



**MC Legal Report
Summary of Significant Filings, Legal Activity and
Federal Energy Regulatory Commission (Commission) and Court Orders
(October 29, 2022 – December 2, 2022)**

ORDERS

On December 2, 2022, in Docket No. ER22-2690-000, the Commission issued an Order accepting the filing by PJM on behalf of the PJM Transmission Owners proposing to establish new Tariff, Schedule 12 - Appendix C. Schedule 12 – Appendix: (i) will be used to assign cost responsibility for public policy projects selected pursuant to the State Agreement Approach (SAA) for inclusion in the PJM Regional Transmission Expansion Plan and (ii) includes the cost assignment methodology for projects contemplated by the SAA Agreement between PJM and the New Jersey Board of Public Utilities (Rate Schedule FERC No. 49). The PJM Transmission Owners’ revisions are effective as of October 19, 2022.

On December 2, 2022, in Docket No. ER19-2105-005, the Commission issued an Order approving the October 7, 2021 Border Rate Settlement filed by PJM, on behalf of the settling parties. The Order resolves comprehensively all issues set for hearing regarding the rate for Point-to-Point transmission service at the Border of PJM for delivery to neighboring regions (Border Rate). The Border Rate settlement includes three sets of revisions to Tariff, Schedule 7, to be effective as of January 1, 2020, May 3, 2020 and January 1, 2021 respectively.

On November 29, 2022, in Docket Nos. ER22-2110-000, et al., the Commission issued an order accepting PJM’s June 14, 2022 filing to add new Parts VII, VIII, and IX to its Tariff and make other related Tariff changes to comprehensively reform PJM’s interconnection process and adopt a “first-ready, first-served” Cycle approach, subject to two compliance filings and an additional informational filing requirement. The order granted the requested effective date of January 3, 2023 for new Parts VII and IX and related Tariff sections, and an indefinite effective date for new Part VIII. The order requires PJM to submit by December 29, 2022 a compliance filing to clarify one aspect of the filed Tariff changes, and submit a second compliance filing once the Part VIII effective date is known. The informational filing will be due when PJM files its Order No. 845 informational filing after the Transition Date as defined in the new Part VII rules.

On November 22, 2022, in Docket No. ER22-2886-000, the Commission issued an Order accepting PJM’s compliance filing that allows Capacity Market Sellers to continue developing a unit-specific Market Seller Offer Cap (MSOC) with the Market Monitor after the relevant tariff deadlines as long as PJM, the Market Monitor, and the Capacity Market Seller mutually agree to the unit-specific offer cap. PJM’s Tariff revisions become effective as of August 24, 2022.

On November 14, 2022, in Docket No. ER20-1948-002, the Commission issued a letter order accepting the filing by PJM on behalf of Potomac-Appalachian Transmission Highline, LLC (PATH) of revisions to the PJM Tariff, Attachment H-19A, in accordance with the Commission’s April 27, 2022 order on compliance with Order No. 864. PATH’s revisions becomes effective as of January 27, 2020.

On November 9, 2022, in Docket No. ER22-26-002, the Commission issued a letter order approving, subject to condition, the Settlement by and among the Settling Parties of PJM, Old Dominion Electric Cooperative, DC Energy, LLC, Exelon Corporation, and the PJM Industrial Customer Coalition. The Settlement involves proposed revisions to PJM Tariff Schedule 9-PJM Settlement and resolves all issues that were set for hearing and settlement judge procedures. The Commission ordered PJM to submit a compliance filing pursuant to this order by December 9, 2022.



On November 9, 2022, in Docket No. ER22-2653-000, the Commission issued an order accepting the proposed amendments to PJM Tariff, OATT Schedule 12-Appendix A to incorporate cost responsibility assignments for the 23 baseline transmission projects included in the update to the RTEP approved by the PJM Board of Managers on July 13, 2022. The tariff revisions become effective as of November 10, 2022.

On November 2, 2022, in Docket No. ER20-2004-000, et al., the Commission issued an Order on Compliance accepting the filing by PJM on behalf of Public Service Electric and Gas Company (PSEG) of revisions to the transmission formula rate set forth in PJM Tariff, Attachment H-10A in compliance with Order No. 864. The Commission ordered PSEG to submit a compliance filing pursuant to this order by January 3, 2023. PSEG's revisions were accepted and become effective as of January 27, 2020.

On November 2, 2022, in Docket Nos. ER21-204-000, et al., the Commission issued an Order on Compliance accepting the compliance filing by PJM on behalf of Commonwealth Edison Company (ComEd) in compliance with Order No. 864. The Commission ordered ComEd to submit a compliance filing pursuant to this order by January 3, 2023. ComEd's compliance filing was accepted and becomes effective as of January 27, 2020.

On November 2, 2022, in Docket Nos. ER21-201-000, et al., the Commission issued an Order on Compliance accepting the compliance filing by PJM on behalf of Atlantic City Electric Company (ACE) in compliance with Order No. 864. The Commission ordered ACE to submit a compliance filing pursuant to this order by January 3, 2023. ACE's compliance filing was accepted and becomes effective as of January 27, 2020.

On November 2, 2022, in Docket Nos. ER21-205-000, et al., the Commission issued an Order on Compliance accepting the compliance filing by PJM on behalf of Delmarva Power & Light Company (DP&L) in compliance with Order No. 864. The Commission ordered DP&L to submit a compliance filing pursuant to this order by January 3, 2023. DP&L's compliance filing was accepted and becomes effective as of January 27, 2020.

On November 2, 2022, in Docket Nos. ER21-206-000, et al., the Commission issued an Order on Compliance accepting the compliance filing by PJM on behalf of Potomac Electric Power Company (PEPCo) in compliance with Order No. 864. The Commission ordered PEPCo to submit a compliance filing pursuant to this order by January 3, 2023. PEPCo's compliance filing was accepted and becomes effective as of January 27, 2020.

On November 2, 2022, in Docket Nos. ER21-209-000, et al., the Commission issued an Order on Compliance accepting the compliance filing by PJM on behalf of PECO Electric Company (PECO) in compliance with Order No. 864. The Commission ordered PECO to submit a compliance filing pursuant to this order by January 3, 2023. PECO's compliance filing was accepted and becomes effective as of January 27, 2020.

On November 2, 2022, in Docket Nos. ER21-203-000, et al., the Commission issued an Order on Compliance accepting the compliance filing by PJM on behalf of Baltimore Gas and Electric Company (BG&E) in compliance with Order No. 864. The Commission ordered BG&E to submit a compliance filing pursuant to this order by January 3, 2023. BG&E's compliance filing was accepted and becomes effective as of January 27, 2020.

On November 2, 2022, in Docket No. ER20-2004-001, et al., the Commission issued an Order on Compliance accepting the filing by PJM on behalf of Public Service Electric and Gas Company (PSEG) of revisions to the transmission formula rate set forth in PJM Tariff, Attachment H-10A in compliance with Order No. 864. The Commission ordered PSEG to submit a compliance filing pursuant to this order by January 3, 2023. PSEG's revisions were accepted and become effective as of January 27, 2020.

On November 2, 2022, in Docket Nos. ER21-201-001, et al., the Commission issued an Order on Compliance accepting the compliance filing by PJM on behalf of Atlantic City Electric Company (ACE) in compliance with Order No. 864. The Commission ordered ACE to submit a compliance filing pursuant to this order by January 3, 2023. ACE's compliance filing was accepted and becomes effective as of January 27, 2020.



On November 2, 2022, in Docket Nos. ER21-203-001, et al., the Commission issued an Order on Compliance accepting the compliance filing by PJM on behalf of Baltimore Gas and Electric Company (BG&E) in compliance with Order No. 864. The Commission ordered BG&E to submit a compliance filing pursuant to this order by January 3, 2023. BG&E's compliance filing was accepted and becomes effective as of January 27, 2020.

On November 2, 2022, in Docket No. ER20-2004-002, et al., the Commission issued an Order on Compliance accepting the filing by PJM on behalf of Public Service Electric and Gas Company (PSEG) of revisions to the transmission formula rate set forth in PJM Tariff, Attachment H-10A in compliance with Order No. 864. The Commission ordered PSEG to submit a compliance filing pursuant to this order by January 3, 2023. PSEG's revisions were accepted and become effective as of January 27, 2020.

On November 2, 2022, in Docket Nos. ER21-204-001, et al., the Commission issued an Order on Compliance accepting the compliance filing by PJM on behalf of Commonwealth Edison Company (ComEd) in compliance with Order No. 864. The Commission ordered ComEd to submit a compliance filing pursuant to this order by January 3, 2023. ComEd's compliance filing was accepted and becomes effective as of January 27, 2020.

On November 2, 2022, in Docket Nos. ER21-205-001, et al., the Commission issued an Order on Compliance accepting the compliance filing by PJM on behalf of Delmarva Power & Light Company (DP&L) in compliance with Order No. 864. The Commission ordered DP&L to submit a compliance filing pursuant to this order by January 3, 2023. DP&L's compliance filing was accepted and becomes effective as of January 27, 2020.

On November 2, 2022, in Docket Nos. ER21-206-001, et al., the Commission issued an Order on Compliance accepting the compliance filing by PJM on behalf of Potomac Electric Power Company (PEPCo) in compliance with Order No. 864. The Commission ordered PEPCo to submit a compliance filing pursuant to this order by January 3, 2023. PEPCo's compliance filing was accepted and becomes effective as of January 27, 2020.

On November 2, 2022, in Docket Nos. ER21-209-001, et al., the Commission issued an Order on Compliance accepting the compliance filing by PJM on behalf of PECO Electric Company (PECO) in compliance with Order No. 864. The Commission ordered PECO to submit a compliance filing pursuant to this order by January 3, 2023. PECO's compliance filing was accepted and becomes effective as of January 27, 2020.

FILINGS

On December 2, 2022, in Docket No. ER23-557-000, PJM submitted revisions to the PJM Tariff and Operating Agreement to add proposed amendments to Start-Up Costs and Emission Adders within the calculation of Cost-based Offers. PJM requested that the Commission issue an order accepting these revisions by February 1, 2023, and to become effective as of June 1, 2023.

On December 1, 2022, in Docket No. ER19-2105-000 and ER19-2105-001, PJM submitted, consistent with PJM Open Access Transmission Tariff, Schedule 7, section 11(E), its 2023 Informational Filing together with the 2023 Border Yearly Charge (BYC) Workbook as part of the annual updating process for the BYC.

On November 22, 2022, in Docket No. EL21-83-001, PJM submitted a Motion for Leave to Answer and Answer (Answer) in response to the Comments filed by Monitoring Analytics, LLC, acting in its capacity as the Independent Market Monitor for PJM (Market Monitor). PJM reiterated that it is appropriate and necessary for the Commission to accept PJM's proposal in the interim given the recent lapse of the requested refund period, and additional time is needed to resolve these ongoing stakeholder efforts.



On November 21, 2022, in Docket No. ER23-470-000, PJM submitted on behalf of Duke Energy Ohio, Inc. and Duke Energy Kentucky, Inc. (together, DEOK) modifications to the PJM Open Access Transmission Tariff (PJM Tariff), Attachment H-22A to reflect ministerial revisions. DEOK is requesting that the revisions to Attachment H-22A of the PJM Tariff become effective as of May 15, 2022.

On November 18, 2022, in Docket No. ER20-2582-001, PJM submitted on behalf of American Electric Power Service Corporation (AEPSC) on behalf of its affiliate Transource West Virginia, LLC a compliance filing to revise Tariff, Attachment H-26, of the PJM Open Access Transmission Tariff (OATT), to comply with the requirements of Order No. 864. AEPSC requested that the revisions become effective as of January 27, 2020.

On November 18, 2022, in Docket No. ER20-2585-001, PJM submitted on behalf of American Electric Power Service Corporation (AEPSC) on behalf of its affiliate Transource Pennsylvania, LLC a compliance filing to revise Tariff, Attachment H-29A, of the PJM Open Access Transmission Tariff (OATT), to comply with the requirements of Order No. 864. AEPSC requested that the revisions become effective as of January 27, 2020.

On November 18, 2022, in Docket No. ER20-2584-001, PJM submitted on behalf of American Electric Power Service Corporation (AEPSC) on behalf of its affiliate Transource Maryland, LLC a compliance filing to revise Tariff, Attachment H-30A, of the PJM Open Access Transmission Tariff (OATT), to comply with the requirements of Order No. 864. AEPSC requested that the revisions become effective as of January 27, 2020.

On November 17, 2022, in Docket No. ER22-2984-000, PJM submitted a motion for leave to answer and answer in response to the November 16, 2022 comments filed by the Independent Market Monitor of PJM about PJM's quadrennial review.

On November 14, 2022, in Docket Nos. ER22-957-000 and EL22-26-000 (not consolidated), PJM submitted its third informational update to provide the Commission with the most updated congestion pattern information on the Northern Neck Peninsula and provide an update on the ongoing work with stakeholders that may potentially further reform the existing application of the Transmission Constraint Penalty Factor.

On November 14, 2022, in Docket No. ER23-423-000, PJM filed proposed revisions to Operating Agreement, Schedule 12 to reflect the permanent termination of Hill Energy Resource & Services, LLC as a PJM Member as a result of multiple payment and credit defaults in accordance with Operating Agreement, section 15.1.6 (c) and 4.1 (c). PJM requested the revisions be effective as of January 17, 2023.

On November 10, 2022, in Docket No. RM22-20-000, PJM together with ISO-NE, MISO and SPP submitted comments in response to the Commission's July 28, 2022 Notice of Proposed Rulemaking on the Duty of Candor.

On November 7, 2022, in Docket No. ER22-2984-000, PJM submitted an answer in response to P3 and JPower's protests on the quadrennial review. In the answer, PJM addresses arguments raised against the selection of a combined cycle as the reference resource, adoption of a forward looking energy and ancillary service offset, the revised VRR Curve, and maintaining a twenty year amortization period for the reference resource.

On November 7, 2022, in Docket No. ER22-2110-001, PJM filed an answer to two comments and protests submitted in response to PJM's September 29, 2022 deficiency letter response, as well as one additional set of comments addressing the pro forma interconnection agreements contained in PJM's June 14, 2022 filing. The Docket No. ER22-2110 proceeding involves revisions to the PJM Tariff to comprehensively reform the PJM interconnection process to more efficiently and timely process New Service Requests and transition from a serial "first-come, first-served" queue approach to a "first-ready, first-served" Cycle approach.

On November 7, 2022, in Docket No. RM22-13-000, PJM together with other members of the ISO-RTO Council (IRC) filed reply comments in response to October 7, 2022 initial comments and the Commission's July 28, 2022 Notice of Proposed Rulemaking on credit-related information sharing in organized wholesale electric markets.



On November 3, 2022, in Docket No. ER23-364-000, PJM submitted proposed revisions to PJM Tariff, Schedule 12-Appendix A, to incorporate cost responsibility assignments for 16 baseline upgrades in the recent update to the Regional Transmission Expansion Plan approved by the PJM Board of Managers on October 4, 2022. PJM requested an effective date of February 1, 2023, which is 90 days after the date of this filing, to allow a 30 day comment period.

On November 1, 2022, in Docket No. RM22-14-000, PJM submitted Partial Reply Comments in response to the October 13, 2022 Comments of Dr. Roy Shanker PH.D, filed in the Commission's Notice of Proposed Rulemaking on Improvements to Generator Interconnection Procedures and Agreements. PJM noted that these Partial Reply Comments are separate and distinct from future reply comments related to the substance of the proceeding, which PJM intends to submit on or before December 14, 2022.

On November 1, 2022, in Docket No. ER22-2931-000, PJM filed an answer to the October 17, 2022 protest of SunEnergy1, LLC (SunEnergy1). PJM argued that the Commission should reject SunEnergy1's protest and accept PJM's September 26, 2022 filing in this proceeding of an Interconnection Service Agreement and Interconnection Construction Service Agreement associated with PJM Queue No. AC1-190.

On October 31, 2022, in Docket No. ER23-298-000, PJM submitted on behalf of Southern Maryland Electric Cooperative, Inc. revisions to the PJM Open Access Transmission Tariff, Attachment H9-C and Schedule 1A to reflect increased costs. SMECO is requesting that the revisions to PJM Open Access Transmission Tariff be effective as of January 1, 2023.

On October 31, 2022, in Docket No. ER23-286-000, PJM submitted on behalf of AMP Transmission, LLC, revisions to Attachment H-32C of the PJM Open Access Transmission Tariff to add Attachment H-32C.3 to apply the formula transmission rate of AMP Transmission, LLC to the DAYTON Zone to recover the costs of transmission facilities AMP Transmission plans to acquire in the DAYTON Zone. AMP Transmission, LLC is requesting that the revisions to Attachment H-32C.3 be effective as of the later of January 1, 2023, or the date on which AMP Transmission closes on its purchase of the facilities.

On October 31, 2022, in Docket No. ER22-2719-001, PJM on behalf of PPL Electric Utilities Corporation (PPL Electric) submitted responses to the October 21, 2022 Deficiency Letter and amended versions of PJM Tariff Attachments H-8G and H-8H to address questions raised by Commission Staff and to incorporate changes included in the original filing. PPL Electric requested that the revisions become effective as of October 25, 2022.