

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

Independent Market Monitor for PJM)	
)	
v.)	Docket No. EL23-____-000
)	
PJM Interconnection, L.L.C.)	
)	

**COMPLAINT OF THE
INDEPENDENT MARKET MONITOR FOR PJM**

Pursuant to Rule 206 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 files this Complaint against PJM. The PJM governance rules permit the Market Monitor to participate in PJM stakeholder meetings that the Market Monitor determines are “appropriate or necessary to perform its functions.”³ The Market Monitor has determined that it is appropriate that it participate in meetings of the PJM Liaison Committee. By refusing to permit the Market Monitor to participate in Liaison Committee meetings, PJM violates Attachment M to the OATT. The Market Monitor requests

¹ 18 CFR § 385.206 (2022); *see also*, 16 U.S.C. § 824e.

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”).

³ *See* OATT Attachment M § IV.G.

that the Commission issue an order directing PJM to permit the Market Monitor to register for and fully participate in Liaison Committee meetings.⁴

I. COMPLAINT

Section IV.G of Attachment M to the OATT (The PJM Market Monitoring Plan) provides:

The Market Monitoring Unit may, as it deems appropriate or necessary to perform its functions under this Plan, participate (consistent with the rules applicable to all PJM stakeholders) in stakeholder working groups, committees or other PJM stakeholder processes.

The scope of meetings is stated broadly to include “stakeholder working groups, committees or other PJM stakeholder processes.” The type of meeting includes but is not limited to committees or to any particular type of committee. The Market Monitor determines for itself whether its participation is “appropriate or necessary to perform its functions.” The filed tariff provides for the Market Monitor to participate in all stakeholder processes at its option.

The Liaison Committee is a stakeholder committee, and the Market Monitor has the right under the OATT to register for and participate in meetings of that committee when it determines it is “appropriate or necessary to perform its functions.”

Prior to 2018, the Market Monitor attended Liaison Committee meetings. Then, under the guise of enforcing the Liaison Committee charter, on September 27, 2018, the Members Committee voted to exclude the Market Monitor from future Liaison Committee meetings (and also to exclude PJM state public utility commission representatives, FERC staff, and

⁴ Exclusion of the Market Monitor from Liaison Committee meetings is effectuated by preventing registration for meetings.

others).⁵ “Others” is not defined, but has in practice included PJM staff and media. Neither the Members Committee nor PJM has the authority to enforce a committee charter in violation of the OATT.

The Market Monitor should be permitted to participate in meetings of the Liaison Committee. It is inconsistent with the independence of PJM, the PJM Board and the independence of the Market Monitor to exclude the Market Monitor from any stakeholder process. PJM should be directed to permit the Market Monitor to register for and participate in meetings of the Liaison Committee.

II. RULE 206 REQUIREMENTS

A. Rule 206(b)(1): Action or Inaction Alleged To Violate Statutory Standards or Regulatory Requirements

PJM’s refusal to permit the Market Monitor to register for or participate in meetings of the Liaison Committee violates Section IV.G of Attachment M to the OATT.

B. Rule 206(b)(2): Legal Bases for Complaint

The legal bases for this Complaint are set forth in detail in Section I.

C. Rules 206(b)(3) and 206(b)(4): Issues Presented as They Relate to the Complainant and Quantification of Financial Impact on Complainant

Rule 206(b)(3) includes “ the business, commercial, economic or other issues presented by the action or inaction” affecting the complainant. Rule 206(b)(4) also asks for good faith quantification of “the financial impact or burden (if any).” Excluding the Market Monitor from stakeholder meetings compromises the ability of the Market Monitor to perform its function by depriving it of information exchanged in such meetings and the opportunity to

⁵ See Attachment A (Motion at the PJM Members Committee re Liaison Committee attendance (September 27, 2018); Attachment B (PJM Members Committee Voting Report re Liaison Committee attendance issue (September 27, 2018)); Attachment C (Letter from Michael R. Borgatti, PJM Members Committee Chair, Gabel Associates, Inc. (a consulting firm that advises Market Sellers) to Andy Ott, President, PJM, dated October 1, 2018).

state its independent views. The Market Monitor cannot effectively perform its function when it is excluded from stakeholder meetings. In addition, the Market Monitor has a direct interest in hearing communications and responding to communications from a Member or Members to the Board that concern the Market Monitor's performance of the market monitoring function and the terms and conditions of its retention by PJM.

D. Rule 206(b)(5): Nonfinancial Impacts on Complainant

PJM's violation of the OATT deprives the Market Monitor of important rights under the PJM tariff and interferes with the Market Monitor's independence.

E. Rule 206(b)(6): Related Proceedings

The Market Monitor is not aware of any other pending proceedings that are directly related to the issues raised in this Complaint. A pending complaint filed by the West Virginia Public Service Commission ("PSC") against PJM in Docket No. EL23-45-000 argues that PJM has violated its rules by excluding the PSC from Liaison Committee meetings.

F. Rule 206(b)(7): Specific Relief Requested

PJM should be directed to permit the Market Monitor to register for and fully participate in Liaison Committee meetings.

G. Rule 206(b)(8): Documents that Support the Complaint

This pleading and its attachments support the complaint.

H. Rule 206(b)(9): Dispute Resolution

The Market Monitor has not contacted the Enforcement Hotline or Dispute Resolution Service or made use of the tariff-based dispute resolution mechanisms. Such mechanisms are neither intended nor appropriate for resolving disputes of this nature.

I. Rule 206(b)(10): Form of Notice

A form of notice suitable for publication in the Federal Register is included as Attachment D.

J. Rule 206(c): Service on Respondent

The Market Monitor certifies that copies of this Complaint were served by email and by hand delivery to Respondent.

III. COMMUNICATIONS

All communications with respect to this pleading and in connection with this proceeding should be addressed to the following:

Joseph E. Bowring⁶
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President
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2621 Van Buren Avenue, Suite 160
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IV. CONCLUSION

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

Respectfully submitted,



Jeffrey W. Mayes

Joseph E. Bowring
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President
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2621 Van Buren Avenue, Suite 160

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⁶ Designated to receive service.

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Dated: March 24, 2023

ATTACHMENT A

ATTACHMENT B

ATTACHMENT C

ATTACHMENT D

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Independent Market Monitor for PJM)
v.) Docket No. EL23-____-000
PJM Interconnection, L.L.C.)
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NOTICE OF COMPLAINT

(____, 2023)

Take notice that on {__}, 2021, pursuant to section 206 of the Rules and Practice and Procedure of the Federal Energy Regulatory Commission (Commission), 18 CFR § 385.206 (2011), Monitoring Analytics, LLC, acting in its capacity as the Independent Market Monitor for PJM (Complainant) filed a formal complaint against PJM Interconnection, L.L.C. (Respondent) requesting that the Commission direct Respondent to {}.

The Complainant states that copies of the complaint were served on representatives of the Respondent.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission’s Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent’s answer and all interventions, or protests must be filed on or before the comment date. The Respondent’s answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the “eFiling” link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the “eLibrary” link and is available for review in the Commission’s Public Reference Room in Washington, DC. There is an “eSubscription” link on the web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5:00 pm Eastern Time on __, 2023.

Kimberly D. Bose,
Secretary