

142 FERC ¶ 61,158
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

February 28, 2013

In Reply Refer To:
Green Energy Partners/Stonewall LLC
Docket No. ER13-883-000

Kristin Meikle
Bechtel Enterprises Holdings, Inc.
12011 Sunset Hills Rd., Ste. 110
Reston, VA 20190

PJM Interconnection, L.L.C.
955 Jefferson Avenue
Norristown, PA 19403

Dear Ms. Meikle:

1. On February 4, 2013, Green Energy Partners/Stonewall LLC (Stonewall) filed a request for limited waiver of sections 5.14(h)(5)(i) and (iv) of Attachment DD to PJM Interconnection, L.L.C.'s (PJM) Open Access Transmission Tariff (Tariff),¹ which PJM does not oppose. Specifically, Stonewall seeks a one-time waiver of the deadline for requesting an exemption from the Minimum Offer Price Rule (MOPR).² As discussed below, we will grant Stonewall's request for limited waiver.

2. Stonewall states that it is developing a 750 MW, gas-fired combined-cycle electric power generation facility in Loudon County, VA, an unconstrained zone of PJM in which

¹ PJM OATT Attachment DD, sections 5.14(h)(5)(i) and (iv), Clearing Prices and Charges (7.1.0).

² The MOPR was implemented in 2006 as part of PJM's capacity market to address the concern that certain resources seeking to participate in the market might have an incentive to suppress market clearing prices by offering supply at less than a competitive level. See *PJM Interconnection, L.L.C.*, 117 FERC ¶ 61,331, at P 103 (2006).

the currently effective MOPR does not apply. Stonewall states that, in mid-December 2012, it began discussing with PJM its participation in the May 2013 Base Residual Auction (BRA). Stonewall explains that, because it was not yet a PJM member, it was unaware that the January 13, 2013 deadline for submitting a MOPR exemption request would apply to it given PJM's pending proposal to expand the MOPR to the entire footprint of the Regional Transmission Organization in Docket No. ER13-535-000.

3. Accordingly, Stonewall requests waiver of section 5.14(h)(5)(i) of Attachment DD to the Tariff, which requires a request for a MOPR exemption to be submitted no later than 120 days prior to the commencement of the offer period for the BRA. Stonewall also requests waiver of the additional deadlines in section 5.14(h)(5)(iv) for PJM and the Independent Market Monitor (IMM) to act on such a request, to the extent necessary.³

4. Stonewall argues that good cause exists to grant its request because: (1) its failure to meet the January 13, 2013 deadline to seek a MOPR exemption was not intentional, (2) its request is limited in scope in that it relates solely to procedural deadlines and does not extend to waivers or rulings related to the substantive merits of the requested exemption, (3) the waiver addresses a concrete problem of a procedural barrier to entry to a new resource in PJM, and (4) granting the request will not have undesirable consequences or harm third parties.

5. Stonewall requests that the Commission issue an order by February 28, 2013, so that its request for a MOPR exemption can be processed in time for the May 2013 BRA. Stonewall commits to cooperate closely with PJM and the IMM regarding the efficient processing of its request.

³ “The Market Monitoring Unit shall review the information and documentation in support of the request and shall provide its findings...no later than ninety (90) days prior to the commencement of the offer period for such auction. The Office of the Interconnection shall also review all exception requests and documentation and shall provide in writing to the Capacity Market Seller and the Market Monitoring Unit its determination whether the requested Sell Offer is acceptable and if not it shall calculate and provide to such Capacity Market Seller, a minimum Sell Offer based on the data and documentation received, by no later than sixty-five (65) days prior to the commencement of the offer period for the relevant RPM Auction. If the Office of the Interconnection determines that the requested Sell Offer is acceptable, the Capacity Market Seller shall notify the Market Monitoring Unit and the Office of the Interconnection, in writing, of the minimum level of Sell Offer to which it agrees to commit by no later than sixty (60) days prior to the commencement of the offer period for the relevant RPM Auction.” PJM OATT, Attachment DD, section 5.14(h)(5)(iv), Clearing Prices and Charges (7.1.0).

6. Notice of Stonewall's February 4, 2013 filing was published in the *Federal Register*, 78 Fed. Reg. 9904 (2013), with protests or interventions due on or before February 11, 2013. PJM did not oppose the request for waiver, and no protests were filed.

7. We find that good cause exists to grant Stonewall's request for waiver of the deadline for seeking an exemption under the MOPR, found in section 5.14(h)(5)(i) of the Tariff. Because granting this waiver may affect the procedural deadlines described in section 5.14(h)(5)(iv), we also grant waiver of these deadlines to the extent PJM or the IMM find it necessary. Stonewall's failure to meet the deadline for submitting a request for an exemption appears to have been unintentional and in good faith. Stonewall's request is also a one-time request limited solely to procedural deadlines and does not relate to the substantive merits of a request for exemption from the MOPR. Granting the requested waiver will allow Stonewall the opportunity to seek a MOPR exemption and will not have undesirable consequences or harm third parties. Accordingly, we will grant the requested waiver.

By direction of the Commission.

Kimberly D. Bose,
Secretary.