

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

Dairyland Power Cooperative MRP Elgin LLC and MRP Rocky Road LLC	))))))	Docket No. ER25-3124-000
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**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 answer submitted by Dairyland Power Cooperative, MRP Elgin LLC (“MRP Elgin”), and MRP Rocky Road LLC (“Dairyland et al.”) (“Applicants”), on September 10, 2025 (“September 10th Answer”), to the Market Monitor’s protest in this proceeding filed, September 8, 2025 (“IMM Protest”), and Applicants’ request for expedited action submitted October 15, 2025.

On August 7, 2025, Applicants filed to request a waiver of certain requirements included in reason (ii) of Section 6.6(g) of Attachment DD to the OATT to obtain an exception to the RPM must offer rule for the Base Residual Auction (“BRA”) for 2027/2028 Delivery Year. On August 27, 2025, Dairyland et al. filed a Supplement to the August 7, 2025, filing that significantly expanded the scope of their request, from an exception based on a specific

¹ 18 CFR §§ 385.212 & 385.213 (2024).

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”).

element of the rule to a blanket exception to the entire RPM must offer rule. Applicants now request expedited action on their unsupported blanket exception request.³

The request for waiver should be denied. The Market Monitor does not oppose an expedited rejection of the waiver request.

I. ANSWER

The September 10th Answer does not support granting the requested waiver, but it does include a concession indicating why the waiver should not be granted. The September 10th Answer states (at 4): “Dairyland recognizes that monthly ATC availability is not a certainty or the equivalent of a long-term firm transmission request that has undergone PJM’s study process.” Applicants recognize that even with additional time, there is no assurance they will be able to meet the substantive standard set forth in Section 6.6(g) of Attachment DD to the OATT.⁴ It is unlikely that Dairyland will be able to meet the defined standard.

Dairyland does not have a discrete and concrete problem complying with the rules. Dairyland seeks to avoid the rules. Applicants’ problem is that they cannot comply with the rules and effectuate their plans.⁵ The relief requested is extraordinary because the Applicants

³ See, e.g., *Empire Dist. Elec. Co.*, 166 FERC ¶ 61,164 (2019) (“The Commission has granted waiver of tariff provisions where: (1) the applicant acted in good faith; (2) the waiver is of limited scope; (3) the waiver addresses a concrete problem; and (4) the waiver does not have undesirable consequences, such as harming third parties.”).

⁴ Section 6.6(g) requires, in order for a resource to qualify for an exception to the RPM must-offer requirement, that “such resource demonstrates that it ... (ii) has a financially and physically firm commitment to an external sale of its capacity,” that the resource show: “In order to establish that a resource has a financially and physically firm commitment to an external sale of its capacity as set forth in (ii) above, the Capacity Market Seller must demonstrate that it has entered into a unit-specific bilateral transaction for service to load located outside the PJM Region, by a demonstration that such resource is identified on a unit-specific basis as a network resource under the transmission tariff for the control area applicable to such external load, or by an equivalent demonstration of a financially and physically firm commitment to an external sale.”

⁵ See *Erie Power, LLC*, 148 FERC ¶ 61,038 at P 20 (2014), quoted in *Midcontinent Independent System Operator, Inc., et al.*, 192 FERC ¶ 61,004 at P 21 (2025) (“Simply having to follow [the] Tariff requirements . . . is not a concrete problem that warrants waiver of the Tariff’s requirements.”).

cannot obtain relief without waiver of the entire RPM must offer rule. Applicants seek waiver of the RPM must offer rule because they do not meet the conditions specified in that rule. Applicants seek waiver of the entire RPM must offer rule because it is unlikely, in their own view, that they can obtain firm transmission service that would qualify the project for an exception under the rule. The Applicants ask to simply eliminate the application of the RPM must offer rule to them, even though the rule is an essential part of the PJM RPM rules. The request for waiver should be denied.

Applicants' request for expedited relief would not be necessary if they had acted with diligence to conform their planning to the market rules rather than attempt to alter the rules to conform to their plans. The Market Monitor does not oppose an expedited rejection of the waiver request.

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 protests, answers, or requests for rehearing unless otherwise ordered by the decisional authority. The Commission has made exceptions, however, where an answer clarifies the issues or assists in creating a complete record.⁶ 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.

⁶ 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).

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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Dated: October 16, 2025

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 16th day of October, 2025.



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