

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

PJM Interconnection, L.L.C.)	
)	Docket No. ER09-1063-000
)	

**MOTION TO INTERVENE AND FOR EXTENSION OF TIME
OF THE INDEPENDENT MARKET MONITOR FOR PJM**

Pursuant to Rules 212 and 214 of the Commission’s Rules and Regulations, 18 CFR 385.212 & 385.214 (2009), Monitoring Analytics, LLC, acting in its capacity as the Independent Market Monitor for PJM (“Market Monitor”), submits this motion to intervene and for extension of time for intervenors (other than itself) to respond in the above captioned proceeding.¹

I. MOTION FOR EXTENSION OF TIME

On April 29, 2009, PJM Interconnection, L.L.C. (“PJM”) submitted a filing proposing certain revisions to its OATT (“April 29th Filing”) that it asserts are “suggested and/or mandated” by the Commission’s policies on market monitoring included in Order No. 719.² This pleading reopens important issues about the

¹ Capitalized terms used herein and not otherwise defined have meaning specified in the PJM Open Access Transmission Tariff (“Tariff”).

² PJM Compliance Filing submitted in RM07-19-000 (docketed as ER09-1063-000); *Wholesale Competition in Regions with Organized Electric Markets*, Order No. 719, 125 FERC ¶61,071 (2008) (“Order No. 719”).

independence and effectiveness of market monitoring in PJM that had been resolved in the settlement among the Organization of PJM States, Inc. ("OPSI"), most of OPSI's constituent state utility commissions, state consumer advocates, and numerous other parties.³ Moreover PJM's April 29th Filing both exceeds the scope of what Order no. 719 directed and fails to satisfy the requirements that Order No. 719 does impose. The Market Monitor therefore intends to submit for consideration in this proceeding, tariff revisions that correspond to the directives of Order No. 719. In order to ensure that there is adequate opportunity for review and comment on its suggested revisions, the Market Monitor requests an extension for all other parties that would ensure that other

³ See *Organization of PJM States, Inc., et al. v. PJM Interconnection, L.L.C.*, 122 FERC ¶61,257 (2008); see also Order No. 719 at P 330. ("We observe that the PJM/MMU Settlement Agreement is in accord with our determination in this Final Rule regarding the appropriate MMU structure and tools"). Signatories of the settlement include Allegheny Electric Cooperative, Inc.; American Electric Power Service Corp.; Baltimore Gas and Electric Company; Borough of Chambersburg, Pennsylvania; Delaware Division of the Public Advocate; Delaware Public Service Commission; District of Columbia Public Service Commission; Dominion Resources Services, Inc., on behalf of Dominion Energy Marketing, Inc.; Elwood Energy, LLC; Fairless Energy, LLC; Kincaid Generation, LLC, Virginia Electric Power Company d/b/a Dominion Virginia Power; Edison Mission Group, Edison Mission Marketing & Trading, Inc.; Exelon Corporation; FirstEnergy Service Company on behalf of Jersey Central Power & Light Company; Metropolitan Edison Company; Pennsylvania Electric Company, and FirstEnergy Solutions Corp.; FPL Energy Marcus Hook, L.P., North Jersey Energy Associates, L.P., Doswell Limited Partnership; Backbone Mountain Windpower LLC; Mill Run Windpower LLC; Somerset Windpower LLC; Meyersdale Windpower LLC, Waymart Wind Farm L.P., Pennsylvania Windfarms, Inc.; Indiana Office of Utility Consumer Counselor; Indian Utility Regulatory Commission; Kentucky Public Service Commission; Maryland Public Service Commission; New Jersey Board of Public Utilities; North Carolina Utilities Commission; NRG Power Marketing Inc., Conemaugh Power LLC, Indian River Power LLC, Keystone Power LLC, NRG Energy Center Dover LLC, NRG Energy Center Paxton, LLC, NRG Rockford LLC, NRG Rockford II LLC, and Vienna Power LLC; Organization of PJM State, Inc.; Pennsylvania Public Utility Commission; PJM Industrial Customer Coalition; PJM Interconnection, L.L.C.; PSEG Power LLC, PSEG Energy Resources & Trade LLC; Public Service Electric and Gas Company; Public Utilities Commission of Ohio; Virginia State Corporation Commission.

parties have adequate time to compare the filings of PJM and the Market Monitor prior to filing their own comments.

PJM submitted its compliance filing on April 29, 2009, a day late, explaining that it had “spent a significant amount of time trying to coordinate revisions to the PJM Tariff and the PJM Operating Agreement with the PJM market monitor.”⁴ In mid March, after a period of delay, PJM appeared to yield to stakeholders’ concerns and agreed to assign certain staff to gather input from the Market Monitor regarding the positions of the Market Monitor. This process allowed the Market Monitor and PJM to agree on a common procedural approach for compliance and to address some points of disagreement, but as no discussion occurred among principals, the best that could be achieved with respect to the most important issues was to better define their scope.

This belated effort occurred both in the days prior to and the days just after the last meeting of PJM’s Task Force 719 that had been the forum for stakeholder discussion of Order No. 719 compliance issues. Consequently, stakeholders who had been closely following the proceedings and who had become increasingly vocal about PJM’s approach have not had an opportunity to assess the newly refined contours of the continued dispute.

⁴ PJM Motion for Extension of Time, submitted on April 28, 2009 in Docket No. RM07-19-000 at 2.

The Commission has set a comment date of May 27, 2009, and the Market Monitor will meet that deadline. In order to ensure that interested stakeholders have ample opportunity to directly compare the Market Monitor's comments and proposed tariff revisions to PJM's proposal, the Market Monitor requests that the Commission extend the deadline for comment by all other parties approximately one month, until Friday, June 26, 2009.

The Market Monitor also observes that Order No. 719 has directed (at P 275) the Market Monitor to prepare a report on "any remaining barriers to comparable treatment of demand response resources that are within the Commission's jurisdiction," but does not appear to specify a date. The Market Monitor here commits for the benefit of the PJM stakeholder community that it plans to submit its report on or about August 1, 2009, unless directed otherwise by the Commission.

II. MOTION TO INTERVENE

The PJM Tariff sets forth the PJM Market Monitoring Plan ("Plan") at Attachment M of the OATT, which provides that the Market Monitoring Unit "is responsible for implementing this Plan." This matter raises basic questions about the structure and tools of the market monitoring function in PJM, a matter of critical importance to the Market Monitor. It is, therefore, in the public interest that the Commission grant this motion to intervene. Rule 214 provides that the Commission

may grant interventions where “[t]he movant’s participation is in the public interest.”⁵

The Market Monitor currently has the exclusive duty to perform the market monitoring function for PJM, and no other party can adequately represent it in this proceeding.

Accordingly, the Market Monitor moves that the Commission grant it leave to intervene and afford to it full rights as a party to this proceeding.

III. COMMUNICATIONS

Pursuant to 18 CFR § 385.203(b)(3), the Market Monitor designates the following persons as those to receive all notices and communications with respect to this proceeding:

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⁵ 18 CFR § 214(b)2(iii)

IV. CONCLUSION

The Market Monitor respectfully requests that the Commission grant this motion to intervene and afford due consideration to its comments in this proceeding.

Respectfully submitted,



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Independent Market Monitor for PJM

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Dated: May 4, 2009

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 4th day of May, 2009.



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