

146 FERC ¶ 61,030
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426

January 16, 2014

In Reply Refer To:
PJM Interconnection, L.L.C.
Docket No. ER13-198-002

PJM Interconnection, L.L.C.
Attn: Ms. Pauline Foley
Assistant General Counsel
955 Jefferson Avenue
Norristown, PA 19403

Dear Ms. Foley:

1. On October 25, 2012, you filed, on behalf of PJM Interconnection, L.L.C. (PJM), pursuant to section 206 of the Federal Power Act (FPA),¹ in Docket No. ER13-198-000, revisions to the PJM Operating Agreement, as well as conforming revisions to the PJM Open Access Transmission Tariff (OATT), to comply with the regional transmission planning and cost allocation requirements of Order No. 1000.² However, as part of this filing, PJM made conflicting requests regarding the effective date and implementation of its proposed revisions.³ First, PJM requested an effective date for its proposed revisions that coincides with the first 12-month and 24-month planning cycle after issuance of a Commission order on the first compliance filing. Second, PJM stated that it will implement its complete set of revisions in the next full 12-month or 24-month planning

¹ 16 U.S.C. § 824e (2012).

² *Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities*, Order No. 1000, FERC Stats. & Regs. ¶ 31,323 (2011), *order on reh'g*, Order No. 1000-A, 139 FERC ¶ 61,132, *order on reh'g*, Order No. 1000-B, 141 FERC ¶ 61,044 (2012).

³ PJM, Compliance Filing, Docket No. ER13-198-000, at 81 & n.227 (filed Oct. 25, 2012).

cycle following a final Commission order approving the first compliance filing and any associated subsequent compliance filings. Third, PJM requested and consented to the Commission replacing its placeholder effective date submitted in eTariff with the actual effective date determined by the Commission.

2. On March 22, 2013, in *PJM Interconnection, L.L.C.*, 142 FERC ¶ 61,214 (2013) (First Compliance Order), the Commission accepted PJM's proposal to make the proposed OATT revisions effective at the start of the next full 12-month and 24-month planning cycles following the date of the order, noting that PJM made conflicting requests regarding the proposed effective date. The Commission directed PJM to submit a compliance filing establishing a date certain that coincides with the start of the next full 12-month or 24-month planning cycle during which PJM's proposed revisions will be effective or providing an alternative proposed effective date to coincide with a full 12-month and 24-month planning cycle and explaining why the alternative proposed effective date is appropriate.⁴

3. On July 22, 2013, you submitted, on behalf of PJM, a January 1, 2014 effective date, stating that this date coincides with the beginning of the next 12-month and 24-month planning cycle following issuance of the First Compliance Order (July 22 Filing).⁵

4. Notice of the July 22 Filing was published in the *Federal Register*, 78 Fed. Reg. 45,920 (2013), with interventions and protests due on or before August 21, 2013. A number of timely comments or protests were filed; however, no comments or protests were filed regarding PJM's proposed January 1, 2014 effective date.

5. The Commission notes that a question has been raised in a proceeding pending before the United States Court of Appeals for the District of Columbia Circuit regarding PJM's Order No. 1000 compliance effective date.⁶ The Commission finds that PJM's proposed effective date of January 1, 2014 complies with the Commission's directive in the First Compliance Order. Therefore, while the Commission will address PJM's

⁴ First Compliance Order, 142 FERC ¶ 61,214 at PP 32, 34.

⁵ PJM July 22 Filing at 2-3.

⁶ January 9, 2014 Letter Pursuant to Federal Rule of Appellate Procedure 28(j), *Pub. Serv. Elec. & Gas Co. v. FERC*, No. 12-1382 (D.C. Cir. argued Jan. 7, 2014).

proposed revisions to its OATT and Operating Agreement, including the comments and protests, submitted in this proceeding in a future order, PJM's compliance with Order No. 1000 is effective January 1, 2014.

By direction of the Commission.

Kimberly D. Bose,
Secretary.