

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

PJM Interconnection LLC

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Docket No. EL05-121-006

**MOTION FOR LATE INTERVENTION OF
THE AMERICAN WIND ENERGY ASSOCIATION AND
THE SOLAR ENERGY INDUSTRIES ASSOCIATION**

Pursuant to Rules 211 and 214 of the Federal Energy Regulatory Commission's (the "Commission" or "FERC") Rules of Practice and Procedure, and the Commission's January 21, 2010 Order Establishing Paper Hearing Procedure (the "January 21 Order"),¹ the American Wind Energy Association ("AWEA") and the Solar Energy Industries Association ("SEIA") hereby move for late intervention in the above-captioned proceeding. The remand by the U.S. Court of Appeals for the Seventh Circuit² and the corresponding January 21 Order raise new issues in this proceeding that are likely to set precedent respecting the nature and amount of evidence needed to support cost allocation methods for new transmission capacity in PJM and other regions. In light of the current significance of this issue in the context of efforts to build transmission to bring location-constrained, renewable resources to load and because AWEA and SEIA's participation will not disrupt the proceeding or burden the parties to the proceeding, our late intervention would be appropriate and consistent with the Commission's rules governing late intervention.

¹ *PJM Interconnection, L.L.C.*, 130 FERC ¶ 61,052 (2010) (January 21 Order).

² *Illinois Commerce Commission v. FERC*, 576 F.3d 470 (7th Cir. 2009).

I. COMMUNICATIONS

The following persons should be included on the official service list in this proceeding and should be served with all communications concerning this motion:

Gene Grace AWEA Suite 1000 1501 M St NW Washington DC 20005 (202) 383-2529 ggrace@awea.org	Katherine Gensler SEIA Suite 400 575 7th Street, NW Washington, DC 20004 (202) 556-2873 kgensler@seia.org
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II. INTEREST OF AWEA AND SEIA

AWEA is a national trade association representing a broad range of entities with a common interest in encouraging the expansion and facilitation of wind energy resources in the United States. AWEA members include wind turbine manufacturers, component suppliers, project developers, project owners and operators, financiers, researchers, renewable energy supporters, utilities, marketers, customers and their advocates.

SEIA is the national trade association for the solar industry. As the voice of the industry, SEIA works to make solar a mainstream and significant energy source by expanding markets, strengthening research and development, removing market barriers, strengthening the industry, and improving education and outreach for the public on the benefits of solar energy. SEIA represents solar companies across a variety of solar energy technologies, including photovoltaic, solar water

heating, and concentrating solar power. SEIA members include manufacturers, distributors.

AWEA, SEIA, and their members have a vital interest in ensuring that the Commission's policies properly promote transmission development. AWEA and SEIA thus have a direct and substantial interest in the outcome of this proceeding that cannot be adequately represented by any other party.

III. BASIS FOR LATE INTERVENTION

For the reasons discussed below, AWEA and SEIA's late intervention in this proceeding would be consistent with Rule 214(b)(3) and (d). The impact of the Seventh Circuit decision gives rise to good cause for filing at this time. The remand raises new issues that are significant both for the current PJM matter and for similar transmission cost allocation issues that are being and will be raised in other regions. In particular, this proceeding has entered a previously unexpected phase, with a new focus on the nature and amount of evidence required to support a proposed cost allocation methodology.³ Furthermore, permitting AWEA and SEIA's intervention will not disrupt the proceeding. AWEA and SEIA do not, at this time, offer new comments but rather will follow the same timeline to which other parties are subject in this proceeding.⁴ AWEA and SEIA's interests are also not adequately represented by other parties to this proceeding, and its members are

³ The Seventh Circuit's decision provided new guidance on the nature and degree of evidence required to support transmission cost allocation methodologies and, therefore, changed the subject matter and scope of this proceeding in a fashion that was not previously anticipated.

⁴ The Commission recently granted an extension of time to and including April 6, 2010, to submit the information responses required by the Commission's January 21 Order. *PJM Interconnection, L.L.C.*, Docket No. EL05-121-006 (Feb. 22, 2010).

substantial users of transmission not only in PJM but in all regions of the country. Finally, AWEA and SEIA's intervention would not prejudice or impose burdens on existing parties. AWEA and SEIA accept the existing record of the proceeding and seek merely the opportunity to submit comments in accordance with the timeline established in this proceeding.

IV. CONCLUSION

In consideration of the foregoing, AWEA and SEIA respectfully request that the Commission grant their Motion for Late Intervention in this proceeding.

Respectfully submitted,

By: _____/s/ _Gene Grace_

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.

Dated at Washington, DC this February 24, 2010.

_____/s/ Gene Grace_____

Gene Grace