

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

NRG Power Marketing LLC)	Docket No. ER22-1539-000
)	
)	

MOTION FOR HEARING

Pursuant to Rule 212 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”), moves for a hearing to resolve certain issues raised in this proceeding.² On April 1, 2022, NRG Power Marketing LLC (“NRG”) filed for a rate pursuant to Part V, Section 119, of the OATT in connection with the operation of its Indian River Unit No. 4 (“Indian River 4”) for a defined period after its desired deactivation date (“Deactivation Filing”).

On May 6, 2022, the Market Monitor filed a protest (“Protest”) to the Deactivation Filing, explaining that NRG has not proposed just and reasonable compensation for operating the unit, that its filing should be rejected, and that NRG should be directed to provide a rate for operating the unit pursuant to and consistent with Part V of the OATT.

On May 19, 2022, NRG filed an answer opposing rejection of its filing, but stating (at 2): “because certain of the arguments made in the Protests ... raise policy issues beyond the scope of the RMR Rate Schedule, such arguments must be resolved by the Commission now, rather than through settlement.”

¹ 18 CFR §§ 385.212 (2021).

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”).

NRG proposed (at 15) an immediate decision on whether:

- (i) The “PJM Tariff [limits] cost recovery to going-forward costs” or “instead provides for the recovery of previously incurred, fixed costs;” and
- (ii) Whether the April 1st Filing properly reflects the Commission’s policy with respect to impairments.

The Market Monitor does not agree with NRG’s characterization. The issues on which the Market Monitor requests a decision are:

- (i) Whether Section 119 allows for the recovery of capital costs incurred prior to the decision of the unit owner to deactivate.
- (ii) Whether, if the issue is not resolved under (i), Section 119 allows for the recovery of capital costs that were written off, or impaired, by the owner.

On May 31, 2022, the Commission issued an order accepting and suspending the Deactivation Filing and establishing hearing and settlement judge procedures.³

Although the Market Monitor does not agree with NRG’s characterization of the issues, the Market Monitor agrees that this proceeding includes legal issues concerning the proper interpretation of Part V of the PJM OATT, that are not amenable to settlement. These issues should be resolved. It would not be efficient to wait until settlement judge proceedings conclude before addressing legal issues that have major implications for the level of a just and reasonable rate.

Accordingly, the Market Monitor requests that the Commission rule on these legal issues separately from the issues included in settlement judge proceedings. The Market Monitor believes that resolution of these issues can be based on the existing record. If the existing record is deemed insufficient, the Market Monitor recommends that there be a paper hearing. The Market Monitor is also ready to participate in a full hearing if that is preferred.

³ *NRG Power Marketing LLC*, 179 FERC ¶ 61,156.

Discussion of the remaining issues in settlement judge proceedings should begin immediately in order to expedite resolution of this proceeding.

The Market Monitor respectfully requests that the Commission grant this motion.

Respectfully submitted,



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Dated: June 9, 2022

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 9th day of June, 2022.



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