

ATLANTIC SHORES OFFSHORE WIND, LLC COMMENTS ON PJM QUEUE REFORM SITE CONTROL PROVISIONS

April 19, 2022

Atlantic Shores Offshore Wind, LLC (Atlantic Shores) appreciates the opportunity to provide these comments on one narrow issue involving PJM's proposed queue reforms: Site Control requirements. As highlighted by the revisions proposed by Dominion, PSEG and Orsted (Dominion Proposal), PJM's proposed Site Control language warrants minor adjustments to reflect the unique realities faced by offshore wind developers. Unlike onshore energy projects, offshore wind projects enter a multi-year approval process through the Department of Interior where multiple federal agencies review and provide input on all aspects project design. At the end of this review, a project is granted Construction and Operation (COP) approval if all key requirements have been met. State approvals, which are oftentimes connected to local approvals, are predicated on COP approval. During this entire process site control is not secured through a single process but a series of consultations and meetings to ensure design reflects local community needs. In addition to generally supporting the Dominion Proposal edits to Site Control requirements, Atlantic Shores provides additional suggestions below.

Types of Documents Demonstrating Site Control

First, under the Site Control Evidentiary Requirements (e.g., Tariff Parts VII and VIII, Subpart A.3), PJM lists three types of proof of Site Control are categorically prohibited:

- (i) Memorandums are not acceptable
- (ii) Documentation solely evidencing an intent to purchase or control lands is not acceptable.
- (iii) Rights of Way are only acceptable for Project Developer Interconnection Facilities up to the Point of Interconnection.

This proposed provisions potentially create unforeseen problems for offshore wind developers. For example, regarding (i), state and federal agencies often utilize memorandums in the process of granting Site Control. Regarding (ii), federal and state programs regarding government-controlled property often involves the applicable governmental entity executing a document of intent for the developer after that developer has obtained the right over all other developers to utilize a specific location for development before executing a lease or other governing document. Finally, it is unclear what (iii) means regarding "up to the Point of Interconnection." All property controlled by a developer from the generating resource to the transmission system is "up to the Point of Interconnection."

To resolve these concerns, and to reflect the unique nature of offshore wind project site control, Atlantic Shores recommends that PJM simply delete (b)(i), (ii) and (iii). In the alternative, PJM should clarify that memorandums and other such documents regarding intent are acceptable regarding property owned or controlled by a state or federal governmental agency.

PJM Catch-All

Also in the proposed "Site Control Evidentiary Requirements," Section B(b)(4) includes a catch-all provision granting PJM discretion to approve of certain document types not otherwise specified in the tariff ("as deemed acceptable by the Transmission Provider, any other contractual or legal right to possess, occupy and control on or more parcels of land"). ***Atlantic Shores supports language that gives PJM some flexibility on this point but recommends adding that PJM "will not unreasonably withhold approval of such documents given the circumstances, including when obtaining control from a state or federal agency" to ensure that PJM exercises its discretion reasonably.***