

146 FERC ¶ 61,003
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Cheryl A. LaFleur, Acting Chairman;
Philip D. Moeller, John R. Norris,
and Tony Clark.

PJM Interconnection, L.L.C.

Docket No. ER14-952-000

ORDER GRANTING WAIVER

(Issued January 6, 2014)

1. On January 3, 2014, PJM Interconnection, L.L.C. (PJM) filed a request for temporary waiver—from January 4, 2014 to January 10, 2014—of provisions of the Amended and Restated Operating Agreement of PJM Interconnection, L.L.C. (Operating Agreement). The requested waiver is to permit PJM to utilize, during the present extreme weather conditions, the additional communication tools provided for in the Commission’s Order No. 787¹ to allow PJM to share certain non-public, operational information with interstate natural gas pipelines serving PJM-member generation, in order to ensure reliability. PJM requests expedited relief. As discussed below, the Commission finds good cause to grant the requested waiver, and, in light of the immediacy of the extreme weather conditions, to do so on an expedited basis.

Background and Details of the Filing

2. In Order No. 787, the Commission revised its regulations to provide explicit authority to interstate natural gas pipelines and public utilities that own, operate, or control facilities used for the transmission of electric energy in interstate commerce to share non-public, operational information with each other for the purpose of promoting reliable service or operational planning on either the public utility’s or pipeline’s system. Order No. 787 also prohibited recipients of non-public, operational information pursuant to that rule from subsequently disclosing that information to third parties or marketing function employees. This rule became effective on December 23, 2013.²

¹ *Communication of Operational Information Between Natural Gas Pipelines and Electric Transmission Operators*, Order No. 787, 145 FERC ¶ 61,134 (2013). See 18 C.F.R. § 284.12(b)(4) (2013), available at: <http://www.ecfr.gov/cgi-bin/text-idx?SID=69540811863daf150c7c9183a2e9a309&node=18:1.0.1.9.54.1.26.12&rgn=div8>.

² 78 Fed. Reg. 70,164 (2013).

3. In its filing, PJM states that, while it has initiated a stakeholder process to propose tariff revisions to share non-public operational information with interstate natural gas pipelines consistent with Order No. 787, section 18.17.1 of its Operating Agreement currently prohibits PJM from disclosing, without prior authorization, to its members or third parties, any confidential or market sensitive documents, data, or other information of a member.³

4. PJM explains that extreme weather conditions forecasted from January 4, 2014 until January 10, 2014 require unit-specific review between applicable pipelines and PJM of the day-ahead unit commitment to ensure that adequate supplies of natural gas to the proposed committed units, and thus the units' availability, can be confirmed.⁴ PJM states that the forecasted weather conditions are especially problematic because they represent over seven days of sustained extremely cold weather which not only can tax generating equipment but can lead to increased natural gas curtailments, thereby impacting reliability. Accordingly, PJM requests that the Commission provide expedited relief by granting a temporary waiver of the prohibition in section 18.17.1 of the Operating Agreement, effective January 4, 2014 until January 10, 2014, so as to allow it to share specific generator commitment schedules with interstate natural gas pipeline operators in the PJM Region.

Discussion

5. In light of the immediacy of the extreme weather conditions, and the Commission's issuance of Order No. 787, the Commission finds good cause for expeditiously granting the requested waiver of the prohibition in section 18.17.1 of the Operating Agreement.⁵ The waiver is limited in time from January 4, 2014 until January 10, 2014, when the end of the period of severe weather is forecasted to occur, and addresses the reliability concerns posed by the sustained extreme weather currently being experienced in the PJM Region. Granting the requested waiver is also consistent with Order No. 787, which authorized interstate natural gas pipelines and public utilities that own, operate, or control facilities used for the transmission of electric energy in

³ PJM Operating Agreement, section 18.17.1, Party Access (4.1.0).

⁴ PJM states that, for example, temperatures in Philadelphia are projected to be as low as -1 degree, while cities such as Cleveland, Ohio, and Chicago are expected to be as low as -17 degrees and -15 degrees respectively.

⁵ See *Entergy Serv., Inc.*, 124 FERC ¶ 61,226, at PP 7-9 (2008). See also *State of Ca. ex rel. Lockyer v. F.E.R.C.*, 329 F.3d 700, 710-11 (9th Cir. 2003); *Stingray Pipeline Co., L.L.C.*, 113 FERC ¶ 61,147, at P 7 (2005); *Southern Natural Gas Co.*, 113 FERC ¶ 61,218, at PP 8-9 (2005).

interstate commerce to share non-public, operational information with each other for the purpose of promoting reliability.

The Commission orders:

PJM's request for waiver of section 18.17.1 of the Operating Agreement from January 4, 2014 to January 10, 2014 is hereby granted, as discussed in the body of this order.

By the Commission.

(S E A L)

Kimberly D. Bose,
Secretary.