

154 FERC ¶ 61,136
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426

February 25, 2016

In Reply Refer To:
PJM Interconnection, L.L.C. and
American Transmission Systems, Inc.
Docket No. ER12-2399-005

Stinson Leonard Street LLP
1775 Pennsylvania Ave., NW, Suite 800
Washington, DC 20006

Attention: Adrienne E. Clair

Dear Ms. Clair:

1. On August 3, 2012, PJM Interconnection, L.L.C. (PJM) filed, on behalf of FirstEnergy Service Company (FirstEnergy) and FirstEnergy's affiliated electric distribution companies, pursuant to section 205 of the Federal Power Act,¹ revisions to Attachments M-1 and M-2 of PJM's Open Access Transmission Tariff. On October 2, 2012, the Commission accepted and suspended the proposed revisions to Attachments M-1 and M-2, to be effective August 3, 2012, subject to refund, and established hearing and settlement judge procedures.² The hearing addressed issues raised by Old Dominion Electric Cooperative (ODEC) that pertain to the application of the proposed revisions to Attachments M-1 and M-2 as they relate to ODEC and certain ODEC load. An Initial Decision was issued July 15, 2014.³

¹ 16 U.S.C. §824(d) (2012).

² *PJM Interconnection, L.L.C.*, 141 FERC ¶ 61,009 (2012).

³ *PJM Interconnection, L.L.C.*, 148 FERC ¶ 63,003 (2014).

2. In Opinion No. 543, the Commission affirmed, as just and reasonable, the Initial Decision's determination that an Attachment M-1 and an Attachment M-2 should apply to ODEC and ODEC load and should contain provisions for a loss factor.⁴ The Commission accepted the August 3, 2012 filing in Docket No. ER12-2399-000, subject to condition, as discussed in the Opinion.⁵ The Commission directed FirstEnergy to refile Attachments M-1 and M-2, as filed on August 3, 2012, as applicable to ODEC and ODEC load, in a compliance filing, with revisions that comply with the determinations discussed in Opinion No. 543.⁶

3. On December 14, 2015, FirstEnergy filed a motion for extension of time to make the compliance filing directed by Opinion No. 543. FirstEnergy explained that it was negotiating new business arrangements with ODEC to address the manner in which Attachments M-1 and M-2 will apply to ODEC and ODEC load, and incorporating the principles in Opinion No. 543. FirstEnergy stated that the compliance filing will also address other significant matters such as updating the parties' interconnection agreement and various settlements issues. A notice granting an extension of time to and including April 21, 2016 was issued December 17, 2015.

4. On December 16, 2015, ODEC filed a request for clarification, or, in the alternative, rehearing of Opinion No. 543.⁷ ODEC requested that the Commission affirmatively confirm that FirstEnergy, on behalf of its affiliated electric distribution companies, is required to comply with the Commission's directives in Opinion No. 543 as of August 3, 2012. ODEC noted that FirstEnergy authorized ODEC to state that it supports the request for clarification or rehearing.

⁴ *PJM Interconnection, L.L.C.*, Opinion No. 543, 153 FERC ¶ 61,216 (2015).

⁵ The Commission explained that revised versions of Attachments M-1 and M-2, which were filed by FirstEnergy pursuant to a partial settlement reached among FirstEnergy and all parties except ODEC, and approved by the Commission, do not apply to ODEC. Opinion No. 543 at P 18. *PJM Interconnection, L.L.C.*, 144 FERC ¶ 61,240 (2013).

⁶ Opinion No. 543 at PP 2, 17-18, 87.

⁷ A tolling order was issued January 13, 2016.

5. We grant ODEC's request for clarification. When FirstEnergy makes its compliance filing, the revised tariff provisions should be made effective August 3, 2012, the same date as the tariff provisions accepted by the Commission.

By direction of the Commission.

Nathaniel J. Davis, Sr.,
Deputy Secretary.