

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

Duquesne Light Company

Docket No. EL20-59-000

v.

PJM Interconnection, L.L.C.

COMMENTS OF THE PJM POWER PROVIDERS GROUP

On July 30, 2020, Duquesne Light Company (“Duquesne”) filed a complaint against PJM Interconnection, L.L.C. (“PJM”) with the Federal Energy Regulatory Commission (the “Commission” or “FERC”) (“Complaint”).¹ The Complaint seeks a Commission order “directing PJM to refrain from submitting proposed amendments to the [Amended and Restated Operating Agreement of PJM Interconnection, L.L.C. (“Operating Agreement”)] that PJM has determined violate the [Consolidated Transmission Owners Agreement – (“CTOA”)] or FERC precedent.”² On August 18, 2020, the Commission accepted PJM’s Motion Requesting Extension of Time,³ until September 18, 2020, for submission of comments in response to the Complaint.⁴ The PJM Power Providers Group (“P3”)⁵ respectfully submits these comments in response to the Complaint, and respectfully requests that the Commission reject the Complaint, for the reasons stated herein.

¹ Complaint of Duquesne Light Company, Docket No. EL20-59-000 (July 30, 2020) (“Complaint”).

² Complaint at p. 1.

³ Motion for Extension of Time, and Motion for Shortened Answer Period, of PJM Interconnection, L.L.C., *Duquesne Light Company v. PJM Interconnection, L.L.C.*, EL20-59-000, dated August 10, 2020 (“PJM Motion for Extension”).

⁴ Notice Extending Comment Period, *Duquesne Light Company v. PJM Interconnection, L.L.C.*, EL20-59-000, dated August 18, 2020.

⁵ P3 is a non-profit organization that supports the development of properly designed and well-functioning markets in the PJM region. Combined, P3 members own approximately 67,000 megawatts of generation assets, produce enough power to supply over 50 million homes in the PJM region covering 13 states and the District of Columbia. For more

I. Background

As PJM notes, the Complaint appears to be precipitated by PJM's recent filing of Operating Agreement amendments addressing end-of-life ("EOL") planning in a separate docketed proceeding ("Joint Stakeholder EOL Filing").⁶ In fact, the premise of the Complaint is the procedural issue allegedly raised by the Joint Stakeholder EOL Filing; specifically, whether PJM should file proposed amendments on behalf of stakeholders under Federal Power Act ("FPA") section 205 if it determines those proposed amendments violate the CTOA and FERC orders directly applicable to the PJM market. The Complaint asserts that the answer should be "no," and that PJM should not be allowed to submit amendments to the Commission on behalf of stakeholders under section 205.⁷

The Complaint discusses the five years of stakeholder meetings that led to the development of the Joint Stakeholder EOL Filing, as well as an overview of the Joint Stakeholder EOL Filing itself.⁸ The Complaint submits, in part, that as a counterparty to the CTOA, PJM "should not be compelled to submit filings it believes violate that agreement," and "seeks an order from the Commission instructing PJM to not submit filings, even if approved by the Members Committee, that it determines violate the CTOA or FERC precedent."⁹

II. Comments

P3 respectfully requests that the Commission summarily reject the Complaint. The Complaint requests, in part, that "...the Commission issue an order directing PJM to refrain from

information on P3, visit www.p3powergroup.com. The comments contained in this filing represent the position of P3 as an organization, but not necessarily the views of any particular member with respect to any issue.

⁶ PJM Motion for Extension, p. 2, citing *PJM Interconnection, L.L.C.*, Joint Stakeholder Revisions to the Operating Agreement, Docket No. ER20-2308-000 (July 2, 2020) ("Joint Stakeholder EOL Filing").

⁷ Complaint, p. 2.

⁸ *Id.*, pp. 4-7.

⁹ *Id.*, at pp. 14-15.

submitting proposed amendments to the OA that PJM has determined violate the CTOA or FERC precedent.”¹⁰ Oddly, the Complaint appears to hoist upon PJM the responsibility to evaluate whether anything it files violates the Operating Agreement or FERC precedent. PJM is the grid operator, not the regulator. FERC is solely responsible for determining whether a proposal violates the PJM Operating Agreement or FERC precedent. For this reason alone, the Complaint should be rejected

The facts that give rise to the Complaint are largely irrelevant to the sweeping relief requested by the Complainants. While P3 members may share some concerns about the stakeholder process or PJM governance surrounding the transmission issues in PJM, those concerns have no bearing upon the relief requested. If the Complainants have concerns about the PJM stakeholder process or PJM governance, they should address those concerns in the appropriate forum – namely, the PJM Stakeholder process. The refusal to utilize the appropriate forums to properly consider these concerns should provide the Commission pause.

If the Commission granted the relief requested by the Complaint, it would place PJM in the untenable position of being the arbitrator of whether filings approved by PJM’s sophisticated Membership violate FERC precedent as PJM views that precedent. The result would provide PJM with unjust veto authority over Member supported filings, even those that address debatable FERC precedent arising from Section 206 proceedings and whether the outcome could be changed through a Members Committee approved Section 205 filing. Any proposed Operating Agreement change to a provision previously approved by the Commission arguably is not consistent with FERC precedent and PJM would be prevented from making such a filing if the Complaint is accepted by the Commission. Clearly, the Commission does not desire such a result.

¹⁰ *Id.* p. 2.

There is little reason for the Commission to dedicate time and resources to such a frivolous Complaint. No matter Complainants particular concerns surrounding the EOL transmission stakeholder process, the Complaint is not the proper venue and the relief requested is simply non-sensical. Moreover, any procedural issues raised as a result of the EOL transmission stakeholder process are more properly considered in the pending Joint Stakeholder EOL Filing. For all of these reasons, the Commission should reject the Complaint.

III. Conclusion

Wherefore, for the foregoing reasons, P3 urges the Commission to consider these comments and reject the Complaint.

Respectfully submitted,

On behalf of the PJM Power Providers Group

September 18, 2020

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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 18th day of September, 2020.

On behalf of the PJM Power Providers Group

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