

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

PJM Interconnection, L.L.C.

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Docket No. EL21-91-003

**MOTION TO DEEM COMMENTS OPPOSING SETTLEMENT  
TIMELY FILED OR TO ACCEPT IT ONE DAY OUT OF TIME**

**To: The Honorable Joel deJesus  
Presiding Administrative Law Judge**

Pursuant to Rules 212 and 602(f)(2) of the Commission’s Rules of Practice and Procedure,<sup>1</sup> Monitoring Analytics, LLC, acting in its capacity as the Independent Market Monitor for PJM, moves for an order (i) deeming the Comments of the Independent Market Monitor for PJM in Opposition to Second Offer of Settlement (“Opposing Comments”) filed and served September 3, 2024, to be timely filed, or in the alternative, to permit such comments to be filed one day out of time. Good cause exists to grant this Motion, and doing so will not prejudice any party to this proceeding.

On September 3, 2024, the Opposing Comments and supporting exhibits were timely filed. The Market Monitor received an email on September 3, 2024, confirming the Commission’s receipt through the eFiling system on 4:14:43 PM September 3, 2024. The Market Monitor served the Opposing Comments and supporting exhibits on all parties to the proceeding, and provided copies to the Presiding Judge and his Clerk, on September 3, 2024.

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<sup>1</sup> 18 CFR § 385.212 & 602(f)(2) (2024).

On September 4, 2024, at 1:54 pm, the Market Monitor received the following communication from FERC Online:

We received Submission 1547934. However, the "Attachment R Staff-PJM DR 1 Resp.pdf" document (highlighted in the attached screenshot) was filed as 'public' but on Page 2 is noted as 'Privileged'. Please re-submit the entire filing and reply to this email with the new Submission ID number so that our eFiling Team can process that for you and reject the original Submission 1547934. Please let us know if you have any questions.

Attachment R had originally been filed as a confidential exhibit to the Direct Testimony of Joseph Bowring filed by the Market Monitor in the proceeding. The Market Monitor was able to rescind the confidential designation in an effort to reduce the number of confidential exhibits in the record. The Market Monitor filed Attachment R as a public exhibit, but did not remove the language in the Attachment R indicating confidential information.

As requested by FERC Online, on September 4, 2024, the Market Monitor immediately resubmitted Attachment R to remove the designation of confidential information. Nothing in the Market Monitor's submittal changed other than that designation on Attachment R, but the Market Monitor was required to replace its entire submittal. As a result, FERC Online now shows the filed date as September 4, 2024. The resubmittal of the Opposing Comments does change that fact that the submittal was timely filed on September 3, 2024.

Under the circumstances, the motion that the Opposing Comments should be deemed timely filed should be granted. The Opposing Comments were timely filed and were timely served. The filing date of September 4, 2024, reflects only the need to correct a minor error in the format of one attachment. The Opposing Comments were resubmitted in their entirety solely to meet the process directive received from FERC Online. No party to this proceeding was prejudiced in any conceivable way by the resubmittal of the Opposing Comments. Good cause exists to deem the Opposing Comments timely filed.

If the Opposing Comments are not deemed timely filed, the Opposing Comments should be permitted to be filed one day out of time by granting this motion. For the same reasons that good cause exists to deem the Opposing Comments timely filed, good cause exists to accept the Opposing Comments one day out of time.

Accordingly, the Market Monitor respectfully requests that Your Honor grant this motion.

Respectfully submitted,



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Jeffrey W. Mayes

Joseph E. Bowring  
Independent Market Monitor for PJM  
President  
Monitoring Analytics, LLC  
2621 Van Buren Avenue, Suite 160  
Eagleville, Pennsylvania 19403  
(610) 271-8051  
*joseph.bowring@monitoringanalytics.com*

General Counsel  
Monitoring Analytics, LLC  
2621 Van Buren Avenue, Suite 160  
Eagleville, Pennsylvania 19403  
(610) 271-8053  
*jeffrey.mayes@monitoringanalytics.com*

Dated: September 16, 2024

## **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 16<sup>th</sup> day of September, 2024.



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Jeffrey W. Mayes

General Counsel

Monitoring Analytics, LLC

2621 Van Buren Avenue, Suite 160

Eagleville, Pennsylvania 19403

(610) 271-8053

*[jeffrey.mayes@monitoringanalytics.com](mailto:jeffrey.mayes@monitoringanalytics.com)*