

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 that would 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, if filed sufficiently in advance, correct capacity auction rules provided FERC has approved such rules, and that such rules are known in advance of the commencement of the auction window to allow those submitting offers to do so in reliance on conclusive rules and the orderly administration of the capacity market. Market Sellers would be permitted to revise any relevant pre-auction elections that occurred prior to FERC approval of any auction rule changes, which could require a delay in the relevant auction; and
- Explicitly provide notice that no legal consequence are attached with posted planning parameters, however PJM is required to seek Member recommendation of any changes to the IRM or FPR prior to the commencement of the auction window.

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