

SCENARIO PLANNING:

Using Best Available Data to
Identify Realistic Futures

Nick Lawton, Senior Attorney





BEST AVAILABLE DATA INPUTS

- The basic obligation: PJM must “use ‘best available data inputs’ when developing Long-Term Scenarios.” Order No. 1920 at P 633.
- The definition: “data inputs that are timely, developed using best practices and diverse and expert perspectives, and adopted via a process that satisfies the transmission planning principles of Order Nos. 890 and 1000.” Order No. 1920 at P 633.
- Why it matters: “data inputs can drive the results of Long-Term Regional Transmission Planning” and “affect transmission providers’ ability to identify, evaluate, and select Long-Term Regional Transmission Facilities to more efficiently or cost-effectively address those needs.” Order No. 1920 at P 636



TIMELY AND DIVERSE

- The Order does not specifically define “timely,” but clarifies that PJM must “update, as necessary, all data inputs each time they reassess and revise their Long-Term Scenarios, ” P 633 and “at least once at the outset of each Long-Term Regional Transmission Planning cycle” P 643.
- “the term ‘diverse’ specifically in the context of data inputs indicates that the data inputs must represent a range of data within the bounds of plausibility,” which “will ensure that the set of Long-Term Scenarios that are developed from these data inputs will represent a reasonable range of probable future outcomes” P 644.



Best Available Data Inputs must be developed using best practices and diverse and expert perspectives.

- PJM has “significant flexibility about which data inputs [to] use,” P 638, but “must use best practices to develop data inputs, and must do so in **an open and transparent stakeholder process.**” PP 639-640
- Stakeholders must have “an opportunity to provide timely and meaningful input during each Long-Term Regional Transmission Planning cycle concerning which data inputs to use in Long-Term Scenarios.” P 634



PJM must use a process that satisfies the transmission planning principles of Order Nos. 890 and 1000.

- This process requires TRANSPARENCY. Order No. 1920 requires “disclosure of the methodology, criteria, assumptions, data and other information that underlie transmission plans, including Long-Term Scenarios” P 642 (see also P 641). However, PJM may propose “appropriate confidentiality protections” P 642
- Dispute resolution must be available: “the right to challenge data inputs via dispute resolution as discussed in Order No. 890 is available for interested parties with respect to data inputs that transmission providers develop for Long-Term Regional Transmission Planning.” P 634.



PJM must use Best Available Data Inputs at multiple points in scenario development.

- “Transmission providers must use best available data when determining whether each factor is likely to affect Long-Term Transmission Needs.” P 635
- “Once transmission providers have determined that a factor is likely to affect Long-Term Transmission Needs, they must use the best available data when they then account for that factor in the development of Long-Term Scenarios.” P 635.



Scenario Development must be an open, transparent process.

- Stakeholders must have opportunities to provide data and to understand how and why PJM chooses among data inputs.
- If there is a deadline for data submissions, PJM must make that deadline clear as soon as possible.
- Because PJM must use best available data when determining (a) whether factors are likely to influence transmission needs, and (b) how to account for factors when developing scenarios, any decision to discount a factor must be transparent, well-reasoned, and documented.



Best Available Data avoids BAD outcomes.

- The requirement aims to “mitigate concerns that transmission providers may undermine Long-Term Regional Transmission Planning by not incorporating categories of factors in a meaningful way.” P 414.
- Using Best Available Data yields accurate, plausible scenarios, and an open, transparent process will minimize disputes.
- Using Best Available Data reduces the odds of legal challenges.
 - Using Best Available Data, a decision maker cannot “disregard[] available scientific evidence that is in some way better than the evidence [it] relies on” *Kern Cty. Farm Bureau v. Allen*, 450 F.3d 1072, 1080 (9th Cir. 2006).
 - Decision makers cannot dismiss or discount evidence using a “subjective and conclusory label applied without reasoned analysis,” such as dismissing evidence as “minimal” or “minor.” Instead, a decision maker must provide a reasoned basis for disagreeing with available evidence. *Baystate Medical Ctr. v. Leavitt*, 545 F. Supp. 2d 20, 41 (D.D.C. 2008).



Recommendations

- Proactively identify stakeholders with access to relevant data;
- Solicit data from stakeholders regarding specific factors or categories of factors;
- Maintain an accessible library of data submissions;
- Set clear timelines for data submissions; and
- If PJM disagrees with a data submission or intends not to use or to discount available data, PJM should maintain a clear record of its reasoning.

Nick Lawton, Senior Attorney
nlawton@earthjustice.org



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