

Demand Response

Markets require both a supply side and a demand side to function effectively. The demand side of wholesale electricity markets is underdeveloped. Wholesale power markets will be more efficient when the demand side of the electricity market becomes fully functional without depending on special programs as a proxy for full participation.

Overview

- **Demand Response Activity.** Demand response activity includes economic demand response (economic resources), emergency and pre-emergency demand response (demand resources), synchronized reserves and regulation. Economic demand response participates in the energy market. Emergency and pre-emergency demand response participates in the capacity market and energy market.¹ Demand response resources participate in the Synchronized Reserve Market. Demand response resources participate in the Regulation Market.

In the first three months of 2019, total demand response revenue increased by \$28.4 million, 21.8 percent, from \$130.2 million in the first three months of 2018 to \$158.6 million in the first three months of 2019. Emergency demand response revenue accounted for 99.1 percent of all demand response revenue, economic demand response for 0.1 percent, demand response in the Synchronized Reserve Market for 0.4 percent and demand response in the regulation market for 0.4 percent.

Total emergency demand response revenue increased by \$30.2 million, 23.8 percent, from \$127.0 million in the first three months of 2018 to \$157.3 million in the first three months of 2019. This increase consisted entirely of capacity market revenue.²

Economic demand response revenue decreased by \$0.7 million, 75.2 percent, from \$1.0 million in the first three months of 2018 to \$0.2 million in the first three months of 2019.³ Demand response revenue in

the Synchronized Reserve Market decreased by \$0.8 million, 58.7 percent, from \$1.4 million in the first three months of 2018 to \$0.6 million in the first three months of 2019. Demand response revenue in the regulation market decreased by \$0.3 million, 34.8 percent, from \$0.9 million in the first three months of 2018 to \$0.6 million in the first three months of 2019.

- **Demand Response Energy Payments are Uplift.** Energy payments to emergency and economic demand response resources are uplift. LMP does not cover energy payments although emergency and economic demand response can and does set LMP. Energy payments to emergency demand resources are paid by PJM market participants in proportion to their net purchases in the real-time market. Energy payments to economic demand resources are paid by real-time exports from PJM and real-time loads in each zone for which the load-weighted average real-time LMP for the hour during which the reduction occurred is greater than or equal to the net benefits test price for that month.⁴
- **Demand Response Market Concentration.** The ownership of economic demand response resources was highly concentrated in 2018 and the first three months of 2019. The HHI for economic resource reductions increased by 571 points from 7541 in 2018 to 8112 in the first three months of 2019. The ownership of emergency demand response resources was moderately concentrated in the first three months of 2019. The HHI for emergency demand response committed MW was 1433 for the 2017/2018 Delivery Year and 1922 for the 2018/2019 Delivery Year. In the 2017/2018 Delivery Year, the four largest companies owned 69.6 percent of all committed emergency demand response MW. In the 2018/2019 Delivery Year, the four largest companies owned 77.9 percent of all committed emergency demand response MW.
- **Limited Locational Dispatch of Demand Resources.** Beginning with the 2014/2015 Delivery Year, demand resources are dispatchable for mandatory reductions on a subzonal basis, defined by zip codes, but only if the subzone is defined at least one day before it is dispatched and only until PJM removes the definition of the subzone. Nodal dispatch of demand

¹ Emergency demand response refers to both emergency and pre-emergency demand response. With the implementation of the Capacity Performance design, there is no functional difference between the emergency and pre-emergency demand response resource.

² The total credits and MWh numbers for demand resources were calculated as of April 22, 2019 and may change as a result of continued PJM billing updates.

³ Economic credits are synonymous with revenue received for reductions under the economic load response program.

⁴ "PJM Manual 28: Operating Agreement Accounting," § 11.2.2, Rev. 81 (Oct. 25, 2018).

resources in a nodal market would improve market efficiency. The goal should be nodal dispatch of demand resources with no advance notice required, as is the case for generation resources. With full implementation of the Capacity Performance rules in the capacity market starting with the 2020/2021 Delivery Year, PJM will be able to individually dispatch demand resources with no advanced notice although PJM does not know the nodal location of demand resources.

Recommendations

The MMU recognizes that PJM incorporated some of the recommendations related to demand response in the Capacity Performance filing. The status of each recommendation reflects the status at March 31, 2019.

- The MMU recommends, as a preferred alternative to including demand resources as supply in the capacity market, that demand resources be on the demand side of the markets, that customers be able to avoid capacity and energy charges by not using capacity and energy at their discretion, that customer payments be determined only by metered load, and that PJM forecasts immediately incorporate the impacts of demand side behavior. (Priority: High. First reported 2014. Status: Not adopted.)
- The MMU recommends that the option to specify a minimum dispatch price (strike price) for demand resources be eliminated and that participating resources receive the hourly real-time LMP less any generation component of their retail rate. (Priority: Medium. First reported 2010. Status: Not adopted.)
- The MMU recommends that the maximum offer for demand resources be the same as the maximum offer for generation resources. (Priority: Medium. First reported 2013. Status: Not adopted.)
- The MMU recommends that the demand resources be treated as economic resources, responding to economic price signals like other capacity resources. The MMU recommends that demand resources not be treated as emergency resources, not trigger a PJM emergency and not trigger a Performance Assessment Interval. (Priority: High. First reported 2012. Status: Not adopted.)
- The MMU recommends that the Emergency Program Energy Only option be eliminated because the opportunity to receive the appropriate energy market incentive is already provided in the economic program. (Priority: Low. First reported 2010. Status: Not adopted.)
- The MMU recommends that, if demand resources remain in the capacity market, a daily energy market must offer requirement apply to demand resources, comparable to the rule applicable to generation capacity resources.⁵ (Priority: High. First reported 2013. Status: Not adopted.)
- The MMU recommends that demand resources be required to provide their nodal location, comparable to generation resources. (Priority: High. First reported 2011. Status: Not adopted.)
- The MMU recommends that PJM require nodal dispatch of demand resources with no advance notice required or, if nodal location is not required, subzonal dispatch of demand resources with no advance notice required. (Priority: High. First reported 2015. Status: Not adopted.)
- The MMU recommends that PJM not remove any defined subzones and maintain a public record of all created and removed subzones. (Priority: Low. First reported 2016. Status: Not adopted.)
- The MMU recommends that PJM eliminate the measurement of compliance across zones within a compliance aggregation area (CAA). The multiple zone approach is less locational than the zonal and subzonal approach and creates larger mismatches between the locational need for the resources and the actual response. (Priority: High. First reported 2015. Status: Not adopted.)
- The MMU recommends that measurement and verification methods for demand resources be modified to reflect compliance more accurately. (Priority: Medium. First reported 2009. Status: Not adopted.)
- The MMU recommends that compliance rules be revised to include submittal of all necessary hourly load data, and that negative values be included when calculating event compliance across hours and registrations. (Priority: Medium. First reported 2012. Status: Not adopted.)

⁵ See "Complaint and Motion to Consolidate of the Independent Market Monitor for PJM," Docket No. EL14-20-000 (January 27, 2014) at 1.

- The MMU recommends that PJM adopt the ISO-NE five-minute metering requirements in order to ensure that operators have the necessary information for reliability and that market payments to demand resources be calculated based on interval meter data at the site of the demand reductions.⁶ (Priority: Medium. First reported 2013. Status: Not adopted.)
- The MMU recommends limited, extended summer and annual demand response event compliance be calculated on an hourly basis for noncapacity performance resources and on a five minute basis for all capacity performance resources and that the penalty structure reflect five minute compliance. (Priority: Medium. First reported 2013. Status: Partially adopted.)
- The MMU recommends that load management testing be initiated by PJM with limited warning to CSPs in order to more accurately represent the conditions of an emergency event. (Priority: Low. First reported 2012. Status: Not adopted.)
- The MMU recommends that shutdown cost be defined as the cost to curtail load for a given period that does not vary with the measured reduction or, for behind the meter generators, be the start cost defined in Manual 15 for generators. (Priority: Low. First reported 2012. Status: Not adopted.)
- The MMU recommends that the Net Benefits Test be eliminated and that demand response resources be paid LMP less any generation component of the applicable retail rate. (Priority: Low. First reported 2015. Status: Not adopted.)
- The MMU recommends that the tariff rules for demand response clarify that a resource and its CSP, if any, must notify PJM of material changes affecting the capability of the resource to perform as registered and must terminate or modify registrations that are no longer capable of responding to PJM dispatch directives at defined levels because load has been reduced or eliminated, as in the case of bankrupt and/or out of service facilities. (Priority: Medium. First reported 2015. Status: Not adopted.)
- The MMU recommends that there be only one demand response product in the capacity market, with an obligation to respond when called for any hour of the delivery year. (Priority: High. First reported 2011. Status: Partially adopted.⁷)
- The MMU recommends that the lead times for demand resources be shortened to 30 minutes with an hour minimum dispatch for all resources. (Priority: Medium. First reported 2013. Status: Partially adopted.)
- The MMU recommends setting the baseline for measuring capacity compliance under winter compliance at the customers' PLC, similar to GLD, to avoid double counting. (Priority: High. First reported 2010. Status: Partially adopted.)
- The MMU recommends the Relative Root Mean Squared Test be required for all demand resources with a CBL. (Priority: Low. First reported 2017. Status: Partially adopted.)
- The MMU recommends that PRD be required to respond during a PAI to be consistent with all CP resources. (Priority: High. First reported 2017. Status: Not adopted.)
- The MMU recommends that the limits imposed on the pre-emergency and emergency demand response share of the Synchronized Reserve Market be eliminated. (Priority: Medium. First reported 2018. Status: Not adopted.)
- The MMU recommends that 30 minute pre-emergency and emergency demand response be considered to be 30 minute reserves. (Priority: Medium. First reported 2018. Status: Not adopted.)
- The MMU recommends that energy efficiency MW not be included in the PJM capacity market and that PJM should ensure that the impact of EE measures on the load forecast is incorporated immediately rather than with the existing lag. (Priority: Medium. First reported 2018. Status: Not adopted.)

⁶ See ISO-NE Tariff, Section III, Market Rule 1, Appendix E1 and Appendix E2, "Demand Response," <http://www.iso-ne.com/regulatory/tariff/sect_3/mr1_append-e.pdf>. (Accessed October 17, 2017) ISO-NE requires that DR have an interval meter with five-minute data reported to the ISO and each behind the meter generator is required to have a separate interval meter. After June 1, 2017, demand response resources in ISO-NE must also be registered at a single node.

⁷ PJM's Capacity Performance design requires resources to respond when called for any hour of the delivery year.

Conclusion

A fully functional demand side of the electricity market means that end use customers or their designated intermediaries will have the ability to see real-time energy price signals in real time, will have the ability to react to real-time prices in real time and will have the ability to receive the direct benefits or costs of changes in real-time energy use. In addition, customers or their designated intermediaries will have the ability to see current capacity prices, will have the ability to react to capacity prices and will have the ability to receive the direct benefits or costs of changes in the demand for capacity in the same year in which demand for capacity changes. A functional demand side of these markets means that customers will have the ability to make decisions about levels of power consumption based both on how customers value the power and on the actual cost of that power.

In the energy market, if there is to be a demand side program, demand resources should be paid the value of energy, which is LMP less any generation component of the applicable retail rate. There is no reason to have the net benefits test. The necessity for the net benefits test is an illustration of the illogical approach to demand side compensation embodied in paying full LMP to demand resources. The benefit of demand side resources is not that they suppress market prices, but that customers can choose not to consume at the current price of power, that individual customers benefit from their choices and that the choices of all customers are reflected in market prices. If customers face the market price, customers should have the ability to not purchase power and the market impact of that choice does not require a test for appropriateness.

If demand resources are to continue competing directly with generation capacity resources in the PJM Capacity Market, the product must be defined such that it can actually serve as a substitute for generation. This is a prerequisite to a functional market design. The Capacity Performance demand response product definition in the PJM Capacity Performance capacity market design is a significant step in that direction, although performance obligations are still not identical to other capacity resources. Demand resources do not have a must offer requirement into the day-ahead energy market, are able to offer

above \$1,000 per MWh without providing a fuel cost policy, or any rationale for the offer. PJM automatically triggers a PAI when demand resources are dispatched and demand resources do not have telemetry requirements similar to other Capacity Performance resources.

In order to be a substitute for generation, demand resources should be defined in PJM rules as an economic resource, as generation is defined. Demand resources should be required to offer in the Day-Ahead Energy Market and should be called when the resources are required and prior to the declaration of an emergency. Demand resources should be available for every hour of the year. The fact that PJM currently defines demand resources as emergency resources and the fact that calling on demand resources triggers a performance assessment interval (PAI) under the Capacity Performance design, both serve as a significant disincentive to calling on demand resources and mean that demand resources are underused. Demand resources should be treated as economic resources like any other capacity resource. Demand resources should be called when economic and paid the LMP rather than an inflated strike price up to \$1,849 per MWh that is set by the seller.

In order to be a substitute for generation, demand resources should be subject to robust measurement and verification techniques to ensure that transitional DR programs incent the desired behavior. The methods used in PJM programs today are not adequate to determine and quantify deliberate actions taken to reduce consumption.

In order to be a substitute for generation, demand resources should provide a nodal location and should be dispatched nodally to enhance the effectiveness of demand resources and to permit the efficient functioning of the energy market. Both subzonal and multi-zone compliance should be eliminated because they are inconsistent with an efficient nodal market.

In order to be a substitute for generation, compliance by demand resources with PJM dispatch instructions should include both increases and decreases in load. The current method applied by PJM simply ignores increases in load and thus artificially overstates compliance.

In order to be a substitute for generation, reductions should be calculated hourly for dispatched DR. The current rules use the average reduction for the duration of an event. The average reduction across multiple hours does not provide an accurate metric for each hour of the event and is inconsistent with the measurement of generation resources. Measuring compliance hourly would provide accurate information to the PJM system. Under the new CP rules, the performance of demand response during Performance Assessment Interval (PAI) will be measured on a five-minute basis.

In order to be a substitute for generation, any demand resource and its Curtailment Service Provider (CSP), should be required to notify PJM of material changes affecting the capability of the resource to perform as registered and to terminate or modify registrations that are no longer capable of responding to PJM dispatch directives at the specified level, such as in the case of bankrupt and out of service facilities. Generation resources are required to inform PJM of any change in availability status, including outages and shutdown status.

As a preferred alternative, demand response resources should be on the demand side of the capacity market rather than on the supply side. Rather than detailed demand response programs with their attendant complex and difficult to administer rules, customers would be able to avoid capacity and energy charges by not using capacity and energy at their discretion and the level of usage paid for would be defined by metered usage rather than a complex and inaccurate measurement protocol.

The MMU peak shaving proposal at the Summer-Only Demand Response Senior Task Force (SODRSTF) is an example of how to create a demand side product that is on the demand side of the market and not on the supply side.⁸ The MMU proposal was based on the BGE load forecasting program and Pennsylvania Act 129 Utility Program.⁹ ¹⁰ Under the MMU proposal, participating load would inform PJM prior to an RPM auction of the MW

⁸ See the MMU package within the SODRSTF Matrix, <<http://www.pjm.com/-/media/committees-groups/task-forces/sodrستf/20180802/20180802-item-04-sodrستf-matrix.ashx>>.

⁹ Advance signals that can be used to foresee demand response days, BGE, <<https://www.pjm.com/-/media/committees-groups/task-forces/sodrستf/20180309/20180309-item-05-bge-load-curtailment-programs.ashx>> (Accessed March 6, 2019).

¹⁰ Pennsylvania ACT 129 Utility Program, CPower, <<https://www.pjm.com/-/media/committees-groups/task-forces/sodrستf/20180413/20180413-item-03-pa-act-129-program.ashx>> (Accessed March 6, 2019).

participating, the months and hours of participation and the temperature humidity index (THI) threshold at which load would be reduced. PJM would reduce the load forecast used in the RPM auction based on the designated reductions. Load would agree to curtail demand to at or below a defined FSL, less than the customer PLC, when the THI exceeds a defined level or load exceeds a specified threshold. By relying on metered load and the PLC, load can reduce its demand for capacity and that reduction can be verified without complicated and inaccurate metrics to estimate load reductions. Under PJM's weakened version of the program, performance will be measured under the current economic demand response CBL rules which means relying on load estimates rather than actual metered load.¹¹ PJM's proposal includes only a THI curtailment trigger and not an overall load curtailment trigger.

The long term appropriate end state for demand resources in the PJM markets should be comparable to the demand side of any market. Customers should use energy as they wish and that usage will determine the amount of capacity and energy for which each customer pays. There would be no counterfactual measurement and verification.

Under this approach, customers that wish to avoid capacity payments would reduce their load during expected high load hours. Capacity costs would be assigned to LSEs and by LSEs to customers, based on actual load on the system during these critical hours. Customers wishing to avoid high energy prices would reduce their load during high price hours. Customers would pay for what they actually use, as measured by meters, rather than relying on flawed measurement and verification methods. No M&V estimates are required. No promises of future reductions which can only be verified by M&V are required. To the extent that customers enter into contracts with CSPs or LSEs to manage their payments, M&V can be negotiated as part of a bilateral commercial contract between a customer and its CSP or LSE.

This approach provides more flexibility to customers to limit usage at their discretion. There is no requirement to be available year round or every hour of every day. There is no 30 minute notice requirement. There is no requirement

¹¹ The PJM proposal from the SODRSTF weakened the proposal but was approved at the October 25, 2018 Members Committee meeting and PJM filed Tariff changes on December 7, 2018. See "Peak Shaving Adjustment Proposal," Docket No. ER19-511-000 (December 7, 2018).

to offer energy into the day-ahead market. All decisions about interrupting are up to the customers only and they may enter into bilateral commercial arrangements with CSPs at their sole discretion. Customers would pay for capacity and energy depending solely on metered load.

A transition to this end state should be defined in order to ensure that appropriate levels of demand side response are incorporated in PJM's load forecasts and thus in the demand curve in the capacity market for the next three years. That transition should be defined by the PRD rules, modified as proposed by the MMU.

This approach would work under the CP design in the capacity market. This approach is entirely consistent with the Supreme Court decision in *EPSA* as it does not depend on whether FERC has jurisdiction over the demand side. This approach will allow FERC to more fully realize its overriding policy objective to create competitive and efficient wholesale energy markets. The decision of the Supreme Court addressed jurisdictional issues and did not address the merits of FERC's approach. The Supreme Court's decision has removed the uncertainty surrounding the jurisdictional issues and created the opportunity for FERC to revisit its approach to demand side.

PJM Demand Response Programs

All PJM demand response programs can be grouped into economic, emergency and pre-emergency programs, or Price Responsive Demand (PRD). Under current rules, there is no functional difference between pre-emergency and emergency demand resources. Table 6-1 provides an overview of the key features of PJM demand response programs.

The current PRD rules do not align with the definition of capacity under the Capacity Performance construct despite PJM's attempt to create alignment.¹² The PJM proposed rule changes do not require reductions during PAI unless LMP is above the specified price threshold. PJM incorrectly values PRD capacity and measured performance.¹³ Similar to emergency and pre-

emergency demand response, PJM would limit the nominated MW for PRD resources to the lower of the Peak Load Contribution (PLC) minus the Firm Service Level (FSL) times the loss factor (LF) or the Winter Peak Load (WPL) multiplied by the Zonal Winter Weather Adjustment Factor (ZWWAF) minus the winter Firm Service Level (wFSL) times the loss factor for each zone.

$$PRD\ Value = Min\{(PLC - FSL * LF), (WPL * ZWWAF - wFSL)\} * zonal\ loss\ factor$$

Use of the WPL would artificially limit the amount of MW that can participate as PRD if the WPL is less than the PLC.

Demand response activity includes economic demand response (economic resources), emergency and pre-emergency demand response (demand resources), synchronized reserves and regulation. Economic demand response participates in the energy market. Emergency and pre-emergency demand response participate in the capacity market and energy market.¹⁴ Demand response resources participate in the Synchronized Reserve Market. Demand response resources participate in the regulation market.

All demand resources must register as pre-emergency unless the participant relies on behind the meter generation and the resource has environmental restrictions that limit the resource's ability to operate only in emergency conditions.¹⁵ Under current rules, PJM will declare an emergency if pre-emergency or emergency demand response is dispatched. In all demand response programs, CSPs are companies that sign up customers that have the ability to reduce load. After a demand response event occurs, PJM compensates CSPs for their participants' load reductions and CSPs in turn compensate their participants. Only CSPs are eligible to participate in the PJM demand response programs, but a participant can register as a PJM special member and become a CSP without any additional cost.

PRD does not receive direct capacity or energy payments. PRD reduces the amount of capacity that must be purchased by the LSE and therefore reduces the LSE's payments for capacity. When PRD load is not on the system, that

¹² See "Proposed Amendments to Price Response Demand Rules," Docket No. ER19-1012-000 (February 7, 2019).

¹³ See "Comments of the Independent Market Monitor for PJM," Docket No. ER19-1012 (February 28, 2019).

¹⁴ Emergency demand response refers to both emergency and pre-emergency demand response. With the implementation of the Capacity Performance design, there is no functional difference between the emergency and pre-emergency demand response resource.

¹⁵ OA Schedule 1 § 8.5.

load also avoids paying for the associated energy. PRD meets its obligation by responding when LMP is at or above price thresholds defined in the PRD plan.¹⁶ PRD does not have to respond during performance assessment intervals (PAI) and therefore is inferior to other capacity resources and is not a substitute for other capacity resources in the capacity performance construct. The MMU recommends that PRD be required to respond during a PAI to be consistent with all CP resources. PRD first cleared the capacity market in the BRA for the 2020/2021 Delivery Year, and cleared for the 2021/2022 Delivery Year.¹⁷

Table 6-1 Overview of demand response programs

	Emergency and Pre-Emergency Load Response Program			Economic Load Response Program		Price Responsive Demand
	Load Management (LM)			Energy Only	Energy Only	
Market	Capacity Only	Capacity and Energy	Energy Only	Energy Only	Capacity Only	
Capacity Market	DR cleared in RPM	DR cleared in RPM	Not included in RPM	Not included in RPM	PRD cleared in RPM	
Dispatch Requirement	Mandatory Curtailment	Mandatory Curtailment	Voluntary Curtailment	Dispatched Curtailment	Price Threshold	
Penalties	RPM event or test compliance penalties	RPM event or test compliance penalties	NA	NA	RPM event or test compliance penalties	
Capacity Payments	Capacity payments based on RPM clearing price	Capacity payments based on RPM clearing price	NA	NA	Avoided capacity costs	
Energy Payments	No energy payment	Energy payment based on submitted higher of "minimum dispatch price" and LMP. Energy payment during PJM declared Emergency Event mandatory curtailments.	Energy payment based on submitted higher of "minimum dispatch price" and LMP. Energy payment only for voluntary curtailments.	Energy payment based on full LMP. Energy payment for hours of dispatched curtailment.	NA	

Participation in Demand Response Programs

On April 1, 2012, FERC Order No. 745 was implemented in the PJM economic program, requiring payment of full LMP for dispatched demand resources when a net benefits test (NBT) price threshold is exceeded. This approach replaced the payment of LMP minus the charges for wholesale power and transmission included in customers' tariff rates.

Order No. 719 required PJM and other RTOs to amend their market rules to accept bids from aggregators of retail customers of utilities unless the laws

Non-PJM Demand Response Programs

Within the PJM footprint, states may have additional demand response programs as part of a Renewable Portfolio Standard (RPS) or a separate program. Indiana, Ohio, Pennsylvania and North Carolina include demand response in their RPS. If demand response is dispatched by a state run program, the demand response resources are ineligible to receive payments from PJM during the state dispatch.

or regulations of the relevant electric retail regulatory authority ("RERRA") do not permit the customers aggregated in the bid to participate.¹⁸ PJM implemented rules that require PJM to verify with EDCs that no law or regulation of a RERRA prohibits an end use customers' participation.¹⁹ EDCs and their end use customers are categorized as small and large based on whether the EDC distributed more or less than 4 million MWh in the previous fiscal year. End use customers within a large EDC must provide verification of any other contractual obligations or laws or regulations that prohibit participation, but end use customers within a small EDC do not need to

¹⁶ The Demand Response Subcommittee (DRS) is currently working to align PRD with the CP designed products.

¹⁷ There were a total of 558 MW of cleared PRD in the 2020/2021 Delivery Year. See PJM Auction Results, <<https://www.pjm.com/-/media/markets-ops/rpm/rpm-auction-info/2020-2021-base-residual-auction-results.ashx?la=en>>.

¹⁸ *Wholesale Competition in Regions with Organized Electric Markets*, Order No. 719, FERC Stats. & Regs. ¶ 31,281 at P 154 (2008), *order on reh'g*, Order No. 719-A, FERC Stats. & Regs. ¶ 31,292, *order on reh'g*, Order No. 719-B, 129 FERC ¶ 61,252 (2009).

¹⁹ The evidence supplied by LDCs must take the form of an order, resolution or ordinance of the RERRA, an opinion of the RERRA's legal counsel attesting to existence of an order, resolution, or ordinance, or an opinion of the state attorney general on behalf of the RERRA attesting to existence of an order, resolution or ordinance.

provide additional verification.²⁰ RERRAs have permitted EDCs, in a number of cases, to participate in the PJM Economic Load Response Program. There are 188 active RERRAs within PJM.

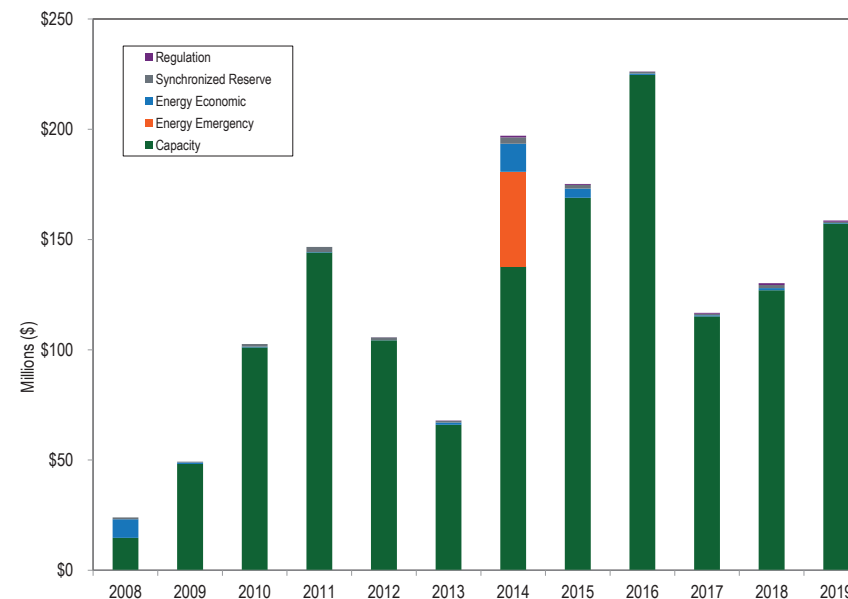
Figure 6-1 shows all revenue from PJM demand response programs by market for the first three months of 2008 through 2019. Since the implementation of the RPM Capacity Market on June 1, 2007, the capacity market (demand resources) has been the primary source of demand response revenue.²¹ In the first three months of 2019, total demand response revenue increased by \$28.4 million, 21.8 percent, from \$130.2 million in the first three months of 2018 to \$158.6 million in the first three months of 2019. Total emergency demand response revenue increased by \$30.2 million, 23.8 percent, from \$127.0 million in the first three months of 2018 to \$157.3 million in the first three months of 2019. This increase consisted entirely of capacity market revenue.²² In the first three months of 2019, demand resource revenue, which includes capacity and emergency energy revenue, accounted for 99.1 percent of all revenue received by demand response providers, the economic program for 0.1 percent, synchronized reserve for 0.4 percent and the regulation market for 0.4 percent.

Economic demand response revenue decreased by \$0.7 million, 75.2 percent, from \$1.0 million in the first three months of 2018 to \$0.2 million in the first three months of 2019.²³ Demand response revenue in the Synchronized Reserve Market decreased by \$0.8 million, 58.7 percent, from \$1.4 million in the first three months of 2018 to \$0.6 million in the first three months of 2019. Demand response revenue in the regulation market decreased by \$0.3 million, 34.8 percent, from \$0.9 million in the first three months of 2018 to \$0.6 million in the first three months of 2019.

Higher demand resource revenues were in part a result of higher capacity market prices in the 2018/2019 RPM auction clearing price. The capacity revenue in 2018 is from 2017/2018 RPM auction clearing prices and the

capacity revenue in 2019 is from 2018/2019 RPM auction clearing prices. The Annual capacity market prices increased \$13.20 per MW-day from \$151.50 in the 2017/2018 Delivery Year to \$164.77 in the 2018/2019 Delivery Year, a 8.7 percent increase.

Figure 6-1 Demand response revenue by market: January through March, 2008 through 2019



Economic Program

FERC Order No. 831 requires all energy offers above \$1,000 per MWh to provide supporting documentation.²⁴ Economic resources offer into the energy market and must provide supporting documentation to offer above \$1,000 per MWh. FERC stated, “[t]he offer cap reforms, however, do not apply to capacity-only demand response resources that do not submit incremental energy offers into energy markets.”²⁵ Demand resources participate in both

²⁰ PJM Operating Agreement Schedule 1 § 1.5A.3.1.

²¹ This includes both capacity market revenue and emergency energy revenue for capacity resources.

²² The total credits and MWh for demand resources were calculated as of April 22, 2019 and may change as a result of continued PJM billing updates. There was no emergency energy revenue in the first three months of 2019.

²³ Economic credits are synonymous with revenue received for reductions under the economic load response program.

²⁴ 157 FERC ¶ 61,115 (2016).

²⁵ *Id.* at 8.

the capacity and energy markets and are not capacity only resources. It is not clear whether FERC intended to exclude demand resources with high strike prices from the requirements of Order 831. Demand resources should not be permitted to make offers above \$1,000 per MWh without the same verification requirements applied to economic resources or generation resources. The MMU recommends that the rules for maximum offer for the emergency and pre-emergency program match the maximum offer for generation resources.

Table 6-2 shows registered sites and MW for the last day of each month for the period January 1, 2014, through March 31, 2019. Registration is a prerequisite for CSPs to participate in the economic program. The monthly average number of registrations for economic demand response decreased and the monthly average registered MW increased in the first three months of 2019 compared to the first three months of 2018. Average monthly registrations decreased by 156, 29.4 percent, from 531 in the first three months of 2018 to 375 in the first three months of 2019. Average monthly registered MW increased by 50 MW, 1.9 percent, from 2,613 MW in the first three months of 2018 to 2,663 MW in the first three months of 2019.

Table 6-2 Economic program registrations on the last day of the month: 2015 through 2019²⁶

Month	2015		2016		2017		2018		2019	
	Registrations	Registered MW	Registrations	Registered MW	Registrations	Registered MW	Registrations	Registered MW	Registrations	Registered MW
Jan	1,078	2,960	838	2,557	871	2,603	537	2,570	375	2,669
Feb	1,076	2,956	835	2,557	842	2,578	537	2,628	371	2,657
Mar	1,075	2,949	834	2,556	850	2,576	519	2,641	379	2,664
Apr	1,076	2,938	832	2,556	897	2,574	501	2,624		
May	980	2,846	829	2,545	977	2,626	471	2,615		
Jun	871	2,614	518	2,500	577	1,305	397	2,576		
Jul	870	2,609	519	2,421	589	1,548	374	2,591		
Aug	869	2,609	805	2,569	590	1,541	382	2,609		
Sep	867	2,608	831	2,608	588	1,663	378	2,580		
Oct	858	2,568	822	2,564	574	1,660	382	2,584		
Nov	851	2,566	820	2,564	559	1,662	381	2,581		
Dec	850	2,566	807	2,561	556	1,659	392	2,671		
Avg	974	2,788	774	2,547	706	2,000	438	2,606	375	2,663

²⁶ Data for years 2010 through 2014 are available in the 2018 State of the Market Report for PJM.

Most economic demand response resources are registered in the emergency demand response program. Resources registered in both programs do not need to register for the same amount of MW. There are 151 registrations and 2,015 nominated MW in the economic program, or 193 registrations and 1,825 nominated MW in the emergency program.

The registered MW in the economic load response program are not a good measure of the MW available for dispatch in the energy market. Economic resources can dispatch up to the amount of MW registered in the program, but are not required to offer any MW. Table 6-3 shows the sum of peak economic MW dispatched by registration each month from January 1, 2010, through March 31, 2019. The monthly peak is the sum of each registration's monthly noncoincident peak dispatched MW and annual peak is the sum of each registration's annual noncoincident peak dispatched MW. The peak dispatched MW for all economic demand response registered resources decreased by 56 MW, 37.4 percent, from 150 MW in the first three months of 2018 to 94 MW in the first three months of 2019.²⁷ The peak dispatched MW in the first three months of 2019, 94 MW, were 2,569 MW less than the average MW registered in the first three months of 2019, 2,663 MW.

²⁷ The total credits and MWh numbers for demand resources were calculated as of April 17, 2019 and may change as a result of continued PJM billing updates.

Table 6-3 Sum of peak MW reductions for all registrations per month: 2010 through March 2019

Sum of Peak MW Reductions for all Registrations per Month										
Month	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Jan	183	132	110	193	446	169	139	123	142	88
Feb	121	89	101	119	307	336	128	83	70	58
Mar	115	81	72	127	369	198	120	111	71	29
Apr	111	80	108	133	146	143	118	54	71	
May	172	98	143	192	151	161	131	169	70	
Jun	209	561	954	433	483	833	121	240	105	
Jul	999	561	1,631	1,088	665	1,362	1,316	936	518	
Aug	794	161	952	497	358	272	249	141	581	
Sep	276	84	451	530	795	816	263	140	112	
Oct	118	81	242	168	214	136	150	88	69	
Nov	111	86	165	155	166	127	116	81	54	
Dec	114	88	98	168	155	122	147	83	11	
Annual	1,202	840	1,942	1,486	1,739	1,858	1,451	1,217	758	94

Emergency and economic demand response energy payments are uplift and not compensated by LMP revenues. Economic demand response energy costs are assigned to real-time exports from the PJM Region and real-time loads in each zone for which the load-weighted average real-time LMP for the hour during which the reduction occurred is greater than the price determined under the net benefits test for that month.²⁸ The zonal allocation is shown in Table 6-13.

Table 6-4 shows the total MW reductions made by participants in the economic program and the total credits paid for these reductions in the first three months of 2010 through 2019. The average credits per MWh paid decreased by \$26.62 per MWh, 40.9 percent, from \$65.10 per MWh in the first three months of 2018 to \$38.49 per MWh in the first three months of 2019. The PJM real-time, load-weighted, average LMP was 39.0 percent lower in the first three months of 2019 than in the first three months of 2018, \$30.16 per MWh versus \$49.45 per MWh. Curtailed energy for the economic program decreased by 8,489 MWh, 58.1 percent, from 14,623 MWh in the first three months of 2018 to 6,133 MWh in the first three months of 2019. Total credits paid for economic DR in the first three months of 2018 decreased by \$0.7 million, 75.2 percent,

28 "PJM Manual 28: Operating Agreement Accounting," § 11.2.2, Rev. 81 (Oct. 25, 2018).

from \$1.0 million in the first three months of 2018 to \$0.2 million in the first three months of 2019.

Table 6-4 Credits paid to the PJM economic program participants: January through March, 2010 through 2019

(Jan-Mar)	Total MWh	Total Credits	\$/MWh
2010	8,139	\$321,648	\$39.52
2011	3,272	\$240,304	\$73.45
2012	1,030	\$30,406	\$29.52
2013	21,048	\$1,083,755	\$51.49
2014	58,195	\$12,727,388	\$218.70
2015	38,644	\$4,175,116	\$108.04
2016	16,038	\$672,506	\$41.93
2017	12,973	\$534,378	\$41.19
2018	14,623	\$951,955	\$65.10
2019	6,133	\$236,038	\$38.49

Economic demand response resources that are dispatched by PJM in both the economic and emergency programs are paid the higher price defined in the emergency rules.²⁹ For example, assume a demand resource has an economic offer price of \$100 per MWh and an emergency strike price of \$1,800 per MWh. If this resource were scheduled to reduce in the Day-Ahead Energy Market, the demand resource would receive \$100 per MWh, but if an emergency event were called during the economic dispatch, the demand resource would receive its emergency strike price of \$1,800 per MWh instead. The rationale for this rule is not clear.³⁰ All other resources that clear in the day-ahead market are financially firm at the clearing price. Payment at a guaranteed strike price and the ability to set energy market prices at the strike price effectively grant the seller the right to exercise market power.

Figure 6-2 shows monthly economic demand response credits and MWh, from January 1, 2010 through March 31, 2019.

29 PJM, "Manual 11: Energy & Ancillary Services Market Operations," § 10.4.5, Rev. 104 (February 7, 2019).
30 FERC Order No. 831.

Figure 6-2 Economic program credits and MWh by month: 2010 through March 2019

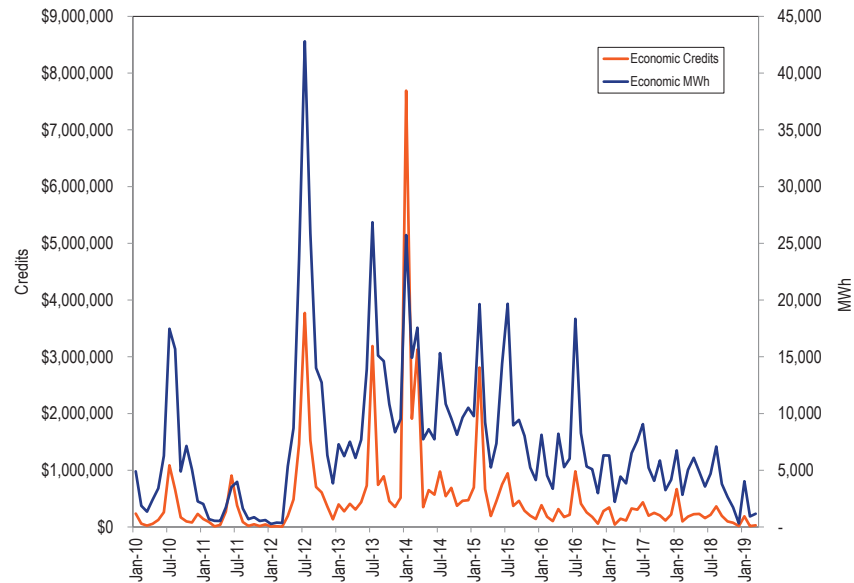


Table 6-5 shows performance for the first three months of 2018 and 2019 in the economic program by control zone. Total reductions under the economic program decreased by 8,489 MWh, 58.1 percent, from 14,623 MW in the first three months of 2018 to 6,133 MW in the first three months of 2019. Total revenue under the economic program decreased by \$0.7 million, 75.2 percent, from \$1.0 million in the first three months of 2018 to \$0.2 million in the first three months of 2019.³¹

³¹ Economic demand response reductions that are submitted to PJM for payment but have not received payment are not included in Table 6-5. Payments for Economic demand response reductions are settled monthly.

Table 6-5 PJM economic program participation by zone: January through March, 2018 and 2019

Zones	Credits			MWh Reductions			Credits per MWh Reduction		
	2018 (Jan-Mar)	2019 (Jan-Mar)	Percent Change	2018 (Jan-Mar)	2019 (Jan-Mar)	Percent Change	2018 (Jan-Mar)	2019 (Jan-Mar)	Percent Change
AECO	\$0.00	\$0.00	NA	0	0	NA	NA	NA	NA
AEP	\$0.00	\$0.00	NA	0	17	NA	NA	NA	NA
APS	\$33,992.98	\$70.19	(99.8%)	539	1	(99.9%)	\$63.06	\$87.88	39.4%
ATSI	\$289,736.13	\$0.00	NA	4,765	0	NA	\$60.80	NA	NA
BGE	\$0.00	\$0.00	NA	0	0	NA	NA	NA	NA
ComEd	\$100,940.21	\$0.00	NA	2,649	0	NA	\$38.10	NA	NA
DAY	\$0.00	\$0.00	NA	0	0	NA	NA	NA	NA
DEOK	\$0.00	\$0.00	NA	0	0	NA	NA	NA	NA
Dominion	\$33,748.35	\$267.33	(99.2%)	104	4	(96.4%)	\$323.54	\$71.78	(77.8%)
DPL	\$0.00	\$0.00	NA	0	0	NA	NA	NA	NA
DLCO	\$0.00	\$0.00	NA	0	0	NA	NA	NA	NA
JCPL	\$93,674.91	\$0.00	NA	859	0	NA	\$109.09	NA	NA
Met-Ed	\$7,020.37	\$8,290.95	18.1%	103	115	10.8%	\$67.89	\$72.38	6.6%
OVEC	\$0.00	\$0.00	NA	0	0	NA	NA	NA	NA
PECO	\$26,492.42	\$101,436.60	282.9%	325	1,672	414.3%	\$81.48	\$60.66	(25.6%)
PENELEC	\$69,126.49	\$2,334.55	(96.6%)	2,339	276	(88.2%)	\$29.56	\$8.46	(71.4%)
Pepco	\$0.00	\$778.08	NA	0	12	NA	NA	\$64.41	NA
PPL	\$111,483.38	\$35,346.04	(68.3%)	819	1,936	136.3%	\$136.12	\$18.26	(86.6%)
PSEG	\$185,739.42	\$87,514.14	(52.9%)	2,119	2,101	(0.8%)	\$87.64	\$41.65	(52.5%)
Total	\$951,954.67	\$236,037.88	(75.2%)	14,623	6,133	(58.1%)	\$65.10	\$38.49	(40.9%)

Table 6-6 shows total settlements submitted for the first three months of 2010 through 2019. A settlement is counted for every day on which a registration is dispatched in the economic program.

Table 6-6 Settlements submitted in the economic program: January through March, 2010 through 2019

(Jan-Mar)	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Number of Settlements	693	91	21	368	1,314	602	267	347	361	172

Table 6-7 shows the number of CSPs, and the number of participants in their portfolios, submitting settlements by year for the first three months of 2010 through 2019. The number of active participants decreased by 11, 42.3 percent, from 26 in the first three months of 2018 to 15 in the first three months of 2019. All participants must be registered through a CSP.

Table 6-7 Participants and CSPs submitting settlements in the economic program by year: January through March, 2010 through 2019

(Jan-Mar)	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Active CSPs	5	5	4	9	12	11	6	6	11	9
Active Participants	90	25	9	49	115	47	17	19	26	15

The ownership of economic demand response resources was highly concentrated in 2018 through March 2019.³² Table 6-8 shows the average hourly HHI for each month and the average hourly HHI for January 1, 2018 through March 31, 2019. Table 6-8 also lists the share of reductions provided by, and the share of credits claimed by the four largest companies in each year. In the first three months of 2019, 86.7 percent of all economic DR reductions and 74.4 percent of economic DR revenue were attributable to the four largest companies. The HHI for economic demand response increased by 571 from 7541 for the first three months of 2018 to 8112 for the first three months of 2019.

Table 6-8 HHI and market concentration in the economic program: January 2018 through March 2019³³

Month	HHI			Top Four Companies Share of Reduction			Top Four Companies Share of Credit		
	2018	2019	Percent Change	2018	2019	Change in Percent	2018	2019	Change in Percent
	6576	6883		92.3%	82.1%		10.2%	88.6%	
Feb	8304	8903	7.2%	99.2%	94.7%	4.5%	99.1%	78.7%	20.4%
Mar	7498	9106	21.5%	96.1%	100.0%	(3.9%)	95.7%	100.0%	(4.3%)
Apr	6828			97.3%			97.2%		
May	6688			98.3%			97.9%		
Jun	8375			97.4%			96.2%		
Jul	8256			90.2%			82.7%		
Aug	7588			90.0%			87.1%		
Sep	9306			97.4%			97.2%		
Oct	6805			95.6%			93.9%		
Nov	7038			91.6%			91.8%		
Dec	8082								
Total	7541	8112	7.6%	84.9%	86.7%	1.8%	82.9%	74.4%	(8.4%)

Table 6-9 shows average MWh reductions and credits by hour for the first three months of 2018 and 2019. In the first three months of 2018, 78.2 percent of reductions and 72.6 percent of credits occurred in hours ending 0900 to 2100, and in the first three months of 2019, 73.3 percent of reductions and 75.8 percent of credits occurred in hours ending 0900 to 2100.

Table 6-9 Hourly frequency distribution of economic program MWh reductions and credits: January through March, 2018 and 2019

Hour Ending (EPT)	MWh Reductions			Program Credits		
	2018 (Jan-Mar)	2019 (Jan-Mar)	Percent Change	2018 (Jan-Mar)	2019 (Jan-Mar)	Percent Change
1 through 6	949	522	(45%)	\$83,237	\$8,467	(90%)
7	615	228	(63%)	\$51,198	\$10,910	(79%)
8	887	337	(62%)	\$72,541	\$18,148	(75%)
9	977	371	(62%)	\$67,129	\$16,745	(75%)
10	892	330	(63%)	\$54,416	\$13,087	(76%)
11	906	325	(64%)	\$56,363	\$13,912	(75%)
12	886	312	(65%)	\$49,208	\$11,689	(76%)
13	847	306	(64%)	\$43,079	\$11,072	(74%)
14	847	310	(63%)	\$36,900	\$9,917	(73%)
15	787	294	(63%)	\$34,992	\$8,003	(77%)
16	750	294	(61%)	\$33,309	\$8,242	(75%)
17	817	331	(59%)	\$41,882	\$12,263	(71%)
18	949	399	(58%)	\$63,910	\$21,188	(67%)
19	1,017	413	(59%)	\$75,487	\$18,371	(76%)
20	974	423	(57%)	\$72,662	\$16,442	(77%)
21	794	386	(51%)	\$62,088	\$17,890	(71%)
22	404	269	(33%)	\$30,831	\$11,744	(62%)
23 through 24	326	282	(14%)	\$22,725	\$7,950	(65%)
Total	14,623	6,133	(58%)	\$951,955	\$236,038	(75%)

Table 6-10 shows the distribution of economic program MWh reductions and credits by ranges of real-time zonal, load-weighted, average LMP in the first three months of 2018 and 2019. In the first three months of 2019, 2.8 percent of MWh reductions and 10.0 percent of program credits occurred during hours when the applicable zonal LMP was higher than \$175 per MWh.

³² All HHI calculations in this section are at the parent company level. Parent companies may own one CSP or multiple CSPs.

³³ December 2018 reduction and credit share percent is redacted based on confidentiality rules.

Table 6-10 Frequency distribution of economic program zonal, load-weighted, average LMP (By hours): January through March, 2018 and 2019

LMP	MWh Reductions			Program Credits		
	2018 (Jan-Mar)	2019 (Jan-Mar)	Percent Change	2018 (Jan-Mar)	2019 (Jan-Mar)	Percent Change
\$0 to \$25	1,262	427	(66%)	\$18,227	\$3,614	(80%)
\$25 to \$50	7,285	3,128	(57%)	\$249,925	\$84,715	(66%)
\$50 to \$75	1,682	1,332	(21%)	\$96,592	\$61,133	(37%)
\$75 to \$100	1,073	601	(44%)	\$97,258	\$31,292	(68%)
\$100 to \$125	1,012	324	(68%)	\$101,088	\$21,682	(79%)
\$125 to \$150	782	79	(90%)	\$95,997	\$5,158	(95%)
\$150 to \$175	331	70	(79%)	\$49,259	\$4,764	(90%)
> \$175	1,196	171	(86%)	\$243,609	\$23,680	(90%)
Total	14,623	6,133	(58%)	\$951,955	\$236,038	(75%)

Following Order No. 745, all ISO/RTOs are required to calculate an NBT threshold price each month above which the net benefits of DR are deemed to exceed the cost to load. PJM calculates the NBT price threshold by first taking the generation offers from the same month of the previous year. For example, the NBT price calculation for February 2017 was calculated using generation offers from February 2016. PJM then adjusts these offers to account for changes in fuel prices and uses these adjusted offers to create an average monthly supply curve. PJM estimates a function that best fits this supply curve and then finds the point on this curve where the elasticity is equal to one.³⁴ The price at this point is the NBT threshold price.

The NBT test is a crude tool that is not based in market logic. The NBT threshold price is a monthly estimate calculated from a monthly supply curve that does not incorporate real-time or day-ahead prices. In addition, it is a single threshold price used to trigger payments to economic demand response resources throughout the entire RTO, regardless of their location and regardless of locational prices.

The necessity for the NBT test is an illustration of the illogical approach to demand side compensation embodied in paying full LMP to demand resources. The benefit of demand side resources is not that they suppress market prices, but that customers can choose not to consume at the current price of power,

³⁴ "PJM Manual 11: Energy & Ancillary Services Market Operations," §10.3.1, Rev. 102 (Jan. 22, 2019).

that individual customers benefit from their choices and that the choices of all customers are reflected in market prices. If customers face the market price, customers should have the ability to not purchase power and the market impact of that choice does not require a test for appropriateness.

When the zonal LMP is above the NBT threshold price, economic demand response resources that reduce their power consumption are paid the full zonal LMP. When the zonal LMP is below the NBT threshold price, economic demand response resources are not paid for any load reductions.

Table 6-11 shows the NBT threshold price for the historical test from August 2010 through July 2011, and April 2012, when Order No. 745 was implemented in PJM, through March 2019. The NBT threshold price has never exceeded the lowest historical test result of \$34.07 per MWh.

Table 6-11 Net benefits test threshold prices: August 2010 through March 2019

Month	Historical Test (\$/MWh)			Net Benefits Test Threshold Price (\$/MWh)						
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Jan		\$40.27		\$25.72	\$29.51	\$29.63	\$23.67	\$32.60	\$26.27	\$29.44
Feb		\$40.49		\$26.27	\$30.44	\$26.52	\$26.71	\$31.57	\$24.65	\$23.49
Mar		\$38.48		\$25.60	\$34.93	\$24.99	\$22.10	\$30.56	\$25.50	\$22.15
Apr		\$36.76	\$25.89	\$26.96	\$32.59	\$24.92	\$19.93	\$30.45	\$25.56	
May		\$34.68	\$23.46	\$27.73	\$32.08	\$23.79	\$20.69	\$29.77	\$25.52	
Jun		\$35.09	\$23.86	\$28.44	\$31.62	\$23.80	\$20.62	\$27.14	\$23.59	
Jul		\$36.78	\$22.99	\$29.42	\$31.62	\$23.03	\$20.73	\$24.42	\$23.57	
Aug	\$35.57		\$24.47	\$28.58	\$29.85	\$23.17	\$23.24	\$22.75	\$23.53	
Sep	\$34.07		\$24.93	\$28.80	\$29.83	\$21.69	\$24.70	\$21.51	\$22.23	
Oct	\$38.10		\$25.96	\$29.13	\$30.20	\$21.48	\$26.50	\$21.70	\$23.84	
Nov	\$36.83		\$25.63	\$31.63	\$29.17	\$22.28	\$29.27	\$26.41	\$23.89	
Dec	\$37.04		\$25.97	\$28.82	\$29.01	\$22.31	\$29.71	\$29.16	\$26.35	
Average	\$36.32	\$37.51	\$24.80	\$28.09	\$30.91	\$23.97	\$23.99	\$27.34	\$24.54	\$23.69

Table 6-12 shows the number of hours that at least one zone in PJM had day-ahead LMP or real-time LMP higher than the NBT threshold price. In the first three months of 2019, the highest zonal LMP in PJM was higher than the NBT threshold price 1,796 hours out of 2,159 hours, or 83.2 percent of all hours. Reductions occurred in 612 hours, 34.1 percent, of those 1,796

hours in the first three months of 2019. The last three columns illustrate how often economic demand response activity occurred when LMPs exceeded NBT threshold prices for January 1, 2018 through March 31, 2019. There are no economic payments when demand response occurs and zonal LMP is below the NBT threshold. Demand response reductions occurred in 0.1 percent (1 hour) of the hours in which LMP was below the NBT threshold price in the first three months of 2019, and none of the hours in which LMP was below the NBT threshold price in 2018.

Table 6-12 Hours with price higher than NBT and DR occurrences in those hours: January 2018 through March 2019

Month	Number of Hours		Number of Hours with LMP Higher than NBT			Percent of NBT Hours with DR		
	2018	2019	2018	2019	Percent Change	2018	2019	Percent Change
Jan	744	744	665	503	(24.4%)	62.9%	51.9%	(11.0%)
Feb	672	672	485	582	20.0%	44.7%	22.9%	(21.9%)
Mar	743	743	713	711	(0.3%)	58.3%	30.7%	(27.7%)
Apr	720		663			73.8%		
May	744		611			62.7%		
Jun	720		503			64.0%		
Jul	744		549			74.0%		
Aug	744		560			72.5%		
Sep	720		643			64.2%		
Oct	744		699			50.9%		
Nov	721		702			43.9%		
Dec	744		627			12.1%		
Total	8,760	2,159	7,420	1,796	(75.8%)	56.7%	34.1%	(22.7%)

Economic DR revenues are paid by real-time loads and real-time scheduled exports as an uplift charge. Table 6-13 shows the sum of real-time DR charges and day-ahead DR charges paid in each zone and paid by exports. Real-time loads in AEP and Dominion paid the highest DR charges in the first three months of 2019.

Table 6-13 Zonal DR charge: January through March, 2019

Zone	January	February	March	Total
AECO	\$2,160	\$185	\$305	\$2,651
AEP	\$29,268	\$2,602	\$4,959	\$36,829
APS	\$12,435	\$1,115	\$1,992	\$15,541
ATSI	\$14,361	\$1,303	\$2,507	\$18,171
BGE	\$8,666	\$723	\$1,210	\$10,599
ComEd	\$13,208	\$1,724	\$3,274	\$18,206
DAY	\$4,126	\$352	\$685	\$5,162
DEOK	\$5,274	\$528	\$1,007	\$6,810
Dominion	\$24,761	\$2,187	\$3,794	\$30,742
DPL	\$5,159	\$419	\$675	\$6,253
DLCO	\$2,811	\$265	\$487	\$3,563
EKPC	\$3,048	\$271	\$538	\$3,858
JCPL	\$5,213	\$428	\$756	\$6,396
Met-Ed	\$4,060	\$345	\$590	\$4,996
OVEC	\$25	\$3	\$5	\$33
PECO	\$9,917	\$815	\$1,417	\$12,149
PENELEC	\$3,634	\$361	\$670	\$4,665
Pepco	\$7,736	\$669	\$1,136	\$9,541
PPL	\$10,255	\$917	\$1,601	\$12,773
PSEG	\$11,311	\$801	\$1,450	\$13,562
RECO	\$318	\$25	\$47	\$391
Exports	\$11,218	\$741	\$1,557	\$13,516
Total	\$188,964	\$16,778	\$30,665	\$236,407

Table 6-14 shows the total zonal DR charge per MWh of real-time load and exports in the first three months of 2019.

Table 6-14 Zonal DR charge per MWh of load and exports: January through March, 2019

Zone	January	February	March	Zonal Average
AECO	\$0.003	\$0.003	\$0.003	\$0.003
AEP	\$0.002	\$0.002	\$0.002	\$0.002
APS	\$0.003	\$0.003	\$0.003	\$0.003
ATSI	\$0.002	\$0.002	\$0.002	\$0.002
BGE	\$0.003	\$0.003	\$0.003	\$0.003
ComEd	\$0.002	\$0.002	\$0.002	\$0.002
DAY	\$0.003	\$0.003	\$0.003	\$0.003
DEOK	\$0.002	\$0.002	\$0.002	\$0.002
Dominion	\$0.003	\$0.003	\$0.003	\$0.003
DPL	\$0.003	\$0.003	\$0.003	\$0.003
DLCO	\$0.002	\$0.002	\$0.002	\$0.002
EKPC	\$0.002	\$0.002	\$0.002	\$0.002
JCPL	\$0.003	\$0.003	\$0.003	\$0.003
Met-Ed	\$0.003	\$0.003	\$0.003	\$0.003
OVEC	\$0.002	\$0.002	\$0.002	\$0.002
PECO	\$0.003	\$0.003	\$0.003	\$0.003
PENELEC	\$0.002	\$0.002	\$0.002	\$0.002
Pepco	\$0.003	\$0.003	\$0.003	\$0.003
PPL	\$0.003	\$0.003	\$0.003	\$0.003
PSEG	\$0.003	\$0.003	\$0.003	\$0.003
RECO	\$0.003	\$0.003	\$0.003	\$0.003
Exports	\$0.001	\$0.001	\$0.001	\$0.001
Monthly Average	\$0.002	\$0.002	\$0.002	\$0.002

Table 6-15 shows the monthly day-ahead and real-time DR charges and the per MWh DR charges for 2018 through March 2019. The day-ahead DR charges decreased by \$0.2 million, 46.6 percent, from \$0.87 million in the first three months of 2018 to \$0.92 million in the first three months of 2019. The real-time DR charges decreased \$0.5 million, 93.2 percent, from \$0.6 million in the first three months of 2018 to \$0.04 million in the first three months of 2019.

Table 6-15 Monthly day-ahead and real-time economic DR charge: January 2018 through March 2019

Month	Day-ahead DR Charge			Real-time DR Charge		
	2018	2019	Percent Change	2018	2019	Percent Change
Jan	\$287,093	\$150,139	(47.7%)	\$381,071	\$38,456	(89.9%)
Feb	\$22,479	\$15,753	(29.9%)	\$77,584	\$1,025	(98.7%)
Mar	\$58,245	\$30,529	(47.6%)	\$125,482	\$137	(99.9%)
Apr	\$85,711			\$140,688		
May	\$87,376			\$143,598		
Jun	\$56,538			\$101,014		
Jul	\$63,540			\$153,191		
Aug	\$70,708			\$294,316		
Sep	\$44,648			\$152,727		
Oct	\$57,842			\$40,317		
Nov	\$32,131			\$42,017		
Dec	\$9,890			\$6,369		
Total	\$876,201	\$196,421	(77.6%)	\$1,658,374	\$39,617	(97.6%)

Emergency and Pre-Emergency Programs

The emergency and pre-emergency load response programs consist of the limited, extended summer, annual and capacity performance demand response products. Full implementation of the Capacity Performance design in the 2020/2021 Delivery Year will require all emergency or pre-emergency demand resource to be registered as an annual capacity resource. Summer period demand response resources are allowed to aggregate with winter period capacity resources to fulfill the annual requirement of the CP design.³⁵ With the implementation of Capacity Performance, a performance assessment interval (PAI) occurs when emergency or pre-emergency is dispatched. PJM effectively eliminated the difference between pre-emergency and emergency by making both trigger a PAI. To participate as an emergency or pre-emergency demand resource, the CSP must clear MW in an RPM auction. Emergency and pre-emergency resources receive capacity revenue from the capacity market and also receive energy revenue at a predefined strike price from the energy market for reductions during a PJM initiated emergency or pre-emergency event. The rules applied to demand resources in the current market design do not treat demand resources in a manner comparable to

³⁵ Summer period demand response has the same obligations as extended summer demand response. It must be available for June through October and the following May between 10:00AM and 10:00PM. See PJM OATT RAA Article 1.

generation capacity resources, even though demand resources are sold in the same capacity market, are treated as a substitute for other capacity resources and displace other capacity resources in RPM auctions.

The MMU recommends that if demand resources remain on the supply side of the capacity market, a daily must offer requirement in the Day-Ahead Energy Market apply to demand resources, comparable to the rule applicable to generation capacity resources. This will help to ensure comparability and consistency for demand resources.

The MMU recommends that the option to specify a minimum dispatch price under the Emergency and Pre-Emergency Program Full option be eliminated and that participating resources receive the hourly real-time LMP less any generation component of their retail rate.³⁶

The HHI for demand resources was highly concentrated for the 2018/2019 Delivery Year, with an HHI value of 1922. In the 2018/2019 Delivery Year, the four largest companies contributed 77.9 percent of all registered demand resources.

Table 6-16 shows the HHI value for LDAs by delivery year. The HHI values are calculated by the cleared UCAP MW in each delivery year for demand resources. The closed loop interfaces created for the purpose of allowing emergency DR to set price are located in the RTO, MAAC, EMAAC, SWMAAC, DPL-SOUTH, ATSI, ATSI-CLEVELAND and BGE LDAs.

Table 6-16 HHI value for LDAs by delivery year: 2018/2019 Delivery Year³⁷

Delivery Year	LDA	UCAP MW	HHI Value	HHI Concentration
2018/2019	RTO	4,044.7	2199	High
	MAAC	712.1	2144	High
	EMAAC	1,205.6	2028	High
	PSEG	249.6	2298	High
	PS-NORTH	132.6	3085	High
	PEPCO	523.1	5027	High
	ATSI	609.4	3413	High
	ATSI-CLEVELAND	267.6	3514	High
	COMED	1,876.7	3183	High
	BGE	660.0	5424	High
	PPL	716.2	1862	High

Table 6-17 shows the demand response cleared UCAP MW by delivery year. Total demand response cleared in PJM decreased by 594.9 MW, or 5.0 percent, from 11,870.7 MW in the 2017/2018 Delivery Year to 11,275.8 MW in the 2018/2019 Delivery Year. The DR percent of capacity decreased by 0.3 percent, from 6.1 percent in the 2017/2018 Delivery Year to 5.8 percent in the 2018/2019 Delivery Year.

Table 6-17 Demand response cleared MW UCAP for PJM: 2011/2012 through 2018/2019 Delivery Years

Delivery Year	DR Cleared MW UCAP	DR Percent of Capacity MW UCAP
2011/2012	1,826.6	1.4%
2012/2013	8,740.9	6.2%
2013/2014	10,779.6	6.7%
2014/2015	14,943.0	9.3%
2015/2016	15,453.7	8.9%
2016/2017	13,265.3	6.6%
2017/2018	11,870.7	6.1%
2018/2019	11,275.8	5.8%

Table 6-18 shows zonal monthly capacity market revenue to demand resources for the first three months of 2019. Capacity market revenue increased in the first three months of 2019 by \$30.2 million, 23.8 percent, from \$127.0 million in the first three months of 2018 to \$157.3 million in the first three months of 2019. Higher demand resource revenues were in part a result of higher capacity market prices in the 2018/2019 RPM auction clearing price. The

³⁶ See "Complaint and Motion to Consolidate of the Independent Market Monitor for PJM," Docket No. EL14-20-000 (January 28, 2014); "Comments of the Independent Market Monitor for PJM," Docket No. ER15-852-000 (February 13, 2015).

³⁷ The RTO LDA refers to the rest of RTO.

capacity revenue in the first quarter of 2018 is from 2017/2018 RPM auction clearing prices and the capacity revenue in the first quarter of 2019 is from 2018/2019 RPM auction clearing prices. The annual capacity market prices increased \$13.20 per MW-day from \$151.50 in the 2017/2018 Delivery Year to \$164.77 in the 2018/2019 Delivery Year, a 8.7 percent increase.

Table 6-18 Zonal monthly capacity revenue: January through March, 2019

Zone	January	February	March	Total
AECO	\$1,063,052	\$960,176	\$1,063,052	\$3,086,279
AEP, EKPC	\$7,363,738	\$6,651,118	\$7,363,738	\$21,378,593
APS	\$4,638,234	\$4,189,373	\$4,638,234	\$13,465,840
ATSI	\$4,254,499	\$3,842,773	\$4,254,499	\$12,351,771
BGE	\$1,471,812	\$1,329,378	\$1,471,812	\$4,273,002
ComEd	\$11,763,628	\$10,625,212	\$11,763,628	\$34,152,468
DAY	\$1,082,665	\$977,891	\$1,082,665	\$3,143,220
DEOK	\$996,130	\$899,730	\$996,130	\$2,891,991
DLCO	\$3,841,793	\$3,470,007	\$3,841,793	\$11,153,593
Dominion	\$2,760,840	\$2,493,662	\$2,760,840	\$8,015,341
DPL	\$1,229,930	\$1,110,904	\$1,229,930	\$3,570,764
JCPL	\$1,324,124	\$1,195,983	\$1,324,124	\$3,844,231
Met-Ed	\$1,527,708	\$1,379,865	\$1,527,708	\$4,435,282
OVEC	\$0	\$0	\$0	\$0
PECO	\$3,342,110	\$3,018,680	\$3,342,110	\$9,702,900
PENELEC	\$1,811,449	\$1,636,148	\$1,811,449	\$5,259,046
Pepco	\$806,881	\$728,796	\$806,881	\$2,342,559
PPL	\$2,314,965	\$2,090,936	\$2,314,965	\$6,720,867
PSEG	\$2,521,890	\$2,277,836	\$2,521,890	\$7,321,616
RECO	\$48,971	\$44,232	\$48,971	\$142,175
Total	\$54,164,419	\$48,922,701	\$54,164,419	\$157,251,538

Table 6-19 shows the amount of energy efficiency (EE) resources in PJM on June 1 for the 2012/2013 through 2018/2019 delivery years. EE resources may participate in PJM without restrictions imposed by a state unless the Commission authorizes a state to impose restrictions.³⁸ Only Kentucky has been authorized by the Commission.³⁹ Energy efficiency resources are offered in the PJM Capacity Market. The total MW of energy efficiency resources committed increased by 20.2 percent from 2,117.9 MW in the 2017/2018 Delivery Year to 2,545.1 MW in the 2018/2019 Delivery Year.⁴⁰

³⁸ See 161 FERC ¶ 61,245 at P 57 (2017); 107 FERC ¶ 61,272 at P 8 (2008).

³⁹ The Commission made an exception for Kentucky when it determined that RERRAs must obtain FERC approval prior to excluding EE, explaining that "the Commission accepted such condition at the time the Kentucky Commission approved the integration of Kentucky Power into PJM." 161 FERC ¶ 61,245 at P 67.

⁴⁰ See the 2018 State of the Market Report for PJM, Vol. 2, Section 5: Capacity Market, Table 5-13.

Table 6-19 Energy efficiency resources (MW): June 1, 2012 to June 1, 2018

	UCAP (MW) RPM Commitments
01-Jun-12	631.2
01-Jun-13	1,024.8
01-Jun-14	1,282.4
01-Jun-15	1,525.5
01-Jun-16	1,784.3
01-Jun-17	2,117.9
01-Jun-18	2,545.1

Figure 6-3 shows the amount of installed EE MW in PJM by technology for the 2017/2018 and 2018/2019 Delivery Years. An installed EE resource may participate as a capacity resource for up to a maximum of four consecutive delivery years.⁴¹ The lighting category consists of more efficient lighting technology installed, HVAC consists of more efficient HVAC technology installed, new construction consists of more efficient equipment than the industry average for individual components, appliances consists of more efficient appliances and prescriptive consists of more efficient equipment procured by an incentive program for lighting, HVAC or appliances. Prescriptive energy efficiency MW have an assumed savings calculated by an expected installation rate dependent on units sold and the difference between the current average electricity usage of what is being replaced and the new product. For example, if 100 lights are sold, an expected installation rate could be that 95 are installed and replacing a light that consumes more electricity. Instead of measuring each light replaced, the EE provider takes the difference between the industry average and the new light. Prescriptive energy efficiency MW comprise 85.8 percent of all energy efficiency MW in the 2017/2018 Delivery Year and 84.5 percent in the 2018/2019 Delivery Year. The measurement and verification method for prescriptive energy efficiency projects relies on unverified assumptions and is too imprecise to rely on as a source of capacity comparable to capacity from a power plant.

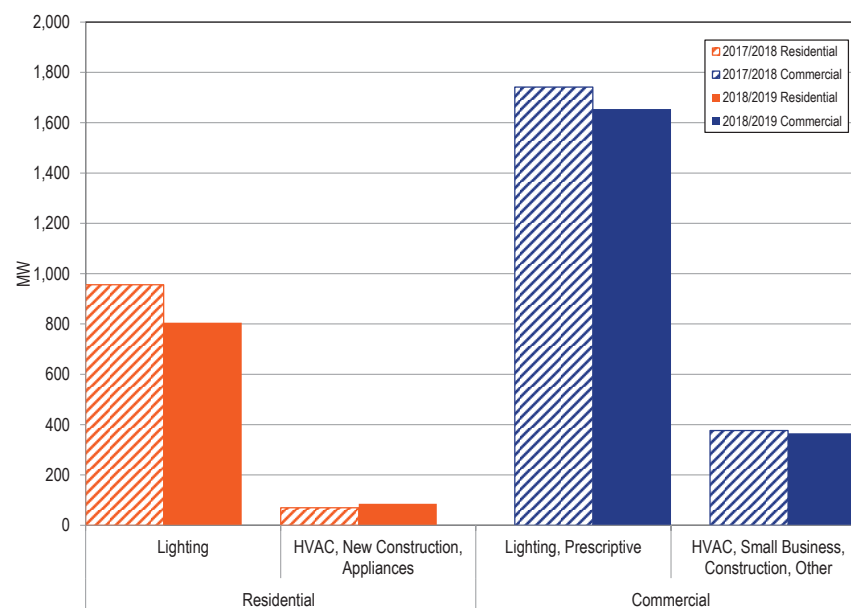
All EE resources must submit pre and post installation M&V plans that include the variables that affect the project's electrical demand, baseline consumption, post installation consumption, and specifications of the equipment or types of equipment used in the project. The nonprescriptive measurement

⁴¹ PJM. "Manual 18: Capacity Market," § 4.4, Rev. 41 (Jan. 1, 2019).

and verification methods do not use full metering but rely on samples and assumptions and only for limited periods.⁴² The nominated EE value is the expected average demand reduction during: the peak hours ending 15:00 EPT through 18:00 EPT for June 1 through August 31; and the peak hours ending 8:00 EPT through 9:00 EPT and 19:00 EPT through 20:00 EPT for all days between January 1 and February 28, of the relevant delivery year.⁴³ The calculated MW are offered in PJM's Capacity Market as EE. The installed EE resources for the 2017/2018 Delivery Year include any installed EE resource between June 1, 2013 and May 31, 2017, and installed EE resources for the 2018/2019 Delivery Year include any installed EE resources between June 1, 2014 and May 31, 2018.

The MMU recommends that energy efficiency MW not be included in the PJM capacity market. The measurement and verification protocols for energy efficiency are too imprecise to rely on as a source of capacity. Energy efficiency measures reduce energy usage and capacity usage directly. The reduced market payments are the appropriate compensation. PJM should ensure that the impact of EE measures on the load forecast is incorporated immediately rather than with the existing lag.

Figure 6-3 Installed energy efficiency MW by type: 2017/2018 and 2018/2019 Delivery Years



FERC accepted PJM's proposed 30 minute lead time as a phased in approach on May 9, 2014, effective on June 1, 2015.⁴⁴ The quick lead time demand response was defined after demand resources cleared in the RPM base residual auctions for the 2014/2015, 2015/2016, 2016/2017 and 2017/2018 delivery years. PJM submitted a filing on October 20, 2014, to allow DR that is unable to respond within 30 minutes to exit the market without penalty before the mandatory 30 minute lead time with the 2015/2016 Delivery Year.⁴⁵ The quick lead time is the default lead time starting June 1, 2015, unless a CSP submits an exception request for 60 or 120 minute notification time due to a physical constraint.⁴⁶ The exception requests must clearly state why the resource is unable to respond within 30 minutes based on the defined reasons for exception listed in Manual 18. Once a location is granted a longer lead time,

⁴² PJM. "Manual 18B: Energy Efficiency Measurement & Verification," § 2.2 Rev. 3 (November 17, 2016).

⁴³ PJM. "Manual 18B: Energy Efficiency Measurement & Verification," § 1.1 Rev. 3 (November 17, 2016).

⁴⁴ See 147 FERC ¶ 61,103 (2014).

⁴⁵ See PJM Interconnection, LLC, Docket No. ER14-135-000 (October 20, 2014).

⁴⁶ See "PJM Manual 18: Capacity Market," § 4.3.1, Rev. 41 (Jan. 1, 2019).

the resource does not need to resubmit for a longer lead time each delivery year. Resources that request longer lead times without a physical constraint are rejected.

Table 6-20 shows the amount of nominated MW and locations by product type and lead time for the 2018/2019 Delivery Year. PJM approved 2,832 locations, or 19.8 percent of all locations, which have 3,944.1 nominated MW, or 43.9 percent of all nominated MW, for exceptions to the 30 minute lead time rule for the 2018/2019 Delivery Year.⁴⁷

Table 6-20 Nominated MW and locations by product type and lead time: 2018/2019 Delivery Year

Lead Type	Pre-Emergency MW						Emergency MW						
	Limited	Annual	Base	Capacity		Pre-Emergency Total	Limited	Annual	Base	Capacity		Emergency Total	Total
				Performance	Pre-Emergency					Performance	Emergency		
Quick Lead (30 Minutes)	311.9	6.8	4,179.5	305.2	4,803.3	0.2	0.0	221.6	18.9	240.7	5,044.0		
Short Lead (60 Minutes)	23.2	0.0	367.8	65.5	456.5	0.0	0.0	26.4	0.0	26.4	483.0		
Long Lead (120 Minutes)	122.8	0.0	2,666.4	527.7	3,316.9	0.0	0.0	144.2	0.0	144.2	3,461.1		
Total	457.8	6.8	7,213.6	898.4	8,576.7	0.2	0.0	392.3	18.9	411.4	8,988.1		
Lead Type	Pre-Emergency Locations						Emergency Locations						
	Limited	Annual	Base	Capacity		Pre-Emergency Total	Limited	Annual	Base	Capacity		Emergency Total	Total
				Performance	Pre-Emergency					Performance	Emergency		
Quick Lead (30 Minutes)	167	2	10,021	715	10,905	4	0	477	57	538	11,443		
Short Lead (60 Minutes)	12	0	293	30	335	0	0	43	0	43	378		
Long Lead (120 Minutes)	33	0	1,934	379	2,346	0	0	108	0	108	2,454		
Total	212	2	12,248	1,124	13,586	4	0	628	57	689	14,275		

There are two different ways to measure load reductions of demand resources. The Firm Service Level (FSL) method, applied to the summer, measures the difference between a customer's peak load contribution (PLC) and real-time load, multiplied by the loss factor (LF).⁴⁸ The Guaranteed Load Drop (GLD) method measures the minimum of: the comparison load minus real-time load multiplied by the loss factor; or the PLC minus the real-time load multiplied by the loss factor. The comparison load estimates what the load would have been if PJM did not declare a Load Management Event, similar to a CBL, by using a comparable day, same day, customer baseline, regression analysis

⁴⁷ For analysis of the 2017/2018 Delivery Year, see *2018 Quarterly State of the Market Report: January through September*, Section 6: Demand Response, at Emergency and Pre-Emergency Programs. <http://www.monitoringanalytics.com/reports/PJM_State_of_the_Market/2018/2018q3-som-pjm-sec6.pdf>

⁴⁸ Real-time load is hourly metered load.

or backup generation method. Limiting the GLD method to the minimum of the two calculations ensures reductions occur below the PLC, thus avoiding double counting of load reductions.⁴⁹ With the introduction of the Winter Peak Load (WPL) concept, effective for the 2017/2018 Delivery Year, both the FSL and GLD methods are modified for the non-summer period. The FSL method measures compliance during the non-summer period as the difference between a customer's WPL multiplied by the Zonal Winter Weather Adjustment Factor (ZWWAF) and the LF, rather than the PLC, and real-time load, multiplied by the LF. PJM calculates and posts on the PJM website the ZWWAF as the zonal winter weather normalized peak divided by the zonal average of the five coincident peak loads in December through February.⁵⁰ The GLD method measures compliance during the non-summer period as the minimum of: the comparison load minus real-time load multiplied by the loss factor; or the WPL multiplied by the ZWWAF and the LF, rather than the PLC, minus the real-time load multiplied by the LF.⁵¹

The Capacity Market is an annual market. A Capacity Performance resource has an annual commitment. Load is allocated capacity obligations based on the annual peak load which is a summer load. The amount of MW allocated to load does not vary based on winter demand. The principle is that a customer's actual use of capacity should be compared to the level of capacity that a customer is required to pay for. Capacity costs are allocated to LSEs by PJM based on the single coincident peak load method. In PJM, the single coincident peak occurs in the summer.⁵² LSEs generally allocate capacity costs to customers based on the five coincident peak method.⁵³ The allocation of capacity costs to customers uses each customer's PLC. Customers pay for capacity based on the

⁴⁹ 135 FERC ¶ 61,212.

⁵⁰ "PJM Manual 18: PJM Capacity Market," § 4.3.7, Rev. 41 (January 1, 2019).

⁵¹ "PJM Manual 18: PJM Capacity Market," § 8.7A, Rev.41 (January 1, 2019).

⁵² OATT Attachment DD.5.11.

⁵³ OATT Attachment M-2.

PLC, not the WPL. The MMU recommends setting the baseline for measuring capacity compliance under summer and winter compliance at the customer's PLC, similar to GLD, to avoid double counting, to avoid under counting and to ensure that a customer's purchase of capacity is calculated correctly. The FSL and GLD equations for calculating load reductions are:

$$FSL\ Compliance_{Summer} = PLC - (Load \cdot LF)$$

$$FSL\ Compliance_{Non-Summer} = (WPL \cdot ZWWAF \cdot LF) - (Load \cdot LF)$$

$$GLD\ Compliance_{Summer} = \text{Minimum}\{(comparison\ load - Load) \cdot LF; PLC - (Load \cdot LF)\}$$

$$GLD\ Compliance_{Non-Summer} = \text{Minimum}\{(comparison\ load - Load) \cdot LF; (WPL \cdot ZWWAF \cdot LF) - (Load \cdot LF)\}$$

Table 6-21 shows the MW registered by measurement and verification method and by technology type for the 2018/2019 Delivery Year. For the 2018/2019 Delivery Year, 99.7 percent use the FSL method and 0.3 percent use the GLD measurement and verification method.

Table 6-21 Reduction MW by each demand response method: 2018/2019 Delivery Year

Measurement and Verification Method	Technology Type								Percent by Total	Percent by type
	On-site Generation MW	HVAC MW	Refrigeration MW	Lighting MW	Manufacturing MW	Water Heating MW	Batteries and Plug Load MW			
Firm Service Level	1,162.7	2,763.3	195.1	707.5	3,976.5	116.6	38.8	8,960.4	99.7%	
Guaranteed Load Drop	1.4	8.8	0.0	0.7	16.4	0.1	0.0	27.4	0.3%	
Total	1,164.0	2,772.2	195.1	708.2	3,992.9	116.7	38.8	8,987.7	100.0%	
Percent by method	13.0%	30.8%	2.2%	7.9%	44.4%	1.3%	0.4%	100.0%		

Table 6-22 shows the fuel type used in the onsite generators for the 2018/2019 Delivery Year in the emergency and pre-emergency programs. During the 2018/2019 Delivery Year, 1,164.0 MW of the 8,988.1 MW of nominated MW, 13.0 percent, used onsite generation. Of the 1,164.0 MW, 83.5 percent of MW are diesel and 16.5 percent of MW are natural gas, gasoline, oil, propane or waste products. For the 2018/2019 Delivery Year, there was 354.5 MW of the 411.4 MW, 86.2 percent, registered with an onsite generator in the emergency program.

Table 6-22 Onsite generation fuel type (MW): 2018/2019 Delivery Year

Fuel Type	2018/2019	
	MW	Percent
Diesel	971.7	83.5%
Natural Gas, Gasoline, Oil, Propane, Waste Products	192.3	16.5%
Total	1,164.0	100.0%

Emergency and Pre-Emergency Event Reported Compliance

Subzonal dispatch became mandatory for emergency demand resources in the 2014/2015 Delivery Year, if the subzone was defined by PJM no later than the day before the dispatch.⁵⁴ PJM does not measure compliance when demand response is dispatched in a subzone created on the same day as the dispatch. There are thirteen dispatchable subzones in PJM effective September 21, 2018: AEP_CANTON, ATSI_CLE, DPL_SOUTH, PS_NORTH, ATSI_NEWCASOE, PPL_WESCO, ATSI_BLKRIVER, PENELEC_ERIC, APS_EAST, DOM_CHES, DOM_YORKTOWN, AECO_ENGLAND, JCPL_REDBANK.⁵⁵ Effective with the 2020/2021 Delivery Year, PJM will procure a single capacity product, Capacity Performance, which does not require predefined subzones for mandatory dispatch.⁵⁶

PJM can remove a defined subzone, and make changes to the subzone, at their discretion. Subzones should not be removed once defined, as the subzone may need to be dispatched again in the future. The METED_EAST, PENELEC_EAST, PPL_EAST and DOM_NORFOLK subzones were removed by PJM. More subzones may have been removed by PJM but PJM does not keep a record of created and removed subzones. The MMU recommends that PJM not remove any defined subzones and maintain a public record of all created and removed subzones.

The subzone design and closed loop interfaces are related. PJM implemented closed loop interfaces with the stated purpose of improving the incorporation

⁵⁴ OATT Attachment DD, Section 11.

⁵⁵ See "Load Management Subzones," <<http://www.pjm.com/~media/markets-ops/demand-response/subzone-definition-workbook.ashx>> (Accessed February 25, 2019).

⁵⁶ OATT Attachment DD, Section 10A.

of reactive constraints into energy prices and to allow emergency DR to set price.⁵⁷ PJM applies closed loop interfaces so that it can use units needed for reactive support to set the energy price when they would not otherwise set price under the LMP algorithm. PJM also applies closed loop interfaces so that it can use emergency DR resources to set the real-time LMP when DR resources would not otherwise set price under the fundamental LMP logic. Of the 20 closed loop interface definitions, 11 (55 percent) were created for the purpose of allowing emergency DR to set price.⁵⁸

Demand resources can be dispatched for voluntary compliance during any hour of any day, but dispatched resources are not measured for compliance outside of the mandatory compliance window for each demand product. A demand response event during a product's mandatory compliance window also may not result in a compliance score. When limited, extended summer and annual demand response events occur for partial hours under 30 minutes or for a subzone dispatch that was not defined one business day before dispatch, the events are not measured for compliance.

Capacity Performance demand resources currently estimate five minute compliance with an hourly interval meter during PAIs. To accurately measure compliance on a five minute basis, a five minute interval meter is required. All other Capacity Performance resources require five minute interval meters, and demand resources should be no different. Limited, extended summer and annual demand resources are paid based on the average performance by registration for the duration of a demand response event. Each capacity performance demand response product should measure compliance on a five minute basis to accurately report reductions during demand response events. The current rules for limited, extended summer and annual demand response use the average reduction for the duration of an event. The average duration across multiple hours does not provide an accurate metric for each five minute interval of the event and is inconsistent with the measurement of generation resources. Measuring compliance on a five minute basis would

⁵⁷ See PJM/Alstom, "Approaches to Reduce Energy Uplift and PJM Experiences," presented at the FERC Technical Conference: Increasing Real-Time and Day-Ahead Market Efficiency Through Improved Software in Docket No. AD10-12-006 <<http://www.ferc.gov/june-tech-conf/2015/presentations/m2-3.pdf>> (June 23, 2015).

⁵⁸ See the 2018 State of the Market Report for PJM, Volume 2, Section 4, Energy Uplift, for additional information regarding all closed loop interfaces and the impacts to the PJM markets.

provide accurate information to the PJM system. The MMU recommends limited, extended summer and annual demand response event compliance be calculated on an hourly basis for noncapacity performance resources and on a five minute basis for all capacity performance resources and that the penalty structure reflect five minute compliance.⁵⁹

Annual and capacity performance demand response currently assign annual reduction capability by registration, which is measured as the lower of the summer and winter reduction capability. Starting with the 2019/2020 Delivery Year, CSPs will assign the annual reduction capability by portfolio rather than registration, which is measured as the lower of the summer and winter reduction capability by portfolio.⁶⁰ Allowing CSPs to aggregate to the portfolio level further weakens the locational aspect of registered demand resources and artificially inflates the level of demand response. For example, imagine a CSP has two registrations in a zonal portfolio, with one registration capable of reducing 5 MW in summer and 2 MW in winter, and the second registration capable of reducing 1 MW in summer and 5 MW in winter. Before the 2019/2020 Delivery Year, the first registration would have an annual capability of 2 MW and the second registration would have an annual capability of 1 MW resulting in a 3 MW total reduction capability. After the 2019/2020 Delivery Year, individual registration capability is ignored resulting in the portfolio capability of 6 MW in summer and 7 MW in winter. This creates a 6 MW total reduction capability within the zone. Without any change to either registration, the CSP was able to add 3 MW to their annual reduction capability. The locational availability of demand resources, at a nodal level, will vary. This treatment is unique to demand resources.

Under the capacity performance design of the PJM Capacity Market, compliance for potential penalties will be measured for DR only during performance assessment intervals (PAI).⁶¹ When pre-emergency or emergency demand response is dispatched, a PAI is triggered for PJM. PJM cannot dispatch pre-emergency or emergency demand response without triggering

⁵⁹ "PJM Manual 18: Capacity Market," § 8.7A, Rev. 41 (Jan. 1, 2019).

⁶⁰ The seasonal DR registration aggregation received endorsement at the September 27, 2018 MRC meeting, <<https://www.pjm.com/-/media/committees-groups/committees/mc/20180927/20180927-consent-agenda-item-b-seasonal-dr-registration-aggregation-draft-oatt-revisions.ashx>>.

⁶¹ OATT § 1 (Performance Assessment Hour).

a PAI and measuring compliance. Before PJM created PAI to measure compliance, pre-emergency demand response could be dispatched without calling an emergency event. As a result, PJM now effectively classifies all demand response as an emergency resource.

The MMU recommends that demand response resources be treated as economic resources like all other capacity resources and therefore that the dispatch of demand response resources not automatically trigger a performance assessment interval (PAI) for CP compliance. Emergencies should be triggered only when PJM has exhausted all economic resources including demand response resources. Table 6-23 shows the amount of nominated demand response MW, the required reserve margin and actual reserve margin as of June 1, 2017 and June 1, 2018. There are 8,988.1 nominated MW of demand response for the 2018/2019 Delivery Year, which is 40.0 percent of the required reserve margin and 28.1 percent of the actual reserve margin on June 1, 2018.⁶²

Table 6-23 Demand response nominated MW compared to reserve margin: June 1, 2017 and June 1, 2018

	Demand Response Nominated MW	Required Reserve Margin	Demand Response Percent of Required Reserve Margin	Actual Reserve Margin	Demand Response Percent of Actual Reserve Margin
01-Jun-17	9,154.7	23,305.2	39.3%	33,828.1	27.1%
01-Jun-18	8,998.1	22,487.7	40.0%	31,987.5	28.1%

PJM will dispatch demand resources by zone or subzone for limited, extended summer and annual demand resources, or within a PAI area for Capacity Performance resources. When PJM dispatches all demand resources in multiple connecting zones, PJM further degrades the nodal design of electricity markets. PJM allows compliance to be measured across zones within a compliance aggregation area (CAA) or Emergency Action Area (EAA).⁶³ ⁶⁴ A CAA, or EAA, is an electrically connected area that has the same capacity market price. This changes the way CSPs dispatch resources when

⁶² 2018 State of the Market Report for PJM, Volume 2, Section 5: Capacity, Table 5-7.

⁶³ CAA is "a geographic area of Zones or sub-Zones that are electrically contiguous and experience for the relevant Delivery Year, based on Resource Clear Prices of, for Delivery Years through May 31, 2018, Annual Resources and for the 2018/2019 Delivery Year and subsequent Delivery Years, Capacity Performance Resources, the same locational price separation in the Base Residual Auction, the same locational price separation in the First Incremental Auction, the same locational price separation in the Second Incremental Auction, or the same locational price separation in the Third Incremental Auction." OATT § 1.

⁶⁴ PJM. "Manual 18: Capacity Market," § 8.7.2, Rev. 41 (Jan. 1, 2019).

multiple electrically contiguous areas with the same RPM clearing prices are dispatched. The compliance rules determine how CSPs are paid and thus create incentives that CSPs will incorporate in their decisions about how to respond to PJM dispatch. The multiple zone approach is even less locational than the zonal and subzonal approaches and creates larger mismatches between the locational need for the resources and the actual response. If multiple zones within a CAA are called by PJM, a CSP will dispatch the least cost resources across the zones to cover the CSP's obligation. This can result in more MW dispatched in one zone that are locationally distant from the relief needed and no MW dispatched in another zone, yet the CSP could be considered 100 percent compliant and pay no penalties. More locational deployment of load management resources would improve efficiency. With full implementation of capacity performance, demand response will be dispatched by registrations within an area for which an Emergency Action is declared by PJM. PJM does not have the nodal location of each registration, meaning PJM will need to guess as to the useful demand response registration by registered location. The MMU recommends that demand resources be required to provide their nodal location. Nodal dispatch of demand resources would be consistent with the nodal dispatch of generation.

Definition of Compliance

Currently, the calculation methods of event and test compliance do not provide reliable results. PJM's interpretation of load management event rules allows over compliance to be reported when there is no actual over compliance. Settlement locations with a negative load reduction value (load increase) are not netted by PJM within registrations or within demand response portfolios. A resource that has load above their baseline during a demand response event has a negative performance value. PJM limits compliance shortfall values to zero MW. This is not explicitly stated in the Tariff or supporting Manuals and the compliance formulas for FSL and GLD customers do allow negative values.⁶⁵

Limiting compliance to only positive values incorrectly calculates compliance. For example, if a registration had two locations, one with a 50 MWh load

⁶⁵ OA Schedule 1 § 8.9.

increase when called, and another with a 75 MWh load reduction when called, PJM calculates compliance for that registration as a 75 MWh load reduction for that event hour. Negative settlement MWh are not netted across hours or across registrations for compliance purposes. A location with a load increase is set to a zero MW reduction. For example, in a two hour event, if a registration showed a 15 MWh load increase in hour one, but a 30 MWh reduction in hour two, the registration would have a calculated 0 MWh reduction in hour one and a 30 MWh reduction in hour two. This has compliance calculated at an average hourly 15 MWh load reduction for that two hour event, compared to a 7.5 MWh observed reduction. Reported compliance is greater than observed compliance, as locations with load increases, i.e. negative reductions, are treated as zero for compliance purposes.

Changing a demand resource compliance calculation from a negative value to 0 MW inaccurately values event performance and capacity performance. Inflated compliance numbers for an event overstates the true value and capacity of demand resources. A demand response capacity resource that performs negatively is also displacing another capacity resource that could supply capacity during a delivery year. By setting the negative compliance value to 0 MW, PJM is inaccurately calculating the value of demand resources.

Load increases are not netted against load decreases for dispatched demand resources across hours or across registrations within hours for compliance purposes, but are treated as zero. This skews the compliance results towards higher compliance since poorly performing demand resources are not used in the compliance calculation. When load is above the peak load contribution during a demand response event, the load reduction is negative; it is a load increase rather than a decrease. PJM ignores such negative reduction values and instead replaces the negative values with a zero MW reduction value. The PJM Tariff and PJM Manuals do not limit the compliance calculation value to a zero MW reduction value.⁶⁶ The compliance values PJM reports for demand response events are different than the actual compliance values accounting for both increases and decreases in load from demand resources that are called on and paid under the program.

⁶⁶ OA Schedule 1 § 8.9.

The MMU recommends that compliance rules be revised to include submittal of all necessary hourly load data, and that negative values be included when calculating event compliance across hours and registrations.

Demand resources that are also registered as economic resources have a calculated CBL for the emergency event days. Demand resources that are not registered as Economic Resources use the three day CBL type with the symmetrical additive adjustment for measuring energy reductions without the requirements of a Relative Root Mean Squared Error (RRMSE) Test required for all economic resources.⁶⁷ The CBL must use the RRMSE test to verify that it is a good approximation for real time load usage. The MMU recommends the RRMSE test be required for all demand resources with a CBL.

An extreme example makes clear the fundamental problems with the use of measurement and verification methods to define the level of power that would have been used but for the DR actions, and the payments to DR customers that result from these methods. The current rules for measurement and verification for demand resources make a bankrupt company, a customer that no longer exists due to closing of a facility or a permanently shut down company, or a company with a permanent reduction in peak load due to a partial closing of a facility, an acceptable demand response customer under some interpretations of the tariff, although it is the view of the MMU that such customers should not be permitted to be included as registered demand resources. Companies that remain in business, but with a substantially reduced load, can maintain their pre-bankruptcy FSL (firm service level to which the customer agrees to reduce in an event) commitment, which can be greater than or equal to the post-bankruptcy peak load. The customer agrees to reduce to a level which is greater than or equal to its new peak load after bankruptcy. When demand response events occur the customer would receive credit for 100 percent reduction, even though the customer took no action and could take no action to reduce load. This problem exists regardless of whether the customer is still paying for capacity. To qualify and participate as a demand resource, the customer must have the ability to reduce load. “A participant that has the ability to reduce a measurable and verifiable portion of its load, as metered

⁶⁷ 157 FERC ¶ 61,067 (2016).

on an EDC account basis.”⁶⁸ Such a customer no longer has the ability to reduce load in response to price or a PJM demand response event. CSPs in PJM have and continue to register bankrupt customers as DR customers. PJM finds acceptable the practice of CSPs maintaining the registration of customers with a bankruptcy related reduction in demand that are unable, as a result, to respond to emergency events. Three proposals that included language to remove bankrupt customers from a CSP’s portfolio failed at the June 7, 2017, Market Implementation Committee.⁶⁹ The registered customers that are bankrupt and the amount of registered MW cannot be released for reasons of confidentiality.

The metering requirement for demand resources is outdated, and has not kept up with the changes to PJM’s market design. PJM moved to five minute settlements, but the metering requirement for demand resources remained at an hourly interval meter. It is impossible to measure energy usage on a five basis using an hourly interval meter. PJM will estimate real time usage by prorating the hourly interval meter and assume if load is less than the CBL, that the reduction occurred during the required dispatch window. The meter reading is not telemetered to PJM in real time. The resource is allowed up to 60 days to report the data to PJM. The MMU recommends that PJM adopt the ISO-NE five-minute metering requirements in order to ensure that dispatchers have the necessary information for reliability and that market payments to demand resources be calculated based on interval meter data at the site of the demand reductions so that they can accurately measure compliance.⁷⁰

When demand resources are not dispatched during a mandatory response window, each CSP must test their portfolio to the levels of capacity commitment.⁷¹ A CSP picks the testing day, for one hour, on any non-holiday

weekday during the applicable mandatory window. A CSP is able to retest if a resource fails to provide the required reduction by less than 25 percent. The ability of CSPs to pick the test time does not simulate emergency conditions. As a result, test compliance is not an accurate representation of the capability of the resource to respond to an actual PJM dispatch of the resource. Given that demand resources are now an annual product, multiple tests are required to ensure reduction capability year round. The MMU recommends that load management testing be initiated by PJM with limited warning to CSPs in order to more accurately represent the conditions of an emergency event.

Table 6-24 shows the test penalties by delivery year by product type for the 2015/2016 Delivery Year through the 2018/2019 Delivery Year. The shortfall MW are calculated for each CSP by zone. The weighted rate per MW is the average penalty rate paid per MW. The total penalty column is the sum of the daily test penalties by delivery year and type. The testing window for the limited product is open through September. The testing window for the extended summer, annual and Capacity Performance product is open through the end of the delivery year.

⁶⁸ 0A Schedule 1 § 8.2.

⁶⁹ There was one proposal from PJM, one proposal from a market participant and one proposal from the MMU. See *Approved Minutes from the Market Implementation Committee*, <<http://www.pjm.com/-/media/committees-groups/committees/mic/20170607/20170607-minutes.ashx>>.

⁷⁰ See ISO-NE Tariff, Section III, Market Rule 1, Appendix E1 and Appendix E2, “Demand Response,” <http://www.iso-ne.com/regulatory/tariff/sect_3/mr1_append-e.pdf>. (Accessed October 17, 2017) ISO-NE requires that DR have an interval meter with five-minute data reported to the ISO and each behind the meter generator is required to have a separate interval meter. After June 1, 2017, demand response resources in ISO-NE must also be registered at a single node.

⁷¹ The mandatory response time for Limited DR is June through September between 12:00PM to 8:00PM EPT, for Extended Summer is June through October and the following May between 10:00AM to 10:00PM EPT, for Annual DR is June through October and the following May between 10:00AM to 10:00PM and is November through April between 6:00AM to 9:00PM EPT, for Base Capacity DR is June through September between 10:00AM to 10:00PM EPT, Capacity Performance DR is June through October and the following May

between 10:00AM to 10:00PM EPT and November through April between 6:00AM through 9:00PM EPT. See PJM. “Manual 18: Capacity Market,” Rev. 41 (Jan. 1, 2019).

Table 6-24 Test penalties by delivery year by product type: 2015/2016 through 2018/2019 Delivery Years

Product Type	2015/2016			2016/2017			2017/2018			2018/2019		
	Shortfall MW	Weighted Rate per MW	Total Penalty	Shortfall MW	Weighted Rate per MW	Total Penalty	Shortfall MW	Weighted Rate per MW	Total Penalty	Shortfall MW	Weighted Rate per MW	Total Penalty
Limited	96.4	\$165.35	\$5,836,255	48.9	\$166.41	\$2,967,158	13.9	\$124.08	\$631,665	0.0	\$179.80	\$1,749
Extended Summer	1.9	\$163.70	\$113,835	7.3	\$138.14	\$370,290	10.5	\$142.86	\$547,928			
Annual	3.7	\$184.67	\$250,621	4.8	\$137.45	\$241,406	16.3	\$144.00	\$855,940			
Base DR and EE										16.3	\$186.80	\$924,605
Capacity Performance				2.1	\$160.80	\$124,310	0.6	\$181.80	\$40,146			
Total	102.0	\$166.02	\$6,200,711	63.1	\$160.72	\$3,703,163	41.3	\$137.54	\$2,075,678	16.3	\$186.79	\$926,354

Emergency Energy Payments

Emergency and pre-emergency demand response dispatched during a load management event by PJM are eligible to receive emergency energy payments if registered under the full program option. The full program option includes an energy payment for load reductions during a pre-emergency or emergency event for demand response events and capacity payments.⁷² There were 98.2 percent of nominated MW for the 2017/2018 Delivery Year and 98.8 percent of nominated MW for the 2018/2019 Delivery Year registered under the full program option. There were 1.8 percent of nominated MW for the 2017/2018 Delivery Year and 1.2 percent of nominated MW for the 2018/2019 Delivery Year registered as capacity only option. Demand resources clear the capacity market like all other capacity resources and the dispatch of demand resources should not trigger a scarcity event. The strike price is set by the CSP before the delivery year starts and cannot be changed during the delivery year. The demand resource energy payments are equal to the higher of hourly zonal LMP or a strike price energy offer made by the participant, including a dollar per MWh minimum dispatch price and an associated shutdown cost. Demand resources should not be permitted to offer above \$1,000 per MWh without cost justification or to include a shortage penalty in the offer. FERC has stated clearly that demand resources in the capacity market must verify costs above \$1,000 per MWh, unless they are capacity only. “We clarify, however, that reforms adopted in this Final Rule, which provide that resources are eligible to submit cost-based incremental energy offers in excess of \$1,000/MWh and

⁷² *Id.*

require that those offers be verified, do not apply to capacity-only demand response resources that do not submit incremental energy offers in energy markets.”⁷³ PJM interprets the scarcity pricing rules to allow a maximum DR energy price of \$1,849 per MWh for the 2017/2018 Delivery Year and the 2018/2019 Delivery Year.^{74 75}

Demand resources registered with

the full option should be required to verify energy offers in excess of \$1,000 per MWh. PJM does not require such verification.⁷⁶ The MMU recommends that the maximum offer for demand resources be the same as the maximum offer for generation resources.

Shutdown costs for demand response resources are not adequately defined in Manual 15. PJM’s Cost Development Subcommittee (CDS) approved changes to Manual 15 to eliminate shutdown costs for demand response resources participating in the Synchronized Reserve Market, but not demand resources or economic resources.⁷⁷

Table 6-25 shows the distribution of registrations and associated MW in the emergency full option across ranges of minimum dispatch prices for the 2018/2019 Delivery Year. The majority of participants, 77.6 percent of locations and 53.9 percent of nominated MW, have a minimum dispatch price between \$1,550 and \$1,849 per MWh, which is the maximum price allowed for the 2018/2019 Delivery Year, 2.4 percent of locations and 4.0 percent of nominated MW have a dispatch price between \$0 and \$1,000 per MWh, and 97.6 percent of locations and 96.0 percent of nominated MW have a dispatch price above \$1,000 per MWh. The shutdown cost of resources with \$1,000 to

⁷³ 161 FERC ¶ 61,153 (2017).

⁷⁴ 139 FERC ¶ 61,057 (2012).

⁷⁵ FERC accepted proposed changes to have the maximum strike price for 30 minute demand response to be \$1,000/MWh + 1*Shortage penalty - \$1.00, for 60 minute demand response to be \$1,000/MWh + (Shortage Penalty/2) and for 120 minute demand response to be \$1,100/MWh from ER14-822-000.

⁷⁶ OATT Attachment K Appendix Section 1.10.1A Day-ahead Energy Market Scheduling (d) (x).

⁷⁷ “PJM Manual 15: Cost Development Guidelines,” § 8.1, Rev. 30 (Dec. 4, 2018).

\$1,275 per MWh strike prices had the highest average at \$187.08 per location and \$130.64 per nominated MW.

Table 6–25 Distribution of registrations and associated MW in the full option across ranges of minimum dispatch: 2018/2019 Delivery Year

Ranges of Strike Prices (\$/MWh)	Locations	Percent of Total	Nominated MW (ICAP)	Percent of Total	Shutdown Cost per Location	Shutdown Cost Per Nominated MW (ICAP)
\$0–\$1,000	333	2.4%	350.6	4.0%	\$65.57	\$50.41
\$1,000–\$1,275	2,479	17.5%	3,355.9	37.9%	\$187.08	\$130.64
\$1,275–\$1,550	359	2.5%	380.6	4.3%	\$51.39	\$48.48
\$1,550–\$1,849	10,980	77.6%	4,775.2	53.9%	\$52.26	\$120.16
Total	14,151	100.0%	8,862.3	100.0%	\$76.17	\$121.62

Distributed Energy Resources

Distributed Energy Resources (DER) are not well defined, but generally include small scale generation directly connected to the grid, generation connected to distribution level facilities and behind the meter generation.⁷⁸ For example, Table 6–22 shows the fuel mix of behind the meter generation participating as emergency demand response in the 2018/2019 Delivery Year. Clear rules for defining DERs and for defining the ways in which DERs will interact with the wholesale power markets do not yet exist, although the development of those rules is under active discussion.⁷⁹ ⁸⁰ DERs should be treated like other resources. Creating preferential treatment for DERs could create an incentive to move resources behind the meter in a manner inconsistent with efficiency and competitive markets. FERC directed that DER aggregation be as geographically broad as technically feasible.⁸¹

The current demand response rules appropriately restrict demand response from injecting power into the grid and receiving demand response revenue. At the January 30, 2019, Demand Response Subcommittee meeting, PJM without a stakeholder process or FERC approval, decided to allow some economic

DR payments when DR injects power into the grid. PJM's test compares the total benefits of running the generator which includes generation payments and assumed retail rate savings against the total cost of the generator. If the total cost of the generator is greater than the benefits, then the resource would receive economic DR payments while injecting. The use of a retail rate in calculating wholesale power market benefits raises significant issues analogous to net metering that require discussion and tariff changes. PJM should not include retail rate benefits in the definition of demand response without approval of FERC.

Aggregation to a single node is technically feasible. Allowing DER aggregation across nodes is not necessary and is not consistent with the nodal market design. Getting the rules correct at the beginning of DER development is essential to the active and effective participation of DER in the wholesale power markets in a manner that enhances rather than undercuts the efficiency and competitiveness of the power markets.

⁷⁸ Some energy storage facilities may be DERs. The February 15, 2018, FERC Order No. 841 requires that energy storage resources have access to capacity, energy and ancillary service markets. 162 FERC ¶ 61,127, at P 1 (2018).

⁷⁹ In PJM, the Distributed Energy Resources Subcommittee (DERSC) is currently discussing these issues. *Distributed Energy Resources Subcommittee*, PJM, <<http://www.pjm.com/committees-and-groups/subcommittees/ders.aspx>>.

⁸⁰ See "Notice of Technical Conference," Docket No. RM18-9-000 and AD18-10-000 (February 15, 2018); "Technical Conference Distributed Energy Resources," Docket No. RM18-9-000 and AD18-10-000 (April 10, 2018).

⁸¹ 162 FERC ¶ 32,718 at P 139 (2016).

