

Alert | Energy & Natural Resources



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FERC Denies Anbaric Complaint, Announces Technical Conference to Examine Grid Access for Offshore Wind Projects

On Nov. 18, 2019, power line developer Anbaric Development Partners, LLC (Anbaric) filed a complaint before the Federal Energy Regulatory Commission (FERC) under sections 206 and 306 of the Federal Power Act against regional grid operator PJM Interconnection, L.L.C. (PJM), claiming that PJM's transmission interconnection procedures in Sections 36.1.03 and 232 of the PJM Open Access Transmission Tariff wrongly bar transmission projects serving planned Atlantic offshore wind farms from hooking up with the grid.

Anbaric's complaint alleged that the PJM Tariff was unduly discriminatory because it denied transmission developers the right to obtain meaningful and material interconnection rights to the PJM transmission system. Anbaric argued that such rights were denied unless the project: (a) connected to another control area outside of PJM, and (b) was either direct current or controllable alternating current. Because Anbaric's offshore Transmission Platform Projects would connect remote offshore wind generation to the PJM transmission system, instead of connecting the PJM transmission system to another control area, PJM would study these projects assuming that they had no ability to inject power onto the PJM Transmission System. Anbaric argued that the PJM interconnection procedures were overly restrictive, thereby making the development of Transmission Platform Projects impossible because they could not offer offshore wind generators the ability to inject their power into the PJM Transmission System. Without changes to PJM's Tariff, the only reasonably available option to connect offshore wind generation

to the PJM Transmission System was through proprietary radial Interconnection Customer's Interconnection Facilities (or "gen-ties").

Anbaric contrasted the PJM Tariff's treatment of transmission platform projects with its treatment of proposed interconnection transmission facilities that were "bundled" with identified offshore wind generating facilities. Anbaric alleged that the PJM Tariff allowed for proposed interconnection transmission facilities that are bundled with offshore wind generation facilities to be studied and provided with meaningful and material interconnection rights. However, there was no technical reason for PJM's differential treatment of bundled versus transmission-only projects in this context.

On June 18, 2020, FERC [denied the complaint](#) and determined that Anbaric did not establish that PJM's existing tariff is unjust, unreasonable, and unduly discriminatory. However, [FERC announced that it would hold a technical conference](#) on Oct. 27, 2020, to discuss whether existing FERC transmission, interconnection, and merchant transmission facility frameworks in RTOs/ISOs can accommodate anticipated growth in offshore wind generation in an efficient and effective manner that safeguards open access transmission principles and to consider possible changes or improvements to the current framework should they be needed to accommodate such growth. The technical conference will be held either in-person at the FERC's headquarters or solely electronically. A supplemental notice will be issued prior to the technical conference with further details regarding the agenda, whether it will be held in-person or electronically, and if there are changes to the date or time. Individuals interested in participating as panelists should submit a [self-nomination form](#) by 5:00 p.m. on Friday, August 14, 2020. [Register for the conference here.](#)

The order reflects FERC's awareness of the growing interest in developing offshore wind projects and recognizes that a key element to gaining access to offshore wind is the construction of and access to transmission to bring wind-generated electricity onshore to the grid. However, issues involving open access, financing, and jurisdiction still need to be addressed and defined to facilitate offshore wind development.

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