

170 FERC ¶ 61,279
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Neil Chatterjee, Chairman;
Richard Glick and Bernard L. McNamee.

PJM Interconnection, L.L.C.

Docket No. ER20-1392-000

ORDER GRANTING WAIVER

(Issued March 30, 2020)

1. On March 25, 2020, pursuant to Rules 207 and 212 of the Commission's Rules of Practice and Procedure,¹ PJM Interconnection, LLC (PJM) submitted a request for limited waiver and request for shortened comment period and expedited action (Waiver Request) in the above-captioned proceeding. In its Waiver Request, PJM seeks waiver of certain generator interconnection-related deadlines in its Open Access Transmission Tariff (Tariff). As discussed below, we grant PJM's Waiver Request.

I. Background

2. PJM administers two New Service Queue windows per year to accept New Service Requests. Each window is open for six months: the first queue window starts April 1 of each year and ends on September 30 of that year, and the second queue window starts on October 1 of each year and ends on March 31 of the next year. The current queue window, designated as AF2 New Services Queue (AF2 Queue), closes on March 31, 2020.

3. The Tariff, among other things, requires PJM to review a New Service Request and issue a notice of any deficiencies within five business days of receipt of the New Service Request, requires the New Service Customer to respond to a deficiency notice within 10 business days, and provides PJM with an additional five business days to review the New Service Customer's response to the deficiency notice.² In addition, the

¹ 18 C.F.R. §§ 385.207, 385.212 (2019).

² See, e.g., PJM Interconnection, L.L.C., Intra-PJM Tariffs, OATT, §§ 36.1.01(2)(c), 36.1.03(2)(c) (8.0.0).

Tariff also requires parties to execute study agreements and interconnection agreements, including paying deposits.³

II. Filing

4. PJM requests waiver until May 1, 2020, or, for certain Tariff provisions, until 15 days after the otherwise applicable deadline, to allow New Service Customers, Interconnected Transmission Owners, and PJM additional time to meet certain generator interconnection-related Tariff deadlines in light of the Novel Coronavirus Disease (COVID-19) outbreak.⁴ Specifically, PJM seeks additional time to allow parties to: (1) comply with certain deadlines for reviewing New Service Requests; (2) process and respond to deficiency reviews that are applicable to generation Interconnection Requests in PJM's AF2 Queue; and (3) submit study deposits.⁵ PJM states that its Waiver Request includes any other deadline applicable to the AF2 Queue not specifically referenced in the instant filing.⁶ PJM explains that it is not seeking waiver of the March 31, 2020 deadline for the close of the AF2 Queue, or of the March 31, 2020 deadline to submit a New Service Request.⁷

5. PJM notes that it typically receives 50% or more of the total number of New Service Requests in a given queue window during the last month of the queue window.⁸ PJM therefore states that "PJM engineers face an extreme time crunch at the

³ See, e.g., PJM Interconnection, L.L.C., Intra-PJM Tariffs, OATT, §§ 36.1.01(2)(b)(ii) (8.0.0); 36.1.03(2)(b)(ii) (8.0.0); 109.4 (1.0.0); 110.1(2)(b)(ii) (9.0.0); 110.2-110.4 (2.0.0); 111.1(2)(b)(ii) (2.0.0); 111.2 (2.0.0); 111.3 (1.0.0); 111.4 (2.0.0); 112.1(2)(b)(ii) (7.0.0); 206.2 (1.0.0); 209.1 (1.0.0); 212.4 (3.0.0); 212.6 (2.0.0); 212.7 (1.0.0); 213.4 (2.0.0); 213.8 (1.0.0); Attachment N-1, § 10 (5.0.0); Attachment N-2, §§ 14-16 (4.0.0).

⁴ On March 13, 2020, the President issued a proclamation declaring a National Emergency concerning COVID-19.

⁵ PJM Interconnection, L.L.C. March 25, 2020 Waiver Request at 1 (Waiver Request).

⁶ PJM notes that it is also requesting waiver of the short circuit analyses to be performed for and included in the AF2 New Service Queue Interconnection Feasibility Study reports due by July 31, 2020. *Id.* at 1 n.4.

⁷ *Id.* at 2.

⁸ *Id.* at 3-4.

end of queue windows to process New Service Requests.”⁹ PJM further states that, given the March 31, 2020 deadline for the close of the AF2 Queue, PJM engineers are experiencing that time crunch while also experiencing other disruptions related to the COVID-19 outbreak.

6. PJM argues that its Waiver Request satisfies the Commission’s criteria for granting waiver. First, PJM argues that it is acting in good faith by responding to a recognized, bona fide emergency (the COVID-19 outbreak), while also allowing New Service Customers, PJM, and Interconnected Transmission Owners additional time to meet the deadlines associated with the close of the AF2 Queue.¹⁰ Second, PJM asserts that its Waiver Request is limited in scope, as PJM is only seeking a one-time extension until May 1, 2020, or an additional 15 days beyond the applicable deadline, of the deadlines associated with the close of the AF2 Queue.¹¹ PJM reiterates that it is not requesting an open-ended extension of the deadlines associated with the close of the AF2 Queue nor is it seeking an extension of the March 31, 2020 deadline for the close of the AF2 Queue.

7. Third, PJM contends that granting the waiver will solve a concrete problem. Specifically, PJM states that work-at-home and social distancing measures associated with the COVID-19 outbreak will make it difficult for New Service Customers, PJM, and Interconnected Transmission Owners to meet certain Tariff deadlines, and the limited waiver would reduce “the chances for unintentional Tariff violations that may arise from rushed processing or for New Service Customers being removed from the queue because the measures they have taken in response to the COVID-19 pandemic cause them to miss deadlines.”¹² Further, PJM states that the limited waiver would allow PJM additional time to evaluate New Service Requests. Fourth, PJM argues that granting the requested waiver will not have undesirable consequences, such as harm to third parties. PJM argues that, instead, the limited waiver will benefit New Service Customers, Interconnected Transmission Owners and PJM staff that are affected by the work-at-home and social distancing measures.¹³

⁹ *Id.* at 4.

¹⁰ *Id.* at 5-6 (citing *Extension of Non-Statutory Deadlines*, Notice of Extension of Time, Docket No. AD20-11-000, at 3 (Mar. 19, 2020)).

¹¹ *Id.* at 6.

¹² *Id.*

¹³ *Id.* at 6-7.

8. PJM requests that the Commission act on PJM's filing no later than March 31, 2020 to provide PJM with the assurance that it may start implementing the requested extensions of time as of the close of the AF2 Queue window.¹⁴

III. Notice and Responsive Pleadings

9. PJM filed its Waiver Request in Docket No. ER20-1392-000, on March 25, 2020. On March 26, 2020, the Waiver Request was noticed with interventions and protests due on or before 12:00 PM ET on March 27, 2020. A notice of intervention was filed by the New Jersey Board of Public Utilities. PPL Electric Utilities Corporation, the Solar Energy Industries Association, NRG Power Marketing LLC, Exelon Corporation (Exelon) and Calpine Corporation filed timely motions to intervene. Comments were filed by Exelon.

10. Exelon supports PJM's Waiver Request. However, Exelon requests that the Commission make clear that any deadlines for the Interconnected Transmission Owners to review and study a New Service Request are also extended by a commensurate amount of time as for PJM.¹⁵

IV. Discussion

A. Procedural Matters

11. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2019), the notices of intervention and timely, unopposed motions to intervene serve to make the entities that filed them parties to this proceeding.

B. Substantive Matters

12. We grant PJM's request for waiver of the processing requirements and deadlines related to the close of the AF2 Queue window, including waiver of the requirements to (1) comply with certain deadlines for reviewing New Service Requests; (2) process and respond to deficiency reviews that are applicable to generation Interconnection Requests in PJM's AF2 Queue; (3) submit study deposits; and (4) complete short circuit analyses to be performed for and included in the AF2 Queue Interconnection Feasibility Study

¹⁴ *Id.* at 7-8.

¹⁵ Exelon Comments at 1-2.

reports due by July 31, 2020.¹⁶ As requested, we grant New Service Customers, Interconnected Transmission Owners, and PJM a one-time extension until May 1, 2020, or an additional 15 days beyond the applicable deadline, of the deadlines associated with the close of the AF2 Queue.

13. The Commission has previously granted waiver of tariff provisions where: (1) the applicant acted in good faith; (2) the waiver is of limited scope; (3) the waiver addresses a concrete problem; and (4) the waiver does not have undesirable consequences, such as harming third parties.¹⁷

14. We find that the circumstances of PJM's Waiver Request satisfy these criteria. First, we find that PJM is acting in good faith by providing New Service Customers, PJM, and Interconnected Transmission Owners additional time to meet the deadlines associated with the close of the AF2 Queue in light of the disruptions stemming from the COVID-19 outbreak. Second, we find that PJM's waiver request is limited in scope, as PJM is seeking a limited, one-time waiver of tariff deadlines associated with the close of the AF2 Queue. Third, we find that PJM's waiver request addresses a concrete problem by allowing PJM to continue to conduct its interconnection process during a period in which work-at-home and social distancing measures taken in response to the COVID-19 outbreak make it difficult for New Service Customers, PJM, and Interconnected Transmission Owners to meet certain Tariff deadlines. Fourth, we find that the waiver will not result in undesirable consequences, such as harming third parties, but will benefit New Service Customers, Interconnected Transmission Owners, and PJM staff that are affected by the work-at-home and social distancing measures by providing more time to accurately process interconnection requests. We find that the limited waiver will allow PJM to continue to implement its interconnection procedures related to the AF2 Queue, while also retaining the March 31, 2020 deadline for the AF2 Queue window. As a result, we find that PJM's waiver request would not have a cascading effect on future interconnection queues.

15. With respect to Exelon's clarification request, as described above, the waiver granted herein includes AF2 Queue-related deadlines applicable to New Service Customers, Interconnected Transmission Owners, and PJM.

¹⁶ Our grant of waiver is limited to the processing requirements and deadlines associated with the closing of the AF2 Queue, as detailed in PJM's March 25, 2020 filing; it does not include waiver of any other Tariff requirement or deadline not associated with the closing of the AF2 Queue. *See* Waiver Request at 6.

¹⁷ *See, e.g., Midcontinent Indep. Sys. Operator, Inc.*, 154 FERC ¶ 61,059, at P 13 (2016).

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The Commission orders:

PJM's Waiver Request is hereby granted, effective March 31, 2020, as discussed in the body of this order.

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.

Document Content(s)

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