

129 FERC ¶ 61,177  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Jon Wellinghoff, Chairman;  
Sudeen G. Kelly, Marc Spitzer,  
and Philip D. Moeller.

PJM Interconnection, L.L.C.

Docket No. OA08-32-004

ORDER ON REQUEST FOR CLARIFICATION OR REHEARING

(Issued November 24, 2009)

1. In this order the Commission dismisses as moot Old Dominion Electric Cooperative's (ODEC's) request for clarification or, in the alternative, rehearing of the Commission's May 21, 2009 order,<sup>1</sup> which accepted as modified PJM Interconnection, L.L.C.'s (PJM's) compliance filing pursuant to the Commission's May 15, 2008 order<sup>2</sup> and Order No. 890.<sup>3</sup>

**Background**

2. In Order No. 890, the Commission reformed the *pro forma* Open Access Transmission Tariff (OATT) to clarify and expand the obligations of transmission providers to ensure that transmission service is provided on a non-discriminatory basis. To remedy the potential for undue discrimination in planning activities, the Commission directed all transmission providers to develop a transmission planning process that satisfies nine principles,<sup>4</sup> or make a compliance filing describing how their existing

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<sup>1</sup> *PJM Interconnection, L.L.C.*, 127 FERC ¶ 61,166 (2009) (May 21, 2009 Order).

<sup>2</sup> *PJM Interconnection, L.L.C.*, 123 FERC ¶ 61,163 (2008) (May 15, 2008 Order).

<sup>3</sup> *Preventing Undue Discrimination and Preference in Transmission Service*, Order No. 890, FERC Stats. & Regs. ¶ 31,241, *order on reh'g*, Order No. 890-A, FERC Stats. & Regs. ¶ 31,261 (2007), *order on reh'g*, Order No. 890-B, 123 FERC ¶ 61,299 (2008), *order on reh'g*, Order No. 890-C, 126 FERC ¶ 61,228 (2009).

<sup>4</sup> The nine planning principles each transmission provider was directed by Order No. 890 to address in its Attachment K planning process are: (1) coordination; (2) openness; (3) transparency; (4) information exchange; (5) comparability; (6) dispute resolution; (7) regional participation; (8) economic planning studies; and (9) cost allocation for new projects.

process is consistent with or superior to the *pro forma* OATT, as modified by Order Nos. 890 and 890-A.<sup>5</sup> In response, PJM filed revisions to Schedule 6 of its Operating Agreement to comply with the nine planning principles and other requirements of Order No. 890. In the May 15, 2008 Order, the Commission accepted PJM's filing subject to further compliance filings.

3. In the May 21, 2009 Order, the Commission accepted as modified further revisions to Schedule 6 of PJM's Operating Agreement and directed PJM to address certain discrete issues in a further compliance filing. The Commission stated that it would remain interested in the development of transmission planning processes, that it would continue to examine the adequacy of the processes accepted to date, and that it intended to convene regional technical conferences later in the year to determine if further refinements to these processes are necessary.<sup>6</sup>

4. The Commission held a technical conference on the transmission planning processes in the region that encompasses PJM on September 21, 2009.

#### **Request for Clarification or Rehearing**

5. On June 22, 2009, ODEC filed a request for clarification or, in the alternative, rehearing, that the regional technical conferences on transmission planning processes announced in the May 21, 2009 Order would include all aspects of transmission planning, including local and economic-based transmission planning. ODEC states that the Commission has made clear that the transmission planning process must encompass both reliability and economic considerations.<sup>7</sup> Thus, according to ODEC, any technical conference on transmission planning processes must be open to considerations of economic-based transmission planning. ODEC states that it would be useful for the Commission to have Transmission Providers provide data regarding the amount of transmission that has been built under the various economic planning processes, as well as how much has been planned under the economic planning process.

6. ODEC states that the Commission has similarly made clear that local transmission planning is part of the Order No. 890 transmission planning process,<sup>8</sup> and thus, the regional technical conferences must also include a review of local transmission planning,

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<sup>5</sup> See Order No. 890, FERC Stats. & Regs. ¶ 31,241 at P 439; Order No. 890-A, FERC Stats. & Regs. ¶ 31,261 at P 174-75.

<sup>6</sup> May 21, 2009 Order, 127 FERC ¶ 61,166 at P 12.

<sup>7</sup> Citing Order No. 890 at P 542.

<sup>8</sup> Citing Order No. 890 at P 440.

in order to ensure that the PJM transmission planning process meets the goals of Order No. 890. ODEC states that data on the number of Supplemental Transmission Projects that have been incorporated by Transmission Owners in the PJM region would be useful in assessing whether PJM's Regional Transmission Expansion Plan process is encompassing all of the needs for local transmission, or if many of the needs are only being addressed through Supplemental Projects that are Transmission Owner determined and controlled.

7. ODEC states that to the extent the Commission intended by the May 21, 2009 Order to exclude these two aspects from the upcoming regional transmission planning technical conferences, the Commission failed to engage in reasoned decision-making by departing from the precedent of Order No. 890 and the PJM compliance orders, without providing any explanation for its decision.

### **Commission Determination**

8. Because the technical conference has already taken place, we dismiss as moot ODEC's request for clarification or rehearing of the May 21, 2009 Order. We note that the subject matter of the regional technical conferences was broadly defined, and ODEC had the opportunity to participate and, in fact, did participate in the technical conference relevant to PJM.<sup>9</sup> We also note that to the extent ODEC wishes to raise additional concerns it has until December 18, 2009, to file post-technical conference comments.<sup>10</sup>

### **The Commission orders:**

ODEC's request for clarification is dismissed as moot.

By the Commission.

( S E A L )

Nathaniel J. Davis, Sr.,  
Deputy Secretary.

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<sup>9</sup> See Docket No. AD09-8-000, Transmission Planning Processes Under Order No. 890, Notice Announcing Panelists And Final Agenda For The September 21, 2009 Technical Conference In Philadelphia, Pennsylvania, Issued September 11, 2009.

<sup>10</sup> See Docket No. AD09-8-000, Transmission Planning Processes Under Order No. 890, Notice Granting Extension of Time, Issued October 30, 2009.