

**UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION**

New Jersey Board of Public Utilities,	)	
	)	
Complainant,	)	
	)	
v.	)	Docket No. EL18-54-000
	)	
PJM Interconnection, L.L.C., New York	)	
Independent System Operator, Inc.,	)	
Consolidated Edison Company of	)	
New York, Inc., Linden VFT, LLC,	)	
Hudson Transmission Partners, LLC and	)	
New York Power Authority,	)	
	)	
Respondents.	)	

**MOTION OF THE RESPONDENTS  
FOR AN EXTENSION OF TIME TO ANSWER COMPLAINT  
AND FOR AN EXPEDITED RULING**

In accordance with Rules 212 and 2008 of the Commission’s Rules of Practice and Procedure,<sup>1</sup> the Respondents in the above-captioned docket respectfully request additional time to answer the *Complaint of the New Jersey Board of Public Utilities* (“Complaint”) in this proceeding. The Commission issued a notice on December 26, 2017 establishing a January 11, 2018 deadline for answers to the Complaint. The Respondents request that this deadline be extended so that answers would not be due until February 23, 2018.<sup>2</sup> In addition, the Respondents ask that the Commission rule on this request by January 3, 2018.

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<sup>1</sup> 18 C.F.R. §§ 385.213 and 2008 (2017).

<sup>2</sup> Respondents seek an extension of approximately 45 days after the January 11, 2018 deadline set by the notice. Forty-five days after January 11 is Sunday, February 25, 2018, so Respondents ask that the deadline be set for the Friday before February 25.

## **I. REQUEST FOR EXTENSION OF TIME**

Commission Rule 2008 authorizes extensions of time when “good cause” is shown. There is ample justification for the Respondents’ requested extension in this proceeding.

The Complaint was filed on Friday, December 22 and not served on the Respondents until the afternoon. The offices of several of the Respondents were either closed or minimally-staffed on December 22 due to the Christmas holiday. Apart from PJM Interconnection, L.L.C. (“PJM”), the Respondents had no prior notice that the Complaint would be filed.<sup>3</sup> Key personnel who are necessary to respond to the Complaint are not available due to the holidays and will not return until after New Year’s Day. Thus, the majority of the answer period established by the notice will have run before the Respondents will be able to begin working on their answers. The Commission has routinely extended answer periods in such circumstances.<sup>4</sup>

In addition, the Complaint is extremely broad in scope. It implicates many questions and a number of other ongoing proceedings. The Complaint addresses interregional coordination between the New York Independent System Operator, Inc. (“NYISO”) and PJM under their Joint Operating Agreement, the interregional allocation of substantial costs under PJM’s Regional Transmission Expansion Plan, the contractual rights of various parties, the interpretation of the 2009 settlement in Docket No. ER08-858, *et al.*, and compliance with Order No. 1000. The

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<sup>3</sup> The New Jersey Board of Public Utilities notified PJM by telephone on December 21, 2017 that a complaint would be filed the following day.

<sup>4</sup> See *Michael Canales v. Edison International, et al.*, Notice of Extension of Time, Docket No. EL14-11-000, issued January 9, 2014 (granting extension of time to file answer to complaint to account for Christmas and New Year’s holidays); *California Wind Energy Association, et al. v. California Independent System Operator Corporation, et al.*, Docket No. EL14-14-000, issued December 26, 2013 (granting extension of time to answer complaint to account for Christmas and New Year’s holidays); and *Louisiana Public Service Commission, et al. v. Entergy Services, Inc., et al.* Notice of Extension of Time, Docket No. EL01-88-015, issued November 23, 2016 (granting extension of time to file briefs on exceptions and briefs opposing exceptions to account for Christmas and New Year’s holidays).

Complaint also asks the Commission to use this docket to dispose of “inextricably linked”<sup>5</sup> pending issues in Docket Nos. EL17-84, EL17-90, EL17-94, ER17-725, ER17-905 and ER17-950. Each Respondent will need time to consider and respond to all of these issues. This is especially true in light of the various other Commission proceedings with which each Respondent is already involved. In particular, the Commission recently initiated Section 206 proceedings in Docket Nos. EL18-33 and EL18-34 regarding fast-start resource pricing in the NYISO and PJM. These proceedings will require considerable time and attention in the near future.

The fact that the Complaint targets six different respondents with sometimes overlapping but sometimes divergent interests further amplifies the need for an extension. It may be necessary, at least on certain issues, for some Respondents to coordinate their answers. At a minimum, the Respondents will need time to discuss their respective positions with each other. These discussions are likely to be extensive but cannot truly get underway until key personnel return after the holidays.

Finally, granting the requested extension will not harm the interests of the New Jersey Board of Public Utilities (“NJBPU”). The NJBPU did not request fast-track processing or ask for Commission action by any particular date. Affording the Respondents a reasonable time to answer would not prejudice the NJBPU, or New Jersey customers, in any way. By contrast, granting the requested extension is necessary to protect the rights of the Respondents and to ensure the orderly development of a complete and accurate record in this proceeding.

In short, the Commission should grant Respondents’ request and extend the deadline for answers in this docket to February 23, 2018.

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<sup>5</sup> Complaint at 2, 51.

## II. REQUEST FOR EXPEDITED RULING

The Respondents also respectfully request that the Commission act promptly and issue a notice granting the requested extension no later than January 3, 2018. This will enable the Respondents to develop their answers in an orderly fashion after the holidays. To the extent necessary to make Commission action by that date possible, the Respondents ask that the Commission waive the standard five day period for answers to requests for extensions.<sup>6</sup>

## III. CONCLUSION

For the foregoing reasons, the Respondents respectfully ask that the Commission expeditiously grant the extension requested in this motion, and set February 23, 2018 as the deadline for answers in this docket.

Respectfully submitted,

*/s/ Alex M. Schnell*

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<sup>6</sup> 18 C.F.R. § 385.213(d)(1)(i).

*/s/ Neil H. Butterklee*

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*/s/ Pauline Foley*

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## **CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding in accordance with the requirements of Rule 2010 of the Rules of Practice and Procedure, 18 C.F.R. § 385.2010.

Dated at Rensselaer, NY this 28<sup>th</sup> day of December 2017.

By: /s/ John C. Cutting

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