

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.¹ In light of this opinion, PJM has identified a need to include additional notice provisions in the governing documents to allow for ~~additional flexibility in timelines associated with pre-auction activities for RPM Auctions~~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 ~~obligations~~deadlines to facilitate the orderly administration of the capacity market;
- ~~Expressly provide~~Provide notice that PJM may submit 205 filings that ~~would allow changes to any~~could, with FERC approval, correct capacity auction rules so long as ~~they are filed in advance of the commencement of the auction window~~Market Sellers are allowed to resubmit offers based on any changes that are included in such a 205 filing; and
- ~~Explicitly provide~~Provide notice that no legal ~~consequence~~consequences attach with posted planning parameters prior to the commencement of the auction window.

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

