

ORIGINAL

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

FILED
SECRETARY OF THE
COURT

DOMINION ENERGY SERVICES)
INC.,)

Petitioner,)

v.)

FEDERAL ENERGY REGULATORY)
COMMISSION,)

Respondent.)

2020 JUN 15 P 1:22

FEDERAL ENERGY
REGULATORY COMMISSION

Case No. 20-1194

part 5 of 5

EL16-49-000

et al

**PETITION FOR REVIEW OF
DOMINION ENERGY SERVICES, INC.**

Pursuant to Section 313(b) of the Federal Power Act, 16 U.S.C. § 8251(b), Rule 15(a) of the Federal Rules of Appellate Procedure, and Rule 15 of the United States Court of Appeals of the District of Columbia Circuit, Dominion Energy Services, Inc., on behalf of Virginia Electric and Power Company d/b/a Dominion Energy Virginia (“Dominion”), petitions this Court for review of the following orders of the Federal Energy Regulatory Commission (“FERC” or “Commission”):

- *Calpine Corp., et al. v. PJM Interconnection, L.L.C.*, Docket Nos. EL16-49-000, ER18-1314-000, ER18-1314-001, and EL18-178-000, Order Rejecting Proposed Tariff Revisions, Granting in Part and Denying in Part Complaint, and Instituting Proceeding Under Section 206 of the Federal Power Act, 163 FERC ¶ 61,236 (June 29, 2018) (“June 29, 2018 Order”) (*available at*: <https://elibrary.ferc.gov/idmws/common/opennat.asp?fileID=14961693>).

state actions are front and center in the Commission's justification for acting.³⁸ To be sure, the Commission doffs its hat to "price suppression" throughout the orders. But repeating the phrase "price suppression" does not change the fact that the Commission's stated concern in the June 2018 Order, the December 2109 Order, and today's orders is the states' exercise of their authority under section 201(b) or the fact that the goal of the new MOPR is to "nullify" and "disregard" the effects of state resource decisionmaking. Similarly, the Commission's observation that it is not literally precluding states from building new resources is beside the point. As I explained in my earlier dissent, that is the equivalent of saying that a grounded teenager is not being punished because he can still play in his room—it deliberately mischaracterizes both the intent and the effect of the action in question.³⁹

16. The extent to which the Commission is attempting to interfere with state resource decisionmaking is even clearer with a little context. The MOPR was originally used to mitigate buyer-side market power within the wholesale market⁴⁰—a concern at the heart of the Commission's responsibility to ensure that wholesale rates are just and unreasonable.⁴¹ And for much of the MOPR's history, that is what it did. Even when the

³⁸ *Id.*

³⁹ December 2019 Order, 169 FERC ¶ 61,239 (Glick, Comm'r, dissenting at P 13).

⁴⁰ Specifically, those early MOPRs were designed to ensure that net buyers of capacity were not able to use market power to drive down the capacity market price. *See N.Y. Indep. Sys. Operator, Inc.*, 170 FERC ¶ 61,121 (2020) (Glick, Comm'r, dissenting at P 2); *see generally* Richard B. Miller, Neil H. Butterklee & Margaret Comes, "Buyer-Side" Mitigation in Organized Capacity Markets: Time for a Change?, 33 Energy L.J. 459 (2012) (discussing the history of buyer-side mitigation at the Commission).

⁴¹ *See, e.g., Nat'l Ass'n of Regulatory Util. Comm'rs v. FERC*, 475 F.3d 1277, 1280 (D.C. Cir. 2007) (noting that "FERC's authority generally rests on the public interest in constraining exercises of market power"); *Pub. Util. Dist. No. 1 of Snohomish Cty. v. Dynegy Power Mktg., Inc.*, 384 F.3d 756, 760 (9th Cir. 2004) (explaining that the absence of market power could provide a strong indicator that rates are just and reasonable); *Tejas Power Corp. v. FERC*, 908 F.2d 998, 1004 (D.C. Cir. 1990) ("In a competitive market, where neither buyer nor seller has significant market power, it is rational to assume that the terms of their voluntary exchange are reasonable, and specifically to infer that the price is close to marginal cost, such that the seller makes only a normal return on its investment."); *see also N.Y. Indep. Sys. Operator, Inc.*, 170 FERC ¶ 61,121 (Glick, Comm'r, dissenting at P 2) (explaining that "the Commission's buyer-side market power mitigation regime should focus only on actual market power" a concern that "is both more consistent with the FPA's dual-federalist design and the Commission's core responsibility as a regulator of monopoly/monopsony power").

Commission eliminated the categorical exemption for resources developed pursuant to state public policy, the Commission limited the MOPR's application only to natural gas-fired resources—*i.e.*, those that would most likely be used as part of an effort to decrease capacity market prices.⁴²

17. How things have changed. Today, the Commission expressly admits that, for the first time, the MOPR is no longer about buyer-side market power.⁴³ Instead, as noted, it is all about and only about nullifying the effects of state public policies. That dramatic shift began only in 2018, more than a decade after the MOPR was first employed to mitigate the exercise of market power.⁴⁴ The intervening two years have been head-spinning as the Commission has rapidly transformed a narrowly tailored anti-monopsony measure into a regime for blocking state efforts to shape the generation mix.

18. At no point, however, has the Commission been able to coherently justify the MOPR's change of target. It first claimed that this transformation of the MOPR was necessary to ensure "investor confidence" and the ability of unsubsidized resources to compete against resources receiving state support.⁴⁵ A few months later, at the outset of this proceeding, the Commission abandoned "investor confidence" and asserted that the need to mitigate state policies in order to protect the "integrity" of the capacity market—another concept that it did not bother to explain.⁴⁶ And last December, the Commission

⁴² See *N.J. Bd. of Public Utils. v. FERC*, 744 F.3d 74, 106-07 (3d Cir. 2014) (*NJBPU*) (summarizing the Commission's reasoning for limiting the MOPR to only natural gas-fired resources). The Commission asserts, without explanation, that there is a "clear tension" between the 2011 order eliminating the public policy exemption to then-limited MOPR and recent state efforts to shape the generation mix. December 2019 Rehearing Order, 171 FERC ¶ 61,035 at P 320. Nonsense. The 2011 order specifically exempted all non-natural-gas-fired resources from the MOPR, squarely foreclosing whatever tension the Commission pretends to uncover today. In any case, it is hardly fair to assign states the responsibility for predicting when the Commission will abandon its precedent and entirely reorient its approach to regulating a construct like the PJM capacity market.

⁴³ December 2019 Rehearing Order, 171 FERC ¶ 61,035 at P 45 (stating that "the expanded MOPR does not focus on buyer-side market power mitigation").

⁴⁴ See *ISO New England Inc.*, 162 FERC ¶ 61,205, at PP 20-26 (2018). That order also came after every existing court case considering the legality of the Commission's use of the MOPR.

⁴⁵ *Id.* P 21.

⁴⁶ June 2018 Order, 163 FERC ¶ 61,236 at PP 150, 156, 161.

added yet another new twist: That state subsidies “reject the premise of the capacity market.”⁴⁷ But, as with investor confidence and market integrity, it is hard to know exactly what that premise is. Today’s orders provide more of the same, reiterating those buzz words without any further explanation.⁴⁸ If there is one thing that those inscrutable terms share, it is their inability to conceal, much less justify, the fundamental shift in the Commission’s focus.⁴⁹ The Commission’s effort to recast the MOPR as always having been about price suppression at some level of generality⁵⁰ obfuscates that point and badly mischaracterizes the recent shift in the MOPR’s focus.

19. Neither of the Commission’s responses provide it much cover. First, the Commission asserts that the new MOPR does not intrude on states’ exclusive jurisdiction just because it “affect[s] matters within the states’ jurisdiction.”⁵¹ Of course that is true; *EPSA* tells as much.⁵² But it is also beside the point. My argument—and the arguments

⁴⁷ December 2019 Order, 169 FERC ¶ 61,239 at P 17.

⁴⁸ *E.g.*, December 2019 Rehearing Order, 171 FERC ¶ 61,035 at P 78 (asserting that “[t]he Commission may, as here, take action to protect the integrity of federally-regulated markets against state policies” without explaining what exactly integrity means in this context); *id.* P 320 (explaining that the various exemptions provided for in the December 2019 Order are for “resources that accept the premise of a competitive capacity market” (quoting December 2019 Order, 169 FERC ¶ 61,239 at P 17)); *id.* P 337 (asserting that “[t]he replacement rate directed in the December 2019 Order addresses State-Subsidized Resources, which pose a risk to the integrity of competition in the wholesale capacity market”).

⁴⁹ Public Power Entities Rehearing Request at 6-7 (“The Commission did not justify the transformation of the MOPR from a limited mechanism aimed at preventing price suppression by subsidized new entry into a sweeping restriction on almost all forms of non-federal support for generation resources.”).

⁵⁰ December 2019 Order, 169 FERC ¶ 61,239 at 136; *see* December 2019 Rehearing Order, 171 FERC ¶ 61,035 at P 338 (“[T]he December 2019 Order expands the scope of the MOPR, but not its underlying purpose.”). As I noted in my underlying dissent, suggesting that the MOPR has always been about price suppression is the equivalent of saying that speed limits have always been about keeping people from getting to their destination too quickly. There is a sense in which that is true, but it kind of misses the point. December 2019 Order, 169 FERC ¶ 61,239 (Glick, Comm’r, dissenting at n.35).

⁵¹ December 2019 Rehearing Order, 171 FERC ¶ 61,035 at PP 15-16.

⁵² *EPSA*, 136 S. Ct. at 776 (“[A] FERC regulation does not run afoul of § 824(b)’s proscription just because it affects—even substantially—the quantity or terms of retail

made by several parties on rehearing⁵³—is that the Commission is exercising its authority over wholesale sales to “aim at” or “target” matters subject to exclusive state jurisdiction. As explained above, the “goals” of the new MOPR and the mechanism “through which [it] operates” demonstrate an unmistakable focus on states’ exercise of their reserved authority.⁵⁴ That means that, unlike the rule in *EPSA*, today’s orders are not “all about, and only about, improving the wholesale market.”⁵⁵ Accordingly, the Court’s precedent regarding the incidental effects of a valid exercise of Commission authority are beside the point.

20. In addition, the Commission appears to suggest that it can overstep its jurisdictional bounds only if it *literally* requires states to build certain resources or prevents states from doing the same.⁵⁶ In other words, the Commission’s theory of the case is that it exceeds its jurisdiction *only* if it directly regulates the construction of new resources. But that suggestion is inconsistent with the Supreme Court’s recent cases, including *EPSA*, that make clear that the FPA does not permit federal or state regulators to use their authority in an attempt to interfere with the other’s sphere of exclusive jurisdiction by aiming at or targeting the matters peculiarly within that sphere.⁵⁷ Accordingly, the Commission’s reasoning is both a misapplication of the law and arbitrary and capricious insofar as it utterly misses the point of the argument made by several parties on rehearing.⁵⁸

21. Second, the Commission points to a handful of court of appeals decisions upholding various Commission orders addressing capacity markets. None of those cases sanction the Commission’s actions in this proceeding. The December 2019 Rehearing Order contends principally that the U.S. Court of Appeals for the Third Circuit’s (Third

sales.”).

⁵³ See, e.g. Public Power Entities Rehearing Request at 13-15; Clean Energy Advocates Rehearing Request at 85-89.

⁵⁴ *EPSA* 136 S. Ct. at 776-77.

⁵⁵ *Id.* at 776.

⁵⁶ See December 2019 Rehearing Order, 171 FERC ¶ 61,035 at P 17.

⁵⁷ See *supra* P 7; *EPSA* 136 S. Ct. at 776-77.

⁵⁸ See, e.g., Public Power Entities Rehearing and Clarification Request at 13-16; Clean Energy Associations Rehearing and Clarification Request at 10-11; Maryland Commission Rehearing and Clarification Request at 9-13; see also *supra* P 7; December 2019 Order, 169 FERC ¶ 61,239 (Glick, Comm’r, dissenting at PP 7-17).

Circuit) decision in *NJPBU* inoculates the Commission against any charge that it has exceeded its jurisdiction by intruding on state authority over resource decisionmaking.⁵⁹ That is not how precedent works. Just because a court upheld one order against a particular challenge does not mean that it would uphold all similar orders against other challenges.

22. In any case, the orders in this proceeding bear only a surface-level similarity to *NJPBU*.⁶⁰ As the Third Circuit explained, the purpose of the MOPR on review in that case was limited to mitigating the exercise of buyer-side market power⁶¹—a concern that, as noted, lies at the core of the Commission’s authority over wholesale rates and practices.⁶² Consistent with that focus, that MOPR applied only to natural gas-fired power plants because they were the resources that a large net buyer of capacity could rationally use to suppress the capacity market clearing price.⁶³ In that case, the Commission eliminated an “exception” from the MOPR that had previously allowed state-sponsored natural gas-fired units to skirt the MOPR.⁶⁴ The Commission justified its decision by pointing to a pair of (ultimately preempted) state laws that subsidized new natural gas plants by effectively guaranteeing them a predetermined wholesale rate.⁶⁵

⁵⁹ December 2019 Rehearing Order, 171 FERC ¶ 61,035 at P 16 (“The court’s decision in *NJPBU* demonstrates that the findings from the December 2019 Order are within the Commission’s jurisdiction.”); June 2018 Rehearing Order, 171 FERC ¶ 61,034 at P 66.

⁶⁰ See *supra* PP 16-18 (discussing the MOPR’s evolution).

⁶¹ *NJPBU*, 744 F.3d at 84-85. In other words, the “aim” or “target” of the MOPR was limited to the exercise of wholesale market power. *Id.*

⁶² See *supra* note 41.

⁶³ *NJPBU*, 744 F.3d at 106 (“[T]he only resources subject to the MOPR are natural gas-fired technologies.”); *id.* (“FERC asserts that the characteristics of gas units make them more likely to be used as price suppression tools.” (internal quotation marks omitted)).

⁶⁴ *Id.* at 79.

⁶⁵ *PJM Interconnection, L.L.C.*, 135 FERC ¶ 61022, at P 139 (2011); *id.* PP 128-138 (discussing the evidence in the record). In *Hughes*, the Supreme Court subsequently held that the Maryland law, which was functionally identical to the New Jersey law, was preempted because it aimed at FERC’s exclusive jurisdiction over wholesales. 136 S. Ct. at 1928. That the Commission’s elimination of the state resource exemption was both focused exclusively on the exercise of buyer-side market power and in response to a

The court concluded that all the MOPR did in that case was ensure a “new resource is economical—*i.e.*, that it is needed by the market—and ensures that its sponsor cannot exercise *market power* by introducing a new resource into the auction at a price that does not reflect its costs and that has the effect of lowering the auction clearing price.”⁶⁶ In addition, in reviewing those facts, the court observed that “FERC’s enumerated reasons for approving the elimination of the state-mandated exception relate directly to the wholesale price for capacity.”⁶⁷

23. Today’s orders are an altogether different animal. As noted above, the December 2019 Rehearing Order explicitly disavows the mitigation of market power as the basis for the new MOPR,⁶⁸ instead making it “all about and only about”⁶⁹ “nullifying”⁷⁰ state efforts to shape the generation mix⁷¹—or at least those state efforts that the Commission

state’s “intrusion” on FERC’s exclusive jurisdiction, *id.* n.11, only underscores the differences between that decision and today’s orders.

⁶⁶ *NJBPU*, 744 F.3d at 97 (emphasis added).

⁶⁷ *Id.*

⁶⁸ *See supra* P 7; December 2019 Rehearing Order, 171 FERC ¶ 61,035 at P 45 (“[T]he expanded MOPR does not focus on buyer-side market power mitigation.”); June 2018 Rehearing Order, 171 FERC ¶ 61,034 at P 56.

⁶⁹ *EPISA*, 136 S. Ct. at 776.

⁷⁰ As noted, this is the Commission’s own term for describing the effect that applying the MOPR has on a particular policy. December 2019 Order, 169 FERC ¶ 61,239 at P 87. On rehearing, several parties identified the tension between the Commission’s assertions that it could not apply the MOPR to federal policies because to do so would “nullify” those policies and its statements that applying the MOPR to state policies has no effect whatsoever. December 2019 Rehearing Order, 171 FERC ¶ 61,035 at P 12. Although the Commission summarizes some of those arguments, it does not respond to them.

⁷¹ *See supra* P 9 (explaining how the Commission’s orders focus only on state efforts to regulate the generation mix and not on other state efforts that could conceivably have the same price suppressive effects). Even PJM, which brought this problem to our doorstep in 2018, criticizes the Commission for abandoning the MOPR’s role as “guardrail” and turning it into an “over-broad and over-prescriptive” rule that “needlessly interferes with state resource policies.” PJM Rehearing and Clarification Request at 6-9.

dislikes.⁷² As explained above, today’s orders—and, indeed, every order in this proceeding—has made clear that the aim of the new MOPR is to “deter” states from taking actions of which the Commission disapproves.⁷³ That makes today’s orders a far cry from *NJBPU*. In addition, the new MOPR mitigates indiscriminately and explicitly does not require that the mitigated state policy actually affect the capacity market clearing price or even be likely to have such an effect.⁷⁴ That is distinctly unlike the targeted MOPR in *NJBPU* that addressed only the resources most likely to be used in an exercise of market power.⁷⁵ Simply put, the MOPR addressed in today’s orders is so fundamentally different from that before the court in *NJBPU* as to render the holding in that case next to meaningless as applied to these orders.

24. The Commission also suggests that the D.C. Circuit’s decisions in *Connecticut Department and Municipalities of Groton* support today’s outcome.⁷⁶ But those cases have even less in common with the facts before us than *NJBPU*. In both instances, the court upheld the Commission’s authority to require wholesale buyers to purchase particular quantities of capacity.⁷⁷ As the Court explained in *Connecticut Department*, the Commission’s focus was squarely on market structures that would motivate utilities to develop or acquire the necessary capacity.⁷⁸ But the Court went out of its way to explain that nothing in the Commission’s orders in any way limited the states’ ability to *influence* or, indeed, directly select the resources that would meet those capacity

⁷² See *supra* PP 11-12; *infra* Section II.B.1.d.

⁷³ See *supra* P 14.

⁷⁴ December 2019 Rehearing Order, 171 FERC ¶ 61,035 at P 132.

⁷⁵ Public Power Entities Rehearing Request at 15 (The “expansion of the MOPR fundamentally alters its purposes and impact in a way that impermissibly intrudes on state authority.”).

⁷⁶ December 2019 Rehearing Order, 171 FERC ¶ 61,035 at P 15 & n.45 (citing *Conn. Dep’t of Pub. Util. Control v. FERC*, 569 F.3d 477, 481-82 (D.C. Cir. 2009) and *Muns. of Groton v. FERC*, 587 F.2d 1296, 1301 (D.C. Cir. 1978)).

⁷⁷ *Connecticut Dep’t*, 569 F.3d 481-85; *id.* at 482 (explaining that *Municipalities of Groton* “sustained the Commission’s jurisdiction to review the ‘deficiency charges’ . . . charged . . . when member utilities failed to live up to their share of NEPOOL’s reliability requirement”).

⁷⁸ *Id.* at 482.

requirements.⁷⁹ And that is where any superficial similarity to today's orders ends. As noted, the new MOPR is expressly about limiting—"nullify[ing]" to use the Commission's word⁸⁰—state efforts to shape the resources that meet those requirements.⁸¹ What is more, that nullification is the express reason for of the Commission's action: The orders' goal is to block the effects of state policies and deter states from exercising their authority over generation facilities.⁸²

25. Finally, it is important to be precise about my jurisdictional argument. I do not believe that any MOPR is *per se* invalid just because it complicates state efforts to regulate generation facilities.⁸³ After all, *NJBPU* indicates that the use of a MOPR that addresses matters squarely within the Commission's authority is permissible, at least in certain circumstances.⁸⁴ But that is not what we have here. As explained above, today's orders confirm that the Commission is deploying its new MOPR to aim at state resource decisionmaking and for the purpose of substituting its own policy preferences for those of the states. That "fatal defect" renders this particular MOPR in excess of the Commission's jurisdiction.⁸⁵

⁷⁹ *Id.*

⁸⁰ December 2019 Order, 169 FERC ¶ 61,239 at PP 10, 89.

⁸¹ *See supra* P 10.

⁸² December 2019 Rehearing Order, 171 FERC ¶ 61,035 at P 319. The Commission is also fond of pointing to the U.S. Court of Appeals for the Seventh Circuit's statement, in resolving preemption litigation regarding Illinois's zero-emissions credits, that the Commission has the authority to make "adjustments" to its regulations in light of state action. *Star*, 904 F.3d at 524. And indeed it does. But it does not follow that the Commission can make *any* "adjustment" that it wants, certainly not one inconsistent with Supreme Court's holdings on the limit of federal authority under the FPA.

⁸³ As I have elsewhere explained, the proper role for MOPRs is in combatting exercises of market power, not state efforts to shape the generation mix. *N.Y. Indep. Sys. Operator, Inc.*, 170 FERC ¶ 61,121 (2020) (Glick, Comm'r, dissenting at PP 15-16).

⁸⁴ *NJBPU*, 744 F.3d at 96-98.

⁸⁵ *Cf. Hughes*, 136 S. Ct. at 1299.

II. The Commission's Orders Are Arbitrary and Capricious

26. Today's orders are also arbitrary and capricious. The upshot of the majority's position is that PJM's capacity market is a just and reasonable construct *only* if the Commission "nullifies" the effects of state public policies. That interpretation of the FPA is as radical as it is wrong and finds no support in the 80-year history of the Act or in any Commission or court precedent.⁸⁶ I suppose it should be no surprise that installing such an unprecedented mitigation regime proves to be a difficult task. But that is no excuse for an order riddled with determinations that are unsupported by the record and deeply arbitrary and capricious. The whole purpose of the Administrative Procedure Act is to prevent an agency from relying on fundamentally flawed reasoning in order to impose its policy preferences. If ever those protections were needed to address an action of the Commission, it is this one, both because of the shoddy reasoning on which the Commission's actions are based and the tremendous damage they may ultimately do. In the following sections, I detail several of what I view to be the most serious flaws in the Commission's reasoning, any of which should be sufficient to invalidate today's orders.

A. The Commission Has Not Shown that the Existing Rate Was Unjust and Unreasonable

27. Section 206 of the FPA requires the Commission to show that the existing rate is unjust and unreasonable or unduly discriminatory or preferential before it can set a replacement rate.⁸⁷ The June 2018 Rehearing Order fails to articulate a reasoned basis for concluding that the pre-existing capacity market rules were unjust and unreasonable or unduly discriminatory or preferential. Instead, the Commission doubles down on a

⁸⁶ The December 2019 Order also swept beyond what was contemplated in the original *Calpine* complaint by suggesting that voluntary commercial transactions involving renewable energy credits (RECs) would constitute a state-subsidized transaction and be subject to the MOPR. In response, several parties sought late intervention, which the Commission denies. December 2019 Rehearing Order, 171 FERC ¶ 61,035 at P 4. I would have granted those interventions. The December 2019 Order took an approach to mitigation that was far broader than any that had been contemplated to date in this proceeding and, indeed, in the Commission's history. Under those circumstances, we would be better served by letting would-be parties have their full say, rather than forcing them to sit on the sidelines.

⁸⁷ *Emera Maine v. FERC*, 854 F.3d 9, 25 (D.C. Cir. 2017) ("[A] finding that an existing rate is unjust and unreasonable is the 'condition precedent' to FERC's exercise of its section 206 authority to change that rate." (quoting *FPC v. Sierra Pac. Power Co.*, 350 U.S. 348, 353 (1956))).

conclusory theory of the case that does not seriously wrestle with the contrary arguments and evidence in the record.

28. The June 2018 Rehearing Order does not rely on any evidence that state policies are actually distorting prices, much less that they are doing so in a way that imperils resource adequacy in the region. Instead, the Commission's case rests on two propositions: (1) that certain state subsidies permit resources to lower their capacity market offers, which, if enough resources do it, will lower the clearing price⁸⁸ and (2) that the number of potentially subsidized megawatts in PJM appears likely to grow in coming years.⁸⁹ That is the entirety of the Commission's theory. And that is not enough, on this record, to reasonably conclude that PJM's existing tariff was unjust and unreasonable or unduly discriminatory or preferential.

29. As numerous parties argued on rehearing, the idea that resource adequacy in PJM is currently imperiled by state subsidies is, frankly, laughable. The Base Residual Auction has consistently procured more resources than required to meet PJM's reliability requirement and thousands of megawatts of additional resources have elected not to retire, even though they are not receiving any capacity market payment.⁹⁰ If state policies are, in fact, a threat to resource adequacy, there is certainly no evidence of that in PJM's current reserve margins. Instead, as discussed in some detail in another statement I am issuing today, if there is a problem in PJM's capacity market, it is not that prices are too low, but rather that the market is designed to produce prices that are too high, over-procuring capacity and dulling the price signals in the energy and ancillary service

⁸⁸ *E.g.*, June 2018 Rehearing Order, 171 FERC ¶ 61,034 at P 28 (“It is axiomatic that resources receiving out-of-market subsidies need less revenue from the market than they otherwise would. The rational choice for such resources, given their need to participate in PJM's capacity market, is to reduce their offers commensurably to ensure they clear in the market.”).

⁸⁹ *E.g.*, *id.* P 29 (“Rather, the June 2018 Order emphasized the significant and continued growth of out-of-market support. As this growth continues, more subsidized resources will have the ability to offer below their costs and suppress prices” (footnotes omitted)).

⁹⁰ *See, e.g.*, Joint Consumer Advocates June 2018 Order Rehearing Request at 8 (citing PJM 2021/2022 RPM Base Residual Auction Results at 1, <https://www.pjm.com/-/media/markets-ops/rpm/rpm-auction-info/2021-2022/2021-2022-base-residual-auction-report.ashx> (2021/2022 BRA Summary)); *see also* 2021/2022 BRA Summary (“The 2021/2022 Reliability Pricing Model (RPM) Base Residual Auction (BRA) cleared 163,627.3 MW of unforced capacity in the RTO *representing a 22.0% reserve margin.*” (emphasis added)).

markets.⁹¹ Faced with that fact, the Commission responds with the assertion that state subsidies will surely cause a problem in the future.⁹² Maybe, but there is no evidence in this record that suggests that state policies will cause any resource adequacy concerns whatsoever.

30. Apparently recognizing that point, the Commission pivots to economic theory as the basis for its action.⁹³ It is true that the Commission need not prove *basic* economic principles every time that it seeks to act on them. After all, “[a]gencies do not need to conduct experiments in order to rely on the prediction that an unsupported stone will fall.”⁹⁴ Instead, agencies can rely on economic theory to make predictive judgments about how the future will play out.⁹⁵ But that does not mean that an agency can turn “economic theory” into a “talismanic phrase that does not advance reasoned decision making” and claim to have satisfied its obligations under the APA.⁹⁶ In other words, an agency cannot articulate a principle, label it “economic,” make a prediction, and move on without wrestling with contrary record evidence or reasonable alternative applications of that economic theory.

31. But that is exactly what the June 2018 Rehearing Order does. It asserts that state subsidies in PJM are increasing, that subsidies reduce the costs of the resource being subsidized and, therefore, subsidies will cause more subsidized resources to clear the capacity market. All true. From that though, the Commission concludes that PJM’s tariff will no longer ensure resource adequacy at rates that are just and reasonable and not

⁹¹ See *PJM Interconnection, L.L.C.*, 171 FERC ¶ 61,040 (2020) (Glick, Comm’r. dissenting).

⁹² June 2018 Rehearing Order, 171 FERC ¶ 61,034 at PP 29-30.

⁹³ *E.g.*, *id.* PP 25, 27, 29, 34, 37.

⁹⁴ *Assoc. Gas Distributors v. FERC*, 824 F.2d 981, 1008 (D.C. Cir. 1987). I cannot help but note the mild irony that the rest of that example of an assumable economic theory is that “competition will normally lead to lower prices,” *id.* at 29, while the Commission’s theory of the case today rests on the supposedly urgent need to raise prices.

⁹⁵ See, *e.g.*, *NextEra Energy Res., LLC v. FERC*, 898 F.3d 14, 23 (D.C. Cir. 2018); *S.C. Pub. Serv. Auth. v. FERC*, 762 F.3d 41, 65, 76 (D.C. Cir. 2014) (“[A]t least in circumstances where it would be difficult or even impossible to marshal empirical evidence, the Commission is free to act based on reasonable predictions rooted in basic economic principles.”).

⁹⁶ *TransCanada Power Mktg. Ltd. v. FERC*, 811 F.3d 1, 13 (D.C. Cir. 2015).

unduly discriminatory or preferential, which is where its reasoning gets a little tenuous, as the economic principle articulated does not lead ineluctably to the regulatory conclusion reached. Instead, the record is replete with evidence and reasonable theories that could support an alternative conclusion. For one thing, the evidence in the record of continued high prices and entry of new resources (not to mention, retention of old ones) could just as easily support the conclusion that a more-than-adequate quantity of resources will remain in the market, state subsidies notwithstanding.⁹⁷ As numerous parties point out, that has been the experience to date in PJM.⁹⁸ Why the Commission is so confident that things will change at some undefined future inflection point is never explained. Nor does the Commission explain why it is confident that those assumed effects justify an increase in customer's rates.

32. In addition, it is equally reasonable to suggest that the natural effect of state subsidies (indeed, in many cases, their intended result) will be to bring online large amounts of new resources that will themselves help to ensure resource adequacy.⁹⁹ Nothing in today's orders explains why the Commission is so confident that the deployment of state-sponsored resources will impair PJM's ability to ensure resource adequacy at just and reasonable rates rather than enhancing it. After all, it is worth remembering that, as discussed above, the FPA expressly reserved the regulation of generation facilities to the states and Congress presumably expected the states to wield that reserved authority.¹⁰⁰ Why the exercise of that authority is inherently unjust and unreasonable or a "problem" in need of "solving" is never clearly explained. Repeated

⁹⁷ Today's orders contain several variations on the notion that "adequate reserve margins today do not necessarily mean that such conditions will continue into the future." June 2018 Rehearing Order, 171 FERC ¶ 61,034 at P 35. Sure. But the burden of proof is on the Commission to show that the current tariff is unjust and unreasonable, not on proponents of the status quo to show that the tariff will necessarily remain just and reasonable in perpetuity. *See Emera Maine*, 854 F.3d at 24 ("The proponent of a rate change under section 206, however, bears "the burden of proving that the existing rate is unlawful." (quoting *Ala. Power Co. v. FERC*, 993 F.2d 1557, 1571 (D.C. Cir. 1993)).

⁹⁸ June 2018 Rehearing Order, 171 FERC ¶ 61,034 at PP 16-17.

⁹⁹ It is certainly possible that the entry of those resources will lower the capacity market clearing price, which should not necessarily be a bad result in the eyes of an agency whose "primary purpose" is to protect customers. *See, e.g., City of Chicago, Ill. v. FPC*, 458 F.2d 731, 751 (D.C. Cir. 1971) ("[T]he primary purpose of the Natural Gas Act is to protect consumers." (citing, *inter alia*, *City of Detroit v. FPC*, 230 F.2d 810, 815 (1955)).

¹⁰⁰ *See supra* P 5.

incantations of the phrase “economic theory” does not provide a reasoned answer to the question.

33. The closest the Commission comes to explaining its confidence in a looming future problem is its series of elliptical statements about investor confidence and the merchant business model. Throughout this proceeding, the Commission has relied on various inscrutable principles, such as “investor confidence” or “market integrity,” to justify its new MOPR.¹⁰¹ At various points in the June 2018 Order, and again today, the Commission expressed concern about the challenges state policymaking may create for investors in particular resources in the capacity market¹⁰² and the June 2018 Rehearing Order specifically raises the concern that state policies may harm unsubsidized generators.¹⁰³ These statements seem to suggest that the problem with the state policies is that they may reduce the profit margins of unsubsidized resources and make it correspondingly less likely investors will pour their money into those resources, which the Commission assumes will impair resource adequacy.

34. I recognize and appreciate the large influx of capital that investors and the merchant business model, more generally, have brought to PJM over the last two decades. Those investments have enhanced the grid’s reliability while helping to decrease its carbon intensity—both good outcomes. But it is not our responsibility to protect particular businesses, business models, or their investors from state regulation. If states choose to address a market failure by promoting particular resource types or business models over others, it is not for the Commission to give a leg up to business models that might lose out as a result. In any case, PJM’s generation resource mix has long reflected a mix of vertically integrated utilities and merchant generators, both of which have benefited from public policies. The June 2018 Rehearing Order does not adequately explain the Commission’s apparent confidence that that cannot continue in a future in which states continue to exercise their authority under FPA section 201(b).

35. The Commission also makes the assertion that state policies are a problem because they create “significant uncertainty” and “investors cannot predict whether their capital will be competing” against subsidized resources.¹⁰⁴ As I explained in my dissent from

¹⁰¹ *Supra* P 18.

¹⁰² *E.g.*, June 2018 Rehearing Order, 171 FERC ¶ 61,034 at P 35 (“[I]nvestors may be hesitant to invest in a market where both new entry and the viability of uneconomic existing resources is dictated largely by state subsidy programs.”); June 2018 Order, 163 FERC ¶ 61,236 at P 150 (similar).

¹⁰³ June 2018 Rehearing Order, 171 FERC ¶ 61,034 at P 28 (noting the potential that state policies will “injure[] non-subsidized competitors”).

¹⁰⁴ June 2018 Order, 163 FERC ¶ 61,236 at P 150.

the June 2018 Order, uncertainty about regulation will always be endemic in a regulated industry.¹⁰⁵ And nothing in the June 2018 Order or the June 2018 Rehearing Order explains why the purported uncertainty caused by state policymaking is more problematic than the other forms of uncertainty that pervade the industry.

36. The bottom line is that neither the June 2018 Order nor today's order on rehearing has adequately explained why the existing tariff is unjust and unreasonable or unduly discriminatory or preferential. The sum total of the Commission's analysis is that the PJM states will likely, in the future, subsidize more generating resources and that, all else equal, those subsidies will cause those resources to offer into the capacity market at lower prices than they would otherwise. But that alone does not prove the existing tariff is unjust and unreasonable, especially given the long history of state policies affecting the capacity market and the equally plausible future scenarios in which the capacity market continues to ensure resource adequacy at just and reasonable rates while state-sponsored resources co-exist with other business models. After all, to carry its burden under section 206, the Commission must do more than articulate a theory, label it "economics," and call it a day.

B. The Commission Has Not Shown that Its Replacement Rate Is Just and Reasonable

37. If the Commission meets its burden to show that the existing rate is unjust and unreasonable or unduly discriminatory or preferential, then the burden is again on the Commission to establish a "replacement rate" that is itself just and unreasonable and not unduly discriminatory or preferential.¹⁰⁶ The December 2019 Rehearing Order fails to articulate a reasoned basis for concluding that the new MOPR meets that burden. Instead, like the June 2018 Rehearing Order, it doubles down on a conclusory statements that do not seriously wrestle with the contrary arguments and evidence in the record.

¹⁰⁵ *Id.* (Glick, Comm'r, dissenting at 11)

¹⁰⁶ *Advanced Energy Mgmt. All. v. FERC*, 860 F.3d 656, 663 (D.C. Cir. 2017) ("When the Commission changes an existing filed rate under section 206, it is 'the Commission's burden to prove the reasonableness of its change in methodology.'" (quoting *PPL Wallingford Energy L.L.C. v. FERC*, 419 F.3d 1194, 1199 (D.C. Cir. 2005))); *see also Emera Maine*, 854 F.3d at 27 ("Although it is not our role to tell the Commission what the correct rate of return calculation is . . . we do have an obligation to remand when the Commission's conclusions are contrary to substantial evidence or not the product of reasoned decisionmaking." (quoting *Pub. Serv. Comm'n of N.Y. v. FERC*, 813 F.2d 448, 465 (D.C. Cir. 1987))).

1. **The Commission's Definition of State Subsidy Is Arbitrary and Capricious**

38. The crux of the December 2019 Order, and today's order on rehearing, is the Commission's definition of subsidy. That definition, however, is also the source of many of the Commission's most arbitrary and capricious determinations. Simply put, it is little more than a series of arbitrary lines that do not comport with the Commission's explanation for why the existing tariff was unjust and unreasonable or why the new MOPR will produce a just and reasonable rate.

a. **Excluding Federal Subsidies Is Arbitrary and Capricious**

39. No single determination is in today's orders is more arbitrary than the Commission's exclusion of all federal subsidies from the new MOPR.¹⁰⁷ Federal subsidies have pervaded the energy sector for more than a century, beginning even before Congress, in the FPA, declared that the "business of transmitting and selling electric energy . . . is affected with a public interest."¹⁰⁸ Since 1916, federal taxpayers have supported domestic exploration, drilling, and production activities for our nation's fossil fuel industry.¹⁰⁹ And since 1950, the federal government has provided roughly a trillion dollars in energy subsidies, of which 65 percent has gone to fossil fuel technologies.¹¹⁰ Those federal policies present all the same "problems" that the Commission identifies

¹⁰⁷ December 2019 Order, 169 FERC ¶ 61,239 at P 89; see December 2019 Rehearing Order, 171 FERC ¶ 61,035 at PP 118-120.

¹⁰⁸ 16 U.S.C. § 824.

¹⁰⁹ See Molly Sherlock, Cong. Research Serv., *Energy Tax Policy: Historical Perspectives on and Current Status of Energy Tax Expenditures* 2-3 (May 2011), available at <https://fas.org/sgp/crs/misc/R41227.pdf> (Energy Tax Policy).

¹¹⁰ See Nancy Pfund and Ben Healey, DBL Investors, *What Would Jefferson Do? The Historical Role of Federal Subsidies in Shaping America's Energy Future*, (Sept. 2011), available at <http://www.dblpartners.vc/wp-content/uploads/2012/09/What-Would-Jefferson-Do-2.4.pdf>; *New analysis: Wind energy less than 3 percent of all federal incentives*, Into the Wind: The AWEA Blog (July 19, 2016), <https://www.aweablog.org/14419-2/> (citing, *inter alia*, Molly F. Sherlock and Jeffrey M. Stupak, *Energy Tax Incentives: Measuring Value Across Different Types of Energy Resources*, Cong. Research Serv. (Mar. 19, 2015), available at <https://fas.org/sgp/crs/misc/R41953.pdf>; The Joint Committee on Taxation, *Publications on Tax Expenditures*, <https://www.jct.gov/publications.html?func=select&id=5> (last visited Apr. 16, 2020)) (extending the DBL analysis through 2016).

with state policies. They have “artificially” reduced the price of natural gas, oil, and coal, which in turn has allowed resources that burn these fuels—including many of the so-called “competitive” resources that stand to benefit from today’s orders—to submit “uncompetitive” bids into PJM’s markets. By lowering the marginal cost of fossil fuel-fired units, federal policies have allowed those units to operate more frequently and have encouraged the development of more of those units than would otherwise have been built. Indeed, those subsidies, even ones that have subsequently lapsed, are a major reason why many of the current resources in PJM are able to bid into the capacity market at the levels they do.

40. Federal subsidies remain pervasive in PJM. The federal tax credit for nonconventional natural gas¹¹¹ sparked the shale gas revolution, triggering a steep decline in natural gas prices, which, in turn, drove the spike in new natural gas-fired power plants starting in the early 2000s. Similarly, federal subsidies such as the percentage depletion allowance and the ability to expense intangible drilling costs have shaved billions of dollars off the cost of extracting coal and natural gas—two of the principal sources of electricity in PJM.¹¹² In addition, the domestic nuclear power industry would not exist without the Price-Anderson Act, which saves nuclear power generators billions of dollars through indemnity limits that enable them to secure financing and insurance at rates far below their true cost.¹¹³ Federal subsidies have also promoted the growth of renewable resources through, for example, the production tax credit (largely used by wind resources)¹¹⁴ and the investment tax credit (largely used by solar resources).¹¹⁵ These

¹¹¹ Energy Tax Policy at 2 n.3. That credit has lapsed. *Id.* at 18.

¹¹² The Joint Committee on Taxation, Estimates Of Federal Tax Expenditures For Fiscal Years 2018-2022 at 21-22 (2018); Monitoring Analytics, *Analysis of the 2021/2022 RPM Base Residual Auction: Revised 95* (2018), available at https://www.monitoringanalytics.com/reports/Reports/2018/IMM_Analysis_of_the_20212022_RPM_BRA_Revised_20180824.pdf (Market Monitor 2021/2022 BRA Analysis) (reporting that coal, natural gas, and nuclear collectively make up more than three-quarters of the generation mix in PJM); see generally Molly Sherlock, Cong. Research Serv., Energy Tax Policy: Historical Perspectives on and Current Status of Energy Tax Expenditures 2-6 (May 2011) (discussing the history of energy tax policy in the United States).

¹¹³ 42 U.S.C. § 2210(c).

¹¹⁴ U.S. Department of Energy, 2018 Wind Technologies Market Report 70, available at http://eta-publications.lbl.gov/sites/default/files/wtmr_final_for_posting_8-9-19.pdf (last viewed Apr. 16, 2020).

¹¹⁵ Solar Energy Industries Assoc., *History of the 30% Solar Investment Tax*

and other federal government interventions have had a far greater “suppressive” impact on the capacity market than the “state subsidies” targeted by today’s orders, especially when you consider that resources having benefited from them make up the vast majority of the cleared capacity in PJM.¹¹⁶

41. Nevertheless, today’s order affirms the December 2019 Order’s decision to exclude all federal subsidies from the new MOPR on the theory that the Commission lacks the authority to “disregard or nullify the effect of federal legislation.”¹¹⁷ It is true that the FPA does not give the Commission the authority to undo other federal legislation. But the Commission’s defense of applying the new MOPR to state policies is that it neither disregards nor nullifies those policies, but instead addresses only the effects that those policies have on the PJM market.¹¹⁸

42. “[T]he Commission cannot have it both ways.”¹¹⁹ If the MOPR disregards or nullifies federal policy, then it must do the same to state policy. And if it does not nullify or disregard state policy, then the Commission’s justification for exempting federal subsidies collapses. The Commission, however, does not even attempt to explain its conclusion that applying the new MOPR to state policies respects authority, but applying

Credit 3-4 (2012), <https://www.seia.org/sites/default/files/resources/History%20of%20ITC%20Slides.pdf>.

¹¹⁶ Market Monitor 2021/2022 BRA Analysis 95 (reporting that coal, natural gas, and nuclear collectively make up more than three-quarters of the generation mix in PJM).

¹¹⁷ December 2019 Order, 169 FERC ¶ 61,239 at P 87; December 2019 Rehearing Order, 171 FERC ¶ 61,035 at P 119.

¹¹⁸ December 2019 Rehearing Order, 171 FERC ¶ 61,035 at PP 16, 17, 19; December 2019 Order, 169 FERC ¶ 61,239 at PP 7, 40; June 2018 Order, 163 FERC ¶ 61,236 at P 153. The December 2019 Rehearing Order shies away from the words “nullify” and “disregard” that it used (quite accurately) in the underlying order. I can understand why. Those terms so clearly laid bare the glaring inconsistencies in the Commission’s effort to explain why the MOPR did not target state authority, but could not legally be applied to federal subsidies. Nevertheless, the rationale in today’s order is the same: The new MOPR cannot be applied to federal subsidies because doing so would somehow contravene an act of Congress, which is precisely the result that the Commission insists it would not have on state policies.

¹¹⁹ *Atlanta Gas Light Co. v. FERC*, 756 F.2d 191, 198 (D.C. Cir. 1985); *Cal. ex rel. Harris v. FERC*, 784 F.3d 1267, 1274 (9th Cir. 2015) (same).

it to federal policies would “disregard” or “nullify” federal authority. The failure to address, much less resolve, that tension is arbitrary and capricious.

43. Instead of confronting this tension, the December 2019 Order cited to a number of cases for well-established canons of statutory interpretation, such as that the general cannot control the specific and that federal statutes must, when possible, be read harmoniously.¹²⁰ Today’s order does the same.¹²¹ But those general canons do not help much. They discuss rules of statutory interpretation that are not disputed here and they certainly do not give the Commission license to pretend that the new MOPR has one type of effect on state policies and another type on federal policies.¹²² In any case, if we assume, for the sake of argument, that the Commission’s benign characterization of the effect of the new MOPR on state policies is accurate,¹²³ then no number of interpretive canons can cure the Commission’s arbitrary refusal to apply the MOPR to federal subsidies.

44. In addition, the Commission asserts that it may treat state and federal subsidies differently because it “has a reasonable basis to distinguish federal subsidies and State Subsidies, that is, whether the subsidies were established via federal law or state law.”¹²⁴ But that tautology is not as helpful as it might at first seem. Just as not all discrimination is undue, irrelevant differences do not make parties dissimilarly situated.¹²⁵ Today’s

¹²⁰ December 2019 Order, 169 FERC ¶ 61,239 at n.177.

¹²¹ December 2019 Rehearing Order, 171 FERC ¶ 61,035 at P 120.

¹²² Today, the Commission tries a slightly different tack, responding to rehearing requests raising this very point with the assertion that the cited canons “reflect judicial guidance regarding the appropriate way to reconcile Congressional directives.” December 2019 Rehearing Order, 171 FERC ¶ 61,035 at P 120. No doubt they do, but all the interpretive canons in the world cannot explain why it is rational to pretend that applying the MOPR to a federal subsidy has an inherently different effect than applying it to a state subsidy.

¹²³ To be clear, I vehemently disagree that is, but I’ll indulge the hypothetical for the moment.

¹²⁴ December 2019 Rehearing Order, 171 FERC ¶ 61,035 at P 119.

¹²⁵ *Complex Consol. Edison Co. of N.Y. v. FERC*, 165 F.3d 992, 1013 (D.C. Cir. 1999) (“Differences . . . based on *relevant, significant* facts which are explained are not contrary to the NGA.” (quoting *TransCanada Pipelines Ltd. v. FERC*, 878 F.2d 401, 413 (D.C. Cir. 1989)) (emphasis added)).

order does not coherently explain why the difference between federal and state subsidies is relevant to its theory of the case.

45. The Commission's apparent belief—implicit today, but stated explicitly in the December 2019 order—is that resources that receive federal subsidies are not similarly situated to resources that receive state subsidies because the Commission cannot nullify or disregard federal policies, but can do that to state subsidies.¹²⁶ Putting aside whether that is true,¹²⁷ that line of reasoning just brings us back to square one as it relies on an unexplained distinction in the differing effects that the MOPR has on state and federal policies.

b. **Treating Any Revenue or Other Funding Tangentially Related to a State Law As a Subsidy Is Arbitrary and Capricious**

46. As discussed at the outset, the FPA divides jurisdiction between the Commission and the states, envisioning an important role for both in ensuring that the electricity sector is regulated in a manner consistent with the public interest. As the Commission explains, Congress enacted Title II of the FPA to fill the “Attleboro Gap” by “allow[ing] the federal government to step in and regulate interstate transactions over which no single state had authority to regulate.”¹²⁸ And while the FPA did more than just “fill the gap,”¹²⁹ it was nevertheless “drawn with meticulous regard for the continued exercise of state power.”¹³⁰ It would be strange if, having so “meticulous[ly]” preserved state authority, Congress believed that the “continued exercise of” that authority would become inherently a problem.¹³¹

¹²⁶ December 2019 Order, 169 FERC ¶ 61,239 at P 89; December 2019 Rehearing Order, 171 FERC ¶ 61,035 at PP 118-119 & n.298.

¹²⁷ See *supra* Section I.

¹²⁸ December 2019 Rehearing Order, 171 FERC ¶ 61,035 at n.298.

¹²⁹ *New York v. FERC*, 535 U.S. 1, 6 (2002) (“[W]hen it enacted the FPA in 1935, Congress authorized federal regulation of electricity in areas beyond the reach of state power, such as the gap identified in *Attleboro*, but it also extended federal coverage to some areas that previously had been state regulated.” (footnotes omitted)).

¹³⁰ *Zibelman*, 906 F.3d at 50 (quoting *Rochester Gas & Elec. Corp. v. Pub. Serv. Comm'n of N.Y.*, 754 F.2d 99, 104 (2d Cir. 1985)).

¹³¹ See *supra* note 10 and accompanying text.

47. And yet that is precisely what the December 2019 Rehearing Order does. It treats many fundamental elements of state regulation as impermissible subsidies simply because the state is involved. Even putting aside the jurisdictional problems with that approach,¹³² today's order does not explain why it is just and reasonable to mitigate any resource that is affected by many of the most foreseeable consequences of the FPA's jurisdictional framework. Nor does it make any effort to consider the litany of practical challenges and complications that that approach creates, even though many of them were squarely presented on rehearing.

48. Take the example of state default service auctions. As PJM explained in its rehearing request, state default service auctions are state-directed “mechanisms by which load-serving entities in retail choice states acquire obligations to provide energy and related services to retail customers.”¹³³ In layman's terms, that means that they are a market-based mechanism for ensuring that all retail customers have access to reliable and affordable electricity. As the New Jersey Board of Public Utilities—which oversees one of these auctions—explained, these mechanisms are best viewed as hedging constructs that help ensure that state-regulated retail suppliers have access to reliable electricity without wild swings in price.¹³⁴ In New Jersey's case, the default service auction is a voluntary mechanism that will rarely, if ever, produce a state-regulated contract with an actual generator (as opposed to a power marketer—*i.e.*, a middle man) or support the retention or new entry of particular resources¹³⁵—details that are apparently too complicated or too inconvenient for the Commission to wrestle with. Today's order finds that a state default service auction qualifies as a State Subsidy because it is a state sponsored process that results in indirect payments to various resources.¹³⁶

49. It is not clear from the record before us exactly how far reaching this decision will be. New Jersey alone serves over 7,000 MW of retail load through its BGS auctions,¹³⁷ and every indication is that other retail-choice states have similar mechanisms.¹³⁸ To

¹³² *See supra* Section I.

¹³³ PJM Rehearing and Clarification Request at 23.

¹³⁴ New Jersey Board Rehearing Request at 47-48.

¹³⁵ *Id.* at 48.

¹³⁶ December 2019 Rehearing Order, 171 FERC ¶ 61,035 at P 386.

¹³⁷ *See The 2019 BGS Auctions*, www.bgs-auction.com http://www.bgs-auction.com/documents/2019_BGS_Auction_Results.pdf (last viewed Apr. 16, 2020).

¹³⁸ *See, e.g.*, New Jersey Board Rehearing Request at n.260 (“New Jersey is not

start with, the District of Columbia Public Utility Commission and Pennsylvania Public Utility Commission sought clarification and rehearing of the December 2019 Order, understandably concerned that it could mean that *any* resource that serves load in those states would be subject to the Commission’s administrative pricing regime.¹³⁹ In addition, Maryland runs a similar default service auction that procures service for over 50 percent of the state’s retail load.¹⁴⁰ Delaware too has a default service auction, which cleared over 500 MW in the most recent auction.¹⁴¹ Additionally in Ohio each utility has its own Standard Service Offer auction for retail load.¹⁴² It quickly becomes clear that state default auctions are a commonplace in retail choice states and can often be used to meet the needs of upwards of 50% of retail load. The Commission’s decision to label these auctions—which sometimes cover more than half a state’s retail load—state subsidies could have sweeping consequences for the retail-choice states that make up the majority of PJM states.

50. And is if that were not bad enough, the Commission makes no effort to wrestle with the practical challenges of its edicts. As the New Jersey Board explained in its rehearing request, the “suppliers” in New Jersey’s default service auction are generally power marketers that rely on either financial or physical hedging and are not necessarily

alone; PJM’s other restructured states follow models similar to the BGS construct.”).

¹³⁹ DC Commission Rehearing and Clarification Request at 1-3; Pennsylvania Commission Rehearing and Clarification Request at 13. As noted, PJM also sought clarification, arguing that “it is not apparent how these auctions amount to a State Subsidy.” PJM Rehearing and Clarification Request at 23.

¹⁴⁰ See Maryland Public Service Commission, Report to the Governor and the Maryland General Assembly on the Status of Standard Offer Service, the Development of Competition, and the Transition of Standard Offer Service to a Default Service at 5-6 (Dec. 31, 2018), *available at* <https://www.psc.state.md.us/wp-content/uploads/Final-Competition-Report.pdf> (discussing Maryland’s default service auction).

¹⁴¹ See James Letzelter, The Liberty Consulting Group, Inc., Delmarva Power & Light’s 2020 Request for Proposals for Full Requirements Wholesale Electric Supply for Standard Offer Service (2020), *available at* <https://depsec.delaware.gov/wp-content/uploads/sites/54/2020/02/Liberty-DE-PSC-Technical-Consultant-Final-Report-02-19-2020.pdf>.

¹⁴² See *How are electric generation rates set?* <https://www.puco.ohio.gov/be-informed/consumer-topics/how-are-electric-generation-rates-set/> (last viewed Apr. 16, 2020).

backed by particular physical generators.¹⁴³ Do the Commission's statements in today's orders mean that PJM, the Market Monitor, or someone else will have to chase down every resource power marketers use to satisfy a default service auction contract? In addition, default service auctions generally do not align with PJM's annual single-delivery-year capacity auctions. For example, in New Jersey the auction runs annually and covers only one-third of load at time, but with three year contracts.¹⁴⁴ In the District of Columbia the auctions are held annually.¹⁴⁵ And in Pennsylvania they are run "quarterly, or every 6 months."¹⁴⁶ How will PJM, the Market Monitor, or the Commission sort out which resources are to be mitigated in PJM's Base Residual Auction based on those differing state calendars?

51. I find the failure to carefully consider these impacts on a fundamental aspect of state regulation particularly troubling. This Commission has rightly enjoyed a reputation for focusing on the technical and arcane elements of providing reliable electricity at just and reasonable rates rather than on making broad policy pronouncements. Today's orders will do much to damage that reputation. It makes clear that the Commission is uninterested in the effects its orders may have on how states carry out their basic responsibilities. Instead, it is comfortable pursuing its quixotic quest to rid the wholesale market of state subsidies and leave it to the states to pick up the pieces.

c. **Excluding State Actions That May Equally "Suppress" Prices Is Arbitrary and Capricious**

52. Although the definition of state subsidy is overbroad, it is also irrational. Today's order on rehearing affirms the December 2019 Order's unreasoned distinctions drawn among different state public policies. In particular, the Commission expressly excludes state industrial development policies and local siting subsidies from its definition of state subsidy.¹⁴⁷ The rationale, while murky, seems to be that those policies are "too attenuated" from the wholesale rate to constitute an impermissible state policy while

¹⁴³ New Jersey Board Rehearing Request at 48; *see* Pennsylvania Commission Rehearing and Clarification Request at 13.

¹⁴⁴ *See Overview* <http://www.bgs-auction.com/bgs.auction.overview.asp> (last visited Apr. 16, 2020) (describing New Jersey's default service auction).

¹⁴⁵ DC Commission Rehearing and Clarification Request at 2.

¹⁴⁶ Pennsylvania Commission Rehearing and Clarification Request at 13.

¹⁴⁷ December 2019 Rehearing Order, 171 FERC ¶ 61,035 at P 106.

other state policies, even ones with a lesser effect on the wholesale rate, are somehow more closely related.¹⁴⁸ That distinction is neither reasonable nor reasonably explained.

53. Let's begin with the fact that the distinction drawn is inconsistent with the Commission's rationale for the new MOPR. As discussed, throughout this proceeding the Commission has asserted that the problem with state policies is their ability to "suppress" the wholesale rate.¹⁴⁹ And, in the December 2019 Rehearing Order, the Commission again dismisses arguments that the MOPR should apply only to state policies that materially affect the capacity price.¹⁵⁰

54. That is irrational. "General industrial development" policies, such as reduced tax rates, can have an enormous effects on resources' going forward costs, leading resources to "reduce their offers commensurately to ensure they clear the market," exactly the way the Commission described state policies that are subject to the new MOPR.¹⁵¹ Moreover, the ubiquity and potential cumulative effect of these programs—which the Commission does not contest¹⁵²—would seem to suggest that they represent exactly the sort of threat to "market integrity" about which the Commission's purports to be so concerned.¹⁵³ If

¹⁴⁸ *Id.*

¹⁴⁹ *E.g. id.* PP 36, 55, 224.

¹⁵⁰ *Id.* P 130.

¹⁵¹ *See id.* P 38; *see also id.* P 130 (rejecting PJM's proposed materiality threshold because "out-of-market support at any level is capable of distorting capacity prices").

¹⁵² At no point in today's order or the December 2019 Order does the Commission suggest that state industrial development or siting support programs are likely to have less of an effect on wholesale rates than the other state policies targeted by the new MOPR. *See, e.g., id.* PP 106-108 (discussing the justification for excluding these policies from the new MOPR).

¹⁵³ *Id.* PP 20, 301. In any case, the District of Columbia Attorney General's rehearing request details how these programs can provide enormous financial benefits to generators, significantly decreasing their capacity market offers in a way that affects the capacity market rate every bit as much as the state policies targeted by today's orders. DC Attorney General Rehearing Request at 22-24. In addition, that rehearing request explained how these supposed "generic" subsidies are, in fact, often deployed for the purpose of subsidizing particular resources. *Id.* at 23-24; *see Clean Energy Associations Rehearing and Clarification Request* at 40-41. The Commission's response that general industrial development policies are categorically "too attenuated" to constitute a state subsidy for the purposes of the MOPR fails to wrestle with the evidence and arguments showing the opposite to be true.

today's orders were actually concerned about the price suppressive effects of state policies, general industrial development and local siting policies would have to be front and center in any rational response. The fact that they are not shows the extent to which the new MOPR is a campaign to stamp out disfavored state efforts to shape the generation mix and not to address capacity prices themselves.

55. The Commission's effort to justify that arbitrary line drawing only underscores the point. The Commission again asserts that the new MOPR is aimed only at state policies that are "most nearly . . . directed at or tethered to the" wholesale rate.¹⁵⁴ But as discussed above, that awkward repurposing of a preemption term of art does not make things any clearer.¹⁵⁵ It certainly does not explain why it is rational for the Commission to apply the new MOPR only to those state policies that it believes are close-to-but-not-preempted¹⁵⁶ or why the degree of "attenuation" is relevant in a proceeding that is nominally about actual effects on wholesale rates. Indeed, at no point in this proceeding has the Commission explained why, if the "problem" at hand is the effect of state policies on wholesale rates, it is reasonable to target only certain state efforts and not others that may well have a greater wholesale market effect.¹⁵⁷ The failure to do so is arbitrary and capricious.

¹⁵⁴ December 2019 Rehearing Order, 171 FERC ¶ 61,035 at P 106; December 2019 Order, 169 FERC ¶ 61,239 at P 68.

¹⁵⁵ *See supra* note 23.

¹⁵⁶ *See id.*

¹⁵⁷ Throughout the December 2019 Rehearing Order, the Commission responds to this point by quoting portions of the December 2019 Order that describe the Commission's action without responding to this argument. *See, e.g.*, December 2019 Rehearing Order, 171 FERC ¶ 61,035 at P 106 ("As we said in the December 2019 Order, the expanded MOPR is not intended to address all commercial externalities or opportunities that might affect the economics of a particular resource."). Although that quote accurately describes what the Commission said in its earlier order, it does not respond to the arguments that the line drawing described in that quote is arbitrary and capricious. That is a not a reasoned response; rehearing orders are an opportunity to further explain the Commission's analysis, not just regurgitate it.

d. **Addressing Only State Actions that Reduce Cost Is Arbitrary and Capricious**

56. The December 2019 Rehearing Order grants clarification that the Regional Greenhouse Gas Initiative (RGGI) is not an actionable subsidy.¹⁵⁸ I am glad to hear it. Although I maintain that the distinction drawn in today's order is inconsistent with the most natural reading of the Commission's subsidy definition,¹⁵⁹ just about anything that limits the extent of the Commission's interference with state resource decisionmaking is a step in the right direction.

57. But although that outcome may be a good one, it vividly illustrates the arbitrariness with which the Commission is going after state policies. The Commission's single-sentence clarification regarding RGGI is a little light on reasoning, but the upshot appears to be that RGGI does not cause problems for "market integrity,"¹⁶⁰ "investor confidence,"¹⁶¹ "the first principles of capacity markets,"¹⁶² or the "premise of a capacity markets"¹⁶³ because it addresses the externality of climate change by raising prices, rather than by lowering them. At no point, however, does the Commission explain why a state effort to tax the harm associated with a market failure is consistent with capacity markets, but a state effort to address the same harm by subsidizing resources that do not contribute to that externality is inconsistent with capacity markets. It may well be that a so-called "Pigouvian tax" is economically preferable to a "Pigouvian subsidy,"¹⁶⁴ but, even if true,

¹⁵⁸ December 2019 Rehearing Order, 171 FERC ¶ 61,035 at P 390.

¹⁵⁹ December 2019 Order, 169 FERC ¶ 61,239 (Glick, Comm'r, dissenting at P 23).

¹⁶⁰ December 2019 Rehearing Order, 171 FERC ¶ 61,035 at P 301; June 2018 Rehearing Order, 171 FERC ¶ 61,034 at P 50; June 2018 Order, 163 FERC ¶ 61,236 at PP 1-2, 150, 156, 161.

¹⁶¹ *ISO New England Inc.*, 162 FERC ¶ 61,205 at P 21; *see* December 2019 Rehearing Order, 171 FERC ¶ 61,035 at P 141.

¹⁶² *ISO New England Inc.*, 162 FERC ¶ 61,205 at P 21.

¹⁶³ December 2019 Rehearing Order, 171 FERC ¶ 61,035 at P 320; December 2019 Order, 169 FERC ¶ 61,239 at P 17.

¹⁶⁴ Sylwia Bialek & Burcin Unel, Institute for Policy Integrity, *Capacity Markets and Externalities: Avoiding Unnecessary and Problematic Reforms* at 6-7 (2018).

that does explain why the former is consistent with the Commission's various capacity market buzzwords, but the latter is not.

58. In any case, the Commission's decision to find one approach inherently problematic and the other acceptable illustrates the extent to which it is meddling directly in state resource decisionmaking. Whatever you think about the economic merits of subsidies versus taxes as ways of addressing externalities, there should be no question that a state's choice between the two approaches is entirely the state's to make or that the Commission has no business in enacting regulations that give a preference to one approach over the other. In this example, the Commission's willingness to pick and choose which of the broadly equivalent state approaches to addressing climate change are allowed to affect the wholesale rate and which are not, is clear and unmistakable evidence of its meddling in decisions that the FPA expressly reserves to the states. The failure to recognize, much less explain, why it is appropriate to pick and choose which state policies are acceptable and which are not is arbitrary and capricious.

59. And that is particularly so given the structure and purpose of the capacity market, which exists to provide the "missing money."¹⁶⁵ Because the missing money is the *net* difference between a resource's revenue and its costs,¹⁶⁶ a resource should be indifferent, for the purposes of the capacity market, between a state policy that forces resources to internalize the cost of the externality or one that achieve the same thing by paying resources for not contributing to the externality. In other words, the Commission is relying on a distinction that is, for our purposes today, without a difference.

2. **Ignoring the Cost Impacts of the New MOPR Is Arbitrary and Capricious**

60. One of the most glaring omissions from the December 2019 order was its failure to make any effort to consider the costs of the new MOPR.¹⁶⁷ As the Commission acknowledges, "[s]etting a just and reasonable rate necessarily 'involves a balancing of the investor and consumer interests.'"¹⁶⁸ The Commission's various orders in this

¹⁶⁵ *I.e.*, the capacity revenue a resource needs to be economic over and above what it earns in the energy and ancillary service markets. *N.Y. Indep. Sys. Operator, Inc.*, 170 FERC ¶ 61,121 (2020) (Glick, Comm'r, dissenting at P 4).

¹⁶⁶ Which is, after all, why the Commission's orders use net measures as the default offer floors for resources subject to the new MOPR. *See infra* PP 81-85.

¹⁶⁷ December 2019 Order, 169 FERC ¶ 61,239 at PP 54-57.

¹⁶⁸ December 2019 Rehearing Order, 171 FERC ¶ 61,035 at P 139 (citing *NextEra*, 898 F.2d at 21).

proceeding spend plenty of time asserting that investors need sweeping reforms in order to remain “confident” in the PJM capacity market. Unfortunately, the costs to consumers of making investors so confident went unmentioned in both the Commission’s June 2018 and December 2019 orders.

61. Many parties raised the Commission’s failure to consider consumer interests on rehearing.¹⁶⁹ In response, the Commission recites general propositions about the importance of customer interests only to undercut itself almost immediately thereafter. For example, the Commission begins one paragraph by stating that it “disagree[s] that the Commission failed to consider the costs of the replacement rate.”¹⁷⁰ But it then spends the rest of that paragraph explaining why it did not consider any estimate of the customer impacts before concluding that the resulting costs, whatever they may be, are necessarily just and reasonable because they “protect the integrity of the capacity market, which, in turn, ensures that investors will continue to be willing to develop resources to meet current and future reliability needs.”¹⁷¹ That sort of conclusory statement is hardly convincing evidence that the Commission actually took a hard look at the costs its orders will impose on customers.

62. The Commission dismisses as “speculative” any estimates of those costs. It would appear that a fair degree of work went into many of those estimates and I do not see the wisdom in dismissing them out-of-hand just because the details of the new MOPR have yet to be fully worked out.¹⁷² After all, if the record provides enough evidence for the

¹⁶⁹ *Id.* at n.330 (non-exhaustive list of fifteen different rehearing requests raising this point).

¹⁷⁰ *Id.* P 139.

¹⁷¹ *Id.*

¹⁷² *Id.* In so doing, the Commission goes out of its way to criticize what I described as a “conservative,” “back-of-the-envelope” calculation meant to help fill the void left by the Commission’s failure to seriously consider the December 2019 Order’s financial impact on customers. *Id.* n.352. In particular, it points to doubts raised by the Market Monitor about whether that calculation considered the right quantity of to-be-MOPR megawatts of capacity from nuclear generators. *Id.* I assumed it would be 6,000 MW. The Market Monitor suggested that number would be closer to 4,000 MW. *Id.* He may be right; it is hard to say how an unprecedented mitigation regime will work in practice.

In any case today’s order makes clear that my cost estimate was, if anything, too conservative. For one thing, my estimate did not consider the cost of paying twice for capacity as a result of MOPR’ing the tens of the thousands of megawatts of renewable

Commission to confidently assess that the costs of its new MOPR are worth it,¹⁷³ you would think it would provide enough evidence to at least gauge the likely impact on consumers.

63. In addition, there is every reason to believe that the actual costs of today's orders will increase with time. Although these orders aim to hamper state efforts to shape the generation mix, they likely will not snuff them out entirely. In other words, there simply is no reason to believe that the Commission will succeed in realizing its "idealized vision of markets free from the influence of public policies."¹⁷⁴ As former Chairman Norman Bay aptly put it, "such a world does not exist, and it is impossible to mitigate our way to its creation."¹⁷⁵

64. But that means that, as a resource adequacy construct, the PJM capacity market will increasingly operate in an alternate reality, ignoring more and more resources just because they receive some form of state support. That also means that customers will increasingly be forced to pay twice for capacity or, to put it differently, to buy more unneeded capacity with each passing year. I cannot fathom how the costs imposed by a resource adequacy regime that is premised on ignoring actual capacity can ever be just and reasonable.

65. The Commission responds to this point by asserting that the costs of double-procuring capacity are irrelevant because *NJBPU* held that states may "appropriately bear the costs" of their resource decisionmaking, including the costs associated with resources

resources slated to be developed in the region to meet state renewable energy targets over the coming years. Clean Energy Associations estimated that that cost will be between \$14 and \$24 billion over the next decade. Clean Energy Associations Rehearing and Clarification Request at 22-23. My estimate also did not attempt to assess the effects of the bizarre conclusion, affirmed today, that the default service auctions in PJM retail choice states are somehow "subsidies," which will subject the resources that serve significant fractions of load in those states to the MOPR. *See supra* PP 49-51. Those are just two examples, but they illustrate why I remain confident that, when the dust settles, that back-of-the-envelope calculation will prove to have been a conservative one.

¹⁷³ December 2019 Rehearing Order, 171 FERC ¶ 61,035 at PP 139-140 (asserting that while the "actual cost impacts of the replacement rate are speculative at this point," they will result in a rate increase the Commission deems just and reasonable).

¹⁷⁴ *N.Y. State Pub. Serv. Comm'n*, 158 FERC ¶ 61,137 (2017) (Bay, Chairman, concurring).

¹⁷⁵ *Id.*

whose capacity does not clear in the capacity auction.¹⁷⁶ As noted above, there are good reasons to pause before applying *NJBPU* whole hog to this proceeding.¹⁷⁷ In any case, the Commission's citation to that decision's jurisdictional analysis does not insulate today's orders from the charge that it is arbitrary and capricious to altogether disregard the costs imposed by forcing the capacity market to ignore resources that actually exist or will developed and procuring additional resources as if those ignored resources did not exist.¹⁷⁸ Those are real costs that are directly traceable to the Commission's orders and cannot logically be ignored by an agency claiming to balance "consumer interests."¹⁷⁹

66. The record before us provides every reason to believe that this approach will lead to other significant cost increases. For example, the new MOPR will exacerbate the potential for the exercise of seller-side market power in what the Market Monitor has described as a structurally uncompetitive market.¹⁸⁰ As the Institute for Policy Integrity explained, expanding the MOPR will decrease the competitiveness of the market, both by reducing the number of resources offering below the MOPR price floor and by changing the opportunity cost of withholding capacity.¹⁸¹ With more suppliers subject to administratively determined price floors, resources that escape the MOPR—or resources with a relatively low offer floor—can more confidentially increase their bids up to that level, secure in the knowledge that they will still under-bid the mitigated offers. That problem is compounded by PJM's weak seller-side market power mitigation rules, which

¹⁷⁶ December 2019 Rehearing Order, 171 FERC ¶ 61,035 at P 141.

¹⁷⁷ *See supra* PP 22-23.

¹⁷⁸ At various points, the Commission makes assertions, such as even the new MOPR forces customers to "pay twice" for capacity, "preserving the integrity of the capacity market will benefit customers over time by ensuring capacity is available when needed." December 2019 Rehearing Order, 171 FERC ¶ 61,035 at P 223. Conclusory assertions are the same thing as considering customers' interests.

¹⁷⁹ *Id.* P 139.

¹⁸⁰ *See* Market Monitor 2021/2022 BRA Analysis 2 ("The capacity market is unlikely ever to approach a competitive market structure in the absence of a substantial and unlikely structural change that results in much greater diversity of ownership. Market power is and will remain endemic to the structure of the PJM Capacity Market Reliance on the RPM design for competitive outcomes means reliance on the market power mitigation rules.")

¹⁸¹ Institute for Policy Integrity Initial Brief at 14-16.

include a safe harbor for mitigation up to a market-seller offer cap that has generally been well above the market-clearing price.¹⁸²

3. **Disregarding the Effects of the New MOPR on Well-Established Business and Regulatory Models Is Arbitrary and Capricious**

i. **Demand Response**

67. The PJM region has long benefitted from a robust participation of demand response resources. That is in part because PJM has had in place rules that accommodate short-lead-time resources. Specifically, the Commission has long recognized that demand response resources may not be identified years in advance of the delivery year.¹⁸³ Accordingly, PJM has permitted Curtailment Service Providers (CSP), *i.e.*, a demand response provider, to participate in the Base Residual Auction without identifying all end-use demand response resources at the time of the auction.¹⁸⁴ That has been fundamental to the demand response business model, since, without it, the short-lead time resources on which demand response depends might never be able to participate in the Base Residual Auction.¹⁸⁵

¹⁸² For example, the RTO-wide market seller offer cap for the 2018 Base Residual Auction \$237.56 per MW/day while the clearing price for the RTO-wide zone was \$140.00 per MW/day. *See* PJM Interconnection, *2021/2022 RPM Base Residual Auction Results*, <https://www.pjm.com/-/media/markets-ops/rpm/rpm-auction-info/2021-2022/2021-2022-base-residual-auction-report.ashx> (last visited Dec. 19, 2019).

¹⁸³ For example, recognizing that demand response is a “short-lead-time” resource, the Commission previously directed PJM to revise the allocation of the short-term resource procurement target so that short-lead-time resources have a reasonable opportunity to be procured in the final incremental auction. *PJM Interconnection L.L.C.*, 126 FERC ¶ 61,275 (2009). The Commission subsequently removed the short-term resource procurement target only after concluding that doing so would not “unduly impede the ability of Demand Resources to participate in PJM’s capacity market.” *PJM Interconnection, L.L.C.*, 151 FERC ¶ 61,208, at PP 394, 397 (2015).

¹⁸⁴ Under PJM’s current market rules, CSPs must submit a Demand Resource Sell Offer Plan (DR Sell Offer Plan) to PJM no later than 15 business days prior to the relevant RPM Auction. This DR Sell Offer Plan provides information that supports the CSP’s intended DR Sell Offers and demonstrates that the DR being offered is reasonably expected to be physically delivered through Demand Resource Registrations for the relevant delivery year. *See* PJM Manual 18: PJM Capacity Market – Attachment C: Demand Resource Sell Offer Plan.

¹⁸⁵ As CPower and LSPower explain, such customers typically make participation

68. So much for that. The December 2019 Rehearing Order states that the new MOPR “may require aggregators and CSPs to know all of their demand response resource end-users prior to the capacity auction.”¹⁸⁶ In addition, it appears to require that, for each resource with behind-the-meter generation, the CSP must identify the relative share of its capacity that results from demand reduction versus behind-the-meter generation.¹⁸⁷ And the CSP will have to know all of that three years before the delivery year. That is a stunning level of paperwork to impose on CSPs, which may well require many, if not most, of them to fundamentally change or altogether abandon their business model. I fail to see anything in this record that suggests that the Commission’s concerns about state policies justifies that result.

69. While the grandfathered treatment provided to existing demand response resources could help blunt the impact of the new MOPR, the confusing language in the Commission’s order raises more questions than it answers, leaving CSPs, PJM, and the Market Monitor with little guidance on how to mitigate demand response resources. Rather than explaining that the grandfathered treatment attaches to the resource itself, which would seem the only logical conclusion, the Commission adds that “Aggregators and CSPs will be considered to have previously cleared a capacity auction only if *all the individual resources within the offer* have cleared a capacity auction.”¹⁸⁸ Why an entire a CSP’s portfolio must receive all-or-nothing treatment is unclear, unexplained and raises fundamental questions about how this will work when resources switch CSPs, as they often do.¹⁸⁹

decisions in a shorter time frame than the three-year forward auction designed to reflect the time needed to develop a new generation facility. CPower/LSPower Rehearing Request at 11.

¹⁸⁶ December 2019 Rehearing Order, 171 FERC ¶ 61,035 at P 266.

¹⁸⁷ In response to requests to clarify offer floors for demand response resources backed by a combination of behind-the-meter generation and reduced consumption, the Commission simply reiterates that the December 2019 Order found that different default offer price floors should apply to demand response backed by behind-the-meter generation and demand response backed by reduced consumption (*i.e.*, curtailment-based demand response programs). December 2019 Rehearing Order, 171 FERC ¶ 61,035 at PP 187-188.

¹⁸⁸ December 2019 Rehearing Order, 171 FERC ¶ 61,035 at 265 (emphasis added).

¹⁸⁹ In addition, the December 2019 Rehearing Order concludes that if a demand response resource earns any revenue through a state-sponsored *retail* demand response program, it is impermissibly subsidized and subject to the new MOPR. *Id.* P 264. But

70. The bottom line here is that the Commission's attempt to root out certain state "subsidies" manifests itself as an out-and-out attack on the demand response business model in PJM.¹⁹⁰ That attack is particularly unfortunate as PJM indicated that the default offer floor for at least certain demand response resources should be at or near zero,¹⁹¹ suggesting that even if demand response resources receive a subsidy, that subsidy would not reduce their offer below what this Commission calls a "competitive offer." Demand response has provided tremendous benefits to PJM, both terms of improved market efficiency and increased reliability. I see no reason to give up those benefits based on an unsubstantiated concern about state policies.

ii. Public Power

71. Today's order also continues the Commission's attack on public power, dismissing the entire business model as a state subsidy and jeopardizing the viability of a construct that has long benefited customers. As ill-advised as that attack is, it is equally

just a few months ago, the Commission approved rules in NYISO that treat a state retail demand response program as a subsidy for the purposes of the capacity *only* if the purpose of that state program is to procure demand response for its capacity value. *N.Y. Pub. Serv. Comm'n v. N.Y. Indep. Sys. Operator, Inc.*, 170 FERC ¶ 61,120 (2020) ("[W]e will evaluate retail-level demand response programs on a program-specific basis to determine whether payments from those programs should be excluded from the calculation of SCRs' offer floors."). Those are radically different approaches to the permissible effects of state retail demand response programs, which cannot be papered over simply by observing that one set of rules apply in PJM and another in NYISO.

¹⁹⁰ Indeed, buried in footnotes in the December 2019 Rehearing Order, the Commission appears to insinuate that demand response resources, among other resources, should perhaps be kicked out of the capacity market entirely. *See* December 2019 Rehearing Order, 171 FERC ¶ 61,035 at n.598. ("We pause to note that, as the capacity market has developed, an ever-growing number of resource types have come to participate in the market that were not contemplated. This proceeding . . . does not necessarily resolve issues regarding whether, to what extent, and under what terms resources that are not able to produce energy on demand should participate in the capacity market consistent with the Commission's mandate to ensure the reliability of the electric system"); *id.* n.451 ("The Commission is concerned that there may be a point where energy efficiency is unable to supply capacity when needed to maintain system reliability. However, that issue can be pursued in a separate proceeding.").

¹⁹¹ PJM explains that, beyond the initial costs associated with developing a customer contract and installing any required hardware or software, it could not identify any avoidable costs that would be incurred by an existing Demand Resource that would result in a MOPR Floor Offer Price of greater than zero. PJM Initial Brief at 47.

unsupported. The Commission neither marshals evidence that the existence of public power has actually suppressed prices¹⁹² nor addresses arguments that the type of balanced portfolio typically developed by public power entities will not have that effect.¹⁹³ The Commission's unsupported treatment of public power is, as PJM points out in its rehearing request, "overbroad and unwarranted."¹⁹⁴

72. Today's order leaves public power with few options. Unlike most public utilities,¹⁹⁵ PJM's existing FRR option is not much good for many public power entities since "participating in the FRR option is an all-or-nothing proposition, and appeals as a practical matter only to large utilities that still follow the traditional, vertically integrated model."¹⁹⁶ In addition, the Commission concludes that third-party contracts signed by

¹⁹² The Commission offers no data, such as sell-offer data of utilities or public power entities or provides any evidence in support of this finding. *See* SMECO Rehearing Request at 6; Allegheny Rehearing Request at 12.

¹⁹³ After all, public power entities typically procure roughly the amount of supply needed to meet their demand. In response to arguments raising this point and contending that an approach based on net long, net short thresholds (which would formally require a rough equivalence between supply and demand to avoid mitigation) would be just and reasonable and more consistent with Commission precedent, *see* Public Power Entities Request for Rehearing and Clarification at 30-32; PJM Request for Rehearing and Clarification at 13-14; ODEC Request for Rehearing and Clarification at 7-9, today's order asserts that "the expanded MOPR is premised on a resource's ability to suppress price due to the benefit it receives from out-of-market support, not based on the likelihood and ability to exercise of buyer-side market power." December 2019 Rehearing Order, 171 FERC ¶ 61,035 at P 228. But the ability to "exercise" buyer-side market power is the ability to reduce prices. If public power entities' load equals their supply, their choice of how to serve that load will not cause price suppression plain and simple. The Commission has previously found such thresholds can protect against price suppression. *See N.Y. Indep. Sys. Operator, Inc.*, 170 FERC ¶ 61,121, at P 90 (2020) (discussing buyer-side market power concerns associated with self-supply). It fails to provide a reasoned basis for rejecting the same approach today.

¹⁹⁴ PJM Rehearing and Clarification Request at 13.

¹⁹⁵ These terms get confusing quickly. Under the FPA, a "public utility" will typically be privately owned while an entity that is not a "public utility" will often be publically owned. *See* 16 U.S.C. §§ 824(e) & (f). Accordingly, "public power" is generally made up of non-public utilities.

¹⁹⁶ *NJBPU*, 744 F.3d at 84 (footnote omitted).

public power entities are also state subsidies.¹⁹⁷ That effectively forces public power to procure capacity based only on the narrow considerations evaluated in the PJM capacity market—a result inimical to the purpose of the public power model.

73. The public power model predates the capacity market by several decades and is premised on securing a reliable supply of power for each utility’s citizen-owners at a reasonable and stable cost, which often includes an element of long-term supply.¹⁹⁸ The policy affirmed in today’s order is a direct threat to the long-term viability of the public power model in PJM. Although the Commission exempts existing public power resources from the MOPR, it provides that all new public power development will be subject to mitigation. That means that public power’s selection and development of new capacity resources will now be dependent on the capacity market outcomes, not the self-supply model on which it has traditionally relied. That fundamentally upends the public power model because it limits the ability of public power entities to choose how to develop and procure resources over a long time horizon.

iii. Energy Efficiency

74. The Commission is also arbitrary and capricious in its treatment of energy efficiency resources—*e.g.*, efficient light bulbs, air conditioning units, and water heaters whose installation reduces electricity use. Although energy efficiency resources reduce demand for electricity, they participate in the PJM capacity auction as “supply” for four years so that they can receive compensation for reducing the total amount of capacity needed in the region.¹⁹⁹ To make that work in practice, PJM “adds back” to the demand curve the capacity equivalent of any energy efficiency resources that participate in the auction.²⁰⁰ Doing so ensures that the capacity provided by energy efficiency resources is not double counted.

¹⁹⁷ December 2019 Rehearing Order, 171 FERC ¶ 61,035 at PP 243, 325.

¹⁹⁸ American Municipal Power and Public Power Association of New Jersey Initial Brief at 14-15; American Public Power Association Initial Brief at 15.

¹⁹⁹ PJM Manual 18B, Energy Efficiency Measurement & Verification 10-13, *available at* pjm.com/~media/documents/manuals/m18b.ashx. After those four years, energy efficiency resources no longer participate in the capacity auction and instead are recognized only as reductions in demand. *Id.*

²⁰⁰ *Id. Participate*, not clear. That means that if an energy efficiency resource bids into, but does not clear the capacity market, its capacity is *still* added back to the demand curve. This is because as PJM explains, the auction parameters are adjusted by adding the MWs in approved energy efficiency plans that are proposed for that auction back into the reliability requirements. PJM Rehearing and Clarification Request at 15,

75. Today's order concludes that any energy efficiency resources that participate in the PJM capacity auction and receive a state subsidy suppress prices and, therefore, must be subjected to the new MOPR.²⁰¹ The record does not support that determination. As PJM's Market Monitor explained, including energy efficiency in the PJM capacity auction—by treating it as supply and then adding it back to the demand curve—actually *increases* the prices in that auction by roughly 10 percent, all else equal.²⁰² In other words, the record does not indicate that the energy efficiency resources participating in the capacity market (subsidized or otherwise) are having any price suppressive effect whatsoever. Instead, the record indicates that the only time energy efficiency resources can decrease capacity market prices is when, after four years, those resources no longer participate in the capacity market and are no longer subject to the new MOPR.²⁰³

76. Today's order completely fails to address these points even though PJM itself, not to mention several other parties, argued on rehearing that the Commission's approach to energy efficiency was inconsistent with its own theory of the case and would make a hash of the markets.²⁰⁴ Instead, the Commission asserts that energy efficiency resources can cause price suppression because, according to the Commission, that is the inevitable result of subsidizing any resource.²⁰⁵ To support that proposition, the Commission relies on a single piece of irrelevant arithmetic. It multiplies the total MWs of energy efficiency

n.41. For approved plans, that add back occurs whether or not resources will know if they cleared the auction.

²⁰¹ December 2019 Order, 169 FERC ¶ 61,239 at P 255.

²⁰² The Independent Market Monitor for PJM, *Analysis of the 2021/2022 RPM Base Residual Auction 20* (2018), available at http://www.monitoringanalytics.com/reports/Reports/2018/IMM_Analysis_of_the_20212022_RPM_BRA_Revised_20180824.pdf (2018 PJM State of the Market Report).

²⁰³ At that point, the energy savings from energy efficiency resources are “baked into” PJM's demand forecast and, thus, the resources are no longer eligible for a capacity payment for reducing demand relative to that projection.

²⁰⁴ *E.g.*, PJM Rehearing and Clarification Request at 15 & n.41; Advanced Energy Entities at 12-15; CPower/LSPower Rehearing and Clarification Request at 6-8.

²⁰⁵ December 2019 Rehearing Order, 171 FERC ¶ 61,035 at P 257 (“We reject the contention that energy efficiency's market participation cannot suppress prices. State Subsidies, if effective, will by their very nature increase the quantity of whatever is subsidized. State subsidies to energy efficiency should result in additional energy efficiency resource participation.”).

that cleared in the capacity market in a given year by the clearing price that year and asserts that the resulting figure shows that energy efficiency “has affected revenues in the PJM capacity market.”²⁰⁶ That may be true, but it does not shed any light whatsoever on whether energy efficiency, subsidized or not, suppresses the capacity market clearing price. Indeed, the Commission fails to wrestle with the fact that, as a result of the add-back provision, energy efficiency resources will not suppress the capacity clearing price. Calculating their total revenue does not change that fact.

77. In addition, the Commission blithely asserts that energy efficiency must be subject to the new MOPR because “[d]eferred demand resulting from a State Subsidy will suppress prices just as a State Subsidy to supply will suppress prices.”²⁰⁷ That general statement proves too little. It simply cannot be the case that any action a state takes to conserve electricity is a “problem” for the Commission to fix. Instead, the state action can implicate the Commission’s interests through resources’ participation in the capacity market, if at all. As explained above, however, the record is clear that energy efficiency resources’ participation in the capacity market does not have a price suppressive effect; quite the opposite, in fact. The Commission’s failure to wrestle with the actual effects of energy efficiency participating as a capacity resource renders its justification for applying the MOPR to such resources arbitrary and capricious.

iv. Voluntary RECs

78. Today’s order grants clarification that “purely voluntary transactions for RECs are not considered State Subsidies.” Again, I am glad to hear it. As I explained in my earlier dissent, transactions involving voluntary REC sales would not meet any reasonable definition of subsidy and would instead amount to “mitigating the impact of *consumer preferences* on wholesale electricity markets just because they may potentially overlap with state policies.”²⁰⁸ In addition, I noted that there were eminently reasonable ways to address the Commission’s practical concerns about ensuring that voluntary RECs are not eventually used to comply with state mandates. I am glad to see that that view seems to have prevailed.

79. Nevertheless, today’s order makes clear that voluntary RECs are not out of the woods yet. In a pair of ominous (and redundant) footnotes, the Commission’s goes out of its way to assert that all today’s order concludes is that voluntary RECs are not state subsidies and that, pardon the double negative, that conclusion is not a finding that

²⁰⁶ *Id.* P 256.

²⁰⁷ December 2019 Rehearing Order, 171 FERC ¶ 61,035 at P 257.

²⁰⁸ December 2019 Order, 169 FERC ¶ 61,239 (Glick, Comm’r, dissenting at P 41) (footnotes and internal quotation marks omitted).

voluntary RECs do not distort capacity market outcomes.²⁰⁹ If the question is whether consumers' voluntary decision to purchase clean energy could "distort" efficient market outcomes, the answer is a straightforward no. The fact that the Commission feels the need to go out of its way to preserve that question for a future proceeding is as ominous as it is unnecessary. It is both notable and concerning that the Commission did not feel the need to preserve the same question when addressing other voluntary out-of-market for capacity resources, such as sales of coal ash, which it describes as "similarly situated" to voluntary REC sales.²¹⁰

4. **Applying Different Offer Floors to New and Existing Resources Is Arbitrary and Capricious**

80. As I explained in my dissent from the December 2019 Order, the Commission's imposition of disparate offer floors for new and existing resources is unjust and unreasonable, unduly discriminatory as well as arbitrary and capricious. Today's order affirms the decision to require new resources receiving a State Subsidy to be mitigated to Net Cost of New Entry (Net CONE) while existing resources receiving a State Subsidy are mitigated to their Net Avoidable Cost Rate (Net ACR). The Commission suggested that this distinction is appropriate because new and existing resources do not face the same costs.²¹¹ In particular, the Commission suggested that setting the offer floor for new resources at Net ACR would be inappropriate because that figure "does not account for the cost of constructing a new resource."²¹² Today's order uses more words to make the same points.²¹³

81. Regardless, the Commission's distinction does not hold water. As the Market Monitor explained in his comments, it is illogical to distinguish between new and existing

²⁰⁹ See December 2019 Rehearing Order, 171 FERC ¶ 61,035 at n.808 ("The treatment of voluntary RECs in this order is not a determination regarding whether the revenue from voluntary REC transactions results or could result in capacity market distortions."); *id.* n.807 (exact same point).

²¹⁰ December 2019 Rehearing Order, 171 FERC ¶ 61,035 at P 326 (finding "to the extent coal ash sales are purely voluntary, such that they do not fall under the definition of State Subsidy, they are similarly situated to voluntary RECs, which are not mitigated under the replacement rate.").

²¹¹ December 2019 Order, 169 FERC ¶ 61,239 at P 140.

²¹² *Id.*

²¹³ December 2019 Rehearing Order, 171 FERC ¶ 61,035 at PP 157-159.

resources when defining what is (or is not) a competitive offer.²¹⁴ That is because, as a result of how most resources are financed, a resource's costs will not materially differ based on whether it is new or existing (*i.e.*, one that has cleared a capacity auction). That means that there is no basis to apply a different formula for establishing a competitive offer floor based solely on whether a resource has cleared a capacity auction. To the extent it is appropriate to consider the cost of construction for a new resource it is just as appropriate to consider the cost of construction for one that has already cleared a capacity auction. That is consistent with Net CONE, which calculates the nominal 20-year levelized cost of a resource minus its expected revenue from energy and ancillary services. Because that number is *levelized*, it does not change between a resource's first year of operation and its second.

82. In addition, as the Market Monitor explains, Net CONE does not reflect how resources actually participate in the market.²¹⁵ Instead of bidding their levelized cost, both new and existing competitive resources bid their marginal capacity—*i.e.*, their net out-of-pocket costs, which Net ACR is supposed to reflect. Perhaps reasonable minds can differ on the question of which offer floor formula is the best choice to apply. But there is nothing in this record suggesting that it is appropriate to use different formulae based on whether the resource has already cleared a capacity auction.

83. It may be true that setting the offer floor at Net ACR for new resources will make it more likely that a subsidized resource will clear the capacity market, MOPR notwithstanding. Holding all else equal, the higher the offer floor, the less likely that a subsidized resources will clear, so a higher offer floor will more effectively block state policies. But that does not justify applying Net ACR to existing resources and Net CONE to new ones.

84. The purpose of a capacity market, the whole reason the market exists, is to ensure resource adequacy at just and reasonable rates.²¹⁶ It is a means, not an end. And for that purpose, a megawatt of capacity provided by a new resource is every bit as effective as a megawatt provided by an existing one. Applying entirely different bid floor formulae

²¹⁴ Independent Market Monitor Brief at 16 (“A competitive offer is a competitive offer, regardless of whether the resource is new or existing.”); *id.* at 15-16 (“It is not an acceptable or reasonable market design to have two different definitions of a competitive offer in the same market. It is critical that the definitions be the same, regardless of the reason for application, in order to keep price signals accurate and incentives consistent.”).

²¹⁵ *Id.*

²¹⁶ *Cf.* December 2019 Rehearing Order, 171 FERC ¶ 61,035 at 230 (“The objective of the capacity market is to select the least cost resources to meet resource adequacy goals.”).

based only on whether the resource is new or existing does not further that basic purpose. Instead, as the Commission all but admits,²¹⁷ the purpose those disparate bid floors serve is to make it easier to block the entry of state-subsidized resources. A capacity market designed first and foremost for the purpose of blocking state policies is one in which the tail truly wags the dog.²¹⁸

III. Today's Orders Are Not about Promoting Competition

85. By this point, the irony of today's orders should be clear. The Commission spends hundreds of pages decrying government efforts to shape the generation mix because they interfere with "competitive" forces.²¹⁹ In order to stamp out those efforts and promote its vision of "competition," the Commission creates a byzantine administrative pricing scheme that bears all the hallmarks of cost-of-service regulation, without any of the benefits. That is a truly bizarre way of fostering the market-based competition that these orders claim to so highly value.

86. It starts with the Commission's definition of subsidy, which encompasses vast swathes of the PJM capacity market, including new investments by vertically integrated utilities and public power, merchant resources that receive any one of the litany of subsidies available to particular resources or generation types, and any resource that benefits even indirectly from one of the many state default service auctions in PJM.²²⁰ Moreover, the Commission's inaptly named Unit-Specific *Exemption*²²¹—its principal

²¹⁷ *Id.* P 158 ("Using Net ACR as the MOPR value for new resources would not serve the purpose of the MOPR, because it does not reflect new resources' actual costs of entering the market and therefore would not prevent uneconomic State-Subsidized Resources from entering the market."); December 2019 Rehearing Order, 171 FERC ¶ 61,035 at P 159 ("Using Net CONE as the default offer price floor for new resources will ensure that the expanded MOPR achieves its goal and prevents uneconomic new entry from clearing the capacity market as a result of State Subsidies").

²¹⁸ To appreciate this, one need only look at the Commission's apparent willingness to set certain resources offer floor—*i.e.*, their Net CONE—above the demand curve's intercept. That means that the Commission is willing to set price floors that ensure that those resource *can never* clear the capacity market, no matter how serious the reliability need and even if that resource is the only that can meet it. *See* Illinois Commission Rehearing Request at 18. In a choice between ensuring reliability and blocking state policies, the Commission will choose the latter.

²¹⁹ June 2018 Order, 163 FERC ¶ 61,236 at P 1.

²²⁰ *See Supra* Section II.B.1.b.

response to concerns about over mitigation—is simply another form of administrative pricing.²²² All the Unit-Specific Exemption provides is an escape from the relevant default offer floor. Resources are still required to bid above an administratively determined price floor, not at the level that they believe would best would best serve their competitive interests.²²³ Nor is it clear that this so-called exemption will even be resource-specific.²²⁴ And even resources that might appear eligible for the Competitive Entry Exemption may hesitate to take that option given the Commission’s proposal to permanently ban from the capacity market any resource that invokes that exception and later finds itself subsidized.²²⁵ Are those resources really going to wager their ability to participate in the capacity market on the proposition that their state will never institute a non-bypassable policy that the Commission might deem an illicit financial benefit?

²²¹ In the December 2019 Order, the Commission renamed what is currently the “Unit Specific *Exception*” in PJM’s tariff to be a Unit Specific *Exemption*. But, regardless of name, it does not free resources from mitigation because they are still subject to an administrative floor, just a lower one. An administrative offer floor, even if based on the resource’s actual costs does not protect against over-mitigation and certainly is not market competition.

²²² It bears repeating that the Commission has expressly abandoned market-power—the justification for cost-of-service regulation—as the basis for its new MOPR. December 2019 Rehearing Order, 171 FERC ¶ 61,035 at P 45 (“[T]he expanded MOPR does not focus on buyer-side market power mitigation.”).

²²³ See Public Power Entities Rehearing Request at 4 (“Ironically, by its latest action, the Commission has removed any remaining genuine market component . . . by requiring all ‘competitive’ offers to be determined administratively in Valley Forge, Pennsylvania.”).

²²⁴ The Commission is requiring that all new resources, regardless of type, must use a standard asset life. That flouts the entire premise of a Unit-Specific Exemption, which, the Commission reminds us throughout today’s order, is supposed to reflect the *specific* unit’s costs and expected market revenues. It is particularly, “arbitrary and illogical” to mandate that resources assume a 20-year asset life when most renewable units typical have a useful commercial life of 35 years. See Clean Energy Advocates Rehearing Request at 83. The Commission dismisses such concerns by stating that standardized inputs are a simplifying tool December 2019 Rehearing Order, 171 FERC ¶ 61,035 at P 290.

²²⁵ December 2019 Order, 169 FERC ¶ 61,239 at P 162.

87. To implement this scheme, PJM and the Market Monitor will need to become the new subsidy police, regularly reviewing the laws and regulations of 13 different states and the District of Columbia—not to mention hundreds of localities and municipalities—in search of any provision or program that could conceivably fall within the Commission’s definition of State Subsidy. “But that way lies madness.”²²⁶ It will also require PJM and the Market Monitor to identify any and all contracts power marketers have with resources that may be used to serve commitments incurred in a state default service auction. Rooting through retail auctions results and hundreds of different sets of laws and regulations looking for anything that might be “nearly tethered” to wholesale rates is hardly a productive use of anyone’s time.

88. And identifying the potential subsidies is just the start. Given the consequences of being subsidized, today’s orders will likely unleash a torrent of litigation over what constitutes a subsidy and which resources are or are not subsidized. Next, PJM will have to develop default offer floors for all relevant resource types, including many that have never been subject to mitigation in PJM or anywhere else—*e.g.*, demand response resources, energy efficiency resources, or resources whose primary function is not generating electricity. Moreover, given the emphasis that the Commission puts on the Unit-Specific Exemption as the solution to concerns about over-mitigation, we can expect that resources will attempt to show that their costs fall below the default offer floor, with many resorting to litigation should they fail to do so. The result of all this may be full employment for energy lawyers, but it is hardly the most obvious way to harness the forces of competition.

89. Finally, although this administrative pricing regime is likely to be as complex and cumbersome as cost-of-service regulation, it provides none of the benefits that a cost-of-service regime can provide. Most notably, the administrative pricing regime is a one-way ratchet that will only increase the capacity market clearing price. Unlike cost-of-service regulation, there is no mechanism for ensuring that bids reflect true costs. Nor does this pricing regime provide any of the market-power protections provided by the cost-of-service model. Once mitigated, resources are required to offer no *lower* than their administratively determined offer floor, but there is no similar prohibition on offering above that floor.²²⁷

²²⁶ David Roberts, *Trump’s crude bailout of dirty power plants failed, but a subtler bailout is underway* (Mar. 23, 2018), <https://www.vox.com/energy-and-environment/2018/3/23/17146028/ferc-coal-natural-gas-bailout-mopr>.

²²⁷ Moreover, as discussed above, *see supra* P 67, PJM’s capacity market is structurally uncompetitive and lacks any meaningful market mitigation. There is every reason to believe that today’s orders will exacerbate the potential for the exercise of market power.

IV. Today's Orders Are Instead All about Slowing the Clean Energy Transition

90. If they do not promote competition, today's orders certainly serve an alternative, overarching purpose: Slowing the region's transition to a clean energy future. Customers throughout PJM, not to mention several of the PJM states, are increasingly demanding that their electricity come from clean resources. Today's orders represent a major obstacle to those goals. Although even this Commission won't come out and say that, the cumulative effect of the various determinations in today's orders is unmistakable. It helps to rehash in one place what the mitigation regime affirmed in the December 201 Rehearing Order will do.

91. First, after establishing a broad definition of subsidy, the Commission creates several categorical exemptions that overwhelmingly benefit existing resources. Indeed, the exemptions for (1) renewable resources, (2) self-supply, and (3) demand response, energy efficiency, and capacity storage resources are all limited to existing resources.²²⁸ That means that all those resources will never be subjected to the MOPR and can continue to bid into the market at whatever level they choose, while every comparable new resource must run the administrative pricing gauntlet. In addition, new natural gas resources remain subject to the MOPR.²²⁹ All told, those exemptions provide a major benefit to existing resources.

92. Second, as noted above, the Commission creates different offer floors for existing and new resources.²³⁰ Using Net CONE for new resources and Net ACR for existing resources will systematically make it more likely that existing resources of all types can remain in the market, even if they have higher costs than new resources that might otherwise replace them. As the Market Monitor put it, this disparate treatment of new and existing resources "constitute[s] a noncompetitive barrier to entry and . . . create[s] a noncompetitive bias in favor of existing resources and against new resources of all types, including new renewables and new gas fired combined cycles."²³¹

93. Third, the mitigation scheme imposed by today's orders will likely cause a large and systematic increase in the cost of capacity. Although that will appear as a rate increase for consumers, it will be a windfall to existing resources that clear the capacity market. That windfall will make it more likely that any particular resource will stay in

²²⁸ December 2019 Order, 169 FERC ¶ 61,239 at PP 173, 202, 208.

²²⁹ *Id.* PP 2, 42.

²³⁰ *See supra* Section II.B.4.

²³¹ Internal Market Monitor Reply Brief at 4.

the market, even if there is another resource that could supply the same capacity at less cost to consumers.

94. Finally, the December 2019 Order again dismisses the June 2018 Order’s fig leaf to state authority: The resources-specific FRR Alternative.²³² That potential path for accommodation was what allowed the Commission to profess that it was not attempting to “disregard” or “nullify” state public policies. Although implementing that option would no doubt have been a daunting task, doing so at least had the potential to establish a sustainable market design by allowing state policies to have their intended effect on the resource mix. And that is why it is no longer on the table. It could have provided a path for states to continue shaping the energy transition—exactly what this new construct is designed to stop.

95. The Commission proposes various justifications for each of these changes, some of which are more satisfying than others. But don’t lose the forest for the trees. At every meaningful decision point in today’s orders, the Commission has elected the path that will make it more difficult for states to shape the future resource mix. Nor should that be any great surprise. Throughout this proceeding, the Commission has focused narrowly on states’ exercise of their authority over generation facilities, treating state authority as a problem that must be remedied by a heavy federal hand. The only thing that was new in the December 2019 order was the extent to which the Commission was willing to go. Whereas the June 2018 Order at least paid lip service to the importance of accommodating state policies,²³³ the December 2019 Order—and today’s orders—are devoid of any comparable sentiment.

96. In addition, in a now-familiar pattern, today’s orders put almost no flesh on the bones of the Commission’s edicts and provide precious little guidance how the new MOPR will work in practice. Most of the actual work will come in the compliance proceedings, not to mention the coming litany of section 205 filings, section 206 complaints, and petitions for declaratory orders seeking guidance on fact patterns that the Commission, by its own admission, has not yet bothered to contemplate. In each of those proceedings, the smart money should be on the Commission adopting what it will claim to be facially neutral positions that, collectively, entrench the current resource mix. Although the proceedings to come will inevitably garner less attention than today’s orders, they will be the path by which the “quiet undoing” of state policies progresses.²³⁴

²³² December 2019 Rehearing Order, 171 FERC ¶ 61,035 at P 348; June 2018 Order, 163 FERC ¶ 61,236 at P 157.

²³³ June 2018 Order, 163 FERC ¶ 61,236 at P 161.

²³⁴ Danny Cullenward & Shelley Welton, *The Quiet Undoing: How Regional Electricity Market Reforms Threaten State Clean Energy Goals*, 36 Yale J. on Reg. Bull.

97. The December 2019 Rehearing Order is a concerning preview of that process. In the two thousand-plus pages of rehearing requests filed in response to December 2019 Order, parties raised a wide range of concerns. Today's orders duck almost every single one, falling back on generalizations and a single-minded focus on extirpating the effects of state policies. Although the order is long in pages, it is short on any serious effort to grapple with or explain the implications of the Commission's actions. Moreover, in the few instances in which the Commission gave ground, such as voluntary RECs, it did so only with an ominous warning that is likely to cause more confusion than it clears up.²³⁵ Everything about today's orders should concern those with a stake in a durable resource adequacy construct in PJM.

* * *

98. At this point, the die has been cast. Today's orders make unambiguously clear that the Commission intends to array PJM's capacity market rules against the interests of consumers and of states seeking to exercise their authority over generation facilities. For all the reasons discussed above, these orders are illegal, illogical, and truly bad public policy.

99. But, even beyond that, today's orders are deeply disappointing because they will fracture PJM, the largest RTO in the country. As I predicted in my dissent from the December 2019 Order, states throughout the region are already looking for ways to pull their utilities out of the capacity market rather than remain under rules designed to damage their interests. Today's orders snuff out what little hope may have remained that the Commission would again change course and adopt a more sensible market design. As a result, states committed to exercising their rights under FPA section 201(b) will have little choice but to exit the capacity market. I strongly urge PJM to work with the states and provide them the time needed to make the transition as smooth as possible.

100. Fostering large regional markets for energy, ancillary services, and capacity, has been one of the Commission's principal successes over the last quarter century. I hate to see that success undone based on an obsession with blocking the effects of state public policies. But, unfortunately, the Commission chose the path that it did. In so doing, we have abdicated the leadership role that we ought to have taken in developing a resource adequacy paradigm that accommodates the fundamental changes currently under way in the electricity sector.

106, 108 (2019), available at <https://www.yalejreg.com/bulletin/the-quiet-undoing-how-regional-electricity-market-reforms-threaten-state-clean-energy-goals/>.

²³⁵ See *supra* p 79; see also *supra* note 190.

101. The irony in all this is that the Commission asserts that it is acting to “save” the capacity market even as it sets the market on a course toward its eventual demise.

For these reasons, I respectfully dissent.

Richard Glick
Commissioner

Attachment B



FERC Online Home
About FERC Online
 Log Out
 Edit Registration
Company Registration
 eFiling
 eSubscription
 eComment
 Query Meeting List: Recipients by State
 Query Service List
 My Service List
 My Filing List
 eTariff Viewer
 Help

Service List for EL16-49-000 Calpine Corporation, Dynegy Inc., Eastern Generation, LLC, Homer City Generation, L.P., NRG Power Marketing LLC, GenOn Energy Management, LLC, Carroll County Energy LLC, C.P. Crane LLC, et al. v. PJM Interconnection, L.L.C.

Contacts marked ** must be postal served

Party	Primary Person or Counsel of Record to be Served	Other Contact to be Served
Alico Renewable Energy Limited	Thomas Melone CEO 1740 Broadway FL 15 New York, NEW YORK 10019 UNITED STATES thomas.melone@gmail.com	
American Electric Power Service Corporation	Anne Vogel American Electric Power Service Corporation 1 Riverside Plaza Floor 29 Columbus, OHIO 43215 UNITED STATES amvogel@aep.com	Steven J Ross Steptoe & Johnson LLP 1330 Connecticut Ave, NW Washington, DISTRICT OF COLUMBIA 20036 sross@steptoe.com
American Forest & Paper Association	Robert Weishaar McNees Wallace & Nurick LLC 1200 G Street, NW Suite 800 Washington, DISTRICT OF COLUMBIA 20005 UNITED STATES bweishaar@mcneeslaw.com	Susan E Bruce McNees Wallace & Nurick LLC 100 Pine St Harrisburg, PENNSYLVANIA 17101 sbruce@mcneeslaw.com
American Forest & Paper Association		Kenneth R Stark McNees Wallace & Nurick LLC 100 Pine Street Harrisburg, PENNSYLVANIA 17101 kstark@mcneeslaw.com Matthew Garber Attorney McNees Wallace & Nurick LLC 100 Pine Street Harrisburg, PENNSYLVANIA 17101 mgarber@mcneeslaw.com
American Municipal Power, Inc.	Gary Newell Jennings, Strauss & Salmon, P.L.C. 1350 I Street, N.W. Suite 810 Washington, DISTRICT OF COLUMBIA 20005 UNITED STATES gnewell@jsslaw.com	Lisa G McAlister Deputy General Counsel - FERC/ American Municipal Power, Inc. 1111 Schrock Road Suite 100 Columbus, OHIO 43229 lmcAlister@amppartners.org
American Municipal Power, Inc.		Christopher J Norton Director of Market Regulatory American Municipal Power, Inc. 1111 Schrock Road Suite 100 Columbus, OHIO 43229 cnorton@amppartners.org
American Municipal Power, Inc.		Kristin V Rothey Asst. Deputy General Counsel 1111 Schrock Road Suite 100 Columbus, OHIO 43229 krothey@amppartners.org

American Public Power Association

Debra P. Patterson, Esq.
General Counsel
American Public Power Association
2451 Crystal Drive
Suite 1000
Arlinton, VIRGINIA 22202
dpatterson@publicpower.org
Elise Caplan
EMRI Coordinator
American Public Power Association
1875 Connecticut Avenue, NW
Suite 1200
Washington, DISTRICT OF COLUMBIA 20009
ecaplan@publicpower.org

American Public Power Association

American Wind Energy Association

eugene grace
Regulatory Attorney
1501 M St NW, Ste 1000
washington, DISTRICT OF COLUMBIA 20005
UNITED STATES
ggrace@awea.org

Bayonne Plant Holding, L.L.C.

Debra Raggio
Senior Vice President, Regulat
Talen Energy Corporation
117 Oronoco Street
Alexandria, VIRGINIA 22314
UNITED STATES
debra.raggio@talenergy.com

Sandra E. Rizzo
Partner
ARNOLD & PORTER
601 Massachusetts Ave., NW
Washington, DISTRICT OF COLUMBIA 20001
Sandra.Rizzo@arnoldporter.com

Brandon Shores LLC

Debra Raggio
Senior Vice President, Regulat
Talen Energy Corporation
117 Oronoco Street
Alexandria, VIRGINIA 22314
UNITED STATES
debra.raggio@talenergy.com

Sandra E. Rizzo
Partner
ARNOLD & PORTER
601 Massachusetts Ave., NW
Washington, DISTRICT OF COLUMBIA 20001
Sandra.Rizzo@arnoldporter.com

Brookfield Energy Marketing LP

Kelly Harris
Brookfield Energy Marketing LP
41 rue Victoria
Gatineau, QUEBEC J8X 2A1
CANADA
kelly.harris@brookfieldrenewable.com

Aleksandar Mitreski
Brookfield Energy Marketing Inc.
68 Ellington St
Longmeadow, MASSACHUSETTS 01106
aleksandar.mitreski@brookfieldrenewable.com

Brookfield Energy Marketing LP

Nicolas Bosse
Manager Regulatory Affairs - I
Brookfield Energy Marketing Inc.
1501 McGill College
Suite 1602
Montreal, QUEBEC H3A 3M8
nicolas.bosse@brookfieldrenewable.com

Brookfield Energy Marketing LP

Steve Kelly
Director
Brookfield Energy Marketing LP
3261 Arters Mill Rd
Westminster, MARYLAND 21158
stephen.kelly@brookfieldrenewable.com

Brunner Island, LLC

Debra Raggio
Senior Vice President, Regulat
Talen Energy Corporation
117 Oronoco Street
Alexandria, VIRGINIA 22314
UNITED STATES
debra.raggio@talenergy.com

Sandra E. Rizzo
Partner
ARNOLD & PORTER
601 Massachusetts Ave., NW
Washington, DISTRICT OF COLUMBIA 20001
Sandra.Rizzo@arnoldporter.com

Buckeye Power, Inc.

Marvin Griff
Partner
Thompson Hine LLP
1919 M Street, N.W.
Suite 700
Washington, DISTRICT OF COLUMBIA 20036-1600
UNITED STATES
marvin.griff@thompsonhine.com

Kurt Helfrich
6677 Busch Boulevard
Columbus, OHIO 43229
khelfrich@ohioec.org

	David Tewksbury Partner McDermott Will & Emery LLP 500 North Capitol Street, NW Washington, DISTRICT OF COLUMBIA 20001 UNITED STATES dtewksbury@mwe.com	
C.P. Crane LLC	David Tewksbury Partner McDermott Will & Emery LLP 500 North Capitol Street, NW Washington, DISTRICT OF COLUMBIA 20001 UNITED STATES dtewksbury@mwe.com	
Calpine Corporation	Stephanie Lim Counsel King & Spalding LLP McDermott Will & Emery 500 North Capitol Street, NW Washington, DISTRICT OF COLUMBIA 20001-1531 UNITED STATES slim@mwe.com	
Calpine Corporation	Sarah Novosel Senior VP and Managing Counsel Calpine Corporation 805 15th Street, NW Suite 708 Washington, DISTRICT OF COLUMBIA 20005 UNITED STATES snovosel@calpine.com	
Calpine Corporation	Debra Raggio Senior Vice President, Regulat Talen Energy Corporation 117 Oronoco Street Alexandria, VIRGINIA 22314 UNITED STATES debra.raggio@talenergy.com	Sandra E. Rizzo Partner ARNOLD & PORTER 601 Massachusetts Ave., NW Washington, DISTRICT OF COLUMBIA 20001 Sandra.Rizzo@arnoldporter.com
Camden Plant Holding, L.L.C.	David Tewksbury Partner McDermott Will & Emery LLP 500 North Capitol Street, NW Washington, DISTRICT OF COLUMBIA 20001 UNITED STATES dtewksbury@mwe.com	
Carroll County Energy LLC	David Tewksbury Partner McDermott Will & Emery LLP 500 North Capitol Street, NW Washington, DISTRICT OF COLUMBIA 20001 UNITED STATES dtewksbury@mwe.com	
Carroll County Energy LLC	Larry Eisenstat Partner Crowell & Moring LLP 1001 Pennsylvania Ave. N.W. Washington, DISTRICT OF COLUMBIA 20004 UNITED STATES leisenstat@crowell.com	
CPV Power Holdings, LP		Nathan B Rushing Director 8403 Colesville Road Suite 915 Silver Spring, MARYLAND 20910 nrushing@cpv.com
CPV Power Holdings, LP		Jonathan C. Odell, ESQ General Counsel 8403 Colesville Road Suite 915

CPV Power
Holdings, LP

Dayton Power
and Light
Company

Direct Energy

Division of Rate
Counsel

Dominion
Resources
Services, Inc.

Dominion
Resources
Services, Inc.

Duke Energy
Corporation

Dynegy Inc.

Dynegy Inc.

Dynegy Inc.

Randall Griffin
Chief Regulatory Counsel
Dayton Power and Light Company, The
1065 Woodman Drive
Dayton, OHIO 45432
UNITED STATES
randall.griffin@aes.com

Marjorie Philips
VP, Wholesale Market Policy
1700 Broadway, 38th Floor
New York, NEW YORK 10019
UNITED STATES
mphilips@lspower.com

Henry Ogden
Asst. Dep. Rate Counsel
New Jersey Department of the Public
Advocate
PO Box 46005
Trenton, NEW JERSEY 07101-8003
UNITED STATES
hogden@rpa.nj.gov

Christopher Jones
Troutman Sanders LLP
401 9th Street NW
TROUTMAN SANDERS LLP
Washington, DISTRICT OF COLUMBIA
20004
UNITED STATES
christopher.jones@troutmansanders.com

Michael Regulinski
Assistant General Counsel
120 Tredegar Street
RS-2
Richmond, VIRGINIA 23231-9
UNITED STATES
Michael.Regulinski@Dom.com

Sheri May
Associate General Counsel
INDIVIDUAL
139 East Fourth St.
Cincinnati, OHIO 45202
UNITED STATES
sheri.may@duke-energy.com

Michelle Grant
Corporate Counsel
INDIVIDUAL
601 Travis Street Suite 1400
Houston, TEXAS 77002
UNITED STATES
michelle.d.grant@dynegy.com

Stephanie Lim
Counsel
King & Spalding LLP
McDermott Will & Emery
500 North Capitol Street, NW
Washington, DISTRICT OF COLUMBIA
20001-1531
UNITED STATES
slim@mwe.com

David Tewksbury
Partner
McDermott Will & Emery LLP
500 North Capitol Street, NW

SINER, SPRING, MARYLAND 20910
jodell@cpv.com
thomas rumsey
50 Braintree Hill Office Park, Suite 300
Braintree, MASSACHUSETTS 02184
trumsey@cpv.com

John W Horstmann
Dayton Power and Light Company, The
315 Buckwalter Rd
Phoenixville, PENNSYLVANIA 19460
john.horstmann@aes.com

Andrea R Kells
McGuireWoods LLP
2600 Two Hannover Square
P.O. Box 27507
Raleigh, NORTH CAROLINA 27601
akells@mcguirewoods.com

Felicia Thomas-Friel, ESQ
Deputy Rate Counsel
140 East Front Street
4th Floor
Trenton, NEW JERSEY 08625
fthomas@rpa.nj.gov

Christopher Nalls
Associate
Troutman Sanders LLP
401 9th Street, N.W.
Suite 1000
Washington, DISTRICT OF COLUMBIA 20004
christopher.nalls@troutmansanders.com

Washington, DISTRICT OF COLUMBIA
20001
UNITED STATES
dtewksbury@mwe.com
John Reese
Senior Vice President
Eastern
Generation, LLC 300 Atlantic St 5th Floor
Stamford, CONNECTICUT 06901
UNITED STATES
jreese@easterngen.com
Liam Baker
Vice President Regulatory Affa
US Power Generating Co., LLC
Eastern
Generation, LLC 300 Atlantic Street
5th floor
Stamford, CONNECTICUT 06901
UNITED STATES
lbaker@easterngen.com
David Tewksbury
Partner
McDermott Will & Emery LLP
Eastern
Generation, LLC 500 North Capitol Street, NW
Washington, DISTRICT OF COLUMBIA
20001
UNITED STATES
dtewksbury@mwe.com
Stephanie Lim
Counsel
King & Spalding LLP
McDermott Will & Emery
Eastern
Generation, LLC 500 North Capitol Street, NW
Washington, DISTRICT OF COLUMBIA
20001-1531
UNITED STATES
slim@mwe.com
Bruce Grabow
ICC Energy Corporation
EDF Renewable
Energy, Inc. 701 East Street N.W.
Wash, DISTRICT OF COLUMBIA 75206
UNITED STATES
bgrabow@lockelord.com
Nancy Bagot
Vice President
Electric Power
Supply
Association Electric Power Supply Association
1401 New York Ave. NW
11th Floor
Washington, DISTRICT OF COLUMBIA
20005
UNITED STATES
NancyB@epsa.org
Electric Power
Supply
Association,
Calpine
Corporation,
Dynegy Inc.,
Eastern
Generation, LLC,
Homer City
Generation, L.P.,
NRG Companies
David Tewksbury
Partner
McDermott Will & Emery LLP
500 North Capitol Street, NW
Washington, DISTRICT OF COLUMBIA
20001
UNITED STATES
dtewksbury@mwe.com
Nancy Bagot
Vice President
Electric Power Supply Association
1401 New York Ave. NW
11th Floor
Washington, DISTRICT OF COLUMBIA 20005
NancyB@epsa.org
Electric Power
Supply
Association,
Calpine
Corporation,
Dynegy Inc.,
Eastern
Generation, LLC,
Homer City
Sarah G. Novosel, ESQ
Senior VP and Managing Counsel
Calpine Corporation
805 15th Street, NW
Suite 708
Washington, DISTRICT OF COLUMBIA 20005
snovosel@calpine.com

Generation, L.P.,
 NRG Companies
 Electric Power
 Supply
 Association,
 Calpine
 Corporation,
 Dynegy Inc.,
 Eastern
 Generation, LLC,
 Homer City
 Generation, L.P.,
 NRG Companies
 Electric Power
 Supply
 Association,
 Calpine
 Corporation,
 Dynegy Inc.,
 Eastern
 Generation, LLC,
 Homer City
 Generation, L.P.,
 NRG Companies
 Electric Power
 Supply
 Association,
 Calpine
 Corporation,
 Dynegy Inc.,
 Eastern
 Generation, LLC,
 Homer City
 Generation, L.P.,
 NRG Companies

Michelle D Grant
 Corporate Counsel
 INDIVIDUAL
 601 Travis Street Suite 1400
 Houston, TEXAS 77002
 michelle.d.grant@dynegy.com

Abraham Silverman
 Assistant General Counsel - Re
 NRG Energy, Inc.
 211 Carnegie Center Drive
 Princeton, NEW JERSEY 08540
 abe.silverman@nrg.com

Liam T Baker,, Esq
 Manager, Regulatory
 lbaker@uspowergen.com

Electricity
 Consumers
 Resource Council

W. Richard Bidstrup
 Cleary, Gottlieb, Steen & Hamilton LLP
 2000 Pennsylvania Ave, NW
 Washington, DISTRICT OF COLUMBIA
 20006
 UNITED STATES
 rbidstrup@cgsh.com

Elmwood Park
 Power, LLC

Debra Raggio
 Senior Vice President, Regulat
 Talen Energy Corporation
 117 Oronoco Street
 Alexandria, VIRGINIA 22314
 UNITED STATES
 debra.raggio@talenenergy.com

Sandra E. Rizzo
 Partner
 ARNOLD & PORTER
 601 Massachusetts Ave., NW
 Washington, DISTRICT OF COLUMBIA 20001
 Sandra.Rizzo@arnoldporter.com

Energy Capital
 Partners IV, LLC

Andrew Gilbert
 agilbert@ecpartners.com
 Gregory Lawrence
 Partner

Jim Ginnetti
 jim@jimginnetticonsultingllc.com

Enerwise Global
 Technologies,
 Inc.

Greenberg Traurig, LLP
 One International Place
 Boston, MASSACHUSETTS 02110
 UNITED STATES
 lawrenceg@gtlaw.com

ENVIRONMENTAL
 DEFENSE FUND

John Finnigan
 jfinnigan@edf.org

Essential Power,
 LLC, Essential
 Power OPP, LLC,
 Essential Power
 Rock Springs,
 LLC, Lakewood
 Cogeneration,
 L.P.,
 Exelon

David Tewksbury
 Partner
 McDermott Will & Emery LLP
 500 North Capitol Street, NW
 Washington, DISTRICT OF COLUMBIA
 20001
 UNITED STATES
 dtewksbury@mwe.com
 Christopher Wilson

Carrie H Allen

Exelon Corporation
 Director, Federal Regulatory A
 Exelon Corporation
 101 Constitution Ave, NW
 Suite 400E
 Washington, DISTRICT OF COLUMBIA
 20001
 UNITED STATES
 FERCe-filings@exeloncorp.com

Assistant General Counsel
 Exelon Corporation
 101 Constitution Ave. NW Suite 400 East
 Washington, DISTRICT OF COLUMBIA 20001
 carrie.allen@exeloncorp.com

Exelon Corporation

Colleen C Farrell
 Exelon Corporation
 101 Constitution Ave NW
 Washington, DISTRICT OF COLUMBIA 20001
 colleen.farrell@exeloncorp.com

Exelon Corporation

Jason C Barker, ESQ
 Vice President, Energy Policy
 Constellation Energy Group Inc.
 111 Market Place
 Suite 500
 Baltimore, MARYLAND 21202
 jason.barker@constellation.com

FirstEnergy Service Company

P. Nikhil Rao
 76 South Main St.
 Akron, OHIO 44308
 pnrao@firstenergycorp.com

FirstEnergy Service Company

Evan Dean
 Attorney
 FirstEnergy
 76 S. Main St.
 Akron, OHIO 44224
 UNITED STATES
 edean@firstenergycorp.com

Morgan Parke ESQ
 Attorney
 FirstEnergy
 76 South Main Street
 Akron, OHIO 44308-1890
 mparke@firstenergycorp.com

FirstEnergy Service Company

Sharon Noewer
 snoewer@firstenergycorp.com

GDF SUEZ Energy Marketing NA, Inc.

David Tewksbury
 Partner
 McDermott Will & Emery LLP
 500 North Capitol Street, NW
 Washington, DISTRICT OF COLUMBIA
 20001
 UNITED STATES
 dtewksbury@mwe.com

Governors' Wind & Solar Energy Coalition

Larry Pearce
 Executive Director
 2200 Wilson Blvd, ste 102-22
 Arlington, VIRGINIA 22201
 UNITED STATES
 larry@governorscoalition.org

H.A. Wagner LLC

Debra Raggio
 Senior Vice President, Regulat
 Talen Energy Corporation
 117 Oronoco Street
 Alexandria, VIRGINIA 22314
 UNITED STATES
 debra.raggio@talenergy.com

Sandra E. Rizzo
 Partner
 ARNOLD & PORTER
 601 Massachusetts Ave., NW
 Washington, DISTRICT OF COLUMBIA 20001
 Sandra.Rizzo@arnoldporter.com

Hillcrest Solar I, LLC

Madeline Fleisher
 Dickinson Wright PLLC
 150 E. Gay St.
 Suite 2400
 Columbus, OHIO 43215
 UNITED STATES
 mfleisher@dickinsonwright.com

Homer City Generation, L.P.

David Tewksbury
 Partner
 McDermott Will & Emery LLP
 500 North Capitol Street, NW
 Washington, DISTRICT OF COLUMBIA
 20001

dtewksbury@mwe.com
 Stephanie Lim
 Counsel
 King & Spalding LLP
 McDermott Will & Emery
 Homer City
 Generation, L.P.
 500 North Capitol Street, NW
 Washington, DISTRICT OF COLUMBIA
 20001-1531
 UNITED STATES
 slim@mwe.com

Illinois Citizens
 Utility Board

Illinois
 Commerce
 Commission

Illinois
 Commerce
 Commission

Illinois Industrial
 Energy
 Consumers

Illinois Municipal
 Electric Agency

Indiana Utility
 Regulatory
 Commission

Industrial Energy
 Users-Ohio

Invenergy
 Thermal
 Development
 LLC

Invenergy Wind
 Development
 LLC

Christine Ericson
 Special Assistant Attorney Gen
 Illinois Commerce Commission
 160 N. LaSalle St.
 Suite C-800
 Chicago, ILLINOIS 60601
 UNITED STATES
 Christine.Ericson@illinois.gov

Eric Robertson
 INDIVIDUAL
 1939 Delmar Avenue
 P. O. Box 735
 Granite City, ILLINOIS 62040
 UNITED STATES
 erobertson@lrklaw.com

Beth Heline
 General Counsel
 Indiana Utility Regulatory Commission
 Suite 1500 East
 101 West Washington Street
 Indianapolis, INDIANA 46204
 UNITED STATES
 BHeline@urc.in.gov

Robert Weishaar
 McNees Wallace & Nurick LLC
 777 North Capitol St, NE, Suite 401
 Washington, DISTRICT OF COLUMBIA
 20002
 UNITED STATES
 rweishaa@mwn.com

Nicole Luckey
 Invenergy LLC
 1 South Wacker
 Suite 1800
 Chicago, ILLINOIS 60606
 UNITED STATES
 nluckey@invenergyllc.com

Nicole Luckey
 Invenergy LLC
 1 South Wacker
 Suite 1800

Kristin Munsch
 Attorney
 Citizens Utility Board of Illinois
 309 W. Washington St. Ste. 800
 Chicago, ILLINOIS 60202
 kmunsch@citizensutilityboard.org

Randy Rismiller
 Federal Energy Program Manager
 Illinois Commerce Commission
 527 East Capitol Avenue
 Springfield, ILLINOIS 62701
 rrismill@icc.illinois.gov

Donald William VanderLaan
 Economic Analyst
 INDIVIDUAL
 527 East Capitol Ave
 Springfield, ILLINOIS 62701
 bvanderl@icc.illinois.gov

Troy A Fodor
 Illinois Municipal Electric Agency
 3400 Conifer Drive
 Springfield, ILLINOIS 62711
 tfodor@imea.org

Jeremy Comeau
 Indiana Utility Regulatory Com
 Indiana Utility Regulatory Commission
 101 W. Washington St.
 Suite 1500 E.
 Indianapolis, INDIANA 46204
 jcomeau@urc.in.gov

	Chicago, ILLINOIS 60606 UNITED STATES nluckey@invenergyllc.com Matthew Keenan J-POWER USA Development Co. Ltd. 1900 East Golf Rd, Ste. 1030 Schaumburg, ILLINOIS 60173 UNITED STATES mkeenan@jpowerusa.com Larry Cook Kentucky Attorney General 700 Capitol Ave. Frankfort, KENTUCKY 40601 UNITED STATES larry.cook@ky.gov	
J-POWER USA Development Co., Ltd.		Lawrence Cook 700 Capitol Ave. Ste. 20 Frankfort, KENTUCKY 40601-8204 larry.cook@ag.ky.gov
Kentucky Attorney General		
Kentucky Attorney General		
	Larry Eisenstat Partner Crowell & Moring LLP 1001 Pennsylvania Ave. N.W. Washington, DISTRICT OF COLUMBIA 20004 UNITED STATES leisenstat@crowell.com	Patricia M Alexander Advisor Crowell & Moring LLP 1001 Pennsylvania Ave. N.W. Washington, DISTRICT OF COLUMBIA 20004 palexander@crowell.com
Longroad Development Company, LLC		
Longroad Development Company, LLC		Diana Jeschke Crowell & Moring LLP 1001 Pennsylvania Ave NW Washington, DISTRICT OF COLUMBIA 20004 djeschke@crowell.com Vanessa Kwong Counsel Longroad Energy Management, LLC 735 Montgomery Street Suite 480 San Francisco, CALIFORNIA 94111 vanessa.kwong@longroadenergy.com
Longroad Development Company, LLC		
Longroad Development Company, LLC		
	Debra Raggio Senior Vice President, Regulat Talen Energy Corporation 117 Oronoco Street Alexandria, VIRGINIA 22314 UNITED STATES debra.raggio@talenergy.com Mark Steinley Rivertec Partners LLC 1026 Sarah St Pittsburgh, PENNSYLVANIA 15203 UNITED STATES msteinley@bkmcapital.com Tom Hoatson 1 Tower Center East Brunswick, NEW JERSEY 08816 UNITED STATES thoatson@lspower.com	Sandra E. Rizzo Partner ARNOLD & PORTER 601 Massachusetts Ave., NW Washington, DISTRICT OF COLUMBIA 20001 Sandra.Rizzo@arnoldporter.com
Lower Mount Bethel Energy, LLC		
Loxbridge Partners LLC		
LS Power Associates, L.P.		
LS Power Associates, L.P.		Neil L Levy McDermott Will & Emery LLP 500 North Capitol Street, NW Washington, DISTRICT OF COLUMBIA 20001 nlevy@mwe.com Sandra E. Rizzo Partner ARNOLD & PORTER 601 Massachusetts Ave., NW Washington, DISTRICT OF COLUMBIA 20001 Sandra.Rizzo@arnoldporter.com
LS Power Associates, L.P.		
Martins Creek, LLC	Debra Raggio Senior Vice President, Regulat Talen Energy Corporation 117 Oronoco Street Alexandria, VIRGINIA 22314	

	<p>debra.raggio@talenergy.com William Fields Deputy People's Counsel 6 St. Paul St., Ste 2102 Baltimore, MARYLAND 21202 UNITED STATES william.fields@maryland.gov</p>	
Maryland Office of People's Counsel	<p>Miles Mitchell Deputy General Counsel Maryland Public Service Commission 6 St. Paul Street 16th Floor, William Donald Schaefer Tower Baltimore, MARYLAND 21202 UNITED STATES miles.mitchell@maryland.gov</p>	
Maryland Public Service Commission	<p>Spencer Sattler Assistant Attorney General Michigan Attorney General 7109 W. Saginaw Hwy. 3rd Floor Lansing, MICHIGAN 48917 UNITED STATES sattlers@michigan.gov</p>	
Michigan Agency for Energy	<p>Spencer Sattler Assistant Attorney General Michigan Attorney General 7109 W. Saginaw Hwy. 3rd Floor Lansing, MICHIGAN 48917 UNITED STATES sattlers@michigan.gov</p>	
Michigan Attorney General	<p>Spencer Sattler Assistant Attorney General Attorney General 7109 W. Saginaw Hwy. 3rd Floor Lansing, MICHIGAN 48917 UNITED STATES sattlers@michigan.gov</p>	
Michigan Public Service Commission	<p>Jeffrey Mayes General Counsel Monitoring Analytics, LLC 2621 Van Buren Avenue, Suite 160 Valley Forge Corporate Center Eagleville, PENNSYLVANIA 19403 UNITED STATES jeffrey.mayes@monitoringanalytics.com</p>	<p>Steven D Hughey Assistant Attorney General Department of Attorney General 7109 W. Saginaw Hwy. 3rd Floor Lansing, MICHIGAN 48917 hugheys@michigan.gov</p>
Monitoring Analytics, LLC		<p>Suzette N Krausen Executive Assistant Monitoring Analytics, LLC 2621 Van Buren Ave Ste 160 Norristown, PENNSYLVANIA 19403 Suzette.Krausen@monitoringanalytics.com</p>
Monitoring Analytics, LLC		<p>Joseph Bowring Monitoring Analytics, LLC 2621 Van Buren Avenue, Suite 160 Norristown, PENNSYLVANIA 19403 Joseph.Bowring@monitoringanalytics.com</p>
Montour, LLC	<p>Debra Raggio Senior Vice President, Regulat Talen Energy Corporation 117 Oronoco Street Alexandria, VIRGINIA 22314 UNITED STATES debra.raggio@talenergy.com</p>	<p>Sandra E. Rizzo Partner ARNOLD & PORTER 601 Massachusetts Ave., NW Washington, DISTRICT OF COLUMBIA 20001 Sandra.Rizzo@arnoldporter.com</p>
National Rural Electric Cooperative Association	<p>Paul Breakman Attorney National Rural Electric Cooperative Association 1575 Eye Street, NW Suite 300 Washington, DISTRICT OF COLUMBIA 20005 UNITED STATES paul.breakman@nreca.coop</p>	

	UNITED STATES fthomas@rpa.nj.gov Debra Raggio Senior Vice President, Regulat Talen Energy Corporation 117 Oronoco Street Alexandria, VIRGINIA 22314 UNITED STATES debra.raggio@talenenergy.com W. Mason Emmett Senior Attorney Florida Power & Light Company 801 Pennsylvania Ave., N.W. Suite 220 Washington, DISTRICT OF COLUMBIA 20004 UNITED STATES mason.emmett@fpl.com Richard Feathers North Carolina Electric Membership Corporation PO Box 27306 Select or enter,NORTH CAROLINA 27611- 7306 UNITED STATES rick.feathers@ncemcs.com Charles Bayless Associate General Counsel North Carolina Electric Membership Corporation 3400 Sumner Boulevard Raleigh, NORTH CAROLINA 27616 UNITED STATES charlie.bayless@ncemcs.com Sean Beeny Attorney INDIVIDUAL 1301 K Street N.W. Suite 1000 West Washington, DISTRICT OF COLUMBIA 20005 UNITED STATES sbeeny@mccarter.com Denise Goulet Partner McCarter & English, LLP 1301 K Street, N.W. Suite 1000 West Washington, DISTRICT OF COLUMBIA 20005 UNITED STATES dgoulet@mccarter.com Abraham Silverman Assistant General Counsel - Re NRG Energy, Inc. 211 Carnegie Center Drive Princeton, NEW JERSEY 08540 UNITED STATES abe.silverman@nrg.com Cortney Slager Assistant General Counsel - Re NRG Companies 804 Carnegie Center Princeton, NEW JERSEY 08540 UNITED STATES cortney.slager@nrg.com Stephanie Lim Counsel King & Spalding LLP McDermott Will & Emery	PRINCETON, NEW JERSEY 08540-8003 hogden@rpa.nj.gov Sandra E. Rizzo Partner ARNOLD & PORTER 601 Massachusetts Ave., NW Washington, DISTRICT OF COLUMBIA 20001 Sandra.Rizzo@arnoldporter.com Brenda Lynam Legal North Carolina Electric Membership Corporation PO Box 27306 Raleigh,NORTH CAROLINA 27611-7306 brenda.lynam@ncemcs.com
Newark Bay Cogeneration Partnership, L.P.		
NextEra Energy Resources, LLC		
North Carolina Electric Membership Corporation		
North Carolina Electric Membership Corporation		
North Carolina Electric Membership Corporation		
North Carolina Electric Membership Corporation		
NRG Power Marketing LLC and GenOn Energy Management, LLC		
NRG Power Marketing LLC and GenOn Energy Management, LLC		
NRG Power Marketing LLC and GenOn Energy		

Management, LLC	500 North Capitol Street, NW Washington, DISTRICT OF COLUMBIA 20001-1531 UNITED STATES slim@mwe.com David Tewksbury Partner	
NRG Power Marketing LLC and GenOn Energy Management, LLC	McDermott Will & Emery LLP 500 North Capitol Street, NW Washington, DISTRICT OF COLUMBIA 20001 UNITED STATES dtewksbury@mwe.com Ellen Ginsberg Vice President, Secretary, and NUCLEAR ENERGY INSTITUTE 1776 I Street, NW Suite 400 Washington, DISTRICT OF COLUMBIA 20006 UNITED STATES ecg@nei.org	Jonathan Rund Associate General Counsel NUCLEAR ENERGY INSTITUTE Nuclear Energy Institute 1201 F Street, NW, Suite 1100 Washington, DISTRICT OF COLUMBIA 20004 jmr@nei.org
NUCLEAR ENERGY INSTITUTE	Michael Lavanga Stone Mattheis Xenopoulos & Brew, PC 1025 Thomas Jefferson Street, N.W. 8th Floor, West Tower Washington, DISTRICT OF COLUMBIA 20007 UNITED STATES mkl@smxblaw.com	
Nucor Steel Marion	Kevin Moore Assistant Consumers' Counsel Office of the Ohio Consumers' Counsel 10 West Broad Street Suite 1800 Columbus, OHIO 43215 UNITED STATES kevin.moore@occ.ohio.gov	
Ohio Consumers' Counsel	Michael Kurtz Esquire BOEHM, KURTZ & LOWRY 36 E. Seventh St., Suite 1510 Cincinnati, OHIO 45202 UNITED STATES mkurtz@bkllawfirm.com	KIM E. NONELLE PARALEGAL AK Steel Corporation 36 E. SEVENTH ST., SUITE 1510 CINCINNATI, OHIO 45202 kwaltton@bkllawfirm.com
Ohio Energy Group	Adrienne Clair Thompson Coburn LLP Stinson Leonard Street LLP 1909 K Street NW Suite 600 Washington, DISTRICT OF COLUMBIA 20006 UNITED STATES aclair@thompsoncoburn.com	Rebecca Shelton 1909 K Street, N.W., Suite 600 Washington, DISTRICT OF COLUMBIA 20006-1167 rshelton@thompsoncoburn.com
Old Dominion Electric Cooperative	Debra Raggio Senior Vice President, Regulat Talen Energy Corporation 117 Oronoco Street Alexandria, VIRGINIA 22314 UNITED STATES debra.raggio@talenergy.com	Sandra E. Rizzo Partner ARNOLD & PORTER 601 Massachusetts Ave., NW Washington, DISTRICT OF COLUMBIA 20001 Sandra.Rizzo@arnoldporter.com
Pedricktown Cogeneration Company LP	Aspassia Staevska Assistant Counsel Pennsylvania Public Utility Commission 400 North Street Harrisburg, PENNSYLVANIA 17120 UNITED STATES astaevska@pa.gov	
Pennsylvania Public Utility Commission	Susan Satter Senior Assistant Attorney Gene	
People of the State of Illinois		

	Illinois Office of Attorney General 100 West Randolph Street 11th Floor Chicago, ILLINOIS 60601 UNITED STATES ssatter@atg.state.il.us Robert Weishaar McNees Wallace & Nurick LLC	
PJM Industrial Customer Coalition	777 North Capitol St, NE, Suite 401 Washington, DISTRICT OF COLUMBIA 20002 UNITED STATES rweishaa@mwn.com Jennifer Tribulski Senior Counsel	
PJM Interconnection, L.L.C.	PJM Interconnection, L.L.C. 2750 Monroe Boulevard Audubon, PENNSYLVANIA 19403 UNITED STATES jennifer.tribulski@pjm.com Jennifer Tribulski Senior Counsel	CRAIG GLAZER V.P., Federal Gov't Policy PJM Interconnection, L.L.C. 1200 G Street, N.W. Suite 600 Washington, DISTRICT OF COLUMBIA 20005 CRAIG.GLAZER@PJM.COM CRAIG GLAZER V.P., Federal Gov't Policy
PJM Interconnection, L.L.C.	PJM Interconnection, L.L.C. 2750 Monroe Boulevard Audubon, PENNSYLVANIA 19403 UNITED STATES jennifer.tribulski@pjm.com Chenchao Lu Counsel	PJM Interconnection, L.L.C. 1200 G Street, N.W. Suite 600 Washington, DISTRICT OF COLUMBIA 20005 CRAIG.GLAZER@PJM.COM
PJM Interconnection, L.L.C.	PJM Interconnection, L.L.C. 2750 Monroe Blvd. Audubon, PENNSYLVANIA 19403 UNITED STATES chenchao.lu@pjm.com Paul Flynn PJM Interconnection, L.L.C.	
PJM Interconnection, L.L.C.	1200 G St. NW Suite 600 Washington, DISTRICT OF COLUMBIA 20005 UNITED STATES flynn@wrightlaw.com Ryan Collins Attorney	
PJM Interconnection, L.L.C.	PJM Interconnection, L.L.C. 1200 G Street, N.W., Suite 600 Washington, DISTRICT OF COLUMBIA 20005 UNITED STATES collins@wrightlaw.com Glen Thomas	
PJM Power Providers Group	1060 First Avenue Suite 400 King of Prussia, PENNSYLVANIA 19406 UNITED STATES gthomas@gtpowergroup.com	Diane L Slifer 1060 First Avenue Suite 400 King of Prussia, PENNSYLVANIA 19406 dslifer@gtpowergroup.com
PJM Power Providers Group		Laura Chappelle 4218 Jacob Meadows Okemos, MICHIGAN 48864 laurac@chappelleconsulting.net
PPL Electric Utilities Corporation	Steven Nadel PPL Services Corporation 2 North 9th St Allentown, PENNSYLVANIA 18101 UNITED STATES SMNadel@pplweb.com	William Keyser, III K&L Gates LLP 1601 K Street, NW Washington, DISTRICT OF COLUMBIA 20006 william.keyser@klgates.com
PSEG Companies		Sheree L. Kelly, ESQ Assistant General Regulatory C PSEG Services Corporation

80 Park Plaza, T5G
Newark, NEW JERSEY 07102
Sheree.Kelly@PSEG.com

PSEG Energy Resources & Trade LLC
Kenneth Carretta
Deputy General Counsel/Chief
PSEG Energy Resources & Trade LLC
80 Park Plaza, T5G
Newark, NEW JERSEY 07102
UNITED STATES
kenneth.carretta@pseg.com

Raymond V. DePillo
80 Park Plaza
T19
Newark, NEW JERSEY 07102
Raymond.Depillo@pseg.com

PSEG Energy Resources & Trade LLC
Cara Lewis
Assistant Regulatory Counsel
80 Park Plaza, T5
Newark, NEW JERSEY 07102
UNITED STATES
cara.lewis@pseg.com

PSEG Power LLC
Kenneth Carretta
Deputy General Counsel/Chief
PSEG Energy Resources & Trade LLC
80 Park Plaza, T5G
Newark, NEW JERSEY 07102
UNITED STATES
kenneth.carretta@pseg.com

PSEG Power LLC
Cara Lewis
Assistant Regulatory Counsel
80 Park Plaza, T5
Newark, NEW JERSEY 07102
UNITED STATES
cara.lewis@pseg.com

PUBLIC CITIZEN, INC
Tyson Slocum
Director
Public Citizen's Energy Program
215 Pennsylvania Ave SE
Washington, DISTRICT OF COLUMBIA
20003
UNITED STATES
tslocum@citizen.org

Public Power Association of New Jersey
Jill Barker
Counsel
Betts & Holt LLP
1101 Connecticut Ave., NW
Suite 450
Washington, DISTRICT OF COLUMBIA
20036
UNITED STATES
jmb@bettsandholt.com

Public Service Electric and Gas Company
Kenneth Carretta
Deputy General Counsel/Chief
PSEG Energy Resources & Trade LLC
80 Park Plaza, T5G
Newark, NEW JERSEY 07102
UNITED STATES
kenneth.carretta@pseg.com

Jodi Moskowitz
Gen. Reg. Counsel
PSEG Services Corporation
80 Park Plz # T5G
Newark, NEW JERSEY 07102
Jodi.Moskowitz@PSEG.com

Public Service Electric and Gas Company
Cara Lewis
Assistant Regulatory Counsel
80 Park Plaza, T5
Newark, NEW JERSEY 07102
UNITED STATES
cara.lewis@pseg.com

Public Utilities Commission of Ohio
Thomas McNamee
Assistant Attorney General
Ohio Public Utilities Commission
30 East Broad Street
16th fl
Columbus, OHIO 43215
UNITED STATES
thomas.mcnamee@ohioattorneygeneral.gov

Raven Power Marketing LLC
Debra Raggio
Senior Vice President, Regulat

Sandra E. Rizzo
Partner

Talen Energy Corporation
 117 Oronoco Street
 Alexandria, VIRGINIA 22314
 UNITED STATES
 debra.raggio@talenergy.com
 Elizabeth Whittle
 Partner
 Nixon Peabody LLP
 401 Ninth Street, N.W
 Suite 900
 Washington, DISTRICT OF COLUMBIA
 20004
 UNITED STATES
 ewhittle@nixonpeabody.com

Rockland Capital

ARNOLD & PORTER
 601 Massachusetts Ave., NW
 Washington, DISTRICT OF COLUMBIA 20001
 Sandra.Rizzo@arnoldporter.com

Jonathan Beach
 24 Waterway Avenue
 Suite 800
 The Woodlands, TEXAS 77380
 jonathan.beach@rocklandcapital.com

Sapphire Power Marketing LLC
 Debra Raggio
 Senior Vice President, Regulat
 Talen Energy Corporation
 117 Oronoco Street
 Alexandria, VIRGINIA 22314
 UNITED STATES
 debra.raggio@talenergy.com

Sandra E. Rizzo
 Partner
 ARNOLD & PORTER
 601 Massachusetts Ave., NW
 Washington, DISTRICT OF COLUMBIA 20001
 Sandra.Rizzo@arnoldporter.com

Shell Energy North America (U.S.), LP
 Matthew Picardi
 Vice President
 Coral Power LLC
 36 Pinewood Ave.
 Saratoga Springs, NEW YORK 12866
 UNITED STATES
 Matthew.Picardi@shell.com

Southern Maryland Electric Cooperative, Inc.
 John Rohrbach
 ACES POWER MARKETING
 4140 West 99th Street
 Carmel, INDIANA 46032
 UNITED STATES
 JRohrbach@acespower.com

Southern Maryland Electric Cooperative, Inc.
 Eugene Bradford
 Vice President, Rates and Ener
 SOUTHERN MARYLAND ELECTRIC COOP
 INC
 15035 Burnt Store Rd.
 Hughesville, MARYLAND 20637
 UNITED STATES
 Eugene.Bradford@smeco.coop

Southern Maryland Electric Cooperative, Inc.
 Mark MacDougall
 Senior Vice President and Gene
 PO Box 1937
 Hughesville, MARYLAND 20637-1937
 UNITED STATES
 mark.macdougall@smeco.coop

Spiegel & McDiarmid LLP
 Peter Hopkins
 Spiegel & McDiarmid
 Spiegel & McDiarmid LLP
 1875 Eye Street NW
 7th Floor
 Washington, DISTRICT OF COLUMBIA
 20006
 UNITED STATES
 peter.hopkins@spiegelmc.com

Scott H. Strauss, ESQ
 Spiegel & McDiarmid LLP
 1875 Eye Street NW
 Suite 700
 Washington, DISTRICT OF COLUMBIA 20006
 Scott.Strauss@spiegelmc.com

Spiegel & McDiarmid LLP
 Amber Martin Stone
 Associate
 Spiegel & McDiarmid LLP
 Spiegel & McDiarmid LLP
 1875 Eye Street, NW, Suite 700
 Washington, DISTRICT OF COLUMBIA
 20006

Jeffrey A Schwarz
 1875 Eye Street, N.W., Suite 700
 Washington, DISTRICT OF COLUMBIA 20036
 jeffrey.schwarz@spiegelmc.com

Steel Producers	UNITED STATES amber.martin@spiegelmc.com Damon Xenopoulos Principal Stone Mattheis Xenopoulos & Brew, PC 1025 Thomas Jefferson Street NW WASHINGTON, DISTRICT OF COLUMBIA 20007 UNITED STATES dex@smxblaw.com	Sandra E. Rizzo Partner ARNOLD & PORTER 601 Massachusetts Ave., NW Washington, DISTRICT OF COLUMBIA 20001 Sandra.Rizzo@arnoldporter.com
Susquehanna Nuclear, LLC	Debra Raggio Senior Vice President, Regulat Talen Energy Corporation 117 Oronoco Street Alexandria, VIRGINIA 22314 UNITED STATES debra.raggio@talenenergy.com	Sandra E. Rizzo Partner ARNOLD & PORTER 601 Massachusetts Ave., NW Washington, DISTRICT OF COLUMBIA 20001 Sandra.Rizzo@arnoldporter.com
Talen Energy Marketing, LLC	Debra Raggio Senior Vice President, Regulat Talen Energy Corporation 117 Oronoco Street Alexandria, VIRGINIA 22314 UNITED STATES debra.raggio@talenenergy.com	Sandra E. Rizzo Partner ARNOLD & PORTER 601 Massachusetts Ave., NW Washington, DISTRICT OF COLUMBIA 20001 Sandra.Rizzo@arnoldporter.com
The Hershey Company	Pamela Polacek McNees Wallace & Nurick LLC PO Box 1166 Harrisburg, PENNSYLVANIA 17108-1166 UNITED STATES ppolacek@mwn.com	Sandra E. Rizzo Partner ARNOLD & PORTER 601 Massachusetts Ave., NW Washington, DISTRICT OF COLUMBIA 20001 Sandra.Rizzo@arnoldporter.com
York Generation Company LLC	Debra Raggio Senior Vice President, Regulat Talen Energy Corporation 117 Oronoco Street Alexandria, VIRGINIA 22314 UNITED STATES debra.raggio@talenenergy.com	Sandra E. Rizzo Partner ARNOLD & PORTER 601 Massachusetts Ave., NW Washington, DISTRICT OF COLUMBIA 20001 Sandra.Rizzo@arnoldporter.com

[Back to Query Service List](#) [Back to FEROnline](#)



[FERC Online Home](#)
[About FERC Online](#)
[Company Registration](#)
[Quality Meeting List/Recipients by State](#)
[Quality Service List](#)
[My Services List](#)
[My Filings List](#)
[eTariff Viewer](#)
[Help](#)

Service List for ER18-1314-000 PJM Interconnection, L.L.C.

Contacts marked ** must be postal served

Party	Primary Person or Counsel of Record to be Served	Other Contact to be Served
Advanced Energy Management Alliance	Katherine Hamilton Principal 1200 18th Street, NW Suite 700 Washington, DISTRICT OF COLUMBIA 20036 UNITED STATES katherine@38northsolutions.com Angela Fox 112 S Duke Street Suite 1 Durham, NORTH CAROLINA 27701 UNITED STATES angela@affirmed.energy Thomas Melone CEO 1740 Broadway FL 15 New York, NEW YORK 10019 UNITED STATES thomas.melone@gmail.com	Katherine H Hamilton Principal 1200 18th Street, NW Suite 700 Washington, DISTRICT OF COLUMBIA 20036 katherine@38northsolutions.com
Affirmed Energy LLC	Thomas Melone Vice President Ameren Services Company 1331 Pennsylvania Ave, NW Suite 512N Washington, DISTRICT OF COLUMBIA 20004 UNITED STATES jpower@ameren.com	David B. Hennen, ESQ Managing Associate General Cou Ameren Services Company 1901 Chouteau MC 1310 St. Louis, MISSOURI 63103 dhennen@ameren.com
Allco Renewable Energy Limited	Joseph Power Vice President Ameren Services Company 1331 Pennsylvania Ave, NW Suite 512N Washington, DISTRICT OF COLUMBIA 20004 UNITED STATES jpower@ameren.com	Denice Simpson Regulatory Affairs Specialist Ameren Corporation 1331 Pennsylvania Ave, NW Suite 550 South Washington, DISTRICT OF COLUMBIA 20004 dsimpson@ameren.com
Ameren Services Company	Timothy Olson Policy and Research Manager American Council on Renewable Energy 1600 K Street #650 Washington, DISTRICT OF COLUMBIA 20006 UNITED STATES olson@acore.org Todd Foley Senior Vice President American Council on Renewable Energy 1600 K St., NW Washington, DISTRICT OF COLUMBIA 20006 UNITED STATES foley@acore.org Jessica Cano Senior Counsel AEP Service Corporation 1 Riverside Plaza Columbus, OHIO 43215 UNITED STATES jacano@aep.com	
American Council on Renewable Energy		
American Council on Renewable Energy		
American Electric Power Service Corporation		

American Forest
& Paper
Association
Robert Weishaar
McNees Wallace & Nurick LLC
1200 G Street, NW
Suite 800
Washington, DISTRICT OF COLUMBIA 20005
UNITED STATES
bweishaar@mcneeslaw.com

Susan E Bruce
McNees Wallace & Nurick LLC
100 Pine St
Harrisburg, PENNSYLVANIA 17101
sbruce@mcneeslaw.com

American Forest
& Paper
Association

Kenneth R Stark
McNees Wallace & Nurick LLC
100 Pine Street
Harrisburg, PENNSYLVANIA 17101
kstark@mcneeslaw.com
Matthew Garber
Attorney
McNees Wallace & Nurick LLC
100 Pine Street
Harrisburg, PENNSYLVANIA 17101
mgarber@mcneeslaw.com

American Forest
& Paper
Association

American
Municipal Power,
Inc.
Lisa McAlister
Deputy General Counsel - FERC/
American Municipal Power, Inc.
1111 Schrock Road
Suite 100
Columbus, OHIO 43229
UNITED STATES
lmcAlister@amppartners.org

Kristin V Rothery
Asst. Deputy General Counsel
American Municipal Power, Inc.
1111 Schrock Road
Suite 100
Columbus, OHIO 43229
krothey@amppartners.org

American
Municipal Power,
Inc.

Christopher J Norton
Director of Market Regulatory
American Municipal Power, Inc.
1111 Schrock Road
Suite 100
Columbus, OHIO 43229
cnorton@amppartners.org
Gary James Newell
Jennings, Strouss & Salmon, P.L.C.
1350 I Street, N.W.
Suite 810
Washington, DISTRICT OF COLUMBIA
20005
gnewell@jsslaw.com

American
Municipal Power,
Inc.

AMERICAN
PETROLEUM
INSTITUTE
Ben Norris
Senior Counsel
AMERICAN PETROLEUM INSTITUTE
200 Massachusetts Ave., NW
Washington, DISTRICT OF COLUMBIA 20001
UNITED STATES
norrish@api.org

American Public
Power
Association
Elise Caplan
EMRI Coordinator
American Public Power Association
1875 Connecticut Avenue, NW
Suite 1200
Washington, DISTRICT OF COLUMBIA 20009
UNITED STATES
ecaplan@publicpower.org

American Public
Power
Association
John McCaffrey
Regulatory Counsel
American Public Power Association
2451 Crystal Drive
Suite 1000
Arlington, VIRGINIA 22202
UNITED STATES
jmccaffrey@publicpower.org

American Wind
Energy
Association
eugene grace
Regulatory Attorney
1501 M St NW, Ste 1000
Washington, DISTRICT OF COLUMBIA 20005
UNITED STATES
ggrace@awea.org

Avangrid
Dennis Hough

Kevin Kilgallen

Renewables,
LLC

Director - Regulatory Policy
Avangrid, Inc.
Avangrid
607 14th Street NW Suite 540
INC000000498534
Washington, DISTRICT OF COLUMBIA 20005
UNITED STATES
dennis.hough@avangrid.com

Director, Market Structure & P
Avangrid Renewables, LLC
411 Oakland Drive
Downingtown, PENNSYLVANIA 19335
kevin.kilgallen@avangrid.com

Avangrid
Renewables,
LLC

Christian G Yoder
Sr. Counsel, Avangrid Renewab
Avangrid Renewables, LLC
1125 NW Couch St. Suite 700
Portland, OREGON 97209
christian.yoder@avangrid.com

Bayonne Plant
Holding, L.L.C.

Debra Raggio
Senior Vice President, Regulat
Talen Energy Corporation
117 Oronoco Street
Alexandria, VIRGINIA 22314
UNITED STATES
debra.raggio@talenergy.com

Brandon Shores
LLC

Debra Raggio
Senior Vice President, Regulat
Talen Energy Corporation
117 Oronoco Street
Alexandria, VIRGINIA 22314
UNITED STATES
debra.raggio@talenergy.com

Brunner Island,
LLC

Debra Raggio
Senior Vice President, Regulat
Talen Energy Corporation
117 Oronoco Street
Alexandria, VIRGINIA 22314
UNITED STATES
debra.raggio@talenergy.com

Buckeye Power,
Inc.

Marvin Griff
Partner
Thompson Hine LLP
1919 M Street, N.W.
Suite 700
Washington, DISTRICT OF COLUMBIA 20036-
1600
UNITED STATES
marvin.griff@thompsonhine.com

Kurt Helfrich
Buckeye Power, Inc.
6677 Busch Boulevard
Columbus, OHIO 43229
khelfrich@ohioec.org

Calpine
Corporation

Sarah Novosel
Senior VP and Managing Counsel
Calpine Corporation
805 15th Street, NW
Suite 708
Washington, DISTRICT OF COLUMBIA 20005
UNITED STATES
snovosel@calpine.com

Calpine
Corporation

Joe Kerecman
joe.kerecman@calpine.com

Camden Plant
Holding, L.L.C.

Debra Raggio
Senior Vice President, Regulat
Talen Energy Corporation
117 Oronoco Street
Alexandria, VIRGINIA 22314
UNITED STATES
debra.raggio@talenergy.com

Capital Power
Corporation

Colleen Smith
Capital Power Corporation
99 Summer Street
Suite 1000
Boston, MASSACHUSETTS 02110
UNITED STATES
csmith@capitalpower.com

CPV Power
Holdings, LP

Larry Eisenstat
Partner

Patricia M Alexander
Advisor

Crowell & Moring LLP
 1001 Pennsylvania Ave. N.W.
 Washington, DISTRICT OF COLUMBIA 20004
 UNITED STATES
 leisenstat@crowell.com

Crowell & Moring LLP
 1001 Pennsylvania Ave. N.W.
 Washington, DISTRICT OF COLUMBIA
 20004
 palexander@crowell.com
 Jonathan C. Odell, ESQ
 General Counsel
 8403 Colesville Road
 Suite 915
 Silver Spring, MARYLAND 20910
 jodell@cpv.com
 thomas rumsey
 50 Braintree Hill Office Park, Suite 300
 Braintree, MASSACHUSETTS 02184
 trumsey@cpv.com
 Nathan B Rushing
 Director
 Competitive Power Ventures, Inc.
 8403 Colesville Road
 Suite 915
 Silver Spring, MARYLAND 20910
 nrushing@cpv.com

CPV Power Holdings, LP

CPV Power Holdings, LP

CPV Power Holdings, LP

Jessica Friedman
 Van Ness Feldman, LLP
 1050 Thomas Jefferson St., N.W.
 Seventh Floor
 Washington, DISTRICT OF COLUMBIA 20007
 UNITED STATES
 jcf@vnf.com

Deepwater Wind, LLC

David Schwartz
 Commercial Director
 Orsted North America Inc.
 56 Exchange Ter Ste 300
 Providence, RHODE ISLAND 02903-1772
 dschw@orsted.com

Delaware Division of the Public Advocate

Regina Iorii
 Deputy Attorney General
 Delaware Department of Justice
 820 N. French Street, 6th Floor
 Wilmington, DELAWARE 19801
 UNITED STATES
 regina.iorii@state.de.us

Andrew C. Slater
 Delaware Public Advocate
 29 S. State Street
 Dover, DELAWARE 19901
 andrew.slater@delaware.gov

Delaware Division of the Public Advocate

Ruth A. Price
 Delaware Deputy Public Advocate
 Delaware Public Advocate
 820 North French Street, 4th Floor
 Wilmington, DELAWARE 19801
 ruth.price@state.de.us

Delaware Division of the Public Advocate

Andrea Maucher
 Public Utilities Analyst
 Delaware Division of the Public Advocate
 29 South State Street
 Dover, DELAWARE 19904
 andrea.maucher@delaware.gov

Delaware Public Service Commission

Matthew Hartigan
 Delaware Public Service Commission
 861 Silver Lake Blvd.
 Suite 100
 Dover, DELAWARE 19904
 UNITED STATES
 matthew.hartigan@state.de.us

Direct Energy

Marjorie Philips
 VP, Wholesale Market Policy
 1700 Broadway, 38th Floor
 New York, NEW YORK 10019
 UNITED STATES
 mphilips@ispower.com

Direct Energy Business Marketing, LLC

Marjorie Philips
 VP, Wholesale Market Policy
 1700 Broadway, 38th Floor
 New York, NEW YORK 10019
 UNITED STATES
 mphilips@ispower.com

Direct Energy Business Marketing, LLC

Marjorie Philips
 VP, Wholesale Market Policy
 1700 Broadway, 38th Floor

	<p>UNITED STATES mphilips@lspower.com Marjorie Philips VP, Wholesale Market Policy 1700 Broadway, 38th Floor New York, NEW YORK 10019</p>	
Direct Energy Business, LLC	<p>UNITED STATES mphilips@lspower.com Marjorie Philips VP, Wholesale Market Policy 1700 Broadway, 38th Floor New York, NEW YORK 10019</p>	
Direct Energy Marketing Inc.	<p>UNITED STATES mphilips@lspower.com Felicia Thomas-Friel Deputy Rate Counsel New Jersey Division of Rate Counsel 140 East Front Street 4th Floor Trenton, NEW JERSEY 08625</p>	<p>Henry M. Ogden, ESQ Asst. Dep. Rate Counsel New Jersey Department of the Public Advocate PO Box 46005 Trenton, NEW JERSEY 07101-8003 hogden@rpa.nj.gov</p>
Division of Rate Counsel	<p>UNITED STATES fthomas@rpa.nj.gov Justin Mirabal Associate Reed Smith LLP 1301 K St., NW Suite 1100 - East Tower Washington, DISTRICT OF COLUMBIA 20005-3373</p>	<p>wesley.walker@dominionenergy.com</p>
Dominion Energy Services, Inc.	<p>UNITED STATES jmirabal@reedsmith.com</p>	<p>Wesley Walker Assistant General Counsel Dominion Companies PO Box 25615 Richmond, DISTRICT OF COLUMBIA 23260-5615 wesley.walker@dominionenergy.com</p>
Dominion Energy Services, Inc.		<p>James G Davis Electric Market Policy Consult Dominion Energy & Dominion Generation 701 East Cary Street OJRP 5th Floor Richmond, VIRGINIA 23219 james.g.davis@dominionenergy.com Regina Y. Speed-Bost, ESQ Partner Reed Smith LLP 1301 K Street, N.W. Suite 1000 Washington, DISTRICT OF COLUMBIA 20005 rspeed-bost@reedsmith.com</p>
Dominion Energy Services, Inc.		
Duke Energy Corporation	<p>Sheri May Associate General Counsel INDIVIDUAL 139 East Fourth St. Cincinnati, OHIO 45202 UNITED STATES sherl.may@duke-energy.com</p>	
Dynegy Marketing and Trade, LLC	<p>Amanda Frazier Vistra Energy Corp. 1005 Congress Avenue, Suite 750 Austin, TEXAS 78701 UNITED STATES Amanda.Frazier@vistraenergy.com</p>	
East Kentucky Power Cooperative, Inc.	<p>Daniel Frank Partner Eversheds Sutherland (US) LLP 700 Sixth Street NW Suite 700 Washington, DISTRICT OF COLUMBIA 20001-3980 UNITED STATES DanielFrank@eversheds-sutherland.com</p>	<p>Chuck Dugan Director, Federal and RTO Regu East Kentucky Power Cooperative, Inc. 4775 Lexington Road Winchester, KENTUCKY 40391 chuck.dugan@ekpc.coop</p>
East Kentucky	<p>Allison Speaker</p>	

Power Cooperative, Inc.	Eversheds Sutherland (US) LLP 700 6th Street NW Washington, DISTRICT OF COLUMBIA 20001 UNITED STATES AllisonSpeaker@eversheds-sutherland.com Liam Baker Vice President Regulatory Affa US Power Generating Co., LLC	
Eastern Generation, LLC	300 Atlantic Street 5th floor Stamford, CONNECTICUT 06901 UNITED STATES lbaker@easternngen.com Thomas Millar Attorney	
EDF Renewables, Inc.	Willkie Farr & Gallagher 1875 K Street, NW Washington, DISTRICT OF COLUMBIA 20006 UNITED STATES tmillar@willkie.com Lopa Parikh Edison Electric Institute 701 Pennsylvania Avenue Washington, DISTRICT OF COLUMBIA 20004- 2696 UNITED STATES lparikh@eei.org John Brodbeck Sr. Manager Transmission	Joshua Pearson joshua.pearson@edf-re.com
Edison Electric Institute		
EDP Renewables North America LLC	EDP Renewables North America LLC 202 W Park Ave Langhorne, PENNSYLVANIA 19047 UNITED STATES john.brodbeck@edpr.com Nancy Bagot Vice President	Leslie Freiman Horizon Wind Energy LLC 808 Travis Suite 700 Houston, TEXAS 77002 leslie.freiman@edpr.com
Electric Power Supply Association	Electric Power Supply Association 1401 New York Ave. NW 11th Floor Washington, DISTRICT OF COLUMBIA 20005 UNITED STATES NancyB@epsa.org W. Richard Bidstrup Cleary, Gottlieb, Steen & Hamilton LLP 2000 Pennsylvania Ave, NW Washington, DISTRICT OF COLUMBIA 20006 UNITED STATES rbidstrup@cgsh.com Debra Raggio Senior Vice President, Regulat	
Electricity Consumers Resource Council		
Elmwood Park Power, LLC	Talen Energy Corporation 117 Oronoco Street Alexandria, VIRGINIA 22314 UNITED STATES debra.raggio@talenergy.com	
Energy Capital Partners IV, LLC	Andrew Gilbert agilbert@ecpartners.com Bruce Campbell Director, PJM Affairs CPower, Inc. 111 Market Place Suite 201 Baltimore, MARYLAND 21202 UNITED STATES bruce.campbell@cpowerenergymanagement.com	Jim Ginnetti jim@jimginnetticonsultingllc.com
Enerwise Global Technologies, Inc		
Exelon Corporation	Christopher Wilson Director, Federal Regulatory A Exelon Corporation 101 Constitution Ave, NW Suite 400E	Carrie H Allen Assistant General Counsel Exelon Corporation 101 Constitution Ave. NW Suite 400 East Washington, DISTRICT OF COLUMBIA

Washington, DISTRICT OF COLUMBIA 20001-20001

UNITED STATES
FERCe-filings@exeloncorp.com

carrie.allen@exeloncorp.com

Exelon Corporation

Jason C Barker, ESQ
Vice President, Energy Policy
Constellation Energy Group Inc.
111 Market Place
Suite 500
Baltimore, MARYLAND 21202
jason.barker@constellation.com

Exelon Corporation

Matthew E Price
Jenner & Block LLP
1099 New York Avenue
NW Suite 900
Washington, DISTRICT OF COLUMBIA 20001-4412
mprice@jenner.com

First Energy Service Company

Morgan Parke
Attorney
FirstEnergy
76 South Main Street
Akron, OHIO 44308-1890
UNITED STATES
mparke@firstenergycorp.com

Morgan Parke ESQ
Attorney
FirstEnergy
76 South Main Street
Akron, OHIO 44308-1890
mparke@firstenergycorp.com

First Energy Service Company

Evan K Dean
Attorney
FirstEnergy
76 S. Main St.
Akron, OHIO 44224
edean@firstenergycorp.com

GlidePath Development LLC

Carlos Clemente
Associate, Corporate Departmen
Paul Hastings LLP
875 15th NW #12006
Washington, DISTRICT OF COLUMBIA 20005
UNITED STATES
carlosclemente@paulhastings.com

Sean Baur
GlidePath Power LLC
120 N. York Street, Suite 220
Elmhurst, ILLINOIS 60126
sbaur@glidepath.net

GlidePath Development LLC

Jenna McGrath
Associate
Paul Hastings LLP
875 15th Street, N.W.
Washington, DISTRICT OF COLUMBIA 20005
UNITED STATES
jennamcgrath@paulhastings.com

Chris McKissack
GlidePath Power LLC
224 N. Maison Ct
Elmhurst, ILLINOIS 60126
cmckissack@glidepath.net

GlidePath Development LLC

William DeGrandis
Partner
Paul Hastings LLP
875 15TH STREET, NW
Washington, DISTRICT OF COLUMBIA 20005
UNITED STATES
billdegrandis@paulhastings.com

GlidePath Development LLC

Nathaniel Waldman
Case Assistant, Energy
Paul Hastings LLP
875 15th St NW
Washington, DISTRICT OF COLUMBIA 20005
UNITED STATES
nathanielwaldman@paulhastings.com

H.A. Wagner LLC

Debra Raggio
Senior Vice President, Regulat
Talen Energy Corporation
117 Oronoco Street
Alexandria, VIRGINIA 22314
UNITED STATES
debra.raggio@talenergy.com

Hillcrest Solar I, LLC

Madeline Fleisher
Dickinson Wright PLLC
150 E. Gay St.
Suite 2400
Columbus, OHIO 43215

<p>Illinois Attorney General's Office</p>	<p>UNITED STATES mfleisher@dickinsonwright.com Jacques LeBris Erffmeyer Assistant Attorney General Illinois Attorney General's Office 100 W. Randolph St. 11th Floor Chicago, ILLINOIS 60601 UNITED STATES jerffmeyer@atg.state.il.us</p>	<p>Susan L. Satter Senior Assistant Attorney General Illinois Office of Attorney General 100 West Randolph Street 11th Floor Chicago, ILLINOIS 60601 ssatter@atg.state.il.us</p>
<p>Illinois Citizens Utility Board</p>	<p>Christine Ericson Special Assistant Attorney General Illinois Commerce Commission 160 N. LaSalle St. Suite C-800 Chicago, ILLINOIS 60601 UNITED STATES Christine.Ericson@illinois.gov</p>	<p>Kristin Munsch Attorney Citizens Utility Board of Illinois 309 W. Washington St. Ste. 800 Chicago, ILLINOIS 60202 kmunsch@citizensutilityboard.org</p>
<p>Illinois Commerce Commission</p>	<p>William VanderLaan bill.vanderlaan@illinois.gov</p>	<p>Randy Rismiller Assistant Director, Policy Illinois Commerce Commission 527 East Capitol Avenue Springfield, ILLINOIS 62701 Randy.Rismiller@illinois.gov</p>
<p>Illinois Municipal Electric Agency</p>	<p>Troy A Fodor Illinois Municipal Electric Agency 3400 Conifer Drive Springfield, ILLINOIS 62711 tfodor@imea.org</p>	<p>Jeremy Comeau Indiana Utility Regulatory Commission Indiana Utility Regulatory Commission 101 W. Washington St. Suite 1500 E. Indianapolis, INDIANA 46204 jcomeau@urc.in.gov</p>
<p>Indiana Office of Utility Consumer Counselor</p>	<p>Arthur Ifer Deputy Consumer Counselor - Federal Indiana Office of Utility Consumer Counselor 115 W Washington St Ste 1500 South Indianapolis, INDIANA 46204 UNITED STATES aifer@oucc.in.gov</p>	<p>Jeremy Comeau Indiana Utility Regulatory Commission Indiana Utility Regulatory Commission 101 W. Washington St. Suite 1500 E. Indianapolis, INDIANA 46204 jcomeau@urc.in.gov</p>
<p>Indiana Utility Regulatory Commission</p>	<p>Beth Heline General Counsel Indiana Utility Regulatory Commission Suite 1500 East 101 West Washington Street Indianapolis, INDIANA 46204 UNITED STATES BHeline@urc.in.gov</p>	<p>Jeremy Comeau Indiana Utility Regulatory Commission Indiana Utility Regulatory Commission 101 W. Washington St. Suite 1500 E. Indianapolis, INDIANA 46204 jcomeau@urc.in.gov</p>
<p>Institute for Policy Integrity, New York University School of Law</p>	<p>Avi Zevin Institute for Policy Integrity, New York University School of Law 139 MacDougal St. Room 319 New York, NEW YORK 10012 UNITED STATES avi.zevin@nyu.edu</p>	<p>Jeremy Comeau Indiana Utility Regulatory Commission Indiana Utility Regulatory Commission 101 W. Washington St. Suite 1500 E. Indianapolis, INDIANA 46204 jcomeau@urc.in.gov</p>
<p>Interstate Gas Supply, Inc.</p>	<p>Elizabeth Whittle Partner Nixon Peabody LLP 401 Ninth Street, N.W Suite 900 Washington, DISTRICT OF COLUMBIA 20004 UNITED STATES ewhittle@nixonpeabody.com</p>	<p>Stanislav L Sirot Associate Baker & McKenzie LLP 300 East Randolph Street Suite 5000</p>
<p>J-POWER USA Development Co., Ltd.</p>	<p>James O'Brien Partner Baker & McKenzie LLP 300 East Randolph Street Suite 5000 Chicago, ILLINOIS 60601</p>	<p>Stanislav L Sirot Associate Baker & McKenzie LLP 300 East Randolph Street Suite 5000</p>

UNITED STATES

James.P.O'Brien@bakermckenzie.com

Chicago, ILLINOIS 60614

Stanislav.Sirot@bakermckenzie.com

J-POWER USA Development Co., Ltd.

Matthew Keenan
J-POWER USA Development Co. Ltd.
1900 East Golf Rd, Ste. 1030
Schaumburg, ILLINOIS 60173
UNITED STATES
mkeenan@jpowerusa.com

J-POWER USA Development Co., Ltd.

Matthew Keenan
J-POWER USA Development Co. Ltd.
1900 East Golf Rd, Ste. 1030
Schaumburg, ILLINOIS 60173
UNITED STATES
mkeenan@jpowerusa.com

Kentucky Attorney General

Larry Cook
Kentucky Attorney General
700 Capitol Ave.
Frankfort, KENTUCKY 40601
larry.cook@ky.gov

Leeward Renewable Energy Development, LLC

Carlos Clemente
Associate, Corporate Departmen
Paul Hastings LLP
875 15th NW #12006
Washington, DISTRICT OF COLUMBIA 20005
UNITED STATES
carlosclemente@paulhastings.com

Andrew Flanagan
6688 North Central Expressway
Dallas, TEXAS 75206
andrew.flanagan@leewardenergy.com

Leeward Renewable Energy Development, LLC

William DeGrandis
Partner
Paul Hastings LLP
875 15TH STREET, NW
Washington, DISTRICT OF COLUMBIA 20005
UNITED STATES
billdegrandis@paulhastings.com

Leeward Renewable Energy Development, LLC

Nicholas Guidi
Paul Hastings
875 15th St. NW
Washington, DISTRICT OF COLUMBIA 20005
UNITED STATES
nicholasguidi@paulhastings.com

Lendlease Energy Development LLC

Carlos Clemente
Associate, Corporate Departmen
Paul Hastings LLP
875 15th NW #12006
Washington, DISTRICT OF COLUMBIA 20005
UNITED STATES
carlosclemente@paulhastings.com

Lendlease Energy Development LLC

William DeGrandis
Partner
Paul Hastings LLP
875 15TH STREET, NW
Washington, DISTRICT OF COLUMBIA 20005
UNITED STATES
billdegrandis@paulhastings.com

Lendlease Energy Development LLC

Nicholas Guidi
Paul Hastings
875 15th St. NW
Washington, DISTRICT OF COLUMBIA 20005
UNITED STATES
nicholasguidi@paulhastings.com

Lower Mount Bethel Energy, LLC

Debra Raggio
Senior Vice President, Regulat
Talen Energy Corporation
117 Oronoco Street
Alexandria, VIRGINIA 22314
UNITED STATES
debra.raggio@talenenergy.com

LS Power Associates, L.P.

Neil Levy
500 North Capitol Street, NW
Washington, DISTRICT OF COLUMBIA 20001

LS Power Associates, L.P.

UNITED STATES
nlevy@mwe.com
Tom Hoatson
1 Tower Center
East Brunswick, NEW JERSEY 08816
UNITED STATES
thoatson@lspower.com

Martins Creek, LLC

Debra Raggio
Senior Vice President, Regulat
Talen Energy Corporation
117 Oronoco Street
Alexandria, VIRGINIA 22314
UNITED STATES
debra.raggio@talenergy.com

Maryland Office of People's Counsel

William Fields
Deputy People's Counsel
6 St. Paul St., Ste 2102
Baltimore, MARYLAND 21202
UNITED STATES
william.fields@maryland.gov

Maryland Public Service Commission

Miles Mitchell
Deputy General Counsel
Maryland Public Service Commission
6 St. Paul Street
16th Floor, William Donald Schaefer Tower
Baltimore, MARYLAND 21202
UNITED STATES
miles.mitchell@maryland.gov

Michigan Attorney General

Michael Moody
Michigan Attorney General
Michigan Attorney General
525 West Ottawa
Lansing, MICHIGAN 48909
UNITED STATES
moodym2@michigan.gov

Monitoring Analytics, LLC

Jeffrey Mayes
General Counsel
Monitoring Analytics, LLC
2621 Van Buren Avenue, Suite 160
Valley Forge Corporate Center
Eagleville, PENNSYLVANIA 19403
UNITED STATES
jeffrey.mayes@monitoringanalytics.com

Joseph Bowring
Monitoring Analytics, LLC
2621 Van Buren Avenue, Suite 160
Norristown, PENNSYLVANIA 19403
Joseph.Bowring@monitoringanalytics.com

Monitoring Analytics, LLC

Suzette N Krausen
Executive Assistant
Monitoring Analytics, LLC
2621 Van Buren Ave Ste 160
Norristown, PENNSYLVANIA 19403
Suzette.Krausen@monitoringanalytics.com

Montour, LLC

Debra Raggio
Senior Vice President, Regulat
Talen Energy Corporation
117 Oronoco Street
Alexandria, VIRGINIA 22314
UNITED STATES
debra.raggio@talenergy.com

National Rural Electric Cooperative Association

Randolph Elliott
Partner
National Rural Electric Cooperative Association
1301 K Street N.W.
Washington, DISTRICT OF COLUMBIA 20005
UNITED STATES
relliott@mccarter.com

Adrienne E Clair
Thompson Coburn LLP
Thompson Coburn LLP
1909 K Street NW
Suite 600
Washington, DISTRICT OF COLUMBIA 20006
aclair@thompsoncoburn.com

NATURAL GAS SUPPLY ASSOCIATION

Patricia Jagtiani
Executive Vice President
NATURAL GAS SUPPLY ASSOCIATION
1620 I Street NW, Suite 700
Washington, DISTRICT OF COLUMBIA 20006

Casey Gold
Regulatory Coordinator
NGSA
1620 I Street NW
Suite 700
Washington, DISTRICT OF COLUMBIA

UNITED STATES
pjagtiani@ngsa.org

20006
casey.gold@ngsa.org
Kim N Smaczniak
EARTHJUSTICE
1625 Massachusetts Avenue NW
Suite 702
Washington, DISTRICT OF COLUMBIA
20036
ksmaczniak@earthjustice.org

NATURAL
RESOURCES
DEFENSE
COUNCIL

NATURAL
RESOURCES
DEFENSE
COUNCIL

New Jersey
Board of Public
Utilities

New Jersey
Board of Public
Utilities

New Jersey
Board of Public
Utilities

New York State
Energy
Research and
Development
Authority

New York State
Public Service
Commission

Newark Bay
Cogeneration
Partnership, L.P.

North Carolina
Electric
Membership
Corporation

North Carolina
Electric
Membership
Corporation

Jackson Morris
Director, Eastern Energy
NATURAL RESOURCES DEFENSE COUNCIL
40 West 20th St
New York, NEW YORK 10011
UNITED STATES
jmorris@nrdc.org
Alex Moreau
Deputy Attorney General
State of New Jersey, Law & Public Safety,
Division of Law
Law & Public Safety, Division of Law, 124 Halsey
Street
P.O. Box 45029
Newark, NEW JERSEY 07101
UNITED STATES
Alex.Moreau@law.njoag.gov

Paul Youchak
Attorney General of the State of New Jersey
25 Market Street
Trenton, NEW JERSEY 08611
UNITED STATES
paul.youchak@law.njoag.gov

Noah Shaw
General Counsel
New York State Energy Research and
Development Authority
17 Columbia Circle
Albany, NEW YORK 12203
UNITED STATES
noah.shaw@nysesda.ny.gov

Jay Goodman
Assistant Counsel
New York State Department of Public Service
Three Empire State Plaza
Albany, NEW YORK 12223-1350
UNITED STATES
jay.goodman@dps.ny.gov

Debra Raggio
Senior Vice President, Regulat
Talen Energy Corporation
117 Oronoco Street
Alexandria, VIRGINIA 22314
UNITED STATES
debra.raggio@talenenergy.com

Richard Feathers
North Carolina Electric Membership Corporation
PO Box 27306
Select or enter,NORTH CAROLINA 27611-7306
UNITED STATES
rick.feathers@ncemcs.com

Charles Bayless
Associate General Counsel
North Carolina Electric Membership Corporation
3400 Sumner Boulevard

Cynthia Holland
New Jersey Board of Public Utilities
44 South Clinton Avenue
Trenton, NEW JERSEY 08625-0350
Cynthia.Holland@bpu.nj.gov

Pamela L Owen, ESQ
Attorney General of the State of New
Jersey
pamela.owen@law.njoag.gov

Brenda Lynam
Legal
North Carolina Electric Membership
Corporation
PO Box 27306
Raleigh,NORTH CAROLINA 27611-7306
brenda.lynam@ncemcs.com

Raleigh, NORTH CAROLINA 27616
 UNITED STATES
 charlie.bayless@ncemcs.com
 Sean Beeny
 Attorney
 INDIVIDUAL
 1301 K Street N.W.
 Suite 1000 West
 Washington, DISTRICT OF COLUMBIA 20005
 UNITED STATES
 sbeeny@mccarter.com
 Denise Goulet
 Partner
 North Carolina
 Electric
 Membership
 Corporation
 McCarter & English, LLP
 1301 K Street, N.W.
 Suite 1000 West
 Washington, DISTRICT OF COLUMBIA 20005
 UNITED STATES
 dgoulet@mccarter.com
 Alan Robbins
 Member
 NORTHERN
 VIRGINIA
 ELECTRIC
 COOPERATIVE
 Jennings, Strouss & Salmon, P.L.C.
 1350 I Street NW
 Suite 810
 Washington, DISTRICT OF COLUMBIA 20005
 UNITED STATES
 arobbins@jsslaw.com
 Debra Roby
 Member
 NORTHERN
 VIRGINIA
 ELECTRIC
 COOPERATIVE
 Jennings, Strouss & Salmon, P.L.C.
 1350 I Street NW
 Suite 810
 Washington, DISTRICT OF COLUMBIA 20005
 UNITED STATES
 droby@jsslaw.com
 Andrea Sarmentero
 NORTHERN
 VIRGINIA
 ELECTRIC
 COOPERATIVE
 Jennings, Strouss & Salmon, P.L.C.
 1350 I Street NW
 Suite 810
 Washington, DISTRICT OF COLUMBIA 20005
 UNITED STATES
 asarmentero@jsslaw.com
 Abraham Silverman
 NRG Power
 Marketing LLC
 and GenOn
 Energy
 Management,
 LLC
 Assistant General Counsel - Re
 NRG Energy, Inc.
 211 Carnegie Center Drive
 Princeton, NEW JERSEY 08540
 UNITED STATES
 abe.silverman@nrg.com
 Cortney Slager
 NRG Power
 Marketing LLC
 and GenOn
 Energy
 Management,
 LLC
 Assistant General Counsel - Re
 NRG Companies
 804 Carnegie Center
 Princeton, NEW JERSEY 08540
 UNITED STATES
 cortney.slager@nrg.com
 Jennifer Hsia
 NRG Power
 Marketing LLC
 and GenOn
 Energy
 Management,
 LLC
 NRG Energy
 211 Carnegie Center
 Princeton, NEW JERSEY 08540
 UNITED STATES
 jennifer.hsia@nrg.com
 Jonathan Rund
 Associate General Counsel
 NUCLEAR ENERGY INSTITUTE
 Nuclear Energy Institute
 1201 F Street, NW, Suite 1100
 Washington, DISTRICT OF COLUMBIA 20004
 UNITED STATES
 jmr@nei.org

Patrick Toulme
 Northern Virginia Electric Cooperative,
 10323 Lomond Drive
 Manassas, VIRGINIA 20109
 ptoulme@novec.com

Robert Bisson
 10323 Lomond Drive
 P.O. Box 2710
 Manassas, VIRGINIA 20108
 RBisson@NOVEC.com

Michael J. Dailey
 Northern Virginia Electric Cooperative,
 10323 Lomond Drive
 Manassas, VIRGINIA 20109
 mdailey@novec.com

Neal Fitch
 Dir. East Regulatory Affairs
 NRG Energy, Inc.
 211 Carnegie Center
 Princeton, NEW JERSEY 08540
 neal.fitch@nrgenergy.com

Jonathan Rind
 Associate General Counsel
 NUCLEAR ENERGY INSTITUTE
 Nuclear Energy Institute
 1201 F Street, NW, Suite 1100
 Washington, DISTRICT OF COLUMBIA 20004
 UNITED STATES
 jmr@nei.org
 Ellen Ginsberg
 Vice President, Secretary, and
 NUCLEAR ENERGY INSTITUTE
 1776 I Street, NW
 Suite 400
 Washington, DISTRICT OF COLUMBIA 20006
 UNITED STATES
 ecg@nei.org

Office of the
 People's
 Counsel for the
 District of
 Columbia
 Sandra Mattavous-Frye
 Deputy People's Counsel
 smfrye@opc-dc.gov

Dwayne C Houston
 Litigation Assistant
 Office of the People's Counsel for the
 District of Columbia
 1133 15th Street, NW
 Suite 500
 Washington, DISTRICT OF COLUMBIA
 20005
 dhouston@opc-dc.gov

Ohio
 Consumers'
 Counsel
 Kevin Moore
 Assistant Consumers' Counsel
 Office of the Ohio Consumers' Counsel
 10 West Broad Street
 Suite 1800
 Columbus, OHIO 43215
 UNITED STATES
 kevin.moore@occ.ohio.gov

Old Dominion
 Electric
 Cooperative
 Adrienne Clair
 Thompson Coburn LLP
 Thompson Coburn LLP
 1909 K Street NW
 Suite 600
 Washington, DISTRICT OF COLUMBIA 20006
 UNITED STATES
 aclair@thompsoncoburn.com

Organization of
 PJM States, Inc.
 Gregory Carmean
 Executive Director
 Organization of PJM States, Inc.
 249 East Main Street
 Newark, DELAWARE 19711
 UNITED STATES
 greg@opsi.us

Panda Power
 Generation
 Infrastructure
 Fund, LLC
 Robert O'Connell
 Director, Regulatory Affairs
 Panda Power Funds
 1033 Squires Drive
 West Chester, PENNSYLVANIA 19382
 UNITED STATES
 boconnell@pandafunds.com

Pedricktown
 Cogeneration
 Company LP
 Debra Raggio
 Senior Vice President, Regulat
 Talen Energy Corporation
 117 Oronoco Street
 Alexandria, VIRGINIA 22314
 UNITED STATES
 debra.raggio@talenenergy.com

Pennsylvania
 Public Utility
 Commission
 Aspassia Staevska
 Assistant Counsel
 Pennsylvania Public Utility Commission
 400 North Street
 Harrisburg, PENNSYLVANIA 17120
 UNITED STATES
 astaevska@pa.gov

PJM Industrial Susan Bruce

Robert A Weishaar, JR

Customer Coalition	McNees Wallace & Nurick LLC 100 Pine St Harrisburg, PENNSYLVANIA 17101 UNITED STATES sbruce@mcneeslaw.com	McNees Wallace & Nurick LLC 1200 G Street, NW Suite 800 Washington, DISTRICT OF COLUMBIA 20005 bwelshaar@mcneeslaw.com Vasiliki Karandrikas PO Box 1166 Harrisburg, 17108-1166 vkarandrikas@mcneeslaw.com David S. Mabry McNees Wallace & Nurick LLC 100 Pine Street Harrisburg, PENNSYLVANIA 17101 dmabry@mwn.com Lauren Huff Paralegal McNees Wallace & Nurick LLC 100 Pine Street P.O. Box 1166 Harrisburg, PENNSYLVANIA 17108 lhuff@mwn.com Ryan Collins Attorney Wright & Talisman, PC 1200 G Street, N.W., Suite 600 Washington, DISTRICT OF COLUMBIA 20005 collins@wrightlaw.com CRAIG GLAZER V.P., Federal Gov't Policy PJM Interconnection, L.L.C. 1200 G Street, N.W. Suite 600 Washington, DISTRICT OF COLUMBIA 20005 CRAIG.GLAZER@PJM.COM Jennifer H Tribulski, ESQ Senior Counsel PJM Interconnection, L.L.C. 2750 Monroe Boulevard Audubon, PENNSYLVANIA 19403 jennifer.tribulski@pjm.com Chenchao Lu Counsel PJM Interconnection, L.L.C. 2750 Monroe Blvd. Audubon, PENNSYLVANIA 19403 chenchao.lu@pjm.com
PJM Industrial Customer Coalition		
PJM Industrial Customer Coalition		
PJM Industrial Customer Coalition		
PJM Interconnection, L.L.C.	Paul Flynn Wright & Talisman, PC 1200 G St. NW Suite 600 Washington, DISTRICT OF COLUMBIA 20005 UNITED STATES flynn@wrightlaw.com	
PJM Interconnection, L.L.C.		
PJM Interconnection, L.L.C.		
PJM Interconnection, L.L.C.		
PJM Power Providers Group	Glen Thomas 1060 First Avenue Suite 400 King of Prussia, PENNSYLVANIA 19406 UNITED STATES gthomas@gtpowergroup.com	Diane L Slifer 1060 First Avenue Suite 400 King of Prussia, PENNSYLVANIA 19406 dslifer@gtpowergroup.com
PJM Power Providers Group		Laura Chappelle 4218 Jacob Meadows Okemos, MICHIGAN 48864 laurac@chappelleconsulting.net
PPL Electric Utilities Corporation	Steven Nadel PPL Services Corporation 2 North 9th St Allentown, PENNSYLVANIA 18101 UNITED STATES SMNadel@pplweb.com	
PSEG Companies	Cara Lewis Assistant Regulatory Counsel 80 Park Plaza, T5 Newark, NEW JERSEY 07102	Cara Lewis Assistant Regulatory Counsel 80 Park Plaza, T5 Newark, NEW JERSEY 07102 cara.lewis@pseg.com

UNITED STATES
cara.lewis@pseg.com

PSEG
Companies

Sheree L. Kelly, ESQ
Assistant General Regulatory C
PSEG Services Corporation
80 Park Plaza, T5G
Newark, NEW JERSEY 07102
Sheree.Kelly@PSEG.com

PUBLIC
CITIZEN, INC

Tyson Slocum
Director
Public Citizen's Energy Program
215 Pennsylvania Ave SE
Washington, DISTRICT OF COLUMBIA 20003
UNITED STATES
tslocum@citizen.org

Public Service
Commission of
West Virginia

Robert Adkins
Law Clerk
Public Service Commission of West Virginia
201 Brooks Street
Charleston, WEST VIRGINIA 25526
UNITED STATES
radkins@psc.state.wv.us

Public Utilities
Commission of
Ohio

Thomas McNamee
Assistant Attorney General
Ohio Public Utilities Commission
30 East Broad Street
16th fl
Columbus, OHIO 43215
UNITED STATES
thomas.mcnamee@ohioattorneygeneral.gov

Lori Sternisha
Public Utilities Commission of Ohio
180 East Broad Street
3rd Floor
Columbus, OHIO 43215
lori.sternisha@puco.ohio.gov

Rockland
Capital

Travis Stewart
Associate
GABEL ASSOCIATES
417 Denison Street
Highland Park, NEW JERSEY 08904
UNITED STATES
travis.stewart@gabelassociates.com

Jonathan Beach
24 Waterway Avenue
Suite 800
The Woodlands, TEXAS 77380
jonathan.beach@rocklandcapital.com

Rockland
Electric
Company

Margaret Comes
Senior Attorney
Consolidated Edison Company of New York, Inc.
4 Irving Place - Room 1815-S
New York, NEW YORK 10003
UNITED STATES
comesm@coned.com

Brian L Wilkie
Project Specialist
Consolidated Edison Company of New
York, Inc.
Consolidated Edison Company of New
York, Inc.
4 Irving Place, NEW YORK 10003
wilkieb@coned.com

Shell Energy
North America
(U.S.), L.P.

David Perlman
Bracewell LLP
2000 K Street, NW Suite 500
Washington, DISTRICT OF COLUMBIA 20006
UNITED STATES
david.perlman@bracewelllaw.com

Matthew J. Picardi, ESQ
Vice President
Shell Energy North America (US), L.P.
36 Pinewood Ave.
Saratoga Springs, NEW YORK 12866
Matthew.Picardi@shell.com

Sierra Club

Casey Roberts
Senior Attorney
Sierra Club
1536 Wynkoop St, Suite 200
Denver, COLORADO 80202
UNITED STATES
casey.roberts@sierraclub.org

Solar RTO
Coalition

Steven Shparber
Nelson Mullins Riley & Scarborough, LLP
101 Constitution Ave, NW
Suite 900
Washington, DISTRICT OF COLUMBIA 20009
UNITED STATES
steven.shparber@nelsonmullins.com

Solar RTO
Coalition

Larry Ostema, ESQ
Nelson Mullins Riley & Scarborough, LLP
100 North Tryon Street
Charlotte, NORTH CAROLINA 28202
larry.ostema@nelsonmullins.com

<p>Southern Maryland Electric Cooperative, Inc.</p> <p>Southern Maryland Electric Cooperative, Inc.</p> <p>Southern Maryland Electric Cooperative, Inc.</p>	<p>John Rohrbach ACES POWER MARKETING 4140 West 99th Street Carmel, INDIANA 46032 UNITED STATES JRohrbach@acespower.com</p>	<p>Eugene Bradford Vice President, Rates and Ener SOUTHERN MARYLAND ELECTRIC COOP INC 15035 Burnt Store Rd. Hughesville, MARYLAND 20637 Eugene.Bradford@smeco.coop Mark MacDougall Senior Vice President and Gene Southern Maryland Electric Cooperative, Inc. PO Box 1937 Hughesville, 20637-1937 mark.macdougall@smeco.coop John Rohrbach ACES POWER MARKETING 4140 West 99th Street Carmel, INDIANA 46032 JRohrbach@acespower.com</p>
<p>Starwood Energy Group Global, L.L.C.</p>	<p>Jonathan Gottlieb Partner Eversheds Sutherland (US) LLP 700 Sixth Street, NW, Suite 700 Washington, DISTRICT OF COLUMBIA 20001-3980 UNITED STATES JonathanGottlieb@eversheds-sutherland.com</p>	<p>Jeffrey Delgado Senior Vice President Starwood Energy Group Global, LLC 5 Greenwich Office Park Greenwich, CONNECTICUT 06831 jdelgado@starwood.com</p>
<p>Starwood Energy Group Global, L.L.C.</p>	<p>Meghan Gruebner Eversheds Sutherland (US) LLP 15 Buttrick Road INC000000187608 Londonderry, NEW HAMPSHIRE 03053 UNITED STATES meghan.gruebner@libertyutilities.com</p>	
<p>Susquehanna Nuclear, LLC</p>	<p>Debra Raggio Senior Vice President, Regulat Talen Energy Corporation 117 Oronoco Street Alexandria, VIRGINIA 22314 UNITED STATES debra.raggio@talenergy.com</p>	
<p>Talen Energy Marketing, LLC</p>	<p>Debra Raggio Senior Vice President, Regulat Talen Energy Corporation 117 Oronoco Street Alexandria, VIRGINIA 22314 UNITED STATES debra.raggio@talenergy.com</p>	
<p>The Dayton Power and Light Company</p>	<p>Randall Griffin Chief Regulatory Counsel Dayton Power and Light Company, The 1065 Woodman Drive Dayton, OHIO 45432 UNITED STATES randall.griffin@aes.com</p>	<p>John W Horstmann Dayton Power and Light Company, The 315 Buckwalter Rd Phoenixville, PENNSYLVANIA 19460 john.horstmann@aes.com</p>
<p>UNION OF CONCERNED SCIENTISTS</p>	<p>Michael Jacobs Sr. Energy Analyst UNION OF CONCERNED SCIENTISTS 2 Brattle Square Cambridge, MASSACHUSETTS 02138 UNITED STATES mjacobs@ucsusa.org</p>	
<p>UNION OF CONCERNED SCIENTISTS</p>	<p>Michael Jacobs Sr. Energy Analyst UNION OF CONCERNED SCIENTISTS 2 Brattle Square Cambridge, MASSACHUSETTS 02138 UNITED STATES mjacobs@ucsusa.org</p>	
<p>Vistra Energy</p>	<p>Amanda Frazier</p>	

Vistra Energy Corp.
 1005 Congress Avenue, Suite 750
 Austin, TEXAS 78701
 UNITED STATES
 Amanda.Frazier@vistraenergy.com
 Liane Steffes
 Attorney
 Parr Richey Obremskey Frandsen & Patterson
 LLP
 201 N. Illinois Street, Suite 300
 Indianapolis, INDIANA 46204
 UNITED STATES
 lsteffes@parrlaw.com

Wabash Valley
 Power
 Association, Inc.

Wabash Valley
 Power
 Association, Inc.

Jeremy Lee Fetty
 Attorney
 Parr Richey Obremskey & Morton
 PO Box 668
 Lebanon, INDIANA 46052-0668
 jfetty@parrlaw.com

Randolph G Holt
 General Counsel
 Parr Richey Obremskey Frandsen &
 Patterson LLP
 6702 Intech Boulevard
 Indianapolis, INDIANA 46278
 r_holt@wvpa.com

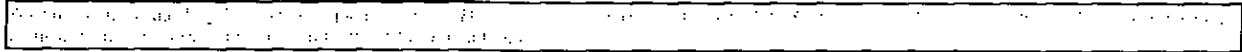
Jacqueline Lake Roberts
 Deputy Consumer Advocate
 Consumer Advocate Div / WV Public Serv.
 Comm.
 723 Kanawha Blvd Suite 700
 Charleston, WEST VIRGINIA 25312
 UNITED STATES
 jroberts@cad.state.wv.us
 Debra Raggio
 Senior Vice President, Regulat
 Talen Energy Corporation
 117 Oronoco Street
 Alexandria, VIRGINIA 22314
 UNITED STATES
 debra.raggio@talenergy.com

WEST VIRGINIA
 CONSUMER
 ADVOCATE

York Generation
 Company LLC

[Back to Query Service List](#)

[Back to FERCOOnline](#)





[FERC Online Home](#)
[About FERC Online](#)
[Company Registration](#)
[Query Billing List/Receipts by State](#)
[Query Service List](#)
[My Service List](#)
[My Billing List](#)
[eTariff Viewer](#)
[Help](#)

Service List for EL18-178-000 PJM Interconnection, L.L.C.

Contacts marked ** must be postal served

Party	Primary Person or Counsel of Record to be Served	Other Contact to be Served
	William DeGrandis Partner Paul Hastings LLP 875 15TH STREET, NW Washington, DISTRICT OF COLUMBIA 20005 UNITED STATES billdegrandis@paulhastings.com	Jenna McGrath Associate Paul Hastings LLP 875 15th Street, N.W. Washington, DISTRICT OF COLUMBIA 20005 jennamcgrath@paulhastings.com
Acciona Energy USA Global LLC	William DeGrandis Partner Paul Hastings LLP 875 15TH STREET, NW Washington, DISTRICT OF COLUMBIA 20005 UNITED STATES billdegrandis@paulhastings.com	Jenna McGrath Associate Paul Hastings LLP 875 15th Street, N.W. Washington, DISTRICT OF COLUMBIA 20005 jennamcgrath@paulhastings.com
Acciona Wind Energy USA LLC	Katherine Hamilton Principal 1200 18th Street, NW Suite 700 Washington, DISTRICT OF COLUMBIA 20036 UNITED STATES katherine@38northsolutions.com	
Advanced Energy Management Alliance	Sarah Knowlton General Counsel 116 North Main Street Concord, NEW HAMPSHIRE 03301 UNITED STATES sarah.knowlton@libertyutilities.com	Patrick Taylor Patrick.Taylor@algonquinpower.com
Algonquin Energy Services Inc.	Thomas Melone CEO 1740 Broadway FL 15 New York, NEW YORK 10019 UNITED STATES thomas.melone@gmail.com	
Allco Renewable Energy Limited	Joshua Adrian INDIVIDUAL 1667 K Street, NW Suite 700 Washington, DISTRICT OF COLUMBIA 20006 UNITED STATES jea@dwgp.com	Roberta Rothschild Legal Assistant Duncan Weinberg Genzer & Pembroke, PC 1667 K Street NW Suite 700 Washington, DISTRICT OF COLUMBIA 20006 RR@dwgp.com
Allegheny Electric Cooperative, Inc.	Matthew Rudolphi Attorney Duncan, Weinberg, Genzer & Pembroke PC 1667 K Street, NW, Suite 700 Washington, DISTRICT OF COLUMBIA 20006 UNITED STATES mrr@dwgp.com	
Allegheny Electric Cooperative, Inc.	Joseph Power Vice President Ameren Services Company 1331 Pennsylvania Ave, NW	Joseph M Power Vice President Ameren Services Company 1331 Pennsylvania Ave, NW

Suite 912N
Washington, DISTRICT OF COLUMBIA
20004
UNITED STATES
jpower@ameren.com

Suite 912N
Washington, DISTRICT OF COLUMBIA 20004
jpower@ameren.com

Ameren Services
Company

Denice Simpson
Regulatory Affairs Specialist
Ameren Corporation
1331 Pennsylvania Ave, NW
Suite 550 South
Washington, DISTRICT OF COLUMBIA 20004
dsimpson@ameren.com

American
Coalition for
Clean Coal
Electricity
Michelle Bloodworth
COO
American Coalition for Clean Coal Electricity
1155 15th Street NW, Suite 900
Washington, DISTRICT OF COLUMBIA
20005
UNITED STATES
mbloodworth@americaspower.org

American Electric
Power Service
Corporation
Jessica Cano
Senior Counsel
AEP Service Corporation
1 Riverside Plaza
Columbus, OHIO 43215
UNITED STATES
jacano@aep.com

American Forest
& Paper
Association
Robert Weishaar
McNees Wallace & Nurick LLC
1200 G Street, NW
Suite 800
Washington, DISTRICT OF COLUMBIA
20005
UNITED STATES
bweishaar@mcneeslaw.com

Susan E Bruce
McNees Wallace & Nurick LLC
100 Pine St
Harrisburg, PENNSYLVANIA 17101
sbruce@mcneeslaw.com

American Forest
& Paper
Association

Kenneth R Stark
McNees Wallace & Nurick LLC
100 Pine Street
Harrisburg, PENNSYLVANIA 17101
kstark@mcneeslaw.com

American Forest
& Paper
Association

Matthew Garber
Attorney
McNees Wallace & Nurick LLC
100 Pine Street
Harrisburg, PENNSYLVANIA 17101
mgarber@mcneeslaw.com

American
Municipal Power,
Inc.
Lisa McAlister
Deputy General Counsel - FERC/
American Municipal Power, Inc.
1111 Schrock Road
Suite 100
Columbus, OHIO 43229
UNITED STATES
lmcAlister@amppartners.org

Kristin V Rothery
Asst. Deputy General Counsel
American Municipal Power, Inc.
1111 Schrock Road
Suite 100
Columbus, OHIO 43229
krothey@amppartners.org

American
Municipal Power,
Inc.

Christopher J Norton
Director of Market Regulatory
American Municipal Power, Inc.
1111 Schrock Road
Suite 100
Columbus, OHIO 43229
cnorton@amppartners.org

American
Municipal Power,
Inc.

Gary James Newell
Jennings, Strouss & Salmon, P.L.C.
1350 I Street, N.W.
Suite 810
Washington, DISTRICT OF COLUMBIA 20005
gnewell@jsslaw.com

AMERICAN
PETROLEUM
Ben Norris
Senior Counsel

AMERICAN PETROLEUM INSTITUTE
 200 Massachusetts Ave., NW
 Washington, DISTRICT OF COLUMBIA
 20001
 UNITED STATES
 norrisb@api.org
 John McCaffrey
 Regulatory Counsel
 American Public Power Association
 2451 Crystal Drive
 Suite 1000
 Arlington, VIRGINIA 22202
 UNITED STATES
 jmccaffrey@publicpower.org

American Public Power Association

American Public Power Association

ARIPPA

Avangrid Renewables, LLC

Avangrid Renewables, LLC

Brookfield Energy Marketing LP

Brookfield Energy Marketing LP

Brookfield Energy Marketing LP

Buckeye Power, Inc.

Jaret Gibbons
 Executive Director
 ARIPPA
 2015 Chestnut St
 Camp Hill, PENNSYLVANIA 17011
 UNITED STATES
 jgibbons@arippa.org
 Dennis Hough
 Director - Regulatory Policy
 Avangrid, Inc.
 Avangrid
 607 14th Street NW Suite 540
 INC000000498534
 Washington, DISTRICT OF COLUMBIA
 20005
 UNITED STATES
 dennis.hough@avangrid.com

Delia D. Patterson, ESQ
 General Counsel
 American Public Power Association
 2451 Crystal Drive
 Suite 1000
 Arlington, VIRGINIA 22202
 dpatterson@publicpower.org

Elise Caplan
 EMRI Coordinator
 American Public Power Association
 1875 Connecticut Avenue, NW
 Suite 1200
 Washington, DISTRICT OF COLUMBIA 20009
 ecaplan@publicpower.org

Kevin Kilgallen
 Director, Market Structure & P
 Avangrid Renewables, LLC
 411 Oakland Drive
 Downingtown, PENNSYLVANIA 19335
 kevin.kilgallen@avangrid.com

Christian G Yoder
 Sr. Counsel, Avangrid Renewab
 Avangrid Renewables, LLC
 1125 NW Couch St. Suite 700
 Portland, OREGON 97209
 christian.yoder@avangrid.com

Aleksandar Mitreski
 Brookfield Energy Marketing Inc.
 68 Ellington St
 Longmeadow, MASSACHUSETTS 01106
 aleksandar.mitreski@brookfieldrenewable.com

Nicolas Bosse
 Manager Regulatory Affairs - I
 Brookfield Energy Marketing Inc.
 1501 McGill College
 Suite 1602
 Montreal, QUEBEC H3A 3M8
 nicolas.bosse@brookfieldrenewable.com

Steve Kelly
 Director
 Brookfield Energy Marketing LP
 3261 Arters Mill Rd
 Westminster, MARYLAND 21158
 stephen.kelly@brookfieldrenewable.com

Kurt Helfrich
 Buckeye Power, Inc.
 6677 Busch Boulevard
 Columbus, OHIO 43229
 khelfrich@ohioec.org

Calpine Corporation	<p>UNited States marvin.griff@thompsonhine.com Sarah Novosel Senior VP and Managing Counsel Calpine Corporation 805 15th Street, NW Suite 708 Washington, DISTRICT OF COLUMBIA 20005 UNITED STATES snovosel@calpine.com</p>	
Calpine Corporation		<p>Joe Kerecman joe.kerecman@calpine.com</p>
Carroll County Energy LLC	<p>Arnold Wallenstein Senior Vice President and Gene Advanced Power Services (NA) Inc. 31 Milk Street, Suite 1001 Boston, MASSACHUSETTS 02109 UNITED STATES awallenstein@Advancedpowerna.com</p>	
Central Hudson Gas & Electric Corporation	<p>John Borchert Manager, Elec. Engr. Services 284 South Ave Poughkeepsie, NEW YORK 12601 UNITED STATES jborchert@cenhud.com</p>	
Cogentrix Energy Power Management, LLC	<p>Christopher Sherman Vice President, Cogentrix Cogentrix Energy Power Management, LLC 3 Mill Street Arlington, MASSACHUSETTS 02476 UNITED STATES chrissherman@kogentrix.com</p>	
Connecticut Department of Energy and Environmental Protection	<p>Kirsten Rigney Connecticut Department of Energy & Environmental Protection 10 Franklin Square New Britain, CONNECTICUT 06051 UNITED STATES Kirsten.Rigney@ct.gov</p>	<p>Robert Snook Connecticut Department of Energy and Environmental Protection 10 Franklin Square New Britain, CONNECTICUT 06106 robert.snook@ct.gov</p>
Connecticut Public Utilities Regulatory Authority	<p>Clare Kindall Solicitor General Office of Attorney General 165 Capitol Avenue Hartford, CONNECTICUT 06106 UNITED STATES Clare.Kindall@ct.gov</p>	<p>Seth A. Hollander Assistant Attorney General 10 Franklin Square New Britain, CONNECTICUT 06051 seth.hollander@ct.gov</p>
Connecticut Public Utilities Regulatory Authority		<p>Robert Luysterborghs Principal Attorney Connecticut Public Utilities Regulatory Authority Public Utilities Regulatory Authority 10 Franklin Square New Britain, CONNECTICUT 06051 robert.luysterborghs@ct.gov</p>
Consolidated Edison Company of New York, Inc.	<p>Susan LoFrumento Associate Counsel Consolidated Edison Company of New York, Inc. 4 Irving Place New York, NEW YORK 10003 UNITED STATES lofrumentos@coned.com</p>	
Consolidated Edison Energy, Inc.	<p>Norman Mah Consolidated Edison Energy CONSOLIDATED EDISON ENERGY, INC. 701 Westchester Ave White Plains, NEW YORK 10604</p>	<p>Rehan Gilani 100 Summit Lake Drive, Suite 410 Valhalla, NEW YORK 10595 gilanir@conedcss.com</p>

	<p>UNited States mahn@conedcss.com Jessica Friedman Van Ness Feldman, LLP 1050 Thomas Jefferson St., N.W. Seventh Floor Washington, DISTRICT OF COLUMBIA 20007 UNITED STATES jcf@vnf.com Regina Iorii Deputy Attorney General Delaware Department of Justice 820 N. French Street, 6th Floor Wilmington, DELAWARE 19801 UNITED STATES regina.iorii@state.de.us</p>	<p>David Schwartz Commercial Director Orsted North America Inc. 56 Exchange Ter Ste 300 Providence, RHODE ISLAND 02903-1772 dschw@orsted.com</p>
Deepwater Wind, LLC		
Delaware Division of the Public Advocate		<p>Andrew C. Slater Delaware Public Advocate 29 S. State Street Dover, DELAWARE 19901 andrew.slater@delaware.gov</p>
Delaware Division of the Public Advocate		<p>Ruth A. Price Delaware Deputy Public Advocat Delaware Public Advocate 820 North French Street, 4th Floor Wilmington, DELAWARE 19801 ruth.price@state.de.us</p>
Delaware Division of the Public Advocate		<p>Andrea Maucher Public Utilities Analyst Delaware Division of the Public Advocate 29 South State Street Dover, DELAWARE 19904 andrea.maucher@delaware.gov</p>
Delaware Municipal Electric Corporation, Inc.	<p>Thomas Rudebusch Partner Duncan, Weinberg, Genzer & Pembroke PC 1667 K Street, NW Suite 700 Washington, DISTRICT OF COLUMBIA 20006 UNITED STATES tlr@dwgp.com Bhaveeta Mody Duncan, Weinberg, Genzer & Pembroke PC 1667 K Street, N.W. Suite 700 Washington, D.C., DISTRICT OF COLUMBIA 20006 UNITED STATES bkm@dwgp.com</p>	<p>Roberta Rothschild Legal Assistant Duncan Weinberg Genzer & Pembroke, PC 1667 K Street NW Suite 700 Washington, DISTRICT OF COLUMBIA 20006 RR@dwgp.com</p>
Delaware Municipal Electric Corporation, Inc.		<p>Patrick E McCullar President and CEO pmccullar@demecinc.net</p>
Delaware Municipal Electric Corporation, Inc.		<p>Jay Kumar Economics and Technical Consultants, Inc. 6241 Executive Blvd. Rockville, MARYLAND 20852 jkumar@etcinc.biz</p>
Direct Energy	<p>Marjorie Philips VP, Wholesale Market Policy 1700 Broadway, 38th Floor New York, NEW YORK 10019 UNITED STATES mphilips@lspower.com</p>	
Direct Energy Business Marketing, LLC	<p>Marjorie Philips VP, Wholesale Market Policy 1700 Broadway, 38th Floor New York, NEW YORK 10019 UNITED STATES mphilips@lspower.com</p>	
Direct Energy Business, LLC	<p>Marjorie Philips VP, Wholesale Market Policy 1700 Broadway, 38th Floor New York, NEW YORK 10019 UNITED STATES mphilips@lspower.com</p>	

<p>Dominion Energy Services, Inc.</p>	<p>Wesley Walker Assistant General Counsel Dominion Companies PO Box 25615 Richmond, VIRGINIA 23260-5615 UNITED STATES wesley.walker@dominionenergy.com</p>	<p>James G Davis Electric Market Policy Consult Dominion Energy & Dominion Generation 701 East Cary Street OJRP 5th Floor Richmond, VIRGINIA 23219 james.g.davis@dominionenergy.com</p>
<p>Duke Energy Corporation</p>	<p>Sheri May Associate General Counsel INDIVIDUAL 139 East Fourth St. Cincinnati, OHIO 45202 UNITED STATES sheri.may@duke-energy.com</p>	<p>Leah Buchanan Duke Energy eTariff Account Duke Energy Corporation 550 South Tryon Street Charlotte, NORTH CAROLINA 28202 e-tariff@duke-energy.com</p>
<p>Dynegy Marketing and Trade, LLC</p>	<p>Amanda Frazier Vistra Energy Corp. 1005 Congress Avenue, Suite 750 Austin, TEXAS 78701 UNITED STATES Amanda.Frazier@vistraenergy.com</p>	
<p>East Kentucky Power Cooperative, Inc.</p>	<p>Daniel Frank Partner Eversheds Sutherland (US) LLP 700 Sixth Street NW Suite 700 Washington, DISTRICT OF COLUMBIA 20001-3980 UNITED STATES DanielFrank@eversheds-sutherland.com</p>	<p>Chuck Dugan Director, Federal and RTO Regu East Kentucky Power Cooperative, Inc. 4775 Lexington Road Winchester, KENTUCKY 40391 chuck.dugan@ekpc.coop</p>
<p>East Kentucky Power Cooperative, Inc.</p>	<p>Allison Speaker Eversheds Sutherland (US) LLP 700 6th Street NW Washington, DISTRICT OF COLUMBIA 20001 UNITED STATES AllisonSpeaker@eversheds-sutherland.com</p>	
<p>EDF Energy Services, LLC</p>	<p>Kenneth Irvin Partner Sidley Austin LLP Sidley Austin LLP 1501 K St., NW Washington, DISTRICT OF COLUMBIA 20005 UNITED STATES kirvin@sidley.com</p>	<p>Jason W Cox Director, Regulatory Affairs EDF Energy Services, LLC 4700 W Sam Houston Parkway North Suite 250 Houston, TEXAS 77041 jason.cox@edfenergyservices.com</p>
<p>EDF Energy Services, LLC</p>		<p>Terence T Healey Partner Sidley Austin LLP 60 State Street 34th Floor Boston, MASSACHUSETTS 02109 thealey@sidley.com</p>
<p>EDF Trading North America, LLC</p>	<p>Kenneth Irvin Partner Sidley Austin LLP Sidley Austin LLP 1501 K St., NW Washington, DISTRICT OF COLUMBIA 20005 UNITED STATES kirvin@sidley.com</p>	<p>Jason W Cox Director, Regulatory Affairs EDF Energy Services, LLC 4700 W Sam Houston Parkway North Suite 250 Houston, TEXAS 77041 jason.cox@edfenergyservices.com</p>
<p>EDF Trading North America, LLC</p>		<p>Terence T Healey Partner Sidley Austin LLP 60 State Street 34th Floor Boston, MASSACHUSETTS 02109 thealey@sidley.com</p>
<p>EDP Renewables North America</p>	<p>Jessica Friedman Van Ness Feldman, LLP</p>	<p>Leslie Freiman Horizon Wind Energy LLC</p>

	1050 Thomas Jefferson St., N.W. Seventh Floor Washington, DISTRICT OF COLUMBIA 20007 UNITED STATES jcf@vnf.com Nancy Bagot Vice President Electric Power Supply Association 1401 New York Ave. NW 11th Floor Washington, DISTRICT OF COLUMBIA 20005 UNITED STATES NancyB@epsa.org W. Richard Bidstrup Cleary, Gottlieb, Steen & Hamilton LLP 2000 Pennsylvania Ave, NW Washington, DISTRICT OF COLUMBIA 20006 UNITED STATES rbidstrup@cgsh.com	800 Travis Suite 700 Houston, TEXAS 77002 leslie.freiman@edpr.com
Electric Power Supply Association		
Electricity Consumers Resource Council		
Enel Companies (Enel Green Power North America, Inc. and EnerNOC, Inc.)	Katherine Guerry EnerNOC, Inc. one marina park drive Boston, MASSACHUSETTS 02110 UNITED STATES kguerry@enernoc.com	Brian Kauffman Manager of Regulatory Affairs One Marina Park Drive, Suite 400 Boston, MASSACHUSETTS 02210 brian.kauffman@enel.com
Enel Companies (Enel Green Power North America, Inc. and EnerNOC, Inc.)		Kate McKeever Director of Regulatory and Ins Enel Green Power North America, Inc. 100 Brickstone Square Suite 300 Andover, MASSACHUSETTS 01810 kate.mckeever@enel.com
Enel Companies (Enel Green Power North America, Inc. and EnerNOC, Inc.)		John F Thirolf Asso Vice President, Regulator Enel Green Power North America, Inc. 816 Connecticut Avenue NW Suite 1100 Washington, DISTRICT OF COLUMBIA 20006 jack.thirolf@enel.com
Energy Capital Partners IV, LLC	Andrew Gilbert agilbert@ecpartners.com Andrew Kaplan Partner Pierce Atwood LLP 100 Summer Street Boston, MASSACHUSETTS 02110 UNITED STATES akaplan@pierceatwood.com Gregory Lawrence Partner Greenberg Traurig, LLP One International Place Boston, MASSACHUSETTS 02110 UNITED STATES lawrenceg@gtlaw.com	Jim Ginnetti jim@jimginnetticonsultingllc.com
Energy Storage Association		
Enerwise Global Technologies, Inc.		
ENVIRONMENTAL DEFENSE FUND	Kim Smaczniak EARTHJUSTICE 1625 Massachusetts Avenue NW Suite 702 Washington, DISTRICT OF COLUMBIA 20036 UNITED STATES ksmaczniak@earthjustice.org	
Exelon Corporation	Christopher Wilson Director, Federal Regulatory A Exelon Corporation	Carrie H Allen Assistant General Counsel Exelon Corporation

101 Constitution Ave, NW
Suite 400E
Washington, DISTRICT OF COLUMBIA
20001
UNITED STATES
FERCe-filings@exeloncorp.com

101 Constitution Ave, NW Suite 400 East
Washington, DISTRICT OF COLUMBIA 20001
carrie.allen@exeloncorp.com

Exelon
Corporation

Jason C Barker, ESQ
Vice President, Energy Policy
Constellation Energy Group Inc.
111 Market Place
Suite 500
Baltimore, MARYLAND 21202
jason.barker@constellation.com

FirstEnergy
Service
Company

Evan Dean
Attorney
FirstEnergy
76 S. Main St.
Akron, OHIO 44224
UNITED STATES
edean@firstenergycorp.com

Morgan Parke ESQ
Attorney
FirstEnergy
76 South Main Street
Akron, OHIO 44308-1890
mparke@firstenergycorp.com

FirstEnergy
Service
Company

Sharon Noewer
slnower@firstenergycorp.com

FirstEnergy
Solutions Corp.

George Cannon
Akin Gump Strauss Hauer & Feld LLP
1333 New Hampshire Ave. NW
Washington, DISTRICT OF COLUMBIA
20036
UNITED STATES
ccannon@akingump.com

FirstEnergy
Solutions Corp.

Todd Brecher
Akin Gump Strauss Hauer & Feld LLP
1333 New Hampshire Avenue NW
Washington, DISTRICT OF COLUMBIA
20036
UNITED STATES
tbrecher@akingump.com

FirstEnergy
Solutions Corp.

John White
Akin Gump Strauss Hauer & Feld, LLP
1333 New Hampshire Avenue NW
Washington, DISTRICT OF COLUMBIA
20009
UNITED STATES
whitej@akingump.com

Governors' Wind
& Solar Energy
Coalition

Larry Pearce
Executive Director
2200 Wilson Blvd, ste 102-22
Arlington, VIRGINIA 22201
UNITED STATES
larry@governorscoalition.org

Larry Pearce
Executive Director
2200 Wilson Blvd, ste 102-22
Arlington, VIRGINIA 22201
larry@governorscoalition.org

Great Bay Solar
I, LLC

Sarah Knowlton
General Counsel
116 North Main Street
Concord, NEW HAMPSHIRE 03301
UNITED STATES
sarah.knowlton@libertyutilities.com

Patrick Taylor
Patrick.Taylor@algonquinpower.com

GSG 6, LLC

Sarah Knowlton
General Counsel
116 North Main Street
Concord, NEW HAMPSHIRE 03301
UNITED STATES
sarah.knowlton@libertyutilities.com

Patrick Taylor
Patrick.Taylor@algonquinpower.com

Hillcrest Solar I,
LLC

Madeline Fleisher
Dickinson Wright PLLC
150 E. Gay St.
Suite 2400
Columbus, OHIO 43215
UNITED STATES
mfleisher@dickinsonwright.com

H-P Energy
Resources LLC
Stephen Huntoon
Energy Counsel, LLP
1629 K Street, N.W., Suite 300
Washington, DISTRICT OF COLUMBIA
20006
UNITED STATES
huntoon@comcast.net

Robert John Patrylo
President
H-P Energy Resources LLC
626 Creek Lane
Flourtown, PENNSYLVANIA 19031
rpatrylo@comcast.net

Illinois Attorney
General's Office

Susan L. Satter
Senior Assistant Attorney Gene
Illinois Office of Attorney General
100 West Randolph Street
11th Floor
Chicago, ILLINOIS 60601
ssatter@atg.state.il.us

Illinois Citizens
Utility Board

Kristin Munsch
Attorney
Illinois Citizens Utility Board
309 W. Washington St. Ste. 800
Chicago, ILLINOIS 60202
UNITED STATES
kmunsch@citizensutilityboard.org

Illinois
Commerce
Commission

Christine Ericson
Special Assistant Attorney Gen
Illinois Commerce Commission
160 N. LaSalle St.
Suite C-800
Chicago, ILLINOIS 60601
UNITED STATES
Christine.Ericson@illinois.gov

Randy Rismiller
Assistant Director, Policy
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, ILLINOIS 62701
Randy.Rismiller@illinois.gov

Illinois
Commerce
Commission

William VanderLaan
bill.vanderlaan@illinois.gov

Illinois Industrial
Energy
Consumers

Eric Robertson
INDIVIDUAL
1939 Delmar Avenue
P. O. Box 735
Granite City, ILLINOIS 62040
UNITED STATES
erobertson@lrklaw.com

Ryan Robertson
Attorney
Lueders, Robertson & Konzen
PO Box 735
Granite City, ILLINOIS 62040-0735
ryrobertson@lrklaw.com

Illinois Municipal
Electric Agency

Troy A Fodor
Illinois Municipal Electric Agency
3400 Conifer Drive
Springfield, ILLINOIS 62711
tfodor@imea.org

Indiana Utility
Regulatory
Commission

Beth Heline
General Counsel
Indiana Utility Regulatory Commission
Suite 1500 East
101 West Washington Street
Indianapolis, INDIANA 46204
UNITED STATES
BHeline@urc.in.gov

Jeremy Comeau
Indiana Utility Regulatory Com
Indiana Utility Regulatory Commission
101 W. Washington St.
Suite 1500 E.
Indianapolis, INDIANA 46204
jcomeau@urc.in.gov

Indicated New
York
Transmission
Owners

Elias Farrah
Attorney
Winston & Strawn LLP
9416 Wing Foot Court
Potomac, MARYLAND 20854
UNITED STATES
efarrah@tred-llc.com

Zachary B. Cohen
1700 K St. NW
Washington, DISTRICT OF COLUMBIA 20006
zcohen@winston.com

Industrial Energy
Consumers of
Pennsylvania

Barry Naum
Spilman Thomas & Battle, PLLC
1100 Bent Creek Boulevard
Suite 101
Mechanicsburg, PENNSYLVANIA 17050
UNITED STATES
bnaum@spilmanlaw.com

Industrial Energy
Users-Ohio

Robert A Weishaar, JR
McNees Wallace & Nurick LLC
1200 G Street, NW

Institute for Policy Integrity, New York University School of Law	Avi Zevin Institute for Policy Integrity, New York University School of Law 139 MacDougal St. Room 319 New York, NEW YORK 10012 UNITED STATES avi.zevin@nyu.edu	
J-POWER USA Development Co., Ltd.	Matthew Keenan J-POWER USA Development Co. Ltd. 1900 East Golf Rd, Ste. 1030 Schaumburg, ILLINOIS 60173 UNITED STATES mkeenan@jpowerusa.com	
Kentucky Attorney General	Kent Chandler Executive Staff Advisor Kentucky Public Service Commission 211 Sower Blvd. Frankfort, KENTUCKY 40601 UNITED STATES kent.chandler@ky.gov	Larry Cook Kentucky Attorney General 700 Capitol Ave. Frankfort, KENTUCKY 40601 larry.cook@ky.gov
Kentucky Attorney General		Justin M. McNeil Assistant Attorney General Attorney General of Kentucky 700 Capitol Ave, Suite 20 Frankfort, KENTUCKY 40511 Justin.McNeil@ky.gov
Lightstone Generation LLC	Brooksany Barrowes Baker Botts LLP 1301 Pennsylvania Avenue, N.W. Washington, DISTRICT OF COLUMBIA 20004 UNITED STATES brooksany.barrowes@kirkland.com	
Long Island Lighting Company d/b/a Power Supply Long Island, , a wholly-owned subsidiary of the Long Island Power Authority (collectively, LIPA)	Joseph Nelson Member Van Ness Feldman, LLP 1050 Thomas Jefferson St, NW; Ste 700 Washington, DISTRICT OF COLUMBIA 20007 UNITED STATES jbn@vnf.com	Darshana Singh Attorney Van Ness Feldman LLP 1050 Thomas Jefferson Street, NW Washington, DISTRICT OF COLUMBIA 20007 dxs@vnf.com
Longroad Development Company, LLC	Larry Eisenstat Partner Crowell & Moring LLP 1001 Pennsylvania Ave. N.W. Washington, DISTRICT OF COLUMBIA 20004 UNITED STATES leisenstat@crowell.com	Patricia M Alexander Advisor Crowell & Moring LLP 1001 Pennsylvania Ave. N.W. Washington, DISTRICT OF COLUMBIA 20004 palexander@crowell.com
Longroad Development Company, LLC		Diana Jeschke Crowell & Moring LLP 1001 Pennsylvania Ave NW Washington, DISTRICT OF COLUMBIA 20004 djeschke@crowell.com Vanessa Kwong Counsel Longroad Energy Management, LLC 735 Montgomery Street Suite 480 San Francisco, CALIFORNIA 94111 vanessa.kwong@longroadenergy.com
Longroad Development Company, LLC		
LS Power	Tom Hoatson	

<p>1 Tower Center East Brunswick, NEW JERSEY 08816 UNITED STATES thoatson@lspower.com Neil Levy 500 North Capitol Street, NW Washington, DISTRICT OF COLUMBIA 20001 UNITED STATES nlevy@mwe.com Neil Levy McDermott Will & Emery LLP 500 North Capitol Street, NW Washington, DISTRICT OF COLUMBIA 20001 UNITED STATES nlevy@mwe.com Ankush Nayar Assistant Attorney General - M Maryland Energy Administration 1800 Washington Blvd Suite 755 Baltimore, MARYLAND 21230 UNITED STATES ankush.nayar1@maryland.gov Miles Mitchell Deputy General Counsel Maryland Public Service Commission 6 St. Paul Street 16th Floor, William Donald Schaefer Tower Baltimore, MARYLAND 21202 UNITED STATES miles.mitchell@maryland.gov Michael Moody Michigan Attorney General Michigan Attorney General 525 West Ottawa Lansing, MICHIGAN 48909 UNITED STATES moodym2@michigan.gov Christopher Berendt Partner Faegre Drinker Biddle & Reath LLP 1500 K Street NW Washington DC, DISTRICT OF COLUMBIA 20005 UNITED STATES christopher.berendt@faegredrinker.com Sarah Knowlton General Counsel 116 North Main Street Concord, NEW HAMPSHIRE 03301 UNITED STATES sarah.knowlton@libertyutilities.com Jeffrey Mayes General Counsel Monitoring Analytics, LLC 2621 Van Buren Avenue, Suite 160 Valley Forge Corporate Center Eagleville, PENNSYLVANIA 19403 UNITED STATES jeffrey.mayes@monitoringanalytics.com Monitoring Analytics, LLC Monitoring Analytics, LLC 2621 Van Buren Avenue, Suite 160 Norristown, PENNSYLVANIA 19403 Suzette.Krausen@monitoringanalytics.com Joseph Bowring Monitoring Analytics, LLC 2621 Van Buren Avenue, Suite 160 Norristown, PENNSYLVANIA 19403 Joseph.Bowring@monitoringanalytics.com National Mining Association Bruce Watzman Sr. VP</p>	<p>Emily J Maus Associate DRINKER, BIDDLE & REATH 1500 K St NW Washington, DISTRICT OF COLUMBIA 20005 emily.maus@dbr.com Patrick Taylor Patrick.Taylor@algonquinpower.com Suzette N Krausen Executive Assistant Monitoring Analytics, LLC 2621 Van Buren Ave Ste 160 Norristown, PENNSYLVANIA 19403 Suzette.Krausen@monitoringanalytics.com Joseph Bowring Monitoring Analytics, LLC 2621 Van Buren Avenue, Suite 160 Norristown, PENNSYLVANIA 19403 Joseph.Bowring@monitoringanalytics.com</p>
---	--

National Rural Electric Cooperative Association

101 Constitution Avenue, NW
Suite 500 East
Washington, DISTRICT OF COLUMBIA 20001
UNITED STATES
bwatzman@nma.org
Randolph Elliott
Partner
National Rural Electric Cooperative Association
1301 K Street N.W.
Washington, DISTRICT OF COLUMBIA 20005
UNITED STATES
relliott@mccarter.com

Adrienne E Clair
Thompson Coburn LLP
Thompson Coburn LLP
1909 K Street NW
Suite 600
Washington, DISTRICT OF COLUMBIA 20006
aclair@thompsoncoburn.com

NATURAL RESOURCES DEFENSE COUNCIL

Tom Rutigliano
Sr. Advocate
NATURAL RESOURCES DEFENSE COUNCIL
1124 15th St. NW
Suite 300
Washington, DISTRICT OF COLUMBIA 20005
UNITED STATES
trutigliano@nrdc.org

New Jersey Board of Public Utilities

Alex Moreau
Deputy Attorney General
State of New Jersey, Law & Public Safety, Division of Law
Law & Public Safety, Division of Law, 124 Halsey Street
P.O. Box 45029
Newark, NEW JERSEY 07101
UNITED STATES
Alex.Moreau@law.njoag.gov

New Jersey Board of Public Utilities

Cynthia Holland
New Jersey Board of Public Utilities
44 South Clinton Avenue
Trenton, NEW JERSEY 08625-0350
Cynthia.Holland@bpu.nj.gov

New Jersey Board of Public Utilities

Zainab Nawaz
FERC Specialist
New Jersey Board of Public Utilities
44 South Clinton Ave
Trenton, NEW JERSEY 08625
zainab.nawaz@bpu.nj.gov

New Jersey Board of Public Utilities

Joseph DeLosa, III
FERC Specialist
New Jersey Board of Public Utilities
44 S. Clinton Ave
Trenton, NEW JERSEY 08609
joseph.delosa@bpu.nj.gov

New Jersey Board of Public Utilities

Paul Youchak
Attorney General of the State of New Jersey
25 Market Street
Trenton, NEW JERSEY 08611
UNITED STATES
paul.youchak@law.njoag.gov

Pamela L Owen, ESQ
Attorney General of the State of New Jersey
pamela.owen@law.njoag.gov

New Jersey Board of Public Utilities

Paul Youchak
New Jersey Department of Law and Public Safety
25 Market Street
Trenton, NEW JERSEY 08611
UNITED STATES
paul.youchak@law.njoag.gov

Joseph DeLosa, III
FERC Specialist
New Jersey Board of Public Utilities
44 S. Clinton Ave
Trenton, NEW JERSEY 08609
joseph.delosa@bpu.nj.gov

New Jersey Board of Public Utilities

Cynthia Holland
New Jersey Board of Public Utilities
44 South Clinton Avenue
Trenton, NEW JERSEY 08625-0350
UNITED STATES
Cynthia.Holland@bpu.nj.gov

Emily Smithman
Emily.Smithman@bpu.nj.gov

New York Power Authority	Glenn Haake Principal Attorney New York Power Authority 30 South Pearl Street Albany, NEW YORK 12207 UNITED STATES Glenn.Haake@nypa.gov Justin Atkins Regulatory Counsel Avangrid Renewables, LLC 1125 NW Couch St. Suite 700 Portland, OREGON 92709 UNITED STATES justin.atkins@avangrid.com David Lodemore Senior Counsel, National Grid National Grid USA 40 Sylvan Road Waltham, MASSACHUSETTS 02451 UNITED STATES david.lodemore@nationalgrid.com Richard Feathers North Carolina Electric Membership Corporation PO Box 27306 Select or enter,NORTH CAROLINA 27611-7306 UNITED STATES rick.feathers@ncemcs.com Charles Bayless Associate General Counsel North Carolina Electric Membership Corporation 3400 Sumner Boulevard Raleigh, NORTH CAROLINA 27616 UNITED STATES charlie.bayless@ncemcs.com Sean Beeny Attorney INDIVIDUAL 1301 K Street N.W. Suite 1000 West Washington, DISTRICT OF COLUMBIA 20005 UNITED STATES sbeeny@mccarter.com Denise Goulet Partner McCarter & English, LLP 1301 K Street, N.W. Suite 1000 West Washington, DISTRICT OF COLUMBIA 20005 UNITED STATES dgoulet@mccarter.com Alan Robbins Member Jennings, Strouss & Salmon, P.L.C. 1350 I Street NW Suite 810 Washington, DISTRICT OF COLUMBIA 20005 UNITED STATES arobbins@jsslaw.com Debra Roby Member Jennings, Strouss & Salmon, P.L.C. 1350 I Street NW Suite 810 Washington, DISTRICT OF COLUMBIA	Brenda Lynam Legal North Carolina Electric Membership Corporation PO Box 27306 Raleigh,NORTH CAROLINA 27611-7306 brenda.lynam@ncemcs.com
Niagara Mohawk d/b/a/ National Grid	David Lodemore Senior Counsel, National Grid National Grid USA 40 Sylvan Road Waltham, MASSACHUSETTS 02451 UNITED STATES david.lodemore@nationalgrid.com Richard Feathers North Carolina Electric Membership Corporation PO Box 27306 Select or enter,NORTH CAROLINA 27611-7306 UNITED STATES rick.feathers@ncemcs.com Charles Bayless Associate General Counsel North Carolina Electric Membership Corporation 3400 Sumner Boulevard Raleigh, NORTH CAROLINA 27616 UNITED STATES charlie.bayless@ncemcs.com Sean Beeny Attorney INDIVIDUAL 1301 K Street N.W. Suite 1000 West Washington, DISTRICT OF COLUMBIA 20005 UNITED STATES sbeeny@mccarter.com Denise Goulet Partner McCarter & English, LLP 1301 K Street, N.W. Suite 1000 West Washington, DISTRICT OF COLUMBIA 20005 UNITED STATES dgoulet@mccarter.com Alan Robbins Member Jennings, Strouss & Salmon, P.L.C. 1350 I Street NW Suite 810 Washington, DISTRICT OF COLUMBIA 20005 UNITED STATES arobbins@jsslaw.com Debra Roby Member Jennings, Strouss & Salmon, P.L.C. 1350 I Street NW Suite 810 Washington, DISTRICT OF COLUMBIA	Brenda Lynam Legal North Carolina Electric Membership Corporation PO Box 27306 Raleigh,NORTH CAROLINA 27611-7306 brenda.lynam@ncemcs.com
North Carolina Electric Membership Corporation	Richard Feathers North Carolina Electric Membership Corporation PO Box 27306 Select or enter,NORTH CAROLINA 27611-7306 UNITED STATES rick.feathers@ncemcs.com Charles Bayless Associate General Counsel North Carolina Electric Membership Corporation 3400 Sumner Boulevard Raleigh, NORTH CAROLINA 27616 UNITED STATES charlie.bayless@ncemcs.com Sean Beeny Attorney INDIVIDUAL 1301 K Street N.W. Suite 1000 West Washington, DISTRICT OF COLUMBIA 20005 UNITED STATES sbeeny@mccarter.com Denise Goulet Partner McCarter & English, LLP 1301 K Street, N.W. Suite 1000 West Washington, DISTRICT OF COLUMBIA 20005 UNITED STATES dgoulet@mccarter.com Alan Robbins Member Jennings, Strouss & Salmon, P.L.C. 1350 I Street NW Suite 810 Washington, DISTRICT OF COLUMBIA 20005 UNITED STATES arobbins@jsslaw.com Debra Roby Member Jennings, Strouss & Salmon, P.L.C. 1350 I Street NW Suite 810 Washington, DISTRICT OF COLUMBIA	Brenda Lynam Legal North Carolina Electric Membership Corporation PO Box 27306 Raleigh,NORTH CAROLINA 27611-7306 brenda.lynam@ncemcs.com
North Carolina Electric Membership Corporation	Charles Bayless Associate General Counsel North Carolina Electric Membership Corporation 3400 Sumner Boulevard Raleigh, NORTH CAROLINA 27616 UNITED STATES charlie.bayless@ncemcs.com Sean Beeny Attorney INDIVIDUAL 1301 K Street N.W. Suite 1000 West Washington, DISTRICT OF COLUMBIA 20005 UNITED STATES sbeeny@mccarter.com Denise Goulet Partner McCarter & English, LLP 1301 K Street, N.W. Suite 1000 West Washington, DISTRICT OF COLUMBIA 20005 UNITED STATES dgoulet@mccarter.com Alan Robbins Member Jennings, Strouss & Salmon, P.L.C. 1350 I Street NW Suite 810 Washington, DISTRICT OF COLUMBIA 20005 UNITED STATES arobbins@jsslaw.com Debra Roby Member Jennings, Strouss & Salmon, P.L.C. 1350 I Street NW Suite 810 Washington, DISTRICT OF COLUMBIA	Brenda Lynam Legal North Carolina Electric Membership Corporation PO Box 27306 Raleigh,NORTH CAROLINA 27611-7306 brenda.lynam@ncemcs.com
North Carolina Electric Membership Corporation	Sean Beeny Attorney INDIVIDUAL 1301 K Street N.W. Suite 1000 West Washington, DISTRICT OF COLUMBIA 20005 UNITED STATES sbeeny@mccarter.com Denise Goulet Partner McCarter & English, LLP 1301 K Street, N.W. Suite 1000 West Washington, DISTRICT OF COLUMBIA 20005 UNITED STATES dgoulet@mccarter.com Alan Robbins Member Jennings, Strouss & Salmon, P.L.C. 1350 I Street NW Suite 810 Washington, DISTRICT OF COLUMBIA 20005 UNITED STATES arobbins@jsslaw.com Debra Roby Member Jennings, Strouss & Salmon, P.L.C. 1350 I Street NW Suite 810 Washington, DISTRICT OF COLUMBIA	Brenda Lynam Legal North Carolina Electric Membership Corporation PO Box 27306 Raleigh,NORTH CAROLINA 27611-7306 brenda.lynam@ncemcs.com
North Carolina Electric Membership Corporation	Denise Goulet Partner McCarter & English, LLP 1301 K Street, N.W. Suite 1000 West Washington, DISTRICT OF COLUMBIA 20005 UNITED STATES dgoulet@mccarter.com Alan Robbins Member Jennings, Strouss & Salmon, P.L.C. 1350 I Street NW Suite 810 Washington, DISTRICT OF COLUMBIA 20005 UNITED STATES arobbins@jsslaw.com Debra Roby Member Jennings, Strouss & Salmon, P.L.C. 1350 I Street NW Suite 810 Washington, DISTRICT OF COLUMBIA	Brenda Lynam Legal North Carolina Electric Membership Corporation PO Box 27306 Raleigh,NORTH CAROLINA 27611-7306 brenda.lynam@ncemcs.com
North Carolina Electric Membership Corporation	Alan Robbins Member Jennings, Strouss & Salmon, P.L.C. 1350 I Street NW Suite 810 Washington, DISTRICT OF COLUMBIA 20005 UNITED STATES arobbins@jsslaw.com Debra Roby Member Jennings, Strouss & Salmon, P.L.C. 1350 I Street NW Suite 810 Washington, DISTRICT OF COLUMBIA	Brenda Lynam Legal North Carolina Electric Membership Corporation PO Box 27306 Raleigh,NORTH CAROLINA 27611-7306 brenda.lynam@ncemcs.com
Northern Virginia Electric Cooperative, Inc.	Alan Robbins Member Jennings, Strouss & Salmon, P.L.C. 1350 I Street NW Suite 810 Washington, DISTRICT OF COLUMBIA 20005 UNITED STATES arobbins@jsslaw.com Debra Roby Member Jennings, Strouss & Salmon, P.L.C. 1350 I Street NW Suite 810 Washington, DISTRICT OF COLUMBIA	Patrick Toulme Northern Virginia Electric Cooperative, 10323 Lomond Drive Manassas, VIRGINIA 20109 ptoulme@novec.com
Northern Virginia Electric Cooperative, Inc.	Debra Roby Member Jennings, Strouss & Salmon, P.L.C. 1350 I Street NW Suite 810 Washington, DISTRICT OF COLUMBIA	Robert Bisson 10323 Lomond Drive P.O. Box 2710 Manassas, VIRGINIA 20108 RBisson@NOVEC.com

20009
 UNITED STATES
 droby@jsslaw.com
 Andrea Sarmentero
 Jennings, Strouss & Salmon, P.L.C.
 1350 I Street NW
 Northern Virginia
 Suite 810
 Electric
 Washington, DISTRICT OF COLUMBIA
 Cooperative, Inc. 20005

Michael J. Dailey
 Northern Virginia Electric Cooperative,
 10323 Lomond Drive
 Manassas, VIRGINIA 20109
 mdailey@novec.com

UNITED STATES
 asarmentero@jsslaw.com
 Abraham Silverman
 Assistant General Counsel - Re
 NRG Energy, Inc.
 211 Carnegie Center Drive
 Princeton, NEW JERSEY 08540
 NRG Power
 Marketing LLC
 and GenOn
 Energy
 Management,
 LLC

Neal Fitch
 Dir. East Regulatory Affairs
 NRG Energy, Inc.
 211 Carnegie Center
 Princeton, NEW JERSEY 08540
 neal.fitch@nrgenergy.com

UNITED STATES
 abc.silverman@nrg.com
 Cortney Slager
 Assistant General Counsel - Re
 NRG Companies
 804 Carnegie Center
 Princeton, NEW JERSEY 08540
 NRG Power
 Marketing LLC
 and GenOn
 Energy
 Management,
 LLC

UNITED STATES
 cortney.slager@nrg.com
 Jennifer Hsia
 NRG Energy
 211 Carnegie Center
 Princeton, NEW JERSEY 08540
 NRG Power
 Marketing LLC
 and GenOn
 Energy
 Management,
 LLC

UNITED STATES
 jennifer.hsia@nrg.com
 Jonathan Rund
 Associate General Counsel
 NUCLEAR ENERGY INSTITUTE
 Nuclear Energy Institute
 1201 F Street, NW, Suite 1100
 Washington, DISTRICT OF COLUMBIA
 20004

NUCLEAR
 ENERGY
 INSTITUTE
 UNITED STATES
 jmr@nei.org
 Sarah Kogel-Smucker
 Special Assistant Corporation
 Office of the Attorney General for the
 District of Columbia
 441 4th Street NW
 Washington, DISTRICT OF COLUMBIA
 20001

Office of the
 Attorney General
 for the District of
 Columbia
 UNITED STATES
 sarah.kogel-smucker@dc.gov
 Steven Goldstein
 Special Assistant Attorney Gen
 Office of the Attorney General of Maryland
 200 Saint Paul Place
 20th Floor
 Baltimore, MARYLAND 21202
 Office of the
 Attorney General
 of Maryland
 UNITED STATES
 sgoldstein@oag.state.md.us

Dwayne C Houston
 Litigation Assistant
 Office of the People's Counsel for the District
 of Columbia
 1133 15th Street, NW
 Suite 500
 Washington, DISTRICT OF COLUMBIA 20005
 dhouston@opc-dc.gov

Office of the
 People's Counsel
 for the District of
 Columbia
 Sandra Mattavous-Frye
 Deputy People's Counsel
 smfrye@opc-dc.gov

Ohio
 Manufacturers'
 Association
 Energy Group
 Brian Dressel
 Carpenter Lipps & Leland LLP
 280 North High Street
 Suite 1300
 Columbus, OHIO 43215

Ohio
Manufacturers'
Association
Energy Group

UNited States
dressel@carpenterlipps.com
Kimberly Bojko
Attorney
Carpenter Lipps & Leland LLP
280 N High Street, Suite 1300
Columbus, OHIO 43215
UNITED STATES
bojko@carpenterlipps.com

Old Dominion
Electric
Cooperative

Adrienne Clair
Thompson Coburn LLP
Thompson Coburn LLP
1909 K Street NW
Suite 600
Washington, DISTRICT OF COLUMBIA
20006
UNITED STATES
aclair@thompsoncoburn.com

Olympus Power,
LLC

Sean Lane
EVP-Government Affairs
67 park place east
4th floor
morristown, NEW JERSEY 07960
UNITED STATES
slane@olympuspower.com

William D DeGrandis
Partner
Paul Hastings LLP
875 15TH STREET, NW
Washington, DISTRICT OF COLUMBIA 20005
billdegrandis@paulhastings.com

Olympus Power,
LLC

Jenna McGrath
Associate
Paul Hastings LLP
875 15th Street, N.W.
Washington, DISTRICT OF COLUMBIA 20005
jennamcgrath@paulhastings.com

Orange and
Rockland
Utilities, Inc.

Susan LoFrumento
Associate Counsel
Consolidated Edison Company of New York,
Inc.
4 Irving Place
New York, NEW YORK 10003
UNITED STATES
lofrumentos@coned.com

Organization of
PJM States, Inc.

Gregory Carmean
Executive Director
Organization of PJM States, Inc.
249 East Main Street
Newark, DELAWARE 19711
UNITED STATES
greg@opsi.us

Panda Power
Generation
Infrastructure
Fund, LLC

Robert O'Connell
Director, Regulatory Affairs
Panda Power Funds
1033 Squires Drive
West Chester, PENNSYLVANIA 19382
UNITED STATES
boconnell@pandafunds.com

Pennsylvania
Coal Alliance

Rachel Gleason
Executive Director
Pennsylvania Coal Alliance
212 North Third Street
Suite 203
Harrisburg, PENNSYLVANIA 17101
UNITED STATES
gleason@pacoal.org

Pennsylvania
Energy
Consumer
Alliance

Pamela Polacek
McNees Wallace & Nurick LLC
PO Box 1166
Harrisburg, PENNSYLVANIA 17108-1166
UNITED STATES
ppolacek@mwn.com

Kenneth R Stark
McNees Wallace & Nurick LLC
100 Pine Street
Harrisburg, PENNSYLVANIA 17101
kstark@mcneeslaw.com

Pennsylvania
Public Utility

Aspassia Staevska
Assistant Counsel

	<p>Pennsylvania Public Utility Commission 400 North Street Harrisburg, PENNSYLVANIA 17120 UNITED STATES astaevska@pa.gov Robert Weishaar McNees Wallace & Nurick LLC 1200 G Street, NW Suite 800 Washington, DISTRICT OF COLUMBIA 20005 UNITED STATES bweishaar@mcneeslaw.com</p>	
PJM Industrial Customer Coalition		<p>Susan E Bruce McNees Wallace & Nurick LLC 100 Pine St Harrisburg, PENNSYLVANIA 17101 sbruce@mcneeslaw.com</p>
PJM Industrial Customer Coalition		<p>Kenneth R Stark McNees Wallace & Nurick LLC 100 Pine Street Harrisburg, PENNSYLVANIA 17101 kstark@mcneeslaw.com</p>
PJM Industrial Customer Coalition		<p>David S. Mabry McNees Wallace & Nurick LLC 100 Pine Street Harrisburg, PENNSYLVANIA 17101 dmabry@mwn.com</p>
PJM Industrial Customer Coalition		<p>Lauren Huff Paralegal McNees Wallace & Nurick LLC 100 Pine Street P.O. Box 1166 Harrisburg, PENNSYLVANIA 17108 lhuff@mwn.com</p>
PJM Interconnection, L.L.C.	<p>Chenchao Lu Counsel PJM Interconnection, L.L.C. 2750 Monroe Blvd. Audubon, PENNSYLVANIA 19403 UNITED STATES chenchao.lu@pjm.com</p>	<p>Jennifer H Tribulski, ESQ Senior Counsel PJM Interconnection, L.L.C. 2750 Monroe Boulevard Audubon, PENNSYLVANIA 19403 jennifer.tribulski@pjm.com</p>
PJM Interconnection, L.L.C.		<p>CRAIG GLAZER V.P., Federal Gov't Policy PJM Interconnection, L.L.C. 1200 G Street, N.W. Suite 600 Washington, DISTRICT OF COLUMBIA 20005 CRAIG.GLAZER@PJM.COM</p>
PJM Interconnection, L.L.C.	<p>Paul Flynn PJM Interconnection, L.L.C. 1200 G St. NW Suite 600 Washington, DISTRICT OF COLUMBIA 20005 UNITED STATES flynn@wrightlaw.com</p>	
PJM Interconnection, L.L.C.	<p>Ryan Collins Attorney PJM Interconnection, L.L.C. 1200 G Street, N.W., Suite 600 Washington, DISTRICT OF COLUMBIA 20005 UNITED STATES collins@wrightlaw.com</p>	
PJM Power Providers Group	<p>Glen Thomas 1060 First Avenue Suite 400 King of Prussia, PENNSYLVANIA 19406 UNITED STATES gthomas@gtpowergroup.com</p>	<p>Diane L Slifer 1060 First Avenue Suite 400 King of Prussia, PENNSYLVANIA 19406 dslifer@gtpowergroup.com</p>
PJM Power Providers Group		<p>Laura Chappelle 4218 Jacob Meadows</p>

Potomac Economics, Ltd.	David Patton Potomac Economics 9990 Fairfax Blvd Suite 560 Fairfax, VIRGINIA 22030 UNITED STATES dpatton@potomaceconomics.com	
PUBLIC CITIZEN, INC	Tyson Slocum Director Public Citizen's Energy Program 215 Pennsylvania Ave SE Washington, DISTRICT OF COLUMBIA 20003 UNITED STATES tslocum@citizen.org	
Public Service Commission of Kentucky		Quang D Nguyen Staff Counsel Kentucky Public Service Commission 211 Sower Boulevard Frankfort, KENTUCKY 40602 quangd.nguyen@ky.gov
Public Service Commission of the District of Columbia	Craig Berry Attorney Advisor Public Service Commission of the District of Columbia 1325 G Street, N.W., Suite 800 Washington, DISTRICT OF COLUMBIA 20005 UNITED STATES cberry@psc.dc.gov	Craig W. Berry, ESQ Attorney Advisor Public Service Commission of the District of Columbia 1325 G Street, N.W., Suite 800 Washington, DISTRICT OF COLUMBIA 20005 cberry@psc.dc.gov
Public Service Commission of the District of Columbia		Kenneth L Glick Attorney Advisor D.C. Public Service Commission 1325 G Street, NW Sixth Floor Washington, D.C., DISTRICT OF COLUMBIA 20005 kglick@psc.dc.gov
Public Service Commission of West Virginia	Robert Adkins Law Clerk Public Service Commission of West Virginia 201 Brooks Street Charleston, WEST VIRGINIA 25526 UNITED STATES radkins@psc.state.wv.us	
Public Utilities Commission of Ohio	Thomas McNamee Assistant Attorney General Ohio Public Utilities Commission 30 East Broad Street 16th fl Columbus, OHIO 43215 UNITED STATES thomas.mcnamee@ohioattorneygeneral.gov	
Rochester Gas and Electric Corporation	Justin Atkins Regulatory Counsel Avangrid Renewables, LLC 1125 NW Couch St. Suite 700 Portland, OREGON 92709 UNITED STATES justin.atkins@avangrid.com	
Rockland Capital	Travis Stewart Associate GABEL ASSOCIATES 417 Denison Street Highland Park, NEW JERSEY 08904 UNITED STATES travis.stewart@gabelassociates.com	Scott Harlan Rockland Capital 24 Waterway Avenue Suite 800 The Woodlands, TEXAS 77380 scott.harlan@rocklandcapital.com

Rockland Electric Company

Margaret Comes
Senior Attorney
Consolidated Edison Company of New York, Inc.
4 Irving Place - Room 1815-S
New York, NEW YORK 10003
UNITED STATES
comesm@coned.com

Brian E. Wilkie
Project Specialist
Consolidated Edison Company of New York, Inc.
Consolidated Edison Company of New York, Inc.
4 Irving Place, NEW YORK 10003
wilkieb@coned.com

Sabin Center for Climate Change Law

Romany Webb
Sabin Center for Climate Change Law
Columbia Law School
435 W 116th St
New York City, NEW YORK 10027
UNITED STATES
rwebb@law.columbia.edu

Sandy Ridge Wind, LLC

Sarah Knowlton
General Counsel
116 North Main Street
Concord, NEW HAMPSHIRE 03301
UNITED STATES
sarah.knowlton@libertyutilities.com

Patrick Taylor
Patrick.Taylor@algonquinpower.com

Sierra Club

Kim Smaczniak
EARTHJUSTICE
1625 Massachusetts Avenue NW
Suite 702
Washington, DISTRICT OF COLUMBIA 20036
UNITED STATES
ksmaczniak@earthjustice.org

Casey Roberts
Senior Attorney
Sierra Club
1536 Wynkoop St, Suite 200
Denver, COLORADO 80202
casey.roberts@sierraclub.org

Southern Maryland Electric Cooperative, Inc.

John Rohrbach
ACES POWER MARKETING
4140 West 99th Street
Carmel, INDIANA 46032
UNITED STATES
JRohrbach@acespower.com

Eugene Bradford
Vice President, Rates and Ener
SOUTHERN MARYLAND ELECTRIC COOP INC
15035 Burnt Store Rd.
Hughesville, MARYLAND 20637
Eugene.Bradford@smeco.coop

Southern Maryland Electric Cooperative, Inc.

Mark MacDougall
Senior Vice President and Gene
Southern Maryland Electric Cooperative, Inc.
PO Box 1937
Hughesville, 20637-1937
mark.macdougall@smeco.coop

Southern Maryland Electric Cooperative, Inc.

John Rohrbach
ACES POWER MARKETING
4140 West 99th Street
Carmel, INDIANA 46032
JRohrbach@acespower.com

Starwood Energy Group Global, L.L.C.

Jonathan Gottlieb
Partner
Eversheds Sutherland (US) LLP
700 Sixth Street, NW, Suite 700
Washington, DISTRICT OF COLUMBIA 20001-3980
UNITED STATES
JonathanGottlieb@eversheds-sutherland.com

Jeffrey Delgado
Senior Vice President
Starwood Energy Group Global, LLC
5 Greenwich Office Park
Greenwich, CONNECTICUT 06831
jdelgado@starwood.com

Starwood Energy Group Global, L.L.C.

Meghan Gruebner
Eversheds Sutherland (US) LLP
15 Buttrick Road
INC000000187608
Londonderry, NEW HAMPSHIRE 03053
UNITED STATES
meghan.gruebner@libertyutilities.com

Steel Producers

Damon Xenopoulos
Principal
Stone Mattheis Xenopoulos & Brew, PC
1025 Thomas Jefferson Street NW
WASHINGTON, DISTRICT OF COLUMBIA 20007
UNITED STATES
dex@smxblaw.com

Shaun C Mohler, ESQ
Shaun C. Mohler, Esq.
Stone Mattheis Xenopoulos & Brew, PC
1025 Thomas Jefferson Street, NW
8th Floor, West Tower
Washington, DISTRICT OF COLUMBIA 20007
shaun.mohler@smxblaw.com

Sustainable FERC Project

John Moore
Senior Attorney
Sustainable FERC Project
2 N Riverside Plz Ste 2250
RTS-RETURN TO SENDER
Chicago, ILLINOIS 60606-2640
UNITED STATES
moore.fercproject@gmail.com

Talen Energy Marketing, LLC

Debra Raggio
Senior Vice President, Regulat
Talen Energy Corporation
117 Oronoco Street
Alexandria, VIRGINIA 22314
UNITED STATES
debra.raggio@talenergy.com

Tenaska Inc.

Bradley Heisey
Senior Vice President
Tenaska Inc.
14302 FNB Parkway
Omaha, NEBRASKA 68154
UNITED STATES
bheisey@tenaska.com

Drew J. Fossum
VP and General Counsel
Tenaska Marketing Ventures
11718 Nicholas Street
Omaha, NEBRASKA 68154
dfossum@tenaska.com

The AES Corporation

Randall Griffin
Chief Regulatory Counsel
Dayton Power and Light Company, The
1065 Woodman Drive
Dayton, OHIO 45432
UNITED STATES
randall.griffin@aes.com

John W Horstmann
Dayton Power and Light Company, The
315 Buckwalter Rd
Phoenixville, PENNSYLVANIA 19460
john.horstmann@aes.com

The Dayton Power and Light Company

Randall Griffin
Chief Regulatory Counsel
Dayton Power and Light Company, The
1065 Woodman Drive
Dayton, OHIO 45432
UNITED STATES
randall.griffin@aes.com

John W Horstmann
Dayton Power and Light Company, The
315 Buckwalter Rd
Phoenixville, PENNSYLVANIA 19460
john.horstmann@aes.com

The Hershey Company

Pamela Polacek
McNees Wallace & Nurick LLC
PO Box 1166
Harrisburg, PENNSYLVANIA 17108-1166
UNITED STATES
ppolacek@mwn.com

UNION OF CONCERNED SCIENTISTS

Michael Jacobs
Sr. Energy Analyst
UNION OF CONCERNED SCIENTISTS
2 Brattle Square
Cambridge, MASSACHUSETTS 02138
UNITED STATES
mjacobs@ucsusa.org

Vistra Energy Corp.

Amanda Frazier
Vistra Energy Corp.
1005 Congress Avenue, Suite 750
Austin, TEXAS 78701
UNITED STATES
Amanda.Frazier@vistraenergy.com

Back to Query Service List	Back to FERConline
--	------------------------------------