

### Notice of RPM Auction Deadlines

#### Problem / Opportunity Statement

The United States Court of Appeals for the Third Circuit's ("Third Circuit") opinion in *PJM Power Providers Grp. v. FERC* recently held that legal consequences attach to past actions absent advanced notice of potential changes.<sup>1</sup> In light of this opinion, PJM has identified a need to include additional notice provisions in the governing documents to allow for corrective mechanisms before the conduct of the capacity auctions. Specifically, PJM believes it is appropriate to include prior notice provisions related to the capacity market in the Tariff that will:

- Allow PJM to extend pre-capacity auction deadlines related to PJM's deadlines to facilitate the orderly administration of the capacity market;
- Provide notice that PJM may submit 205 filings that could, with FERC approval, correct capacity auction rules so long as Market Sellers are allowed to resubmit offers based on any changes that are included in such a 205 filing; and
- Provide notice that no legal consequences attach with posted planning parameters prior to the commencement of the auction window.

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<sup>1</sup> *PJM Power Providers Grp. v. FERC*, 96 F.4th 390 (3d Cir. 2024).