for the site they actually intend to use while also providing some flexibility for a site change to an adjacent parcel.[13]

II. MOTION TO INTERVENE AND SUBMIT PROTEST OUT-OF-TIME

PJM respectfully seeks leave to intervene in this proceeding out-of-time. Late intervention is permitted upon a showing of "good cause," as well as the consideration of several other factors.[14] As the regional transmission organization ("RTO") tasked with administering the Tariff from which Rush Solar seeks waiver and the Transmission Provider responsible for implementing the Transition Cycle Generator Interconnection Procedures at issue in the Waiver Request, PJM has a substantial interest in this proceeding that cannot be represented by any other party. PJM similarly seeks leave to submit this protest out of time. PJM did not intervene in this proceeding or submit its protest earlier due to administrative oversight.[15] As the Commission has recognized the importance of

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[13] *Id.* at P 103.

[14] *See* 18 C.F.R. § 385.214(b)(3).

[15] Although PJM's engineering team received notice of the Waiver Request on February 23, 2024, Rush Solar Project II, LLC did not serve a courtesy copy or otherwise notify any member of PJM's Law Department at the time the Waiver Request was filed. *See* Attachment B. The oversight was discovered on March 19, 2024.

hearing from the RTO when requests for waiver of tariff provisions are at issue,[16] PJM therefore requests permission to intervene and submit this protest out-of-time in this proceeding pursuant to Rule 214 to make its position on Rush Solar's waiver request known to the Commission.[17] PJM commits to take the record established in this proceeding as it stands as of the date of this intervention and to participate in good faith, and thus, no party will be prejudiced by PJM's intervention.[18]

III. PROTEST

Rush Solar fails to offer justification for its prospective waiver request sufficient to satisfy the Commission's standards for granting tariff waivers, and its requested relief is directly contrary to the Tariff's Site Control Requirements and the Commission order accepting them. The requirements of Tariff, Part VII, section 309(B)(5) are unequivocal: modifications to project Sites may be made at Decision Point I <u>only if</u> "(1) the Project Developer satisfied the requirements for Site Control for both the initial Site proposed in the New Service Request Application and the newly proposed Site; <u>and</u> (2) the initial Site and the proposed Site are adjacent parcels."[19] In accepting PJM's Transition Cycle Tariff provisions, the Commission recognized that these requirements are important to "ensure

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[16] *Kumquat & Citron Cleantech*, 175 FERC ¶ 61,263, concur op. (Commissioner Danly) at P 2 (2021); *Leeward Renewable Energy, LLC*, 175 FERC ¶ 61,079, dissent op. (Commissioner Danly) at P 5 (2021); *TGE Pa. 202, LLC*, 175 FERC ¶ 61,080, dissent op. (Commissioner Danly) at P 5 (2021).

[17] PJM already made clear to Rush Solar that it would oppose the waiver request, as shown in the email attached as Attachment B.

[18] *Pub. Serv. Comm'n of Wis. v. Midcontinent Indep. Sys. Operator, Inc.*, 156 FERC ¶ 61,205, at PP 23, 34 (2016) (granting motion to intervene out-of-time in order on rehearing where intervenor demonstrated good cause and agreed to accept record as it stands); *Duke Energy Carolinas, LLC*, 147 FERC ¶ 61,241, at PP 13-14 (2014) (granting motion to intervene out-of-time in order on rehearing because intervenor demonstrated that there would be no prejudice to other parties); *S.C. Elec. & Gas Co.*, 147 FERC ¶ 61,126, at PP 10-11 (2014) (granting motion to intervene out-of-time in order on rehearing because intervenor agreed to accept record as it stands, intervention would not disrupt the proceeding, and no parties would be prejudiced).

[19] Tariff, Part VII, section 309(B)(5) (emphasis added).

that projects entering the queue obtain site control for the site they actually intend to use while also providing some flexibility for a site change to an adjacent parcel."[20] The Commission also clarified that "adjacent" means "parcels of land that are *contiguous, next to each other, or sharing borders*."[21] These requirements are a critical component of the Transition Cycle process, allowing New Service Requests in Phase I of Transition Cycle #1 that elect to proceed to transition to Phase II *collectively* and efficiently.

Permitting Rush Solar to ignore the adjacent parcel requirement while it engages in an open-ended search for another Project Site - 26 miles away in another county[22] - would delay the expeditious transition to Phase II for all projects in the Cycle. Permitting Rush Solar to utilize its proposed alternative site would almost certainly require PJM to re-run its Phase I studies. The results of the re-studies could potentially shift the cost allocation for Network Upgrades associated with the Rush Project to other Project Developers in Transition Cycle #1, delaying the release of the Phase I System Impact Study results and unduly burdening all other customers who complied with the requirements of Tariff, Part VII, section 309. The Waiver Request does not present sufficient justification for Rush Solar to avoid its obligations and, worse, penalizes other, similarly situated Project Developers. The Commission should therefore deny the Waiver Request.[23]

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[20] November 2022 Order at P 103.

[21] November 2022 Order at P 103 (emphasis added).

[22] Waiver Request at 7.

[23] *See Lathrop Irrigation Dist.*, 161 FERC ¶ 61,243, at PP 19-20 (2017) (rejecting waiver request when applicant failed to show an attempt to act in compliance with the applicable tariff)*; Meridian Energy USA, Inc. v. Calif. Indep. Sys. Operator Corp.*, 143 FERC ¶ 61,206, at P 25 (2013) (denying waiver request that would relieve applicant of the results of its decisions); *see also Erie Power, LLC*, 152 FERC ¶ 61,183, at P 24 (2015) (stating that a regional transmission organization's "regulatory and developmental milestones should not be taken lightly and the Commission has generally denied waiver of these milestones because it is important for parties to meet them").

A. Rush Solar's Request for Waiver of Tariff, Part VII, Section 309(B)(5) Does Not Meet the Commission's Criteria for Granting Waivers.

In determining whether to grant or deny a waiver request, the Commission looks at four factors: "(1) [whether] the applicant acted in good faith; (2) [whether] the waiver is of limited scope; (3) [whether] the waiver addresses a concrete problem; and (4) [whether] the waiver does not have undesirable consequences, such as harming third parties."[24] As already demonstrated in this Protest and as set forth below, the Waiver Request falls short under each of the Commission's waiver criteria.

First, Rush Solar provides no legitimate demonstration that it meets the good faith prong.[25] Rush Solar argues that its significant financial investments in the Rush Project and its communications with Rush County personnel demonstrate that it has acted in good faith, but its actions demonstrate that its intent was to maintain its queue position despite full knowledge that the Rush Project, as proposed, was nonviable. As shown in Attachment A, Rush Solar submitted evidence of Site Control and its Site plan for the Rush Project on August 31, 2023, *after* Rush County issued its moratorium on solar facility permit applications.[26] Moreover, the email communications contained in Attachment A to this Protest demonstrate that it was not until November 2023, *four months* after the moratorium was imposed, that Rush Solar requested that PJM consider allowing a change to the Point

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[24] *See Lathrop Irrigation Dist.*, 161 FERC ¶ 61,243, at P 18; *Midcontinent Indep. Sys. Operator, Inc.*, 156 FERC ¶ 61,229, at P 15 (2016); *MDU Res. Grp., Inc.*, 155 FERC ¶ 61,081, at P 11 (2016). With respect to the third prong—whether the waiver request addresses a concrete problem—the Commission has made it clear that its consideration is whether the waiver addresses a concrete problem that must be remedied. *See NRG Curtailment Sols., Inc.*, 160 FERC ¶ 61,006, at P 16 (2017); *Midcontinent Indep. Sys. Operator, Inc.*, 156 FERC ¶ 61,229, at P 16; *MDU Res. Grp., Inc.*, 155 FERC ¶ 61,081, at P 12.

[25] Waiver Request at 8-10.

[26] *See* Attachment A.

of Interconnection for the Rush Project due to the Rush County moratorium.[27] PJM made clear in December 2023 that a change to the Point of Interconnection would only be permitted consistent with the terms of Tariff, Part VII, section 309(B)(5). But on February 23, 2024, *after* the Waiver Request had been filed at FERC, Rush Solar informed PJM that it intended to pursue a change to its Project Site by seeking waiver.[28] Rush Solar's actions and communications not only fail to demonstrate good faith, they evidence Rush Solar's intent to remain in the interconnection queue despite full knowledge that the Rush Project was nonviable.

Rush Solar argues that the underlying basis for the adjacent parcel requirement was to prevent gaming, and no such concerns exist here because Rush Solar "fully intended" to develop the Rush Project on its initial Project Site.[29] But this is precisely the kind of equivocation that PJM was trying to avoid in limiting the types of modifications to projects that may be made at Decision Point I. As PJM explained in its initial filing of its interconnection queue reforms, each Decision Point acts a "gating mechanism intended to treat each Cycle as a discrete review, which will allow PJM to avoid having to address a large number of requests in one Cycle while still undertaking the studies required for a prior Cycle."[30] The Waiver Request seeks to allow the Rush Project to jump the Decision Point I gate without having to meet its obligations, which would allow the needed study of Rush Solar's new Point of Interconnection to hold up all the other projects in Transition Cycle #1 and potentially incur additional costs. Rush Solar has therefore failed to

[27] *See* Attachment B.

[28] *See* Attachment C.

[29] Waiver Request at 10.

[30] June 14 Filing at 49.

demonstrate that its Waiver Request is made in good faith.

Second, the Waiver Request is not limited in scope. Rush Solar claims that its request is limited in scope because its proposed alternate site is located along the same segment of the Pendleton-Tanners Creek 138 kV transmission line as its current Site.[31] But this reasoning completely disregards the plain meaning of adjacent parcels that the Commission adopted in the November 2022 Order: "*contiguous, next to each other, or sharing borders*."[32] Rush Solar's proposed alternate site is 26 miles away in a different county; it cannot remotely be considered adjacent. The fact that it may be located along the same segment of transmission line on which its current Site is located has no bearing on the question of whether the sites are "adjacent."[33] Granting the Waiver Request would incentivize Project Developers to attempt to circumvent the adjacent parcel requirement any time that a new, perhaps better situated or cheaper, parcel of land becomes available that shares similar electrical interconnection features.

The Waiver Request also is inconsistent with the Commission's recognition that more stringent Site Control requirements are necessary to "reduce the number of speculative, duplicative, and non-ready projects" that enter the Cycle, and that the adjacency requirement will "help ensure that projects entering the queue obtain site control for the site they actually intend to use."[34] In fact, the Waiver Request reveals that Rush

[31] Waiver Request at 12-13.

[32] November 2022 Order at P 103.

[33] By way of analogy, Richmond, Virginia and New York City are located on the same interstate highway, but no one would consider them adjacent.

[34] November 2022 Order at PP 99, 103.

Solar has done nothing to secure this parcel of land to satisfy Site Control,[35] demonstrating that the Rush Project is unready. Rush Solar plainly fails to demonstrate that its request is limited in scope, and therefore the Commission should deny the Waiver Request.

Third, Rush Solar fails to identify a "concrete problem" to be solved by its request for waiver of the adjacent parcel requirement. Rush Solar argues that the requested waiver would "simply allow Rush Solar to change the Project site to the limited extent necessary" to account for "the possibility" that Rush County may not lift its solar permit moratorium in time for the Rush Project to proceed.[36] Rather than solve a concrete problem, the Waiver Request is merely an attempt to hedge against a potential roadblock that may or may not materialize. Development challenges of this type are not unique to Rush Solar, and the Commission should not broaden the "concrete problem" showing to allow such generalized claims, as it would invite more waiver requests and thus further delay those entities that are ready, willing, and able to progress in the queue in accordance with applicable Tariff requirements.

Finally, granting the Waiver Request would not only be contrary to efficient queue administration,[37] but would also result in direct harm to other Project Developers in Transition Cycle 1 that have fully complied with all of the requirements of Tariff, Part VII, section 309. Allowing Rush Solar to skirt a requirement intended to ensure projects in the

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[35] Waiver Request at 8 (providing that Rush Solar has "engaged a land agent to begin the process of acquiring the required land rights at the Alternate Site").

[36] Waiver Request at 11.

[37] The Commission has routinely recognized that efficient queue administration is in the public interest. *See PJM Interconnection, L.L.C.*, 174 FERC ¶ 61,075, at P 38 (2021) (denying request for waiver and finding notices of cancellation in the public interest); *Midcontinent Indep. Sys. Operator, Inc.*, 176 FERC ¶ 61,161, at P 24 (2021) (granting waiver in part on the basis that no other projects in the interconnection queue will be impacted or restudied as a result).

queue are viable and ready to proceed while holding up the progress of all other Project Developers in Transition Cycle #1, and potentially increasing their costs, would be unjust, unreasonable, and unduly discriminatory. For all of these reasons, the Waiver Request does not satisfy the criteria for waiver of Tariff, Part VII, section 309(B)(5)(b), and the Commission therefore must deny it.

IV. CONCLUSION

For the reasons stated above, the Commission should deny the Waiver Request.

Respectfully submitted,

/s/ Elizabeth P. Trinkle

Wendy B. Warren
Elizabeth P. Trinkle
David S. Berman
Wright & Talisman, P.C.
1200 G Street, NW, Suite 600
Washington, DC 20005-3898
202-393-1200 (phone)
202-393-1240 (fax)
warren@wrightlaw.com
trinkle@wrightlaw.com
berman@wrightlaw.com

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

Christopher B. Holt
Managing Counsel
PJM Interconnection, L.L.C.
2750 Monroe Blvd,
Audubon, PA 19403
610-666-2368
Christopher.Holt@pjm.com

Counsel for
PJM Interconnection, L.L.C.

March 25, 2024

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 25th day of March 2024.

/s/ Elizabeth P. Trinkle
Elizabeth P. Trinkle
Wright & Talisman, P.C.
1200 G Street, N.W., Suite 600
Washington, D.C. 20005-3898
(202) 393-1200

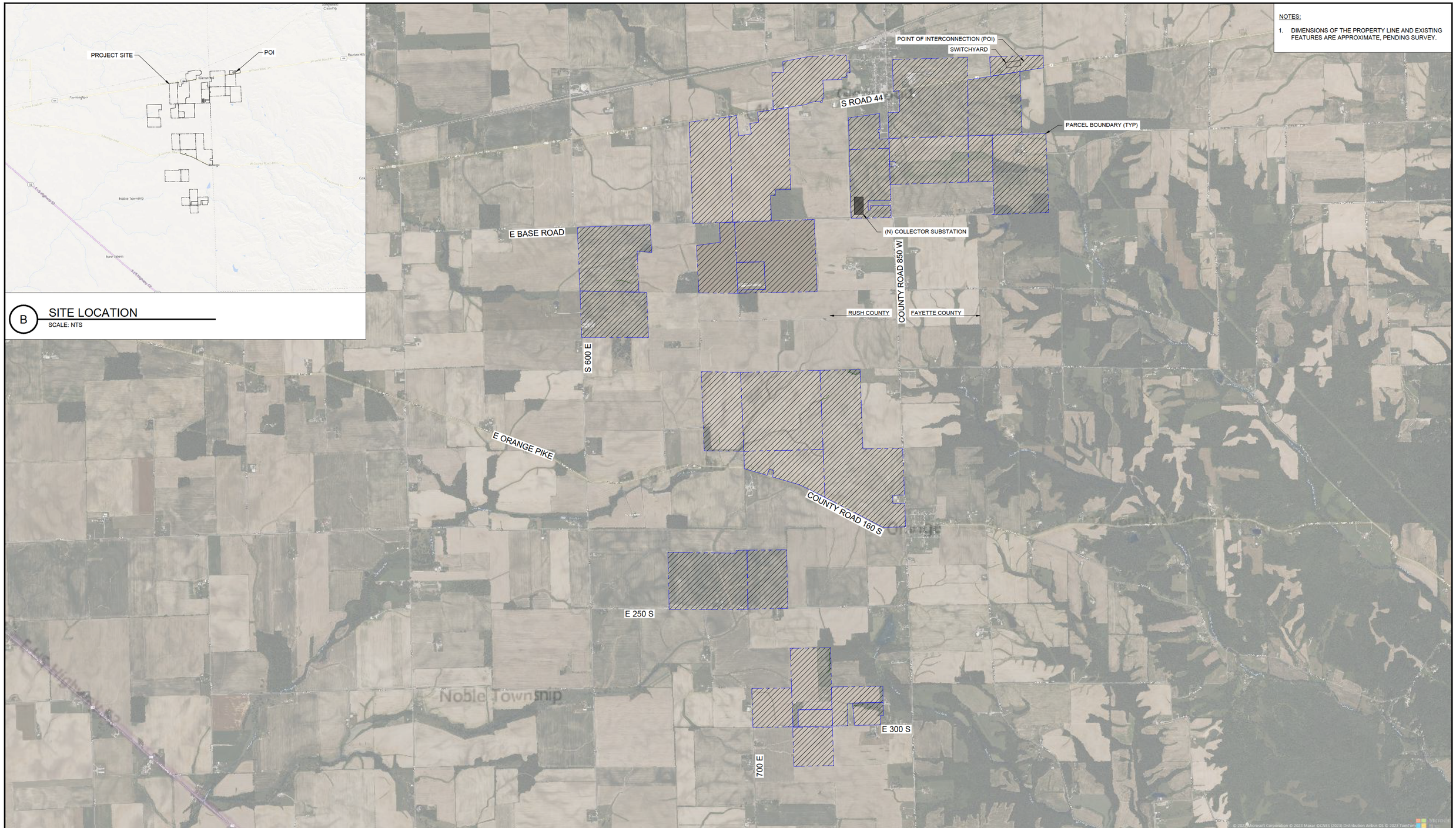
Attorney for
PJM Interconnection, L.L.C.

Attachment A

NOTES:

1. DIMENSIONS OF THE PROPERTY LINE AND EXISTING FEATURES ARE APPROXIMATE, PENDING SURVEY.

B SITE LOCATION
SCALE: NTS



A PROJECT PARCELS
SCALE: 1"=1500'
0 750' 1500' 3000'

APPROX. NORTH

PROJECT ADDRESS:
RUSH PJM
RUSH COUNTY, IN
LAT: 39.62°
LONG: -85.28°

TRC 3947 LENNANE DRIVE, SUITE 130
SACRAMENTO, CA 95834

PROJECT NO: 444057

REV	DESCRIPTION	DATE	DES	CHK	APP
–	PRELIMINARY	08/31/23	MMS	AH	AH

TRC DESIGNED
TRC DRAWN
TRC CHECKED
TRC APPROVED
REVIEW 1
REVIEW 2

PROJECT PARCELS
HOOSIER SOLAR
RUSH COUNTY SOLAR

RUSH COUNTY IN

08/31/23 DATE
AS SHOWN SCALE

TRC

EXHIBIT 1

REV. –

File Name	Tax ID	Acres under lease	Effective Date	Option Term (y)	Option Term (date)	Executed Unilateral Option Extension (y)	Option Extension Term Deadline (date)	Next Payment Due - outside of PJM process (date)	Date Last Payment was made - anticipated for PJM (date)	Validated Term For	Validated Term beyond July 10, 2024?
Rush Solar Project - Option and Lease Agreement - [redacted]	70-12-08-200-002.000-004	81.42	11/20/2020	3	11/20/2023	1	11/20/2024	11/20/2023	8/21/2023	11/20/2024	Yes
Rush Solar Project - Option and Lease Agreement - [redacted]	70-12-09-100-001.000-004	161.54	11/20/2020	3	11/20/2023	1	11/20/2024	11/20/2023	8/21/2023	11/20/2024	Yes
Rush Solar Project - Option and Lease Agreement - [redacted]	70-12-09-300-001.000-004	60.86	11/20/2020	3	11/20/2023	1	11/20/2024	11/20/2023	8/21/2023	11/20/2024	Yes
Rush Solar Project - Option and Lease Agreement - [redacted]	70-12-09-400-001.000-004	220.36	11/20/2020	3	11/20/2023	1	11/20/2024	11/20/2023	8/21/2023	11/20/2024	Yes
Rush Solar Project II - Option and Lease Agreement - [redacted]	70-12-05-200-004.000-004	59.29	4/26/2021	3	4/26/2024	1	4/26/2025	4/26/2024	8/21/2023	4/26/2025	Yes
Rush Solar Project II - Option and Lease Agreement - [redacted]	70-12-05-100-001.000-004	110.00	4/26/2021	3	4/26/2024	1	4/26/2025	4/26/2024	8/21/2023	4/26/2025	Yes
Rush Solar Project II - Option and Lease Agreement - [redacted]	70-12-05-300-001.000-004	80.00	4/29/2021	3	4/29/2024	1	4/29/2025	4/29/2024	8/21/2023	4/29/2025	Yes
Rush Solar Project II - Option and Lease Agreement - [redacted]	70-12-04-100-002.000-004	20.00	4/29/2021	3	4/29/2024	1	4/29/2025	4/29/2024	8/21/2023	4/29/2025	Yes
Rush Solar Project II - Option and Lease Agreement - [redacted]	70-12-04-100-001.000-004	130.00	4/30/2021	3	4/30/2024	1	4/30/2025	4/30/2024	8/21/2023	4/30/2025	Yes
Rush Solar Project II - Option and Lease Agreement - [redacted]	70-08-33-400-002.000-012	68.82	9/24/2021	3	9/24/2024	N/A	9/24/2024	9/24/2023	8/21/2023	9/24/2024	Yes
Rush Solar Project II - Option and Lease Agreement - [redacted]	70.08-33-279-001.000-012	30.59	9/24/2021	3	9/24/2024	N/A	9/24/2024	9/24/2023	8/21/2023	9/24/2024	Yes
Rush Solar Project II - Option and Lease Agreement - [redacted]	70-08-32-400-004.000-012	106.45	2/23/2022	3	2/23/2025	N/A	2/23/2025	2/23/2024	8/23/2023	2/23/2025	Yes
Rush Solar Project II - Option and Lease Agreement - [redacted]	70-08-33-300-001.000-012	145.22	2/23/2022	3	2/23/2025	N/A	2/23/2025	2/23/2024	8/21/2023	2/23/2025	Yes
Rush Solar Project - Option to Purchase - [redacted]	21-04-34-200-002.000-012	10.0	1/6/2022	5	1/6/2027	N/A	1/6/2027	N/A	8/21/2023	1/6/2027	Yes
Rush Solar Project II - Option and Lease Agreement - [redacted]	21-04-34-100-001.000-012	89.6	9/28/2022	3	9/28/2025	N/A	9/28/2025	9/28/2023	8/21/2023	9/28/2024	Yes
Rush Solar Project II - Option and Lease Agreement - [redacted]	21-04-34-200-005.000-012	86.0	9/28/2022	3	9/28/2025	N/A	9/28/2025	9/28/2023	8/21/2023	9/28/2024	Yes
Rush Solar Project II - Option and Lease Agreement - [redacted]	21-04-34-300- 001.002-012	40.0	9/28/2022	3	9/28/2025	N/A	9/28/2025	9/28/2023	8/21/2023	9/28/2024	Yes
Rush Solar Project II - Option and Lease Agreement - [redacted]	21-04-34-300-001.000-012	54.4	9/28/2022	3	9/28/2025	N/A	9/28/2025	9/28/2023	8/21/2023	9/28/2024	Yes
Rush Solar Project II - Option and Lease Agreement - [redacted]	21-04-34-400-001.000-012	30.0	9/28/2022	3	9/28/2025	N/A	9/28/2025	9/28/2023	8/21/2023	9/28/2024	Yes
Rush Solar Project II - Option and Lease Agreement - [redacted]	21-04-34-400-004.000-012	6.9	9/28/2022	3	9/28/2025	N/A	9/28/2025	9/28/2023	8/21/2023	9/28/2024	Yes
Rush Solar Project - Option and Lease Agreement - [redacted]	70-12-16-100-002.000-004	61.56	11/20/2020	3	11/20/2023	1	11/20/2024	11/20/2023	8/21/2023	11/20/2024	Yes
Rush Solar Project - Option and Lease Agreement - [redacted]	70-12-17-200-002.000-004	116.00	11/20/2020	3	11/20/2023	1	11/20/2024	11/20/2023	8/21/2023	11/20/2024	Yes
Rush Solar Project II - Option and Lease Agreement - [redacted]	70-12-16-300-004.000-004	54.63	12/12/2021	3	12/12/2024	N/A	12/12/2024	12/12/2023	9/7/2023	12/12/2024	Yes
Rush Solar Project II - Option and Lease Agreement - [redacted]	70-12-21-100-001.000-004	41.07	12/12/2021	3	12/12/2024	N/A	12/12/2024	12/12/2023	9/7/2023	12/12/2024	Yes
Rush Solar Project II - Option and Lease Agreement - [redacted]	70-12-21-100-002.000-004	15.63	12/12/2021	3	12/12/2024	N/A	12/12/2024	12/12/2023	9/7/2023	12/12/2024	Yes
Rush Solar Project II - Option and Lease Agreement - [redacted]	70-12-21-200-002.000-004	31.45	12/12/2021	3	12/12/2024	N/A	12/12/2024	12/12/2023	9/7/2023	12/12/2024	Yes
Rush Solar Project II - Option and Lease Agreement - [redacted]	70-12-21-100-006.000-004	41.01	12/12/2021	3	12/12/2024	N/A	12/12/2024	12/12/2023	9/7/2023	12/12/2024	Yes
Rush Solar Project II - Option and Lease Agreement - [redacted]	70-12-21-200-008.000-004	17.06	12/12/2021	3	12/12/2024	N/A	12/12/2024	12/12/2023	9/7/2023	12/12/2024	Yes
Rush Solar Project II - Option and Lease Agreement - [redacted]	70-08-33-100-003.000-012	72.13	2/23/2022	3	2/23/2025	N/A	2/23/2025	2/23/2024	8/23/2023	2/23/2025	Yes
		2041.95									

1 yr from Transition Date
7/10/2024

Attachment B

From: Farah Neha <fneha@advantagecap.com>
Sent: Thursday, December 14, 2023 5:07 PM
To: Nestel, Stacey, L
Cc: Scott Murphy; Colin Kelly; Rose Ann Ansty; Anaelle Croteau; James Donahue; Amine Alami; Lambert, Andrew J
Subject: RE: RUSH SOLAR PROJECT II - AG1-224 - Project Site Relocation
Attachments: image001.png - 5 KB; image002.jpg - 6 KB; image003.jpg - 2 KB; image004.jpg - 2 KB; image005.jpg - 2 KB

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Hi Stacey,

Thank you for your email. We really appreciate you taking the time to discuss our case with PJM management.

To ensure we are aligned, we would greatly appreciate it if you could provide some clarity on the way forward for our project. Could we schedule a brief call to discuss this further? Please let me know your availability either tomorrow (12/15) or next week, and I can coordinate.

Thank you again for your assistance, and we look forward to your response.

Best,

Farah

From: Nestel, Stacey, L <Stacey.Nestel@pjm.com>
Sent: Friday, December 8, 2023 11:58 AM
To: Farah Neha <fneha@advantagecap.com>
Cc: Scott Murphy <smurphy@advantagecap.com>; Colin Kelly <ckelly@advantagecap.com>; Rose Ann Ansty <ransty@advantagecap.com>; Anaelle Croteau <acroteau@advantagecap.com>; James Donahue <jdonahue@advantagecap.com>; Amine Alami <aalami@advantagecap.com>; Lambert, Andrew J <Andrew.Lambert@pjm.com>
Subject: FW: RUSH SOLAR PROJECT II - AG1-224 - Project Site Relocation

EXTERNAL

Hi Farah. I apologize for the delay in responding to your request. I have checked with PJM management and we would be unable to allow a POI change at Decision Point 1 unless it were to follow the criteria listed below. The following text is from the tariff to show what modifications are allowed at Decision Point 1. This is located in Tariff, Part VII, Subpart D, Section 309.

B.New Service Request Modification Requests at Decision Point I

1.Project Developer or Eligible Customer may not request a modification that is not expressly allowed. To the extent Project Developer or Eligible Customer desires a modification that is not expressly allowed, Project Developer or Eligible Customer must withdraw its New Service Request and resubmit the New Service Request with the proposed modification in a subsequent Cycle.

2.Reductions in Maximum Facility Output and/or Capacity Interconnection Rights. Project Developer may reduce the previously requested New Service Request Maximum Facility Output and/or Capacity Interconnection Rights values, up to 100 percent of the requested amount

3.Fuel Changes. The fuel type specified in the New Service Request may not be changed or modified in any way for any reason, except that for New Service Requests that involve multiple fuel types, removal of a fuel type through these reduction rules will not constitute a fuel type change.

4.Point of Interconnection.

a.The Point of Interconnection must be finalized before the close of the Decision Point I Phase.

i.Project Developer may only move the location of the Point of Interconnection

1) along the same segment of transmission line, as defined by the two electrical nodes located on the transmission line as modeled in the Phase I Base Case Data, or

2) move the location of the Point of Interconnection to a different breaker position within the same substation, subject to Transmission Owner review and approval. Project Developer may not modify its Point of Interconnection to/from a transmission line from/to a direct connection into a substation.

(a)Project Developer must notify Transmission Provider in writing of any changes to its Point of Interconnection prior to the close of Decision Point I. No modifications to the Point of Interconnection will be accepted for any reason after the close of Decision Point I.

Please let me know if you have any additional quesitons. Thank you.

Stacey Nestel
Sr. Engineer II, Interconnection Projects
(610)283-9371 (Mobile) | Stacey.Nestel@pjm.com
PJM Interconnection | 2750 Monroe Blvd. | Audubon, PA 19403

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From: Farah Neha <fneha@advantagecap.com>
Sent: Wednesday, November 22, 2023 6:12 PM
To: Nestel, Stacey, L <Stacey.Nestel@pjm.com>
Cc: Scott Murphy <smurphy@advantagecap.com>; Colin Kelly <ckelly@advantagecap.com>; Rose Ann

Ansty <ransty@advantagecap.com>; Anaelle Croteau <acroteau@advantagecap.com>; James Donahue <jdonahue@advantagecap.com>; Amine Alami <aalami@advantagecap.com>
Subject: RUSH SOLAR PROJECT II - AG1-224 - Project Site Relocation

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Hi Stacey,

Thank you again for taking the time out to talk to us. As discussed, please find attached the county moratorium documents. We have also drafted a short memo explaining the challenges the project is facing and alternate solutions.

We'd be happy to jump on a call and discuss this further. Please let us know if you have availability for a call next week. We appreciate your support in this.

Thank you,

Farah

logo

Farah Neha – Development Associate

156 West 56th Street, Suite 1204
New York, NY 10019
Direct: 585-694-6479
millig@advantagecap.com · www.advantagecap.com

Attachment C

From: Nestel, Stacey, L <Stacey.Nestel@pjm.com>
Sent: Tuesday, March 19, 2024 2:36 PM
To: LSAT <LSAT@pjm.com>
Subject: FW: AG1-224

Hello LSAT. AG1-224 indicated they requested a FERC waiver to the adjacent parcel rule. Forwarding the correspondence below for your information.

Stacey Nestel
Sr. Engineer II, Interconnection Projects
(610)283-9371 (Mobile) | Stacey.Nestel@pjm.com
PJM Interconnection | 2750 Monroe Blvd. | Audubon, PA 19403

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From: Lambert, Andrew J <Andrew.Lambert@pjm.com>
Sent: Monday, March 18, 2024 12:36 PM
To: Farah Neha <fneha@advantagecap.com>; Nestel, Stacey, L <Stacey.Nestel@pjm.com>; Colin Kelly <ckelly@advantagecap.com>
Cc: Kramp, Peter <Peter.Kramp@pjm.com>; Caixeta Moreira, Daniel <Daniel.CaixetaMoreira@pjm.com>; Anaelle Croteau <acroteau@advantagecap.com>
Subject: RE: AG1-224

Good afternoon,

We will not support a waiver to the adjacent parcel rule. Projects in the TC#1 may make changes as allowed at the 3 decisions points. Changes in excess of what is specified will not be supported.

In the event project circumstances change outside of what was originally intended, the project may elect to withdraw and re-enter under a different cycle with the new configuration and location.

AJ Lambert
Manager, Interconnection Planning Projects

C: (267) 894-0929 | Andrew.Lambert@pjm.com
PJM Interconnection | 2750 Monroe Blvd. | Audubon, PA 19403

Interconnection Education Videos provided HERE under Planning

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For transition status updates, please review information provided at the Interconnection Process Subcommittee

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From: Farah Neha <fneha@advantagecap.com>
Sent: Monday, March 18, 2024 9:56 AM
To: Nestel, Stacey, L <Stacey.Nestel@pjm.com>; Colin Kelly <ckelly@advantagecap.com>
Cc: Kramp, Peter <Peter.Kramp@pjm.com>; Caixeta Moreira, Daniel <Daniel.CaixetaMoreira@pjm.com>; Anaelle Croteau <acroteau@advantagecap.com>; Lambert, Andrew J <Andrew.Lambert@pjm.com>
Subject: RE: AG1-224

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Hi Stacey,

Just following up to see if you had any updates following your discussion with PJM management.

Thanks,

Farah

From: Nestel, Stacey, L <Stacey.Nestel@pjm.com>
Sent: Friday, March 1, 2024 4:08 PM
To: Colin Kelly <ckelly@advantagecap.com>
Cc: Kramp, Peter <Peter.Kramp@pjm.com>; Caixeta Moreira, Daniel <Daniel.CaixetaMoreira@pjm.com>; Farah Neha <fneha@advantagecap.com>; Anaelle Croteau <acroteau@advantagecap.com>; Lambert, Andrew J <Andrew.Lambert@pjm.com>
Subject: RE: AG1-224

EXTERNAL

Hi Colin. Thank you for providing the information concerning the issues you are having with permitting. I will check with PJM management and get back to you concerning a discussion or any additional information needed. I will try to get back to you on Monday.

Stacey Nestel
Sr. Engineer II, Interconnection Projects
(610)283-9371 (Mobile) | Stacey.Nestel@pjm.com
PJM Interconnection | 2750 Monroe Blvd. | Audubon, PA 19403

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From: Colin Kelly <ckelly@advantagecap.com>
Sent: Friday, February 23, 2024 1:50 PM
To: Nestel, Stacey, L <Stacey.Nestel@pjm.com>
Cc: Kramp, Peter <Peter.Kramp@pjm.com>; Caixeta Moreira, Daniel <Daniel.CaixetaMoreira@pjm.com>; Farah Neha <fneha@advantagecap.com>; Anaelle Croteau <acroteau@advantagecap.com>
Subject: RE: AG1-224

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Hi Stacey,

There is no update to the site plan from what we submitted in September. That said, we did not receive a required local permit for the project. There is also now a moratorium in the County that prevents us from submitting another application for permit.

We have been considering moving the project. However, we would not be able to adhere to PJM's adjacent parcel rule. We reached out previously on this topic to discuss PJM's flexibility to waive this rule. The guidance we received from PJM is that we would have to withdraw and resubmit our application if we couldn't comply with the adjacent parcel rule.

Please know that we have requested a waiver to the adjacent parcel rule through FERC. When we reached out previously, we were hoping to have a discussion with PJM about seeking such a waiver. Can you let us know if PJM would oppose this approach?

Thanks,
Colin

Colin Kelly
Advantage Capital Renewables
(484) 678-7915

From: Nestel, Stacey, L <Stacey.Nestel@pjm.com>
Sent: Friday, February 23, 2024 11:28 AM
To: Colin Kelly <ckelly@advantagecap.com>
Cc: Kramp, Peter <Peter.Kramp@pjm.com>; Caixeta Moreira, Daniel <Daniel.CaixetaMoreira@pjm.com>
Subject: RE: AG1-224

EXTERNAL

Hi Colin. Just following up as I saw your out of office until 2/20/24. Please let me know any questions.

Stacey Nestel
Sr. Engineer II, Interconnection Projects
(610)283-9371 (Mobile) | Stacey.Nestel@pjm.com
PJM Interconnection | 2750 Monroe Blvd. | Audubon, PA 19403

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From: Nestel, Stacey, L
Sent: Friday, February 16, 2024 11:06 AM
To: 'Colin Kelly' <ckelly@advantagecap.com>
Cc: Kramp, Peter <Peter.Kramp@pjm.com>; Caixeta Moreira, Daniel <Daniel.CaixetaMoreira@pjm.com>
Subject: AG1-224
Importance: High

Hello Colin.

AEP is requesting an updated site plan for AG1-224. The site plan should show the proposed location for the new switching station, the generator lead line route and the proposed location of your collector station.

Please provide an updated site plan as soon as possible or at the latest by Friday, 2/23/24.

If you have any questions please let me know. Thank you.

Stacey Nestel
Sr. Engineer II, Interconnection Projects
(610)283-9371 (Mobile) | Stacey.Nestel@pjm.com
PJM Interconnection | 2750 Monroe Blvd. | Audubon, PA 19403

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