



**Monitoring
Analytics**

Monitoring Analytics, LLC
2621 Van Buren Avenue, Suite 160
Valley Forge Corporate Center
Eagleville, PA 19403
Phone: 610-271-8050
Fax: 610-271-8057

BY EMAIL

November 27, 2019

Leonard M. Tao
Director, Office of External Affairs
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Re: *Independent Market Monitor for PJM v.*
PJM Interconnection, L.L.C., Docket No. EL19-27-000

Dear Secretary Bose:

Monitoring Analytics, LLC, acting in its capacity as the Independent Market Monitor for PJM (“Market Monitor”), is in receipt of your letter dated November 27, 2019, providing notice that the Commission proposes to release documents submitted in the above referenced proceeding that were identified as privileged and confidential.

The Market Monitor here states its objections and further moves for an extension of time to Friday, December 6, 2019, to file additional more detailed comments, if necessary.

The Market Monitor objects to the release of the Market Monitor’s confidential complaint filed December 28, 2018, its confidential answer filed February 11, 2019, or any other document submitted in this proceeding designated as privileged and confidential (“Confidential Information”). The information in the confidential pleadings not included in the public versions includes details about Tenaska’s fuel cost policy, which explain how Tenaska develops its energy market offers. The confidentiality of offers is core to maintaining competitive markets. The Market Monitor considers the Confidential Information to be market sensitive information. Release of such information could damage the efficient and competitive operation of PJM markets by facilitating tacit collusion and disseminating substandard fuel cost policy provisions. The release of market sensitive information harms the public interest in maintaining competitive PJM wholesale power markets. That Tenaska Power Services Co. (“Tenaska”) consents does not change the harm to the public interest. Tenaska is not the arbiter of the public interest in this matter, and the opinion of Tenaska about whether the release harms Tenaska is not relevant in this case. In fact, Tenaska has a conflict of interest because it could benefit from the release of information that harms the public interest by weakening fuel cost policy standards.

Leonard M. Tao
Director, Office of External Affairs
November 27, 2019
Page 2 of 2

The Commission has not explained why it claims (at 2) release of Confidential Information “is necessary to facilitate the Commission’s ability to rule on the complaint and set forth the reasons for its ruling.” The Commission routinely makes determinations on the basis of confidential information never released to the public. The release of Confidential Information is not necessary to resolve any issue raised in this complaint. The Commission has not needed to release confidential information in order to resolve prior litigation concerning the application of fuel cost policies.¹

The complaint is filed against PJM, not Tenaska. The public version of the complaint sufficiently details PJM’s errors of implementation without the need to reveal fuel cost policy details. The complaint can be decided and satisfactorily explained on the basis of the public pleadings. The additional details provided in the confidential pleadings are helpful only in that they provide the Commission additional context.

In addition, the Market Monitor objects to the provision of a notice at 2:08 PM on the day before Thanksgiving and a four day national holiday that demands a response within five calendar days. Such a requirement is unreasonable.

Sincerely,



Jeffrey W. Mayes, General Counsel

¹ See *CPV, LLC*, 168 FERC ¶ 61,048 (2019).