

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

Goldman Sachs Renewable)	Docket No. ER20-547-001
Power Marketing LLC)	
)	
)	

**ANSWER AND MOTION FOR LEAVE TO ANSWER
OF THE INDEPENDENT MARKET MONITOR FOR PJM**

Pursuant to Rules 212 and 213 of the Commission’s Rules and Regulations,¹ Monitoring Analytics, LLC, acting in its capacity as the Independent Market Monitor (“Market Monitor”) for PJM Interconnection, L.L.C. (“PJM”),² submits this answer to the Comment of Public Citizen, Inc. (“Public Citizen”) filed April 6, 2020, and other pleadings filed in the above referenced docket.

I. ANSWER

The Market Monitor agrees with Public Citizen (at 1) that “designating Goldman Sachs Renewable Power and The Goldman Sachs Group as affiliates is essential for the Commission to enforce the anti-manipulation rule and just and reasonable rates.”

¹ 18 CFR §§ 385.212 & 385.213 (2019).

² Capitalized terms used herein and not otherwise defined have the meaning used in the PJM Open Access Transmission Tariff (“OATT”), the PJM Operating Agreement (“OA”) or the PJM Reliability Assurance Agreement (“RAA”).

The Commission stated in its deficiency notice issued in this proceeding: "... the Commission takes into account, among other things, the direct and upstream owners of Seller and the business activities of all direct and upstream owners and all affiliates."³

Understanding ownership and the corresponding flow of benefits is essential to understanding market behavior, including potentially manipulative market behavior. In the event that unusual market behavior is observed, it is essential that information on affiliate relationships be available to evaluate such behavior. Analyses in manipulation cases do not always follow predictable patterns. Comprehensive information is needed to effectively detect and deter manipulative activity and to pursue enforcement actions against those engaging in manipulative activity.

Cases cited by Public Citizen (at 1 nn.3–6) indicate the need for a comprehensive understanding of affiliate relationships.

It is reasonable to place the burden on the applicants for explaining affiliate relationships in their applications for market based rates authorizations. Applicants know who their affiliates are and when affiliate relationships change. It is not reasonable to place the burden of identifying affiliate relationships, and maintaining such information, on the Commission's Office of Enforcement, market monitoring units, state regulatory agencies or other persons concerned to protect the public interest.

II. MOTION FOR LEAVE TO ANSWER

The Commission's Rules of Practice and Procedure, 18 CFR § 385.213(a)(2), do not permit answers to answers or protests unless otherwise ordered by the decisional authority. The Commission has made exceptions, however, where an answer clarifies the issues or

³ Deficiency Notice, Docket No. ER20-547-000 (January 31, 2020) at 1, citing, e.g., *Market-Based Rates for Wholesale Sales of Electric Energy, Capacity and Ancillary Servs. by Pub. Utils.*, Order No. 697, 119 FERC ¶ 61,295 (2007).

assists in creating a complete record.⁴ In this answer, the Market Monitor provides the Commission with information useful to the Commission’s decision-making process and which provides a more complete record. Accordingly, the Market Monitor respectfully requests that this answer be permitted.

III. CONCLUSION

The Market Monitor respectfully requests that the Commission afford due consideration to this answer as the Commission resolves the issues raised in this proceeding.

Respectfully submitted,



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⁴ See, e.g., *PJM Interconnection, L.L.C.*, 119 FERC ¶61,318 at P 36 (2007) (accepted answer to answer that “provided information that assisted ... decision-making process”); *California Independent System Operator Corporation*, 110 FERC ¶ 61,007 (2005) (answer to answer permitted to assist Commission in decision-making process); *New Power Company v. PJM Interconnection, L.L.C.*, 98 FERC ¶ 61,208 (2002) (answer accepted to provide new factual and legal material to assist the Commission in decision-making process); *N.Y. Independent System Operator, Inc.*, 121 FERC ¶61,112 at P 4 (2007) (answer to protest accepted because it provided information that assisted the Commission in its decision-making process).

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 Eagleville, Pennsylvania,
this 22nd day of April, 2020.



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