

The ICC is the state utility regulatory commission in Illinois. Given that the outcome of this proceeding could have an impact in Illinois, the ICC's comments are in the public interest. Moreover, no other party can adequately represent the ICC's interests in this matter. Therefore, good cause exists to grant this motion.¹ As such, the ICC respectfully requests that the Commission grant this motion to file comments out of time and consider the comments submitted herein.

II. SUMMARY OF THE MARCH 11 FILING

IMEA states that the March 11 Filing is being made in response to the Commission's March 9, 2015 order² denying IMEA's request for a second year waiver of PJM's internal resource requirement.³ IMEA further states that, because of that denial, it cannot now use the capacity resources that it owns or controls to meet its fixed resource requirement ("FRR") capacity obligation. Nevertheless, IMEA seeks to make those resources available to the PJM market and has begun the process of pseudo-tying those resources to PJM so that they will qualify as fully deliverable and non-curtailable capacity resources.⁴ Until this pseudo-tying process is completed, IMEA seeks to mitigate the costs of procuring the additional capacity resources necessary to comply with PJM's internal resource requirement by selling its capacity into PJM's reliability pricing model ("RPM") auctions, rather than selling that capacity in another region's market.⁵

IMEA notes that the PJM tariff limits the amount of capacity that FRR entities, such as IMEA, are able to sell into the RPM auction. Given that this limitation would preclude IMEA

¹ See, *Trans Alaska Pipeline System, et al.*, 104 FERC ¶ 61,201, at 61,706 (2003) and *Natural Gas Pipeline Company of America*, 66 FERC ¶ 61,310 (1994) (motion granted for good cause shown).

² *Illinois Municipal Electric Agency*, 150 FERC ¶ 61,179 (2015).

³ March 11 Filing, at 2.

⁴ March 11 Filing, at 2.

⁵ March 11 Filing, at 2.

from continuing to make a large portion of its capacity resources available to PJM, IMEA now seeks waiver of those restrictions.⁶

IMEA requests Commission action on its instant waiver request by April 10, 2015.⁷

III. COMMENTS

A. The ICC Supports IMEA's Instant Waiver Request and Recommends that the Commission Grant that Waiver.

The ICC opposed IMEA's request in Docket No. ER15-834-000 to waive the internal resource requirement, because granting that waiver could have imposed extra costs on other customers in the ComEd zone.⁸ Given that the Commission denied IMEA's request to waive the internal resource requirement in that case, IMEA is now seeking waiver of the PJM rules which limit the quantity of capacity an FRR entity may offer into the RPM auction. Granting the waiver that IMEA now requests would not impose negative consequences on other customers in the ComEd zone, and, indeed will benefit customers in the PJM market by enabling the participation of capacity resources that otherwise would be excluded only because of the Commission's denial of IMEA's initial waiver request. Under these current circumstances, the ICC supports IMEA's waiver request and recommends that the Commission grant that waiver.

⁶ March 11 Filing, at 3.

⁷ March 11 Filing, at 1.

⁸ ICC Comments, Docket No. ER15-834-000.

IV. CONCLUSION

WHEREFORE, the ICC requests that the Commission accept these Comments out of time and recommends that the Commission grant IMEA's waiver request in the above-captioned docket.

Respectfully submitted,

/s/

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ILLINOIS COMMERCE COMMISSION

Dated: April 1, 2015

CERTIFICATE OF SERVICE

I hereby certify that I caused copies of the foregoing document of the Illinois Commerce Commission to be served this day 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 Commission's Rules of Practice and Procedure.

Dated at Chicago, Illinois, this 1st day of April, 2015.

Respectfully submitted,

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On behalf of the
ILLINOIS COMMERCE COMMISSION