

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

PJM Interconnection, L.L.C.	)))	Docket No. ER26-313-000
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PROTEST OF THE INDEPENDENT MARKET MONITOR FOR PJM

Pursuant to Rule 211 of the Commission’s Rules and Regulations,¹ Monitoring Analytics, LLC, acting in its capacity as the Independent Market Monitor (“Market Monitor”) for PJM Interconnection, L.L.C. (“PJM”), submits this protest to the filing initiating this proceeding submitted by PJM on October 29, 2025 (“October 29th Filing”).² The October 29th Filing requests that the Commission waive PJM rules for assigning capacity interconnection rights (“CIRs”) and assign 148 MW of CIRs to Susquehanna Nuclear, LLC’s (“Susquehanna”) Unit 1, owned by Talen Energy (“Talen”). Under the filed rules Susquehanna surrendered these 148 MW of CIRs, making those CIRs available to all parties seeking to interconnect new generation capacity. The filed rules provide that Susquehanna must enter the queue to obtain CIRs just like all other parties. PJM’s waiver seeks to retroactively reverse Susquehanna’s decision to relinquish some of its CIRs and to preferentially assign them to Susquehanna. There is no reason to set aside the rules in order to provide Susquehanna with unfair preferential treatment. The request for waiver fails to satisfy the criteria for a waiver and should be denied.³

¹ 18 CFR § 385.211 (2025).

² Capitalized terms used herein and not otherwise defined have the meaning used in the PJM Open Access Transmission Tariff (“OATT”).

³ *See, e.g., Empire Dist. Elec. Co.*, 166 FERC ¶ 61,164 (2019) (“The Commission has granted waiver of tariff provisions where: (1) the applicant acted in good faith; (2) the waiver is of limited scope; (3)

In the alternative, PJM requests (at 7–8) that the Commission provide relief under Section 309 of the Federal Power Act. PJM provides no justification for the Commission’s exercise of such authority. PJM misstates the results of PJM following the CIR rules in this matter. No action should be taken under Section 309 of the Federal Power Act.

I. COMMENTS

A. No Good Faith Is Shown.

PJM has not shown that it has acted in good faith. As an independent Regional Transmission Organization PJM “must be independent of any market participant.”⁴ By requesting a retroactive waiver of its rule to reverse Susquehanna’s decision to relinquish some of its CIRs, PJM singles out a Market Participant for preferential treatment that is inconsistent with independence.

PJM does not explain why PJM files this waiver request rather than Talen. PJM’s filing is replete with vague statements like: “PJM understands that this 148 MW of load will become Network Load effective June 1, 2026, ...” If PJM does not know the facts, it should wait until it does know the facts, prior to filing a waiver request. Or, better, it should allow the participant with a direct interest in the matter and knowledge of the facts to submit the request on its own behalf. The October 28th Filing fails to demonstrate the factual basis for the assertion (at 2, 5–7) that 148 MW of load will become Network Load.

In fact, up to this point, Talen has not formally submitted a request for PJM to reinstate the 148 MW of CIRs that Talen surrendered. In order for Talen to do that, it would have to join the interconnection queue like any other generation resource.

the waiver addresses a concrete problem; and (4) the waiver does not have undesirable consequences, such as harming third parties.”); *see also* October 29th Filing at 5.

⁴ 18 CFR § 35.34(j)(1).

B. No Limited Scope Is Shown

PJM has not shown that the waiver is of limited scope. PJM does not indicate whether it plans to file to request retroactive waiver of its CIR rules whenever a Market Participant seeks to reverse a decision to relinquish CIRs. The impact is also unlimited as it affects every other project with a senior position in the queue. The waiver is only needed to the extent that there are participants with senior positions who would receive some or all of the relinquished CIRs. PJM's request is of unlimited scope because PJM requests "any other necessary waivers" needed. In other words, PJM requests that FERC waive any rule that would prevent PJM from giving Talen preferential treatment in the interconnection process.

C. No Concrete Problem Is Shown.

PJM has not shown that granting the relief requested in the waiver request will address a concrete problem.⁵ PJM seeks to retroactively reverse Susquehanna's decision to relinquish some of its CIRs and excuse it from entering the queue along with other market participants, presumably because if the current rules applied, other Market Participants would have the opportunity to be assigned the CIRs. As the Commission has repeatedly explained, "Simply having to follow [the] Tariff requirements . . . is not a concrete problem that warrants waiver of the Tariff's requirements."⁶ The October 29th Filing does not include a showing of a concrete problem required to support the extraordinary relief of waiving the applicable market rules.

⁵ See *Midcontinent Independent System Operator, Inc., et al.*, 192 FERC ¶ 61,004 at P 21 (2025) ("[W]e find that the waiver request does not address a concrete problem because Filing Parties have not shown that expanding the study scope would address the problem the Filing Parties have identified."); *Oxbow Solar, LLC*, 191 FERC ¶ 61,057 at P 28 (2025) ("Given the absence of a detailed explanation in the record of how the 24-month extension will allow Oxbow Solar to secure financing and achieve commercial operation, we find that Oxbow Solar has failed to sufficiently demonstrate that its waiver request will remedy a concrete problem.").

⁶ *Erie Power, LLC*, 148 FERC ¶ 61,038 at P 20 (2014), quoted in *Midcontinent Independent System Operator, Inc., et al.*, 192 FERC ¶ 61,004 at P 21 (2025).

The October 29th Filing does not show that granting the waiver is necessary to avoid any adverse impact on prices in future BRAs, to system reliability, resource adequacy or national security.

PJM attempts to identify a problem, stating (at 2) that granting a waiver means “... essentially moot[ing] the need to shed these CIRs and depriving the PJM Region of capacity already connected and dispatchable.” It is not clear what legal standard or tariff requirement requires that specific facts “essentially moot” anything or even what that term means. The CIRs are not going to disappear, they will be allocated based on a projects’ position in queue under the tariff defined process.

PJM asserts (at 2): “Due to the timing and the structure of the case build process, the 148 MW of CIR reductions have not yet been realized in the planning models.” This means that PJM has not made these CIRs, returned to PJM at least two years ago, available to those in the interconnection queue. Given the timing of Talen’s decision to relinquish the CIRs and all the discussions about the significance of relinquishing the CIRs, and given the backlog in the queue process and PJM’s special actions (e.g. RRI) to provide CIRs to those in the queue, it is quite surprising that PJM has not made the CIRs available to other market participants.⁷ PJM has not provided an adequate or even a well explained reason that the rules have not been properly applied.

PJM states (at 2): “For the benefit of ratepayers and reliability given tightening system conditions,[footnote omitted] granting the Waiver Request will confirm that these 148 MW of CIRs can be restored and made available to participate in the Base Residual Auction (“BRA”) for the 2027/2028 Delivery Year scheduled for December 2025 and in the Third Incremental Auction for the 2026/2027 Delivery Year scheduled for February 2026

⁷ See “Reliability Resource Initiative Results Summary,” PJM presentation to the Planning Committee. (May 6, 2022) <<https://www.pjm.com/-/media/DotCom/committees-groups/committees/pc/2025/20250506/20250506-item-06---reliability-resource-initiative---summary-results.pdf>>.

(and other subsequent auctions).” It is not clear what PJM is trying to say. There is no defined process to “restore” CIRs that were given up. The actual generation capability is not changing and will continue to serve PJM load, regardless of whether or not the request for waiver is granted. The reliability of the PJM grid is not at issue in this case. Given PJM’s stated concerns, it is not clear why PJM did not ensure that these CIRs were used to provide additional capacity in the intervening years.

No concrete problem has been identified. A clear outcome if this waiver is granted is that Susquehanna Unit 1 would be allowed to sell the AUCAP equivalent of the additional 148 MW of ICAP in the capacity auctions and receive additional capacity revenues. This does not solve a reliability problem or a supply shortage problem. In reality, these MW are available and are producing energy and will continue to do so. Talen already has an incentive to provide energy when needed. Every other resource in the interconnection queue would like to receive additional capacity revenues. Every other resource in the interconnection queue would like to receive a waiver of the interconnection queue rules or “any other necessary waivers.”

D. Granting the Waiver Would Have Undesirable Consequences, Including Harm to Third Parties.

PJM has not shown that the waiver does not have undesirable consequences, such as harming third parties. Granting the waiver would harm other Market Participants who would have priority access to CIRs based on their queue position. It would be unjust, unreasonable and unduly discriminatory to retroactively change the rules so that Susquehanna can jump the queue ahead of other potential claimants to the CIRs.

Talen, with the agreement and support of PJM, made a business decision to relinquish some of the CIRs for Susquehanna in the hopes of a more profitable result. The decision did not work out as anticipated. It would provide the wrong market signal to other actual and potential market participants to allow Talen to reverse its decision in a manner that does not follow the PJM rules.

As PJM has not shown that it meets any of the criteria to support a waiver, the request for waiver should be denied.

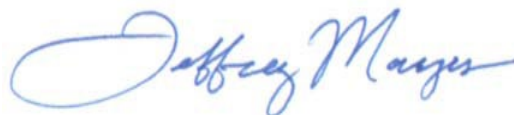
E. There Is No Reason for the Commission to Exercise Its Discretionary Authority Under Section 309.

PJM requests (at 7–8), in the alternative, that the Commission exercise its broad remedial authority under Section 309 of the Federal Power Act.⁸ PJM does not identify a problem that requires remediation. PJM provides no justification for the Commission’s exercise of such authority. The capacity is not leaving the system. The reliability of the system is not affected. The assertions about national security are not correct. No discretionary action should be taken under Section 309 of the Federal Power Act.

II. CONCLUSION

The Market Monitor respectfully requests that the Commission afford due consideration to these comments as the Commission resolves the issues raised in this proceeding.

Respectfully submitted,



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⁸ 16 U.S.C. § 825h.

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Dated: November 10, 2025

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated at Eagleville, Pennsylvania,
this 10th day of November, 2025.



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