

Ex Officio Membership Designation

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Public Service Commission of West Virginia



PJM Operating Agreement

8.2.2 Regulatory Authorities.

FERC and any other federal agency with regulatory authority over a Member and each **State electric utility regulatory commission** with regulatory jurisdiction within the PJM Region, **may nominate one representative to serve as an ex officio non-voting member on each of the Standing Committees.**



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8.2.3 State Offices of Consumer Advocate.

(a) Each **State Consumer Advocate** may nominate one representative to serve as an **ex officio member on each of the Standing Committees**. Upon a written request by a State Consumer Advocate to the Office of the Interconnection, and upon the payment of the fee prescribed by Operating Agreement, Schedule 3, section (b), a **State Consumer Advocate may designate a representative to each of the Standing Committees who, subject to subparagraph b, shall be entitled to cast one (1) non-divisible vote in the End-Use Customer Sector in Senior Standing Committees**. As an ex officio member, a State Consumer Advocate shall have no liability under this Agreement, other than the annual fee required by Operating Agreement, Schedule 3. The State Consumer Advocates shall not be entitled to indemnification by the other Members under any provisions of this Agreement. Additionally, the State Consumer Advocates shall not be eligible to participate in any markets managed by PJM under the terms contained in this Agreement.



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(b) Each State Consumer Advocate shall be entitled to cast only one (1) vote in the Senior Standing Committees per State or the District of Columbia. If more than one representative from a given state has been nominated to be a voting member of the Senior Standing Committees, all State Offices of Consumer Advocate from such state that have nominated representatives to vote at the Senior Standing Committees shall designate to the Office of the Interconnection one (1) representative who shall be entitled to vote on all of their behalf's, prior to being permitted to vote at any meetings of the Senior Standing Committees.

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In the *Definition Section* of the Operating Agreement :

Member:

“Member” shall mean an entity that satisfies the requirements of Operating Agreement, section 11.6 and that (i) is a member of the LLC immediately prior to the Effective Date, or (ii) has executed an Additional Member Agreement in the form set forth in Operating Agreement, Schedule 4.

Members Committee:

“Members Committee” shall mean the committee specified in Operating Agreement, section 8, composed of representatives of all the Members.



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- **11.6 Membership Requirements.**
- (a) To qualify as a Member, an Applicant shall:
 - (i) Be a Transmission Owner, a Generation Owner, an Other Supplier, an Electric Distributor, or an End-Use Customer;
 - (ii) Accept the obligations set forth in this Agreement;
 - (iii) Cure any default, including but not limited to paying all outstanding and unpaid obligations due to PJM and/or PJMSettlement by any former Member that is an Affiliate of the Applicant, if any, as required by PJM and/or PJMSettlement based on its evaluation of the membership application; and
 - (iv) Cure any default, including but not limited to paying all outstanding and unpaid obligations due to PJM and/or PJMSettlement by any former Member, and for which Applicant should be treated as the same Member that experienced the outstanding default, pursuant to the factors identified in Operating Agreement, Schedule 1, section 1.4.8, and the parallel provisions of Tariff, Attachment K-Appendix, section 1.4.8, if any, as required by PJM and/or PJMSettlement based on its evaluation of the membership application.



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(b) Certain Members that are Load Serving Entities are parties to the Reliability Assurance Agreement. Upon becoming a Member, any Applicant that is a Load Serving Entity in the PJM Region and that wishes to become a Market Buyer shall also simultaneously execute the Reliability Assurance Agreement.

(c) An Applicant that wishes to become a PJM Member and party to this Agreement shall apply, in writing, to the President of PJM setting forth its request, its qualifications for membership, its agreement to supply data and information as specified in this Agreement and any additional data or information reasonably requested by PJM and/or PJMSettlement, its agreement to pay all costs and expenses in accordance with Operating Agreement, Schedule 3, and providing all additional information specified pursuant to the Agreements for entities that wish to become Market Participants. Among other things, PJM will evaluate the application to determine whether the entity seeking to become a Member (i) is qualified for membership, (ii) satisfies the requirements for participation in one of the sectors in accordance with Operating Agreement, section 8.1, and/or (iii) presents any unreasonable, inherent or material risks to PJM, including but not limited to unreasonable credit risk pursuant to Tariff, Attachment Q that cannot be cured by posting Collateral or credit support commensurate with the risk of the anticipated market activity of the Applicant to the PJM Markets and PJM Members. Such review shall include an examination of whether the Applicant should be treated as a former Member that experienced an outstanding default in PJM, including but not limited to the interconnectedness of the business relationships, overlap in relevant personnel, similarity of business activities, overlap of customer base, and the business engaged in prior to the attempted re-entry, and other relevant factors. PJM and PJMSettlement will review applications to determine whether they satisfy applicable requirements. The determination whether an application for membership is approved shall be made within ninety (90) days after receipt of all documentation and information required by the Agreements and/or requested by PJM and/or PJMSettlement in the consideration of the Intra-PJM application for membership. If an application for membership is not approved by the President of PJM, the Applicant will be provided a written notice explaining the basis for non-approval. An Applicant may appeal the non-approval of its application for membership to the Federal Energy Regulatory Commission.



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(d) Nothing in Operating Agreement, section 11 is intended to remove, in any respect, the choice of participation by other utility companies or **organizations in the operation of the PJM Region through inclusion in the System of a Member.**

(e) An Applicant whose application is accepted by the President of PJM pursuant to section 11.6(c) above shall execute a supplement to this Agreement in substantially the form prescribed in Operating Agreement, Schedule 4, which supplement shall be countersigned by the President of PJM or the President's authorized designee. The Applicant shall become a Member effective on the date the supplement is countersigned by the President of PJM or the President's authorized designee.

(f) Applicants whose applications contemplate expansion or rearrangement of the PJM Region may become Members promptly as described in sections 11.6(c) and 11.6(e) above, but the integration of the Applicant's system into all of the operation and accounting provisions of the Agreements, shall occur only after completion of all required installations and modifications of metering, communications, computer programming, and other necessary and appropriate facilities and procedures, as determined by the Office of the Interconnection. The Office of the Interconnection shall notify the other Members when such integration has occurred.

(g) Applicants that become Members will be listed in Operating Agreement, Schedule 12.

(h) In accordance with this Agreement, Members agree that PJMSettlement shall be the Counterparty with respect to certain transactions under the PJM Tariff and this Agreement.



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OA SCHEDULE 12 - PJM MEMBER LIST

This Membership List includes the State Consumer Advocates in the PJM 13 States and the District of Columbia



Liaison Committee Charter

Meetings with the PJM Board of Managers - Schedule, Structure and Agendas

4. Attendance at any Liaison Committee meeting with the PJM Board is **open to all other Members to attend as listen-only observers** via conference call capability, and as in-person listen-only attendees.

Liaison Committee Members and Responsibilities

4. At the first Members Committee meeting following any meeting with the PJM Board, **the Liaison Committee shall make a report to the Members. Any formal written reports provided to the Members Committee shall also be provided to the PJM Board.** Sectors may impose their own reporting requirements on their Liaison Committee representatives.



Members Committee One Hundred Eighty-first Meeting PJM Conference
and Training Center, Audubon, PA September 27, 2018 1:15 p.m. – 5:00 p.m. EPT

Minutes:

6. Liaison Committee (LC) Charter Mr. Greg Poulos, CAPS on behalf of DC Office of the Peoples' Counsel, moved and Ms. Ruth Ann Price, DE Division of the Public Advocate, seconded a motion to grant exception to the LC charter addressing attendance at the October 3, 2018 LC meeting with the Board of Managers. Mr. Bob O'Connell moved and Mr. Barry Trayers, Citigroup Energy, Inc. seconded to suspend the rules and not publically produce a detailed voting report of the results of Mr. Poulos' motion. The motion to suspend the rules and not publically produce detailed voting reports was approved in a sector-weighted vote with 3.42 in favor. Following discussion, the motion to grant exception failed in a sector-weighted vote with 2.43 in favor.



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4.4 Organization of PJM States, Inc. (OPSI) and State Regulators

- OPSI and its Member Regulatory Agencies (Commissions) have a unique relationship in the PJM stakeholder process. Currently, OPSI and the Commissions are not Members of PJM;
- **OPSI as an entity or any State Commission individually may elect to become a Member as provided for in the Operating Agreement.** Under a June 2005 Memorandum of Understanding between the OPSI Board and the PJM Board, commissioners and staff of Commissions participate, deliberate, give input, and engage at all levels of PJM Stakeholder Groups but do not vote on any issue.