Pursuant to Rule 213 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“FERC” or “Commission”), the U.S. Energy Storage Association (“ESA”) hereby submits this Motion to Answer and Answer in support of PJM Interconnection L.L.C.’s (“PJM”) May 14, 2021 Motion to Hold Proceedings in Abeyance (“PJM’s Motion”), and in opposition to the Independent Market Monitor’s (“IMM”) May 19, 2021 Answer and Motion to Answer (the “IMM’s Answer”) filed in the above-captioned consolidated dockets. Per its Motion, PJM requests that FERC hold the proceedings in Docket Nos. EL19-100-000/ER20-584 (consolidated) in abeyance until the Commission issues its decision on a refiled Effective Load Carrying Capability (“ELCC”) construct. PJM stated that it intends to refile the ELCC mechanism by June 1, 2021, to include provisions consistent with those outlined in FERC’s April 30, 2021 Order. Conversely, the IMM argues that there is no valid reason to hold the briefing schedule in abeyance. ESA disagrees with the IMM.


I. MOTION FOR LEAVE TO ANSWER

Although responses to answers are not permitted pursuant to FERC rules as a course of normal business, the Commission does allow answers when the answer provides useful and relevant information that will assist the Commission in its decision-making process, corrects factual inaccuracies and clarifies the issues, assures a complete record in the proceeding, provides information helpful to the disposition of an issue, or permits the issues to be narrowed.3

As demonstrated herein, this Answer satisfies each of those criteria and thus, FERC is respectfully requested to grant the U.S. Energy Storage Association Motion for Leave to Answer and to include its Answer in the record of this proceeding.

II. ANSWER

ESA supports holding the briefing schedule in abeyance pending FERC’s review; doing so is administratively efficient and in the public interest.

Since 2019, the Commission has evaluated extensively, in several dockets, PJM’s proposals to incorporate Energy Storage Resources (“ESRs”) into its capacity market to conform with FERC’s directives in Order No. 841.4 In its April 30, 2021 Order, FERC noted that the ELCC, without a previously-proposed transition mechanism, would likely result in a just and reasonable mechanism to mitigate barriers that currently preclude opening PJM’s capacity market to all resource types. FERC’s April 30, 2021 Order allowed for PJM to resubmit the ELCC in accordance with its directives. If, upon review of the revised ELCC, FERC approves

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4 See, e.g., PJM Interconnection, L.L.C., 169 FERC ¶ 61,049 (October 2019 Order).
the mechanism for implementation, the need for a paper proceeding could be moot. Moreover, nothing prohibits FERC from subsequently restarting the paper hearing after receiving PJM’s filing. 

Accordingly, ESA respectfully requests that FERC approve PJM’s Motion to hold the paper hearing in abeyance until such a time as it has reviewed a forthcoming ELCC filing from PJM submitted as directed by June 1, 2021.

III. CONCLUSION

The process undertaken by PJM, the Commission and the stakeholders to ensure conformance with Order No. 841 mandates has been exhaustive. It is certainly reasonable for FERC to evaluate the ELCC that PJM intends to submit, by June 1, 2021, for the Commission’s review. Thus, ESA supports PJM’s Motion to hold Docket No. EL19-100 in abeyance pending the Commission’s final decision on the ELCC. The IMM’s attempt to re-start the process should be denied.

Respectfully submitted,

THE U.S. ENERGY STORAGE ASSOCIATION
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May 24, 2021
CERTIFICATE OF SERVICE

Pursuant to Rule 2010 of the Commission’s Rules of Practice and Procedure, I, Anne O’Hanlon, certify that on this day that I emailed or mailed, postage prepaid, a copy of the foregoing document to all parties on the official service list posted by FERC.

Dated at Boston, MA this 24th day of May 2021.

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