

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

Payton Solar Project, LLC,)	
Complainant,)	
)	
v.)	Docket No. EL23-72-000
)	
PJM Interconnection, L.L.C.,)	
Respondent.)	

ANSWER OF PJM INTERCONNECTION, L.L.C.

PJM Interconnection, L.L.C. (“PJM”) pursuant to Rule 213 of the Federal Energy Regulatory Commission’s (“Commission”) Rules of Practice and Procedure,¹ and the Commission’s May 30, 2023 notice,² submits this answer to the Complaint and Request for Fast Track Processing filed by Payton Solar, LLC (“Payton Solar” or “Complainant”) on May 18, 2023.³ The Commission should deny the Complaint. The Complaint lacks support and seeks remedies contrary to the PJM Open Access Transmission Tariff (“Tariff”).⁴ Such remedies would constitute unduly discriminatory and preferential treatment in favor of Payton Solar that would likely adversely impact other project development in PJM’s interconnection queue.

¹ 18 C.F.R. § 385.213.

² See Combined Notice of Filings #1, Docket Nos. EL23-72-000, et al. (May 30, 2023).

³ *Payton Solar Project, LLC v. PJM Interconnection, L.L.C.*, Complaint and Request for Fast Track Processing of Payton Solar, LLC, Docket No. EL23-72-000 (May 18, 2023) (“Complaint”).

⁴ The Tariff, the Amended and Restated Operating Agreement of PJM Interconnection, L.L.C. (“Operating Agreement”), and the Reliability Assurance Agreement Among Load Serving Entities in the PJM Region (“RAA”) are, collectively, the “Governing Documents.” Capitalized terms not defined herein have the meaning set forth in the Governing Documents.

I. EXECUTIVE SUMMARY

The Complainant attempts to point to a Tariff provision and argue that the provision is both inapplicable *and* that PJM is in violation of it, when the provision is both applicable to this situation and PJM has not violated it. The facts are clear. On January 26, 2021, PJM offered Payton Solar an alternative Point of Interconnection (“POI”) on behalf of Commonwealth Edison, Inc. (“ComEd”) at a newly constructed 138 kilovolt (“kV”) Breaker and a Half substation, TSS 922 Kentville Rd., tapping the TSS 74 Kewanee – Edwards (Ameren) 138kV L7423 line (“Kewanee-Edwards POI”). PJM subsequently studied the Kewanee-Edwards POI for the project’s System Impact Study (“SIS”) and for which Payton Solar ultimately signed a Facilities Study Agreement with PJM on October 20, 2021, identifying the Kewanee-Edwards POI as the Point of Interconnection for the project. In the nine-month timeframe between PJM’s initial offer to Payton Solar and the issuance of the SIS, Payton Solar’s engineers reviewed the Kewanee-Edwards POI location for the project and confirmed its location through PJM’s Queue Point program and with PJM engineers multiple times. At no point from learning about the alternate Kewanee-Edwards POI on January 26, 2021 (if not earlier) to the issuance of the Facilities Study Report as well as the draft Interconnection Service Agreement (“ISA”) and draft Construction Service Agreement (“CSA”) on February 10, 2023 (i.e., more than two years later), did Payton Solar raise any form of objection to the Kewanee-Edwards POI, and Kewanee-Edwards POI was by all accounts acceptable to the parties.

Neither Payton Solar, ComEd, nor PJM made a mistake in identifying and studying the Kewanee-Edwards POI, but rather Payton Solar considered and confirmed the location with PJM prior to PJM initiating the SIS. Moreover, PJM found and continues to find the milestones proposed by ComEd to be reasonable under Good Utility Practice. The relief

sought by the Complainant is unjust and unreasonable as it may impose an incomplete study process that could detrimentally affect third parties, including parties subject to PJM’s interconnection queue reforms. For these reasons, the Commission should reject the Complaint in its entirety.

II. BACKGROUND

The Payton Solar project involves an Interconnection Request, assigned to Queue No. AD1-031 and submitted on July 24, 2017, to interconnect a proposed 70 megawatt (“MW”) solar project to be located in Henry County, Illinois, to the ComEd transmission system.⁵ The initial scoping meeting for the Payton Solar project occurred on August 14, 2017, among the parties, and, as requested by Payton Solar in its Interconnection Request, the Kewanee substation was discussed as the primary Point of Interconnection (i.e., tying into the 138 kV bus at the Kewanee TSS 74) (“Kewanee Substation POI”). On August 14, 2017, Payton Solar circulated notes summarizing the scoping meeting (attached to the Complaint), which noted that the Kewanee Substation POI had certain physical issues, but that interconnection could be accommodated with additional upgrades, and Payton Solar’s notes suggest the Kewanee-Edwards Point of Interconnection “may be a good option.”⁶

⁵ Information on the Payton Solar Interconnection Request can be found on the PJM website at *New Services Queue*, PJM Interconnection, L.L.C., <https://pjm.com/planning/services-requests/interconnection-queues.aspx> (last visited June 6, 2023) (enter AD1-031 in the box Queue/Oasis ID).

⁶ Complaint, Attachment A (“We can submit the second [Point of Interconnection] for Feasibility Study of the project to tap into the nearby lines. (AS comment: *Line L7423* has 256 MVA capacity per AC1-033 study and may be a good option.”) (emphasis added). For reference, Line L7423 is the line connecting Kewanee and Edwards, meaning that the Point of Interconnection on Line L7423 is the Kewanee-Edwards POI, which, as referenced in the quoted text, was identified in the AC1-033 Feasibility Study. See *Generation Interconnection Feasibility Study Report For PJM Generation Interconnection Request Queue Position AC1-033 Kewanee*, PJM Interconnection, L.L.C., 6 (Feb. 2017), https://www.pjm.com/pub/planning/project-queues/feas_docs/ac1033_fea.pdf. As described in the project’s Facilities Study Report, the project will “interconnect with the ComEd transmission system via a newly constructed 138kV Breaker and a Half substation, TSS 922 Kentville Rd tapping the TSS 74 Kewanee – Edwards (Ameren) 138kV L7423, approximately 0.13 miles from TSS 74 Kewanee and 52 miles from Edwards

On August 15, 2017, PJM circulated to the parties the draft minutes for the scoping meeting on the project.⁷ The scoping meeting minutes also indicate that the parties discussed the Kewanee-Edwards POI as a potential alternate Point of interconnection.⁸ On August 15, 2017, Payton Solar requested that PJM study the Kewanee-Hennepin POI as an alternate Point of Interconnection.⁹ On August 21, 2017, PJM acknowledged the request from Payton Solar.¹⁰ On June 1, 2018, PJM issued the Feasibility Study Report for the Payton Solar project.¹¹ The AD1-031 Feasibility Study Report identified physical constraints that made the Kewanee Substation POI “not feasible.”¹² On December 6, 2018, ComEd indicated to PJM in an email that the primary Point of Interconnection identified by Payton Solar, the Kewanee Substation POI, was not feasible per the results of the Feasibility Study Report.¹³

On January 26, 2021, PJM sent Payton Solar an email indicating that ComEd “offered an alternate POI as a tap of the Kewanee to E.D. Edwards 138 kV circuit number

(Ameren) . . . [with t]he point of interconnection will be located at the first dead-end structure inside the TSS 922 Kentville Rd interconnection substation fence line.” Complaint, Attachment J (PDF page 240).

⁷ Email from Bernard F. Ohara with Draft Scoping Meeting Minutes (Aug. 14, 2017) (Attachment A).

⁸ Attachment A (“It is proposed in the Interconnection Request (Attachment N) that the primary point of interconnection to be studied is on the 138kV bus at TSS74 Kewanee (PSSe bus no. 271835(23) 271836(11) 271837(12) 271838(13) 271839(22), to be confirmed or alternate configuration at Kewanee to be part of the Feasibility Study since there aren’t any available bays in Kewanee at this time), and an alternate Point of Interconnection on the 7423 Line between TSS74 Kewanee and E.D. Edwards (Ameren owned, PSSe bus number 349637) and this interconnection is also deemed to be FERC jurisdictional.”) (draft tracked-changes accepted for clarity).

⁹ Complaint, Attachment B.

¹⁰ Complaint, Attachment C.

¹¹ Complaint, Attachment D.

¹² *Feasibility Study Report For PJM Generation Interconnection Request Queue Position AD1-031 Kewanee 138kV*, PJM Interconnection, L.L.C., 3 (June 1, 2018), https://www.pjm.com/pub/planning/project-queues/feas_docs/ad1031_fea.pdf (“AD1-031 Feasibility Study”).

¹³ Email from Douglas S. Eakins, ComEd Interconnection Services, to Bernard F. O’Hara, Sr. Lead Engineer, Interconnection Projects, PJM (Dec. 6, 2018, 2:22 PM) (Attachment B).

7423 which will require you to construct a new substation” and requesting input from Payton Solar.¹⁴ On January 26, 2021, Payton Solar responded to PJM via email stating: “I will get with my engineers and get this information back to you. I’m assuming we could tap any point on the 7423 line correct?”¹⁵ On January 26, 2021, PJM responded stating: “Correct, because you are responsible for procuring the land to construct the substation.”¹⁶

On April 26, 2021, PJM followed up with Payton Solar via email, requesting that Payton Solar provide Impact Data in PJM’s Queue Point system, noting that “it’s PJM’s understanding from ComEd is that the Point of interconnection will be a tap of the Kewanee to E.D Edwards (Ameren) 138 kV circuit number 7423” and noting that “[i]n order to complete [Payton Solar’s] System Impact Study, [Payton Solar] will need to let us know what point on the circuit [it] will be tapping and provide updated circuit distances.”¹⁷ On May 10, 2021, PJM followed-up those emails by again requesting the Point of Interconnection data from Payton Solar.¹⁸ On May 19, 2021, PJM sent Payton Solar

¹⁴ Complaint, Attachment E. PJM offered the Kewanee-Edwards POI as an alternative POI because ComEd sent PJM an email on May 10, 2019, providing a revised Feasibility Study Scope for the Payton Solar project, and stating, “[d]ue to some considerations that [ComEd] wasn’t fully aware of near Kewanee, [ComEd] discussed the POI for AD1-031 again and believe that tapping the 138kV Kewanee-Edwards line 7423 is the better way to interconnect this customer due to the higher line ampacity[,]” and noting that “it may be less expensive due to there being less remote-end work.” Email from Douglas S. Eakins, ComEd Interconnection Services, to Bernard F. O’Hara, Sr. Lead Engineer, Interconnection Projects, PJM (May 10, 2019 11:45 AM) (Attachment C).

¹⁵ Email from Matthew Kauffman, Payton Solar, to Kenneth Graff, PJM (Jan. 26, 2021, 11:09 AM) (Attachment D).

¹⁶ Email from Kenneth Graff, PJM, to Matthew Kauffman, Payton Solar (Jan. 26, 2021, 12:20 PM) (Attachment E).

¹⁷ Email from Onyinye Caven, Sr. Engineer I, Interconnection Projects, PJM, to Afshin Salehian, Senior Manager, Transmission Services, Payton Solar (Apr. 26, 2021, 9:19 AM) (Attachment F). PJM sent a similar note to a second Payton Solar representative noting that “it is not clear who the primary contact is [for the project].” Email from Onyinye Caven, PJM Interconnection, L.L.C., to Matthew Kauffman, Payton Solar (Apr. 26, 2021 at 9:36 AM) (Attachment G).

¹⁸ Email from Onyinye Caven, Sr. Engineer I, Interconnection Projects, PJM, to Matthew Kauffman, Payton Solar (May 10, 2021, 3:31 PM) (Attachment H). Payton Solar responded to this email stating that it would “get back to you shortly on this.” Email from Matthew Kauffman, Payton Solar, to

discrete details on the specific information needed about the Point of Interconnection for PJM to be studied in the System Impact Study, noting that “to maintain your queue position, you will need to provide the required information within 10 business days.”¹⁹ On June 1, 2021, Payton Solar responded to PJM by email with the description and coordinates for the Kewanee-Edwards POI.²⁰ Contrary to the Complaint’s assertion,²¹ the end points specified are for the Kewanee-Edwards POI and were input by Payton Solar into PJM’s Queue Point system on June 1, 2021, and again on October 25, 2021, as the coordinates of the project’s Point of Interconnection. These actions follow PJM’s process pursuant to Tariff section 36.2.1 for requesting an alternate Point of Interconnection.²²

On September 23, 2021, PJM issued the SIS report and Facilities Study Agreement to Payton Solar.²³ The SIS report identifies in multiple places that the project’s Point of Interconnection is the Kewanee-Edwards POI (e.g., SIS cover sheet lists “Kewanee – E.D. Edwards 138 kV,” page 2 of the SIS report describes interconnection at “a tap of the Kewanee to E.D Edwards 138 kV line,” page 4 of the SIS report describes “tapping ‘Kewanee-Edwards (Ameren) 138kV Line 7423,” and the single-line diagram at Attachment 1 of the SIS report, among others).²⁴ The SIS report also includes the estimated

Onyinye Caven, Sr. Engineer I, Interconnection Projects, PJM (May 10, 2021, 5:02 PM) (Attachment I).

¹⁹ Email from Onyinye Caven, Sr. Engineer I, Interconnection Projects, PJM, to Matthew Kauffman, Payton Solar (May 19, 2021, 2:15 PM) (Attachment J).

²⁰ Complaint, Attachment G.

²¹ See Complaint at 10, 20 (describing Payton Solar’s submission of those coordinates, which it claims corresponds with the “Kewanee-Toulon POI,” as a mistake and erroneous).

²² See Tariff, section 36.2.1.

²³ Complaint, Attachment H.

²⁴ Complaint, Attachment H.

costs for the upgrades, estimating the total cost at \$19,500,000.²⁵ On October 20, 2021, and November 1, 2021, Payton Solar and PJM, respectively, executed the Facilities Study Agreement, which, at Schedule A, identified that “[p]hysical [i]nterconnection work” included “[i]nstallation of a new 138kV substation tapping Kewanee – E.D Edwards 138 kV line.”²⁶ On February 10, 2023, PJM issued to Payton Solar, with the draft ISA and CSA, the Facilities Study Report, which studied Payton Solar’s interconnection at the Kewanee-Edwards POI.²⁷ On March 1, 2023, Payton Solar sent two emails to PJM and ComEd requesting a “minor change” to the Point of Interconnection location.²⁸ On March 7, 2023, PJM responded to Payton Solar informing Payton Solar that PJM received its request for a POI evaluation and would not be able to complete such an evaluation before the execution of the ISA, but also informed Payton Solar that PJM may evaluate the change “under the Necessary Study process after the agreements are signed.”²⁹ On April 5, 2023, Payton Solar submitted a Notice of Commencement of Dispute Resolution directed at both PJM and ComEd to initiate PJM’s Alternative Dispute Resolution (“ADR”) process.

III. ARGUMENT

A. PJM Has Complied with Its Tariff Requirements and Therefore the Complaint Should Be Dismissed.

Section 36.2.1 of the Tariff provides a means for any of the Interconnection Customer, Transmission Owner, or Transmission Provider to propose a substitute Point of Interconnection for a project. The evidence demonstrates that PJM (based on discussion

²⁵ Complaint, Attachment H at 4.

²⁶ Complaint, Attachment I, Schedule A.

²⁷ Complaint, Attachment J (PDF at 238-57).

²⁸ Emails between Onyinye Caven, Sr. Engineer I, Interconnection Projects, PJM, and Lindsay Broughel, Payton Solar (Mar. 7, 2023, 3:48 PM) (Attachment K).

²⁹ Attachment K.

with ComEd) made good faith suggestions for the alternative POI to Payton Solar. The record also shows that Payton Solar had many opportunities to correct the POI that was being studied, but continued to approve and sign those agreements and forms, until after issuance of the Facilities Study Report at which point they recast this entire set of facts as a Tariff violation on the part of ComEd and PJM.³⁰

The facts of this case do not change. In essence, Payton Solar did not ensure, at the relevant time, that it provided what it now considers the correct coordinates and then later apparently did not review the materials provided by PJM and ComEd concerning its desired POI. The facts of this matter make clear that rather than violating the Tariff, PJM and ComEd acted in good faith to try to reduce interconnection costs and provide Payton Solar with suggestions on the appropriate POI location. It would be manifestly unfair to recast those good faith efforts and lack of due diligence by Payton Solar into a finding of a Tariff violation.³¹

If the Commission chooses to consider Payton Solar's complaints about the Tariff section's applicability, it should reject them. Payton Solar complains that PJM did not correctly apply section 36.2.1 of its Tariff. As described below, the Commission should deny Payton Solar's request because: (1) the Feasibility Study revealed a result that was not reasonably expected at the time of the scoping meeting; (2) the substitute Point of Interconnection, the Kewanee-Edwards POI, was acceptable to all parties; and (3) the

³⁰ Attachment K (requesting a new location for interconnection in order to reduce the "unexpected 3.5x cost increase between SIS and Facilities Study").

³¹ Notably, while Complainant requests that the Commission find that PJM violated that Tariff section (i.e., Complaint at 2, 31), it also argues that the Tariff section does not apply to this situation. *See* Complaint at 17-21. In light of this incongruity, the Commission should recognize that the Complaint fails to make coherent arguments in an attempt to use this Tariff section as a means to evade its responsibilities associated with the results of an already-completed study of a mutually acceptable Point of Interconnection. The Commission therefore should reject the Complaint's arguments.

substitute Point of Interconnection of the Kewanee-Edwards POI was not a Material Modification.

1. *Payton Solar's reading of Tariff, section 36.2.1, relies on a misrepresentation as to PJM's position on the AD1-031 project's initial Feasibility Study Results.*

Complainant first alleges that Tariff, section 36.2.1,³² does not apply to its project because the introductory clause to the provision precludes its applicability, which is incorrect. Payton Solar's reading of Tariff, section 36.2.1, relies on a misrepresentation as to PJM's position on the Payton Solar project's initial Point of Interconnection. The introductory clause of that section begins, "[i]f the Interconnection Feasibility Study reveals any result(s) not reasonably expected at the time of the Scoping Meeting"³³ Complainant argues that PJM's acknowledgement of potential issues with the Kewanee Substation POI in the scoping meeting, as indicated in the notes circulated after the meeting, means "PJM expressed concern at the August 14, 2017 scoping meeting, that Payton Solar's primary requested Point of Interconnection at the Kewanee Substation POI was not feasible."³⁴ This is incorrect. As Payton Solar's notes from the scoping meeting indicate,³⁵ the parties discussed that additional upgrades could allow for interconnection of the project, not that the Kewanee Substation POI was infeasible for interconnection of the

³² Tariff, section 36.2.1 ("If the Interconnection Feasibility Study reveals any result(s) not reasonably expected at the time of the Scoping Meeting, a substitute Point of Interconnection identified by the Interconnection Customer, Transmission Provider, or the Interconnected Transmission Owner, and acceptable to the others, but which would not be a Material Modification, will be substituted for the Point of Interconnection identified in the Interconnection Feasibility Study Agreement. The substitute Point of Interconnection will be effected without loss of Queue Position and will be utilized in the ensuing System Impact Study.").

³³ *Id.*

³⁴ Complaint at 18.

³⁵ Complaint, Attachment A.

Payton Solar project.³⁶

Complainant then claims that the Feasibility Study did “not identify[] any challenges that would render interconnecting the Facility at the Kewanee-Hennepin POI infeasible.”³⁷ However, this point is moot, since Payton Solar never chose the Kewanee-Hennepin POI as its Point of Interconnection. The infeasibility of the original Kewanee Substation POI, which Payton Solar requested as its primary Point of Interconnection, was not reasonably expected from the Feasibility Study and drove the consideration and selection of the Kewanee-Edwards POI.

2. *Complainant errs in arguing the Kewanee-Edwards POI was not acceptable to the Parties.*

Complainant next alleges that, if its AD1-031 project makes it past the introductory clause of section 36.2.1 (i.e., the Feasibility Study produced results not reasonably expected), it will not survive the remainder of requirements under the Tariff section because, in part, that requires the Kewanee-Edwards POI to be “acceptable to [the Parties.]”³⁸ Complainant goes on to describe how it requested the primary Kewanee Substation POI and the Kewanee-Hennepin POI, which were included in the Feasibility Study, and then received notice from PJM of ComEd offering the Kewanee-Edwards POI as an alternative.³⁹ None of those statements means that the Kewanee-Edwards POI was unacceptable to Payton Solar and no evidence suggests that Payton Solar opposed the Kewanee-Edwards POI at any time prior to issuance of the Facilities Study Report. As

³⁶ PJM’s draft meeting minutes do not describe the Kewanee Substation POI as being infeasible. *See* Attachment A.

³⁷ Complaint at 18.

³⁸ Complaint at 19-20.

³⁹ Complaint at 19.

previously noted, Tariff, section 36.2.1, does not prohibit ComEd from offering the Kewanee-Edwards POI as an alternative if the Feasibility Study provided results not reasonably expected. And, contrary to Complainant’s claims, the amount of time between the initial Feasibility Study and the offer of an alternative Point of Interconnection does not necessarily affect whether the parties found the alternative Point of Interconnection acceptable.

Moreover, the Complainant’s statement that “there certainly was no agreement acceptable to the Parties to move the Facility’s Point of Interconnection to the Kewanee-Edwards POI”⁴⁰ is misleading. First, the Tariff requires that the parties find the alternative Point of Interconnection “acceptable,”⁴¹ not that the parties must explicitly accept the alternative Point of Interconnection in writing through a formal contract or otherwise.⁴² Second, after receiving the SIS report that identified, studied, and provided data and cost estimates about the Kewanee-Edwards POI as the Point of Interconnection for the Payton Solar project, Payton Solar then signed the Facilities Study Agreement, which at Schedule A, lists the “[p]hysical [i]nterconnection work” as including “[i]nstallation of a new 138kV substation tapping Kewanee – E.D Edwards 138 kV line,”⁴³ and, thereby, *did* agree to the Kewanee-Edwards POI as the project’s Point of Interconnection.

Moreover, all evidence indicates that Payton Solar was fully informed of the decision to substitute the Kewanee-Edwards POI as the Point of Interconnection for this

⁴⁰ Complaint at 20 (internal quotations and markings omitted).

⁴¹ For reference, Merriam-Webster’s Dictionary defines “acceptable” as “capable or worthy of being accepted . . . *barely satisfactory or adequate*[.]” *Acceptable*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/acceptable> (last visited June 6, 2023).

⁴² Nonetheless, the Facilities Study Agreement identifying Kewanee-Edwards POI as the POI for the project was executed by the parties. Complaint, Attachment J.

⁴³ Complaint, Attachment I, Schedule A.

project. PJM’s first record of Payton Solar acknowledging the Kewanee-Edwards POI as an alternate Point of Interconnection in a communication is Payton Solar’s email response on January 26, 2021 asking to confirm the Kewanee-Edwards POI (i.e., tapping “any point” on line L7423),⁴⁴ to PJM’s email of the same date with ComEd’s suggestion of the Kewanee-Edwards POI as a substitute for the Kewanee Substation POI.⁴⁵ After that, PJM and Payton Solar corresponded about the Kewanee-Edwards POI as the alternative Point of Interconnection on multiple occasions.⁴⁶ Ultimately, on October 20, 2021, and November 1, 2021, Payton Solar and PJM, respectively, executed the Facilities Study Agreement, which identified Kewanee-Edwards POI as the Point of Interconnection for the study and subsequent agreements. Specifically, Schedule A of the Facilities Study Agreement identified “[p]hysical [i]nterconnection work” as including “[i]nstallation of a new 138kV substation tapping Kewanee – E.D Edwards 138 kV line.”⁴⁷

At no point from January 26, 2021 (the date of PJM’s first record of communicating the Kewanee-Edwards POI alternative to Payton Solar) through the execution of the Facilities Study Agreement did Payton Solar indicate that it opposed the Kewanee-Edwards POI in any way. If Payton Solar found the Kewanee-Edwards POI unacceptable, it should have raised that concern at some point during the nine months between PJM’s email offering the Kewanee-Edwards POI and its signing of the Facilities Study Agreement that

⁴⁴ Attachment D (“Thanks Ken for the update. I will get with my engineers and get this information back to you. I’m assuming we could tap any point on the 7423 line correct?”).

⁴⁵ Attachment D.

⁴⁶ See e.g., Attachment J (email from PJM to Payton Solar requesting the Point of Interconnection information); Complaint, Attachment G (email from Payton Solar to PJM providing data and coordinates for the Kewanee-Edwards POI as the Point of Interconnection); Complaint, Attachment H (identifying the Kewanee-Edwards POI as the Point of Interconnection studied in the SIS).

⁴⁷ Complaint, Attachment I, Schedule A.

identified the Kewanee-Edwards POI or it should have refused to sign the Facilities Study Agreement. Instead, PJM’s email records indicate that Payton Solar took time (i.e., from April 26, 2021, to June 1, 2021) to consider the location data for the exact Point of Interconnection⁴⁸ and provided PJM with that information multiple times.⁴⁹ Moreover, Payton Solar received the SIS report that provided information about the Kewanee-Edwards POI as the Point of Interconnection for their project, including estimated physical interconnection costs of \$19.5 million.⁵⁰ Ultimately, based upon this information, Payton Solar chose to sign the Facilities Study Agreement, which also identified Kewanee-Edwards POI as the Point of Interconnection. Given this evidence, the Complaint’s arguments that ComEd and PJM “made good faith errors” about the Kewanee-Edwards POI⁵¹ and that including Kewanee-Edwards POI as the Point of Interconnection in the SIS was a “mutual mistake” are simply wrong.⁵² In fact, the evidence shows that Payton Solar simply either accepted the Kewanee-Edwards POI or failed to review carefully the

⁴⁸ See Attachments F, H, I, J; *see also* Complaint, Attachment G.

⁴⁹ See Complaint, Attachment G. PJM also has historical records in Queue Point with the same location data reflecting the Kewanee-Edwards POI as the Point of Interconnection as submitted on June 1, 2021, and October 25, 2021.

⁵⁰ See Complaint, Attachment H.

⁵¹ Complaint at 19.

⁵² Complaint at 20.

agreements as tendered to them.⁵³ This hardly constitutes evidence of a Tariff violation by PJM or ComEd.

3. *The Kewanee-Edwards POI is not a Material Modification.*

Finally, Complainant argues that even if the parties agreed to the Kewanee-Edwards POI as a substitute Point of Interconnection, it could be a Material Modification due to the lack of a Material Modification analysis. However, Tariff, section 36.2.1, does not require a formal written Material Modification analysis.⁵⁴ The Tariff's definition of "Material Modification" is "any modification to an Interconnection Request that has a material adverse effect on the cost or timing of Interconnection Studies related to, or any Network Upgrades or Local Upgrades needed to accommodate, any Interconnection Request with a later Queue Position."⁵⁵ When ComEd communicated the Kewanee-Edwards POI alternative to PJM, to be conveyed to Payton Solar, it stated that it believed the Kewanee-Edwards POI was "better" due to "the higher line ampacity"⁵⁶ and "it may be less expensive due to there being less remote-end work."⁵⁷ Based on its engineering judgment, PJM found that the alternate Point of Interconnection at the Kewanee-Edwards POI did not constitute a Material Modification for the Payton Solar project. For these reasons, the Commission should reject the Complaint's arguments that the PJM violated

⁵³ Notably, Payton Solar's opposition to the Kewanee-Edwards POI claims of "mutual mistake" come after it already stated that it was seeking to reduce "the unexpected 3.5x cost increase between SIS and Facilities Study." Attachment K.

⁵⁴ Tariff, section 36.2.1.

⁵⁵ Tariff, Definitions – L - M - N (defining Material Modification).

⁵⁶ Attachment C; *see also Ampacity*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/ampacity> (last visited June 6, 2023) (defining ampacity as "the maximum amount of current that a wire or cable can safely carry").

⁵⁷ Attachment C.

the Tariff or other rules by making the Kewanee-Edwards POI the substitute Point of Interconnection for the Payton Solar project.

B. The Milestones Specified Are Not Unjust and Unreasonable.

Despite Payton Solar's determination that certain milestone dates could be earlier,⁵⁸ PJM determined the set of project milestones provided by ComEd to be reasonable and consistent with Good Utility Practice and the milestone dates for other, similarly situated projects. PJM therefore sees no reason to accelerate or modify the Payton Solar project milestones as demanded in the Complaint. Moreover, contrary to its assertions,⁵⁹ Payton Solar's exercise of its option to build does not also mean that it controls the milestone dates. The provision for option to build in the CSA allows the Interconnection Customer to "assume responsibility for the design, procurement, and construction" of the interconnection facilities, but also provides that construction must be "on the dates specified in Schedule J (Schedule of Work) [of the CSA]" as agreed upon and executed by all parties.⁶⁰ Exercising the option to build does not provide the Interconnection Customer with unilateral control over the milestone dates.

⁵⁸ Complaint at 21-22. Ultimately, the Complaint requests that the Commission grant an earlier transmission operator back-feed date and commercial operation date by approximately two years, while extending by approximately one year all other milestone dates (i.e., dates for site permits, acquisition of major electrical equipment, substantial site work, delivery of major electrical equipment, and transmission operator back-feed). Complaint at 24. Notably, these requested milestone dates impose a shorter timeline for work that is ComEd's responsibility, while extending the milestone dates for work that is Payton Solar's responsibility.

⁵⁹ Complaint at 23.

⁶⁰ Tariff, Attachment P, section 3.2.3.1 ("Interconnection Customer shall have the option, ("Option to Build") to assume responsibility for the design, procurement, and construction of Transmission Owner Interconnection Facilities that are Transmission Owner Attachment Facilities and Direct Connection Network Upgrades on the dates specified in Schedule J (Schedule of Work) of this Agreement.").

C. Complainant's Requested Relief is Unjust, Unreasonable, and Unduly Discriminatory.

The Complainant argues that the Commission should order PJM to conduct a revised SIS and issue a revised Facilities Study Report, revised ISA, and revised CSA for the Payton Solar project using parameters that it supplies unilaterally.⁶¹ Such relief would completely usurp the purpose of, and process afforded by, the Tariff provisions at issue here. Payton Solar argues that the Commission should impose milestones on Payton Solar's desired timescale, require PJM to study a Point of Interconnection at an entirely new location on the Kewanee-Edwards line (i.e., *not* the original substitute Point of Interconnection proposed by Payton Solar, the Kewanee-Hennepin POI), and require PJM to complete the study no later than 60 days from the date that the Commission issues its order. The Commission must not impose such extensive, arduous, and punitive directives for one customer to the detriment of other projects in the queue. Such relief is also unduly preferential, as other projects in PJM's queue and subject to PJM's Tariff do not receive that kind of relief when they agree to a Point of Interconnection and then argue that they did not agree to that Point of Interconnection and should be given another instead.

The requested relief also would be unduly discriminatory, as it would have a material adverse impact on other projects in the PJM queue. Restudying the Payton Solar project's Point of Interconnection could have a material impact on the queue in light of the time required for the expedited relief requested by Payton Solar to the detriment of other projects in the queue. Payton Solar's project is in Queue No. AD1-031, which as an AD1 queue position, means that it must move forward on its allotted schedule will delay the Transition Date of PJM's interconnection reforms, impacting New Service Customers'

⁶¹ See Complaint at 23-27.

ability to interconnect under the reformed rules.⁶² Moreover, Payton Solar may receive the POI relief sought by executing the ISA for the project and then requesting and executing a Necessary Study Agreement to restudy the Point of Interconnection, which PJM offered to Payton Solar on at least two occasions.⁶³ The Commission should not grant a fix to Payton Solar’s own error at the expense of other projects in PJM’s queue or new projects awaiting the reformed interconnection process.

IV. ADMISSIONS AND DENIALS PURSUANT TO 18 C.F.R. § 385.213(c)(2)(i)

Pursuant to Rule 213(c)(2)(i) of the Commission’s Rules of Practice and Procedure,⁶⁴ PJM admits or denies the alleged material facts stated in the Complaint as follows: to the extent that any allegation set forth in the Complaint is not specifically admitted in this answer, it is denied.

V. AFFIRMATIVE DEFENSES PURSUANT TO 18 C.F.R. § 385.213(c)(2)(ii)

PJM’s affirmative defenses are set forth above in this answer, and include the following, subject to amendment and supplementation.

1. Complainant has failed to satisfy its burden of proof under section 206 of the Federal Power Act (“FPA”), 16 U.S.C. § 824e, and has not demonstrated that PJM violated FPA section 205, any Commission order, Tariff, or any other Commission-jurisdictional governing document or that PJM administered its Tariff in an unjust, unreasonable, or unduly

⁶² See *PJM Interconnection, L.L.C.*, 181 FERC ¶ 61,162, at P 37 (2022) (“The Transition Date is the later of: (1) the effective date for the Transition Period Rules(January 3, 2023), or (2) the date by which all AD2 and prior queue window ISAs or WMPAs have been executed or filed unexecuted.”) (footnote omitted), *reh’g denied*, 182 FERC ¶ 62,055 (2023); *id.* at P 60 (accepting that Transition Date).

⁶³ See Attachment K. PJM also provided this option to Payton Solar as a non-confidential offer during ADR proceedings.

⁶⁴ 18 C.F.R. § 385.213(c)(2)(i).

discriminatory manner in its processing and studies of Payton Solar's Interconnection Request.

2. If the Commission reaches the question of remedies in this proceeding, it cannot grant Complainant's requested relief. Complainant's requested remedy of requiring PJM to complete a new SIS, Facilities Study, and issue a revised ISA and CSA for the Payton Solar project 60-days from the date of the Commission order on this matter, is not just and reasonable, and is in fact, unjust, unreasonable, unduly discriminatory and preferential. Payton Solar's project is in Queue No. AD1-031, which as an AD1 queue position, means that it must move forward on its allotted schedule or it risks delaying the Transition Date of PJM's interconnection reforms, affecting all of the New Service Customers' ability to interconnect under the reformed rules.⁶⁵ Such a re-study and delay would cause material adverse impacts throughout the PJM interconnection queue.

⁶⁵

See supra note 62.

VI. CONCLUSION

For the reasons set forth in this answer, the Commission should deny the Complaint.

Respectfully submitted,

/s/ Abraham F. Johns III

Wendy B. Warren
Abraham F. Johns III
WRIGHT & TALISMAN, P.C.
1200 G Street, NW, Suite 600
Washington, DC 20005-3898
202-393-1200 (phone)
202-393-1240 (fax)
warren@wrightlaw.com
johns@wrightlaw.com

Craig Glazer
Vice President – Federal Government
Policy
PJM Interconnection, L.L.C.
1200 G Street, NW, Suite 600
Washington, DC 20005
202-423-4743 (phone)
202-393-7741 (fax)
craig.glazer@pjm.com

Christopher B. Holt
Associate General Counsel
PJM Interconnection, L.L.C.
2750 Monroe Blvd,
Audubon, PA 19403
610-666-2368
christopher.holt@pjm.com

*Counsel for
PJM Interconnection, L.L.C.*

June 7, 2023

Attachment A

From: O'Hara, Bernard F.

Sent: Tuesday, August 15, 2017 9:07 AM

To: 'Afshin.Salehian@ccrenew.com' <Afshin.Salehian@ccrenew.com>; 'Luke.odea@ccrenew.com' <Luke.odea@ccrenew.com>; 'keene@ccrenew.com' <keene@ccrenew.com>; 'Matt.baker@ccrenew.com' <Matt.baker@ccrenew.com>; Stephen Thiel <stephen.thiel@comed.com>; 'Steven.Mateja@ComEd.com' <Steven.Mateja@ComEd.com>; Lamaina, Peter J. <Peter.Lamaina@pjm.com>

Cc: 'Gabel, Daniel P:(ComEd)' <daniel.gabel@ComEd.com>; Allen, William J:(ComEd) <william.allen@ComEd.com>

Subject: [REDACTED] 031 Scoping Meeting Minutes.doc

Thanks for your participation in yesterday's call. Attached are my draft minutes.

Please get back to me with any comments/questions/concerns by August 25, 2017

Thanks.

Bernard O'Hara

Sr. Lead Engineer, Interconnection Projects

(610) 666-4720 | Bernard.OHara@pjm.com

PJM Interconnection | 2750 Monroe Blvd. | Audubon, PA 19403

Draft Scoping Meeting Minutes

AD1-031 KEWANEE 138kV

August 14, 2017

Attendees and contact information:

Name	Company	Business Phone	E-mail
Afshin Salehian	Cypress Creek	(213) 334-4357	Afshin.Salehian@ccrenew.com
Luke O'Dea	Cypress Creek	(213) 334-4319	Luke.odea@ccrenew.com
Nicko Keene	Cypress Creek	(213) 347-9399	keene@ccrenew.com
Matt Baker	Cypress Creek		Matt.baker@ccrenew.com
Steve Thiel	ComEd	(630) 576-7243	stephen.thiel@ComEd.com
Steve Mateja	ComEd	(630) 576-6913	Steven.Mateja@ComEd.com
Bernie O'Hara	PJM Interconnection Projects	(610) 666-4720	Bernard.OHara@PJM.com
Peter Lamaina	PJM Interconnection Analysis	(610) 666-2346	Peter.Lamaina@PJM.com

[REDACTED]

Queue AD1-031 project is a Payton Solar, LLC ("Payton"), a Cypress Creek company, proposal to connect a 70 MW Energy (26.6 MW Capacity with a 38% class average capacity factor as specified in PJM Manual 21 Appendix B) solar farm to be located in Henry County, IL. It is proposed in the Interconnection Request (Attachment N) that the primary point of interconnection to be studied is on the 138kV bus at TSS74 Kewanee (PSSe bus no. 271835(23) 271836(11) 271837(12) 271838(13) 271839(22), to be confirmed or alternate configuration at Kewanee to be part of the Feasibility Study since there aren't any available bays in Kewanee at this time), and an alternate Point of Interconnection on the 7423 Line between TSS74 Kewanee and [E.D. Edwards \(Ameren owned, PSSe bus number 349637\)](#) and ~~this~~^{the} interconnection is also deemed to be FERC jurisdictional. Payton has proposed a service date for this project of December 31, 2019.

For the purpose of this document, Payton and [REDACTED] are collectively referred to as “Interconnection Customers” or “ICs”.

Afshin Salehian is the main point of contact for both projects and all e-mails, reports, and legal notices will go to him at the e-mail address listed above.

Steve Thiel will be the main point of contact for ComEd for both projects.

Bernie O’Hara is the main point of contact for PJM and all project inquiries should be directed to him.

Data indicate the Payton 138-34kV transformer is delta-grd wye. ComEd indicated the facility is required to present a grounded wye to the transmission system.

The transformer configuration indicated in the data submittal and the one line diagram for the [REDACTED] facility conflict. The facility is required to present a grounded wye to the transmission system.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The ICs were advised to review the active queue positions on the PJM website for additional information.

Cypress Creek is not a PJM member, and questions regarding the benefits of becoming a PJM member can be addressed to the Member Relations hotline at (866) 400-8980 or on the PJM website “about PJM” page. It is not a requirement for a generator to be a member, but a member has to represent them in the markets.

The PJM queue process usually involves the following studies: Feasibility Study, System Impact Study, and Facilities Study. The Feasibility Study is a DC analysis that gives the Interconnection Customer an idea if the project is feasible to connect to the grid. The System Impact Study is an AC analysis that gives the Interconnection Customer the detail of all overloads, if any, and required upgrades to mitigate the overloads. Studies of the impacts on MISO facilities, if required, are typically conducted in the Impact Study Phase. A Facilities Studies is generally required for projects of this size connecting to the transmission system and the tariff target timeline is 180 days from executing the Facilities Study Agreement. If impacted facilities are identified as requiring a Facilities Study that are under MISO control, PJM will provide contact information to get that process started.

For further information on the Generation Interconnection study process, please see PJM manual M-14A on PJM’s website: <http://www.pjm.com/~media/documents/manuals/m14a.ashx> .

The PJM AD1 queue closes on the last business day of September 2017. According to the PJM Tariff, the Feasibility Study for this project should be delivered to the Interconnection Customer no later than the end of January 2018. If for some reason there is going to be a delay, an email will be sent to notify the Interconnection Customer about the delay and new study delivery date. If the Feasibility Study is issued on time and there are transmission impacts, by the Tariff process, the System Impact Study should be delivered to the Interconnection Customer by August 29, 2018.

So, if the Impact Study is sent out on August 29, 2018, and the Facilities Study is completed by the end of March, and the CSA execution window is 90 days, which takes us to the end of June 2019, that doesn't leave much time for construction for [REDACTED] (a December 31, 2019 service date) or Payton (December 31, 2019). Typical construction time for ComEd is 24 months after ISA and ICSA are signed.

The question of "Option to Build" was raised. Typically, ComEd will not mutually agree to having a third party perform construction work inside an already energized yard. The Option to Build for the engineering and procurement for the Payton attachment facilities inside of Kewanee will be discussed at a later date. Most likely, ComEd would be agreeable for the Option to Build for the attachment facilities for [REDACTED]

Projects in the AD1 queue will be studied on a 2021 base case year. Since the service date for this project is before June 1, 2021, interim studies will be required to grant CIRs prior to 2021.

ComEd interconnection requirements can be found at <http://www.pjm.com/planning/design-engineering/to-tech-standards/private-comed.aspx> and <https://www.comed.com/MyAccount/MyService/Pages/CustomerGeneratedPower.aspx>.

ComEd distribution line drops to move customer cranes and heavy equipment is not part of PJM process. The customer should directly contact ComEd New Business Group to arrange for line drops, if needed (if they are ComEd owned lines).

Retail supplier: It appears that from the latitude and longitude given that the Payton facility will be in Ameren's retail service territory. It is possible that parts may be in Corn Belt Energy's territory. Payton will be required to select a retail power supplier for their facility prior to backfeed.

The Interconnection Customer will have the opportunity to request a conference call to discuss the results of the Feasibility Study following the publication of the report.

Prepared by: Bernie O'Hara

Attachment B

From: [Eakins, Douglas Samuel:\(ComEd\)](#)
To: [O'Hara, Bernard F.](#)
Cc: [Regner, Ronald F:\(ComEd\)](#); [Mateja, Steven A:\(ComEd\)](#); [Choudhry, Zafar I:\(ComEd\)](#)
Subject: AD1-031 SIS POI
Date: Thursday, December 6, 2018 2:22:09 PM
Attachments: [AD1-031 Feasibility Study Report.pdf](#)

External Email! Think before clicking links or attachments.

Bernie,

I'm alerting you to the fact that the POI that the developer chose for the AD1-031 SIS isn't feasible per the results of the feasibility study report. We will not be able to conduct a Facilities Study if this project proceeds to that point with the POI the developer selected.

Doug Eakins, P.E.

ComEd Interconnection Services

Two Lincoln Centre, 9th Floor
Oakbrook Terrace, IL 60181
(630) 576-6910

This Email message and any attachment may contain information that is proprietary, legally privileged, confidential and/or subject to copyright belonging to Exelon Corporation or its affiliates ("Exelon"). This Email is intended solely for the use of the person(s) to which it is addressed. If you are not an intended recipient, or the employee or agent responsible for delivery of this Email to the intended recipient(s), you are hereby notified that any dissemination, distribution or copying of this Email is strictly prohibited. If you have received this message in error, please immediately notify the sender and permanently delete this Email and any copies. Exelon policies expressly prohibit employees from making defamatory or offensive statements and infringing any copyright or any other legal right by Email communication. Exelon will not accept any liability in respect of such communications. - EXCIP

Attachment C

From: [Eakins, Douglas Samuel:\(ComEd\)](#)
To: [O'Hara, Bernard F.](#)
Cc: [Regner, Ronald F:\(ComEd\)](#); [Mateja, Steven A:\(ComEd\)](#); [Choudhry, Zafar I:\(ComEd\)](#); [Miller, Jason, M;](#) [James, Sunil:\(ComEd\)](#); [Razze, Scott C:\(PHI\)](#)
Subject: RE: AD1-031 SIS POI
Date: Friday, May 10, 2019 11:45:28 AM
Attachments: [AD1-031 Feasibility Study Scope- Revised May 2019.docx](#)

External Email! Think before clicking links or attachments.

Bernie,

Due to some considerations that I wasn't fully aware of near Kewanee, we have discussed the POI for AD1-031 again and believe that tapping the 138kV Kewanee-Edwards line 7423 is the better way to interconnect this customer due to the higher line ampacity.

As you know, there are other developers who want to interconnect at Kewanee, such as [REDACTED] and [REDACTED]. For these developers, we have proposed to build a new 138kV substation 'Kentville TSS 962' adjacent to Kewanee by tapping line 7423. As the need is identified throughout the study phases, we can redirect other 138kV lines to this newly built substation to reinforce it. Because of this, it is ComEd's position to offer this option to all developers who want to interconnect at Kewanee.

I have updated the original Feasibility Study Scope writeup we originally submitted to you for AD1-031 by proposing Kentville substation as the primary POI, in lieu of interconnection at Kewanee. I would recommend sharing this report with the customer and let him decide if he wants to accept Kentville option. Please note that it may be less expensive due to there being less remote-end work. I would appreciate if you could accommodate this request. Thanks,

Doug Eakins
(630)576-6910

Attachment D

From: Matthew Kauffman <matthew.kauffman@ccrenew.com>
Sent: Tuesday, January 26, 2021 11:09 AM
To: Graff, Kenneth <Kenneth.Graff@pjm.com>
Cc: Shoemaker, Jason R. <Jason.Shoemaker@pjm.com>; Franks, Edmund <Edmund.Franks@pjm.com>
Subject: Re: PJM queue project AD1-031 System Impact Study Point of Interconnection question

External Email! Think before clicking links or attachments.

Thanks Ken for the update. I will get with my engineers and get this information back to you. I'm assuming we could tap any point on the 7423 line correct?

From: Graff, Kenneth <Kenneth.Graff@pjm.com>
Date: Tuesday, January 26, 2021 at 10:03 AM
To: Matthew Kauffman <matthew.kauffman@ccrenew.com>
Cc: Shoemaker, Jason R. <Jason.Shoemaker@pjm.com>, Franks, Edmund <Edmund.Franks@pjm.com>
Subject: RE: PJM queue project AD1-031 System Impact Study Point of Interconnection question

Matt-

I've been trying to get the AD1-031 System Impact Study Report to you but have been struggling with the exact Point of Interconnection. What I understand from ComEd is that your original requested Point of Interconnection at the Kewanee 138 kV Substation was not feasible because your project required a new breaker position in the bus but the substation cannot be expanded to accept it. As a result, ComEd has offered an alternate POI as a tap of the Kewanee to E.D. Edwards 138 kV circuit number 7423 which will require you to construct a new substation. PJM is planning to restudy this project as a tap of the Kewanee to E.D. Edwards circuit but need input from you. Specifically we need the exact location of the line tap point for your substation to update our models and retool. We also need the line mileages from your new substation location to both Kewanee and E.D. Edwards Substation. I have unlocked Queue Point by making it deficient for you to make the changes. If you are not able to provide the information via Queue Point, we will accept it by email. Please "reply to all" if you are providing it by email as I am turning this project over to Jason Shoemaker upon my retirement at the end of the month.

Thanks for your help moving this project forward.

Ken Graff
PJM Interconnection LLC
Interconnection Projects
610-666-4566

Attachment E

From: [Graff, Kenneth](#)
To: [Matthew Kauffman](#)
Cc: [Shoemaker, Jason R.](#); [Franks, Edmund](#)
Subject: RE: PJM queue project AD1-031 System Impact Study Point of Interconnection question
Date: Tuesday, January 26, 2021 12:20:31 PM

Matt-

Correct, because you are responsible for procuring the land to construct the substation.

Ken Graff
PJM Interconnection LLC
Interconnection Projects
610-666-4566

Attachment F

From: Caven, Onyinye

Sent: Monday, April 26, 2021 9:19 AM

To: 'afshin.salehian@ccrenew.com' <afshin.salehian@ccrenew.com>

Subject: AD1-031 POI Confirmation

Good morning Afshin,

I have taken over as the Project Manager for the AD1-031 project in ComEd. I am following up on the Impact Data submission in Queue Point. As Ken noted in the deficiency notice, you will need to revise the POI noted in the Impact data as it's PJM's understanding from ComEd is that the Point of interconnection will be a tap of the Kewanee to E.D Edwards (Ameren) 138 kV circuit number 7423.

In order to complete your System Impact Study, you will need to let us know what point on the circuit you will be tapping and provide updated circuit distances. Please let me know what I can do to facilitate this request. I will resend the deficiency notice shortly.

I look forward to working with you again.

Thank you,

Onyinye Caven

Sr. Engineer I, Interconnection Projects

(610) 666-2366 | C: (267) 326-5522 | Onyinye.Caven@pjm.com

PJM Interconnection | 2750 Monroe Blvd. | Audubon, PA 19403

Attachment G

From: Caven, Onyinye

Sent: Monday, April 26, 2021 9:36 AM

To: 'matthew.kauffman@ccrenew.com' <matthew.kauffman@ccrenew.com>

Cc: 'afshin.salehian@ccrenew.com' <afshin.salehian@ccrenew.com>

Subject: FW: AD1-031 POI Confirmation

Good morning Matthew,

I have taken over as the Project Manager for ComEd. Please help with the request in the email below. I sent the request to both you and Afshin because it is not clear who the primary contact is. Please let me know who will be the primary point of contact going forward. I have included the deficiency notice sent to Afshin.

Thanks,

Onyinye Caven

Sr. Engineer I, Interconnection Projects

(610) 666-2366 | C: (267) 326-5522 | Onyinye.Caven@pjm.com

PJM Interconnection | 2750 Monroe Blvd. | Audubon, PA 19403

Attachment H

From: Caven, Onyinye <Onyinye.Caven@pjm.com>
Date: Monday, May 10, 2021 at 3:31 PM
To: Matthew Kauffman <matthew.kauffman@ccrenew.com>
Cc: afshin.salehian@ccrenew.com <afshin.salehian@ccrenew.com>
Subject: RE: AD1-031 POI Confirmation

Matthew,

I am following up on the request below for clarification on the POI. Provide a response to the POI deficiency in Queue Point. We require the information to complete the System Impact Study. Please let me know if you need any additional information.

Thank you,

Onyinye Caven

Sr. Engineer I, Interconnection Projects

(610) 666-2366 | C: (267) 326-5522 | Onyinye.Caven@pjm.com

PJM Interconnection | 2750 Monroe Blvd. | Audubon, PA 19403

Attachment I

From: Matthew Kauffman
Sent: Monday, May 10, 2021 5:02 PM
To: Caven, Onyinye
Cc: Afshin Salehian
Subject: Re: AD1-031 POI Confirmation

External Email! Think before clicking links or attachments.

Hello Onyinye,
I will get back to you shortly on this. Thanks for your patience. Matt

Attachment J

From: Caven, Onyinye
Date: Wednesday, May 19, 2021 at 2:15 PM
To: Matthew Kauffman
Cc: Afshin Salehian , Franks, Edmund
Subject: AD1-031 POI Deficiency

Matthew,

This email serves as notification that the AD1-031 System Impact data is deficient for failure to include the Point of interconnection location details to be studied in the System Impact Study. In order to maintain your queue position, you will need to provide the required information within 10 business days, by close of business on **Tuesday June 1, 2021**.

Required information:

Tap of Kewanee – Edwards 138 kV circuit # 7423

1. POI coordinates where AD1-031 will tap the circuit
2. Distance from Kewanee substation
3. Distance in Miles from E.D Edwards (Ameren)

Thank you,

Onyinye Caven

Sr. Engineer I, Interconnection Projects

(610) 666-2366 | C: (267) 326-5522 | Onyinye.Caven@pjm.com

PJM Interconnection | 2750 Monroe Blvd. | Audubon, PA 19403

Attachment K

From: Caven, Onyinye <Onyinye.Caven@pjm.com>

Sent: Tuesday, March 7, 2023 3:48 PM

To: Lindsay Broughel <lindsay.broughel@ccrenew.com>

Cc: Luke O'Dea <luke.odea@ccrenew.com>; Travis Bell <travis.bell@ccrenew.com>; Lily Dinkins <lily.dinkins@ccrenew.com>; Grace Brittan <grace.brittan@ccrenew.com>; Jackson Denton <jackson.denton@ccrenew.com>; Ryan Watts <ryan.watts@ccrenew.com>; Keith Roark <keith.roark@ccrenew.com>; Steven Lichtin <steven.lichtin@ccrenew.com>; Chelsea Woodfin <chelsea.woodfin@ccrenew.com>; Brecke, Tracy <Tracy.Brecke@pjm.com>; Dale, Douglas J:(BSC) <douglas.dale@peco-energy.com>; Saadatian, Omid:(Contractor - ComEd) <Omid.Saadatian@ComEd.com>; Hagan, Heather:(ComEd) <Heather.Hagan@ComEd.com>; Manzanares, Ana:(ComEd) <Ana.Manzanares@comed.com>; Shoemaker, Jason R. <Jason.Shoemaker@pjm.com>

Subject: RE: AD1-031 (Payton Solar) - Request for minor change to substation location

Lindsay,

Thank you for the additional information. We have received your POI request for evaluation. We will not be able to complete an evaluation in the timeline for execution/securitization of the ISA, so the ISA would have to be executed/secured as it was issued. However, we can evaluate the change under the Necessary Study process after the agreements are signed.

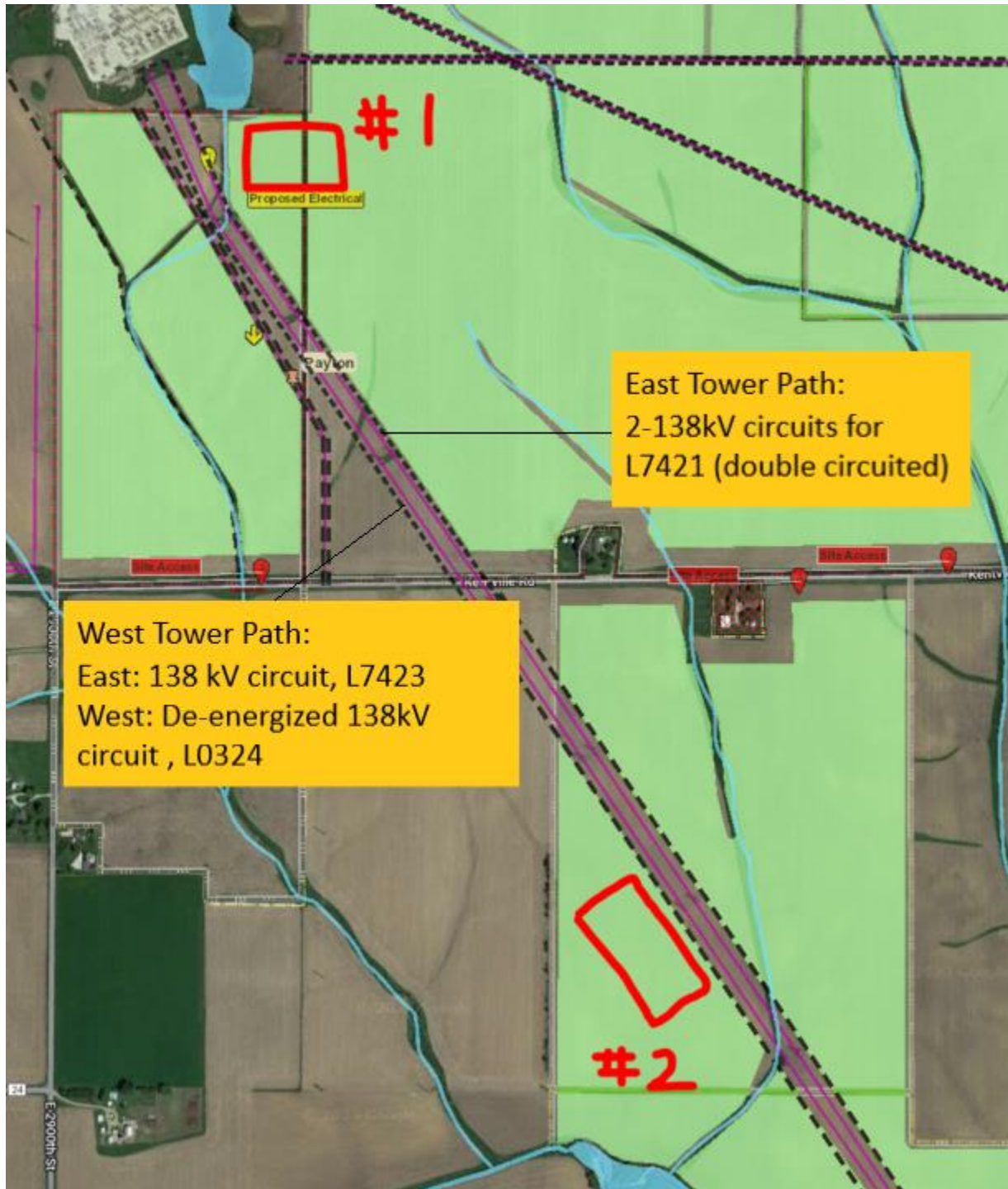
Note that the Right of Way in your diagram below consists of two transmission tower paths. Each tower has 2-138kV circuits.

The east tower path has 2-138kV circuits for L7421 (double circuited), while the west tower path has L7423 on the east side of this tower and a de-energized 138kV circuit, L0324, on the west.

You are proposing to connect to the east circuit on the West tower path. Based on a high level observation of the customer's #2 option from the ComEd planning team, the L0324 circuit may also require tower work to cross under the circuit. As a result, there may not be a significant cost impact with the move.

As ComEd noted on our previous call last week with your team, the cost differences from System Impact Study to Facilities Study is because Facilities Studies cost include site conditions that may not be captured in an System Impact study planning (desktop) estimate.

I'm happy to schedule a call with the ComEd planning team if you have any additional questions on the circuits.



Thank you,

Onyinye Caven
Sr. Engineer I, Interconnection Projects

(610) 666-2366 | C: (267) 326-5522 | Onyinye.Caven@pjm.com
PJM Interconnection | 2750 Monroe Blvd. | Audubon, PA 19403

From: Lindsay Broughel <lindsay.broughel@ccrenew.com>
Sent: Wednesday, March 1, 2023 5:23 PM
To: Brecke, Tracy <Tracy.Brecke@pjm.com>; Caven, Onyinye <Onyinye.Caven@pjm.com>; Dale, Douglas J:(BSC) <douglas.dale@peco-energy.com>; Saadatian, Omid:(Contractor - ComEd) <Omid.Saadatian@ComEd.com>; Hagan, Heather:(ComEd) <Heather.Hagan@ComEd.com>; Manzanares, Ana:(ComEd) <Ana.Manzanares@comed.com>
Cc: Luke O'Dea <luke.odea@ccrenew.com>; Travis Bell <travis.bell@ccrenew.com>; Lily Dinkins <lily.dinkins@ccrenew.com>; Grace Brittan <grace.brittan@ccrenew.com>; Jackson Denton <jackson.denton@ccrenew.com>; Ryan Watts <ryan.watts@ccrenew.com>; Keith Roark <keith.roark@ccrenew.com>; Steven Lichtin <steven.lichtin@ccrenew.com>; Chelsea Woodfin <chelsea.woodfin@ccrenew.com>
Subject: RE: AD1-031 (Payton Solar) - Request for minor change to substation location

⚠ External Email! Think before clicking links or attachments.

Contact the Support Center immediately if you click on a link or open an attachment that appears malicious.

To follow up, please also see the requested information in the table below:

Item	Current	Proposed
POI tap location (GPS)	(41.26233 - 89.87373)	(41.251287 - 89.864861)
Distance from POI to Kewanee (miles)	0.12	0.93
Distance from POI to E.D. Edwards (miles)	52	51.19

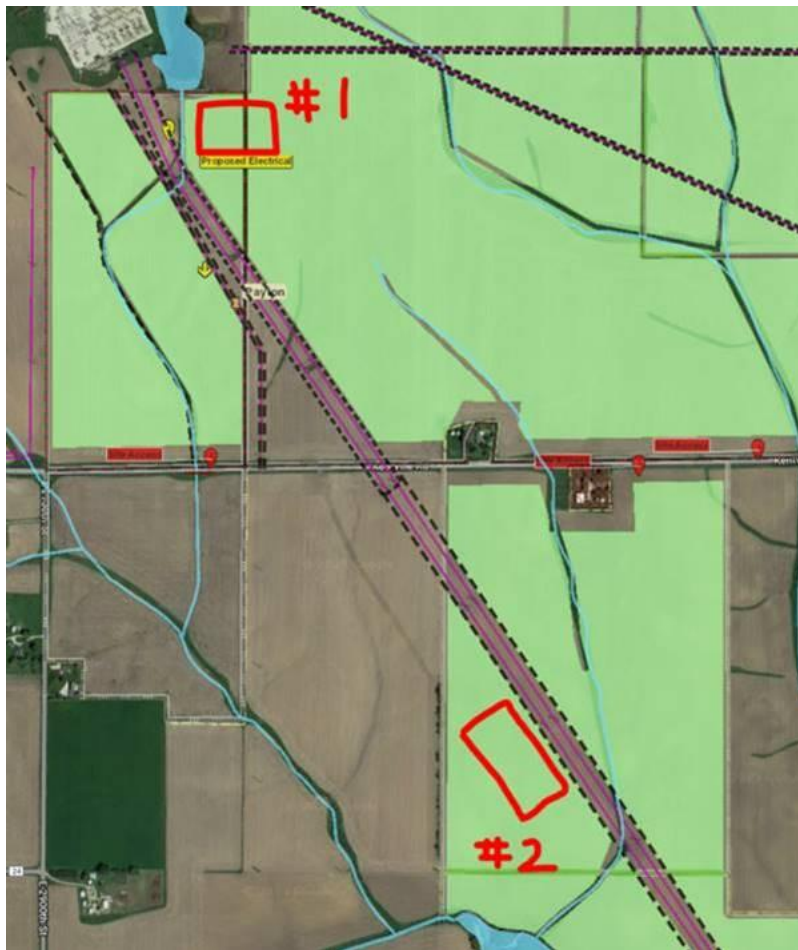
Thanks,
Lindsay

From: Lindsay Broughel
Sent: Wednesday, March 1, 2023 12:17 PM
To: Brecke, Tracy <Tracy.Brecke@pjm.com>; Caven, Onyinye <Onyinye.Caven@pjm.com>; Dale, Douglas J:(BSC) <douglas.dale@peco-energy.com>; Saadatian, Omid:(Contractor - ComEd) <Omid.Saadatian@ComEd.com>; Hagan, Heather:(ComEd) <Heather.Hagan@ComEd.com>; Manzanares, Ana:(ComEd) <Ana.Manzanares@comed.com>
Cc: Luke O'Dea <luke.odea@ccrenew.com>; Travis Bell <travis.bell@ccrenew.com>; Lily Dinkins <lily.dinkins@ccrenew.com>; Grace Brittan <grace.brittan@ccrenew.com>; Jackson Denton <jackson.denton@ccrenew.com>; Ryan Watts <ryan.watts@ccrenew.com>; Keith Roark <keith.roark@ccrenew.com>; Steven Lichtin <steven.lichtin@ccrenew.com>; Chelsea Woodfin <chelsea.woodfin@ccrenew.com>
Subject: AD1-031 (Payton Solar) - Request for minor change to substation location

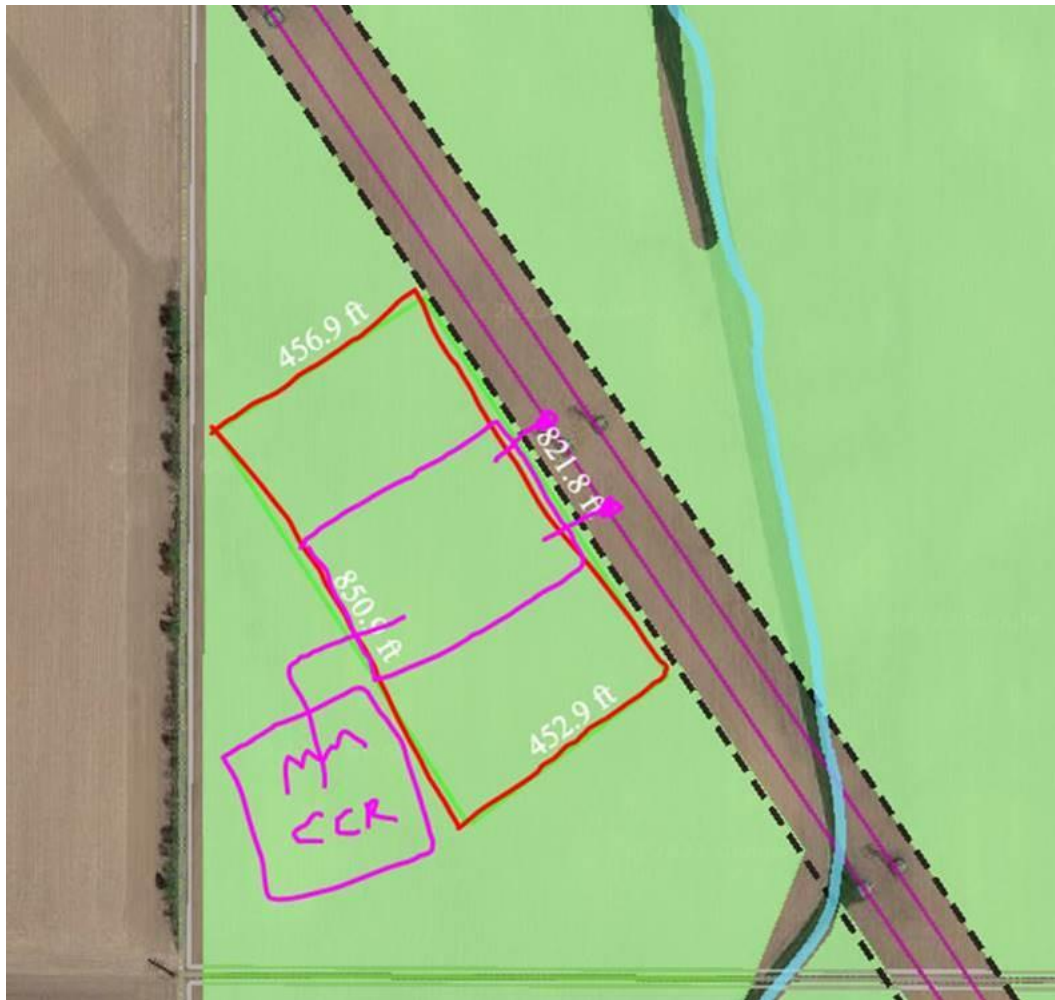
PJM/ComEd,

We would like to formally request a minor adjustment of the POI substation location for the AD1-031 (Payton) project to reduce the unexpected 3.5x cost increase between SIS and Facilities Study for the Transmission Line Cut. We do not believe this location shift will change power flow results or harm any later queued projects, and it will avoid unnecessary upgrades, and therefore will improve the costs and benefits of the interconnection. Thus, we do not believe it should constitute a material modification and should be permitted pursuant to 36.2A of the PJM OATT.

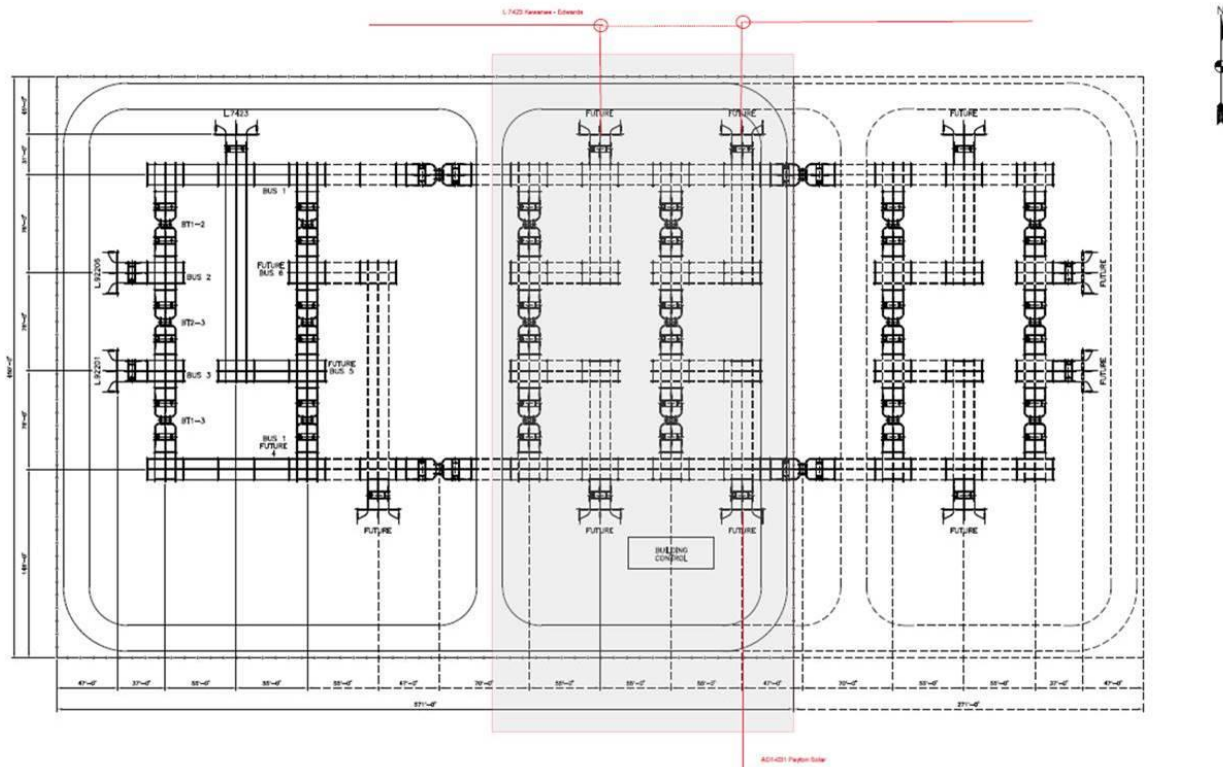
Specifically, we would like to shift the substation from approximately: 41.26229, -89.87370 to approximately: 41.251846, -89.864833. This is equivalent to about 4300 feet on the same line. See overview below from Area #1 to Area #2.



As shown in more detail below – this would allow the substation to tie more cleanly into the western 138 kv line that ComEd has designated the project to tie into and reduce the amount of new poles and equipment required for the line cut.



To further avoid having to do a 90 degree turn into the proposed substation, this new design would also allow us to eliminate an additional pole in the tie in by connecting via the configuration below.



Lastly – we also please ask the ComEd team to re-evaluate the timeline provided in the ISA for back feed. 1380 days for back feed is the same number of days ComEd would require if this project were a ComEd built substation, yet a self build option requires significantly less work by ComEd. We believe that this timeline is unreasonable, particularly the timeframe to complete IFC drawings (630 days) and that materials cannot start being requested until IFC level drawings are complete, given that some equipment selections will be finalized prior to IFC level drawings.

7. MILESTONE SCHEDULE FOR COMPLETION OF COMED WORK

Start and Finish days are approximate, based on the facilities study. Schedule details will be developed during preliminary engineering and continuously refined as the project progresses.

Description	Start	Finish
First day ComEd can begin work per the ISA and CSA		Day 1
Option-To-Build: IC provides ComEd with location (coordinates) and details of TSS922 deadend structures		Day 90
Preliminary engineering (Phase 1)	Day 90	Day 270
IFC drawings (Phase 2)	Day 270	Day 630
Real estate in place for ComEd's scope		Day 630

Page 11 of 20

Materials (Request and Receive)	Day 630	Day 1200
Option-To-Build: IC completes Substation Construction		Day 1200
Construction and testing for ComEd's scope	Day 1200	Day 1380
Provide back feed to the IC Customer Facilities		Day 1380

Thank you for your consideration. We would like to move this request along as expeditiously as possible given the impending transition to a new queue format in PJM and the impending deadline of April 11th to sign and securitize the ISA.

Thank you,
Lindsay

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 7th day of June 2023.

/s/ Abraham F. Johns III
Abraham F. Johns III