



Monitoring Analytics, LLC
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VIA EFILING

September 30, 2024

The Honorable Debbie-Anne A. Reese
Acting Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426

Re: *Independent Market Monitor for PJM v. Indicated Energy Efficiency Sellers*, Docket No. EL24-113-000

Dear Secretary Reese:

Pursuant to Rule 602 of the Commission's Rules of Practice and Procedure,¹ Monitoring Analytics, LLC acting in its capacity as the Independent Market Monitor for PJM ("Market Monitor"), submits on behalf of the Market Monitor, and on behalf of Exelon Corporation on behalf of its affiliates Atlantic City Electric Company, Baltimore Gas and Electric Company, Commonwealth Edison Company, Delmarva Power & Light Company, Potomac Electric Power Company, and PECO Energy Company; FirstEnergy Service Company, on behalf of FirstEnergy Corp. and its affiliates FirstEnergy Pennsylvania Electric Company ("FEPA"),² Jersey Central Power & Light Company and The Potomac Edison Company; Public Service Electric and Gas Company; Southern Maryland Electric Cooperative, Inc.; and Rockland Electric Company, (collectively "State Regulated Utility Respondents"), the attached Partial Settlement Agreement ("Partial Settlement").

¹ 18 CFR § 385.602 (2024).

² As part of an internal corporate reorganization approved by the Commission, on January 1, 2024 the FirstEnergy Pennsylvania operating companies West Penn Power Company, Pennsylvania Electric Company, Pennsylvania Power Company, and Metropolitan Edison Company transferred their distribution assets to FE PA, merged into FE PA, and did not survive the merger. FirstEnergy Corp. et al., 184 FERC ¶ 61,094 (2023).

If approved by the Commission, the Partial Settlement will resolve all issues raised by the Market Monitor in its complaint filed in this proceeding as they pertain to the State Regulated Utility Respondents, while preserving all other issues for all other respondents.

The Market Monitor respectfully requests that this Partial Settlement be transmitted to the Commission.

This submission includes the following materials:

- This letter of transmittal;
- An Explanatory Statement (Appendix A);
- The Partial Settlement Agreement (Appendix B);
- Attestations of State Regulated Utility Respondents (Appendix C); and
- A Certificate of Service (Appendix D).

In accordance with Rules 602(d)(1), the Market Monitor will serve this Partial Settlement on the parties who were served with the initial filing and on each person designated on the official service list compiled by the Secretary in these proceedings.

In accordance with Rule 602(d)(2), the Market Monitor hereby informs all participants that initial comments on this Partial Settlement are due by October 21, 2024, and reply comments are due by October 30, 2024.

Thank you for your assistance in this matter. Please direct any questions to the undersigned.

Sincerely,



Jeffrey Mayes
General Counsel
Monitoring Analytics, LLC
2621 Van Buren Avenue, Suite 160
Eagleville, Pennsylvania 19403

APPENDIX A

Explanatory Statement

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

Independent Market Monitor for PJM)	Docket No. EL24-113-000
)	
v.)	
)	
Indicated Energy Efficiency Sellers)	
)	

**EXPLANATORY STATEMENT
IN SUPPORT OF PARTIAL SETTLEMENT AGREEMENT**

Pursuant to Rule 602 of the Commission’s Rules of Practice and Procedure,³ Monitoring Analytics, acting in its capacity as the Independent Market Monitor for PJM (“Market Monitor”), provides this Explanatory Statement in support of the Partial Settlement Agreement (“Partial Settlement”) between the Market Monitor and the utility respondents, including Exelon Corporation on behalf of its affiliates Atlantic City Electric Company, Baltimore Gas and Electric Company, Commonwealth Edison Company, Delmarva Power & Light Company, Potomac Electric Power Company, and PECO Energy Company; FirstEnergy Service Company, on behalf of FirstEnergy Corp. and its affiliates FirstEnergy Pennsylvania Electric Company, Jersey Central Power & Light Company and The Potomac Edison Company; Public Service Electric and Gas Company; Southern Maryland Electric Cooperative, Inc.; and Rockland Electric Company (collectively, “State Regulated Utility Respondents”) that resolves all issues in dispute in this proceeding between the Market Monitor and the State Regulated Utility Respondents (“Settling Parties”).

³ 18 CFR § 385.602 (2024).

The Partial Settlement resolves the issues raised in this proceeding as they pertain to the State Regulated Utility Respondents and serves the public interest.

If approved by the Commission, the Partial Settlement will resolve all issues raised by the Market Monitor in its complaint filed in this proceeding solely as they pertain to the State Regulated Utility Respondents, while preserving all other issues for all other respondents. The Market Monitor respectfully requests that the Partial Settlement be approved.

I. TERMS OF PARTIAL SETTLEMENT

Article 1 provides the background regarding the proceeding and the procedural history as it pertains to the Settling Parties.

Article 2 provides that the issues raised on complaint are resolved to the satisfaction of the Market Monitor on the basis of the attestations provided by each of the State Regulated Utility Respondents.

Article 3 provides that the various provisions of this Partial Settlement shall become binding and effective upon issuance of a Commission order approving this Partial Settlement ("Effective Date").

Article 4.1 provides that the Settling Parties will not be deemed to have approved, accepted, agreed, or consented to any principle or position advanced or taken in this proceeding by any other participant or to have prejudiced positions taken or that may be taken by such Settling Party in this or any other proceeding.

Article 4.2 provides that neither the Settling Parties nor the Commission shall be deemed to have approved, accepted, agreed, or otherwise consented to any ratemaking principle or methodology or any Tariff interpretation or modification unless expressly provided in the Settlement. The Commission's approval of the Settlement will not constitute precedent, will not prejudice any otherwise available rights or arguments of any party in a future proceeding (other than to enforce the terms of the Settlement), and will not be used as evidence that a particular method is a "long standing practice" or "settled practice."

Article 4.3 provides that the Partial Settlement constitutes the entire agreement with regard to the matters addressed in the captioned proceedings and implies no right, duties, or other restrictions not expressly set forth in the Partial Settlement.

Article 4.4 sets the ordinary just and reasonable standard for any changes to the Partial Settlement.

Article 4.5 makes the Partial Settlement binding on and for the benefit of the parties and their successors and assigns.

Article 4.6 provides that the Commission's approval of the Partial Settlement shall constitute the requisite grant of waivers of any regulation as may be necessary to permit the implementation of the Partial Settlement.

Article 4.7 establishes that no ambiguity in the Partial Settlement will be construed against any party on the basis of that party being the drafter.

Article 4.8 explains that the title and headings of the sections of the Partial Settlement are for reference purposes only and are not to be construed or considered in interpreting the Settlement.

II. POLICY CONSIDERATIONS OF THE PARTIAL SETTLEMENT

The Chief Administrative Law Judge has released a public notice that specifies questions that an Explanatory Statement submitted in support of a proposed settlement agreement should address.⁴ The questions, and specific responses applicable to the Settlement, are as follows:

A. Does the Settlement Affect Other Pending Cases?

The Settlement does not affect other pending cases.

B. Does the Settlement Involve Issues of First Impression?

The Settlement does not involve any issues of first impression.

⁴ See Amended Notice to the Public on Information to Be Provided with Settlement Agreements and Guidance on the Role of Settlement Judges (December 15, 2016).

C. Does the Settlement Depart from Commission Precedent?

The Settlement does not depart from Commission precedent.

D. Does the Settlement Seek to Impose a Standard of Review Other than the Ordinary Just and Reasonable Standard with Respect to Any Changes to the Settlement that Might be Sought by Either a Third Party or the Commission Acting *Sua Sponte*?

The Partial Settlement does not seek to impose a standard of review other than the ordinary just and reasonable standard.

III. CONCLUSION

The Market Monitor respectfully requests that the Commission issue an order approving the Partial Settlement.

APPENDIX B

Partial Settlement Agreement

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

Independent Market Monitor for PJM)	
)	Docket No. EL24-113-000
)	
v.)	
)	
Indicated Energy Efficiency Sellers)	
)	

PARTIAL SETTLEMENT AGREEMENT

This Partial Settlement Agreement (“Partial Settlement”), submitted to the Federal Energy Regulatory Commission for approval pursuant to Rule 602 of the Commission’s Rules of Practice and Procedure,⁵ is entered into as of the date of this filing by Monitoring Analytics, LLC, acting in its capacity as the Independent Market Monitor for PJM (“Market Monitor”), and the utility respondents, including Exelon Corporation on behalf of its affiliates Atlantic City Electric Company, Baltimore Gas and Electric Company, Commonwealth Edison Company, Delmarva Power & Light Company, Potomac Electric Power Company, and PECO Energy Company; FirstEnergy Service Company, on behalf of FirstEnergy Corp. and its affiliates FirstEnergy Pennsylvania Electric Company (“FEPA”),⁶ Jersey Central Power & Light Company and The Potomac Edison Company; Public Service Electric and Gas Company; Southern Maryland Electric Cooperative, Inc.; and Rockland Electric Company

⁵ 18 CFR § 385.602 (2024).

⁶ As part of an internal corporate reorganization approved by the Commission, on January 1, 2024 the FirstEnergy Pennsylvania operating companies West Penn Power Company, Pennsylvania Electric Company, Pennsylvania Power Company, and Metropolitan Edison Company transferred their distribution assets to FE PA, merged into FE PA, and did not survive the merger. FirstEnergy Corp. et al., 184 FERC ¶ 61,094 (2023).

(collectively, “State Regulated Utility Respondents”). The Partial Settlement resolves all issues in dispute in this proceeding between the Market Monitor and the State Regulated Utility Respondents (“Settling Parties”).

The Partial Settlement is intended to be binding upon the Market Monitor and the State Regulated Utility Respondents. If approved by the Commission, the Partial Settlement will resolve the issues raised on complaint in this proceeding solely as they pertain to the State Regulated Utility Respondents. The Partial Settlement does not pertain to or resolve any issues pertaining to the Respondents other than the State Regulated Utility Respondents.

The Settling Parties shall adhere to a Partial Settlement including the following terms:

ARTICLE 1: BACKGROUND

1.0 Background. On May 31, 2024, the Market Monitor filed a complaint in EL24-113-000 naming as respondents Indicated Energy Efficiency Sellers.

On or around July 22, 2024, the Indicated Energy Efficiency Sellers in this proceeding and other respondents filed answers to the complaint.⁷ On August 6, 2024, the Market Monitor filed an answer and motion for leave to answer. On August 8, 2024, the Market Monitor filed the confidential post installation measurement and verification reports not included in the initial filing. A notice establishing comment period was issued on August 12,

⁷ Answers to Complaint include: CPower’s Answer and Motion to Dismiss or Summarily Dispose of Complaint and Request for Confidential Treatment, Docket No. ERL4-113-000 (July 22, 2024); Affirmed Energy LLC, Answer to the Complaint of the Independent Market Monitor for PJM, Docket No. EL24-113-000 (July 22, 2024); Public Service Electric and Gas Company, Answer to Complaint, Docket No. EL24-113-000 (July 22, 2024); NRG Curtailment Solutions, Inc. Answer to the Complaint of the Independent Market Monitor for PJM, Docket No. EL24-113-000 (July 22, 2024); Answer and Request for Denial of Complaint by Rockland Electric Company, Docket No. EL24-113-000 (July 22, 2024); Exelon Corporation for itself and on behalf of its affiliate Baltimore Gas and Electric Company; FirstEnergy Service Company on behalf of FirstEnergy Corp.; and Southern Maryland Electric Cooperative, Inc., Motion to Dismiss and Answer of Certain State-Regulated Utility Respondents to Complaint of Independent Market Monitor for PJM, Docket No. EL24-113-000 (July 22, 2023).

2024. On September 11, 2024, the designated comment date, the State Regulated Utility Respondents filed supplemental comments, and other respondents filed similar pleadings.

ARTICLE II: TERMS.

2.0 Settlement. Exelon Corporation on behalf of its affiliates Atlantic City Electric Company, Baltimore Gas and Electric Company, Commonwealth Edison Company, Delmarva Power & Light Company, Potomac Electric Power Company, and PECO Energy Company; FirstEnergy Service Company, on behalf of FirstEnergy Corp. and its affiliates FirstEnergy Pennsylvania Electric Company, Jersey Central Power & Light Company and The Potomac Edison Company; Public Service Electric and Gas Company; Southern Maryland Electric Cooperative, Inc.; and Rockland Electric Company, has provided an attestation stating that it and/or its affiliates: offer energy efficiency (“EE”) resources into PJM Interconnection, L.L.C.’s (“PJM’s”) capacity market construct under state direction and supervision; do not currently and solely rely upon the resulting capacity market related revenues to operate their energy efficiency programs and instead participate in PJM’s wholesale capacity market construct as directed or contemplated by their respective Relevant Electric Retail Regulatory Authorities (collectively, “RERRAs”); credit all capacity market related revenues from EE resources back to retail customers under the direction and annual review of the RERRAs; and are not only bound to follow PJM’s measurement and verification (“M&V”) standards but are also bound by the M&V standards established and directed by the Applicable RERRAs for verification of energy and capacity related savings and for cost effectiveness. In reliance on the facts in these attestations, which confirm active state regulatory review of the energy efficiency programs and special protection for consumers, the Market Monitor has determined that in the current circumstances continuing to litigate the issues raised in the complaint as they relate to the State Regulated Utility Respondents filed in this proceeding is unnecessary and does not serve the public interest. As a result of this settlement, the Market Monitor will not object to PJM discontinuing its review of the PIMV Reports of the State Regulated Utility Respondents for the 2024/2025 Delivery Year.

The current circumstances include, without limitation, the Market Monitor's expectation that the Commission will approve PJM's filing in Docket No. ER24-2995-000 that would confirm that removal of EE from PJM's capacity market construct. In addition, the Market Monitor believes that there are benefits to narrowing the scope of the complaint proceeding to review of Respondents not subject to the oversight and protection afforded by RERRAs.

ARTICLE III: EFFECTIVE DATE

3.0 Effective Date. The Partial Settlement shall become binding and effective upon issuance of a Commission order approving this Partial Settlement.

ARTICLE IV MISCELLANEOUS PROVISIONS AND RESERVATIONS

4.1 No Admission. This Partial Settlement is entered into upon the understanding that it constitutes an integrated, negotiated agreement and, except as explicitly set forth herein, no Settling Party shall be deemed to have approved, accepted, agreed to, or consented to any principle or position advanced or taken in this proceeding by any other participant, or to have prejudiced positions taken or that may be taken by such Settling Party in this or any other proceeding.

4.2 No Precedent or Settled Practice. This Settlement shall not be cited or relied upon as precedent for any purpose or as establishing any issue or principle. Neither the Settling Parties nor the Commission shall be deemed to have approved, accepted, agreed, or otherwise consented to any ratemaking principle or method or to any Tariff interpretation or modification or to any other factor or concept underlying or supposed to underlie any of the matters herein, unless expressly provided in this Settlement, so as to resolve the matters raised specifically in Docket No. EL24-113-000. The Commission's approval of this Settlement shall not constitute precedent nor be used to prejudice any otherwise available rights or arguments of any party in a future proceeding (including but not limited to proceedings before the Commission or other regulatory bodies or proceedings in a court), other than to enforce the terms of this Settlement, and shall not be used as evidence that a particular method is a "long standing practice" as that term is used in Columbia Gas Transmission

Corp. v. FERC, 628 F.2d 578 (D.C. Cir. 1979), or a “settled practice” as that term is used in Public Service Commission of New York v. FERC, 642 F.2d 1335 (D.C. Cir. 1980).

4.3 Entire Agreement. This Partial Settlement, including any exhibits or attachments, constitutes the entire agreement with regard to the matters in the captioned proceeding and implies no right, duties, or other restrictions not expressly set forth herein.

4.4 Standard of Review. The standard of review for any proposed changes to the terms of this Partial Settlement unilaterally sought by any party to this proceeding shall be the ordinary just and reasonable standard.

4.5 Successors and Assigns. This Partial Settlement is binding upon and for the benefit of the Settling Parties and their successors and assigns.

4.6 Requisite Waivers. The Commission’s approval of this Partial Settlement shall constitute the requisite grant of any waivers of any regulations as may be necessary to permit the implementation of the provisions of this Partial Settlement by its terms.

4.7 Ambiguities. No ambiguity shall be construed in favor of or against any Settling Party on the basis that a particular party was or was not the drafter.

4.8 Headings. Section headings are used in this Partial Settlement solely for convenience of reference and shall not be used to interpret or modify the terms of this Settlement.

IN WITNESS WHEREOF, this Partial Settlement is entered into as of the date first written above.

Respectfully submitted,

/s/ Glenn Rippie

/s/ Jeffrey Mayes

E. Glenn Rippie
Senior Vice President and Deputy General
Counsel, Exelon Corporation, and General
Counsel, Commonwealth Edison Company
10 S. Dearborn St., Ste. 4900
Chicago, IL 60603

Jeffrey W. Mayes
General Counsel
Monitoring Analytics, LLC
2621 Van Buren Avenue
Suite 160
Eagleville, Pennsylvania 19403

(779) 231-0107

glenn.rippie@exeloncorp.com

Counsel for Exelon Corporation

/s/ Anne M. Rericha

Anne M. Rericha

Attorney

FirstEnergy Service Company

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Akron, OH 44308

(330) 374-6550

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Counsel for the FirstEnergy Service Company

(610) 271-8053

jeffrey.mayes@monitoringanalytics.com

Counsel for the Independent Market Monitor for PJM

/s/ Viet H. Ngo

Viet H. Ngo

Associate Counsel – Federal Regulatory

PSEG Services Corporation

601 New Jersey Ave., N.W. Suite 310

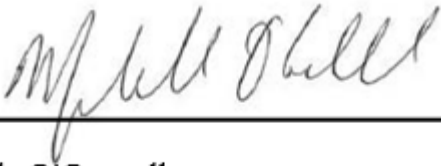
Washington, D.C. 20001

(202) 460-9356

Viet.Ngo@pseg.com

Counsel for Public Service Electric and Gas Company

/s/



Michele O'Connell

President

Orange and Rockland Utilities, Inc.

1, Blue Hill Plaza

Pearl River, NY 10965

877-434-4100

President of O&R Utilities, Inc.

/s/ Damon L. Krieger

Damon L. Krieger,

Vice President, Legal Affairs and Deputy

General Counsel

SMECO

15035 Burnt Store Road

P.O. Box 1937

Hughesville, Maryland 20637-1937

301-274-4323

Damon.Krieger@SMECO.coop

Counsel for SMECO

APPENDIX C

Attestations of the State Regulated Utility Respondents

Exelon Corporation Attestation

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

Independent Market Monitor for PJM,)	
)	
Complainant,)	
)	
-v.-)	Docket No. EL24-113-000
)	
Indicated Energy Efficiency Sellers,)	
)	
Respondents.)	
)	
)	

ATTESTATION

I, the undersigned, being duly sworn depose and say that I am Vice President, Federal Regulatory Affairs for Exelon Corporation (“Exelon”) and that to the best of my knowledge, information, and belief: each of Exelon’s operating utilities, Atlantic City Electric Company, Baltimore Gas and Electric Company, Commonwealth Edison Company, Delmarva Power & Light Company, PECO Energy Company,¹ and Potomac Electric Power Company (collectively, the “Exelon Utilities”), offers energy efficiency (“EE”) resources into PJM Interconnection, L.L.C.’s (“PJM’s”) capacity market construct under state direction and supervision; currently, the Exelon Utilities do not solely rely upon the resulting capacity market related revenues to operate their energy efficiency programs and instead participate in PJM’s wholesale capacity market construct as directed or contemplated by their respective Relevant Electric Retail Regulatory Authorities²—the Maryland Public Service Commission, the Illinois Commerce Commission, the

¹ PECO’s energy efficiency program, including associated activity in the PJM capacity market, is provided through a third-party provider.

² Capitalized terms not otherwise defined herein shall have the meanings set forth in the PJM Open Access Transmission Tariff.

New Jersey Board of Public Utilities, and the Pennsylvania Public Utility Commission (collectively, the “Applicable RERRAs”); all Exelon Utilities’ capacity market related revenues from EE resources are credited back to retail customers under the direction and annual review of the Applicable RERRAs, with the Exelon Utilities permitted to recover program costs through state jurisdictional rate proceedings; and the Exelon Utilities are not only bound to follow PJM’s measurement and verification (“M&V”) standards but are also bound by the M&V standards established and directed by the Applicable RERRAs for verification of energy and capacity related savings and for cost effectiveness.



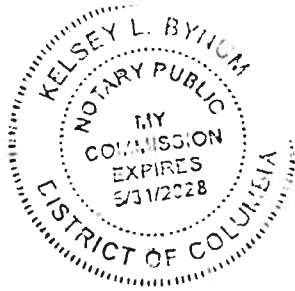
William Sauer
VP, Federal Regulatory Affairs
Exelon Corporation

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for the State of _____, County of _____ this 25 day of September, 2024.

District of Columbia


Notary Public

My commission expires: May 31, 2028



FirstEnergy Service Company Attestation

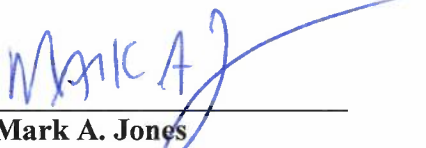
Independent Market Monitor for PJM,)	
)	
Complainant,)	
)	
-v.-)	Docket No. EL24-113-000
)	
Indicated Energy Efficiency Sellers,)	
)	
Respondents.)	
)	
)	

I, the undersigned, being duly sworn depose and say that I am Vice President, Customer Engagement for FirstEnergy Service Company (“FirstEnergy”) on behalf of FirstEnergy Corp. and that to the best of my knowledge, information, and belief: each of the FirstEnergy affiliated operating utilities, FirstEnergy Pennsylvania Electric Company (“FEPA”)¹, Jersey Central Power & Light Company, and The Potomac Edison Company (collectively, the “FirstEnergy Utilities”), offers energy efficiency (“EE”) resources into PJM Interconnection, L.L.C.’s (“PJM’s”) capacity market construct under state direction and supervision; currently, the FirstEnergy Utilities do not solely rely upon the resulting capacity market related revenues to operate their energy efficiency programs and instead participate in PJM’s wholesale capacity market construct as directed or contemplated by their respective Relevant Electric Retail Regulatory Authorities²—the Maryland

² Capitalized terms not otherwise defined herein shall have the meanings set forth in the PJM Open Access Transmission Tariff.

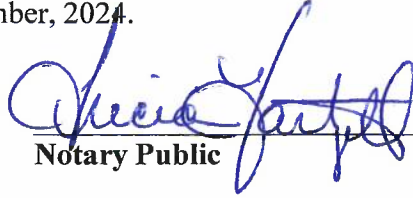
Public Service Commission, the New Jersey Board of Public Utilities, and the Pennsylvania Public Utility Commission (collectively, the “Applicable RERRAs”); all FirstEnergy Utilities’ capacity market related revenues from EE resources are credited back to retail customers under the direction and annual review of the Applicable RERRAs, with the FirstEnergy Utilities permitted to recover program costs through state jurisdictional rate proceedings; and the FirstEnergy Utilities are not only bound to follow PJM’s measurement and verification (“M&V”) standards but are also bound by the M&V standards established and directed by the Applicable RERRAs for verification of energy and capacity related savings and for cost effectiveness.

I declare state that the foregoing is true and correct to the best of my knowledge and belief.

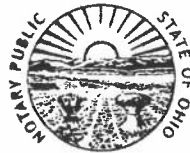


Mark A. Jones
Vice President, Customer Engagement
FirstEnergy Service Company

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for the State of Ohio,
County of Summit this 25th day of September, 2024.


Notary Public

My commission expires: July 10, 2027



TRICIA STEPHANIE HARTZELL
Notary Public
State of Ohio
My Comm. Expires
July 10, 2027

Public Service Electric and Gas Company Attestation

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

Independent Market Monitor for PJM,

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)

Complainant,

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-v.-

)

Docket No. EL24-113-000

)

Indicated Energy Efficiency Sellers,

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Respondents.

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ATTESTATION

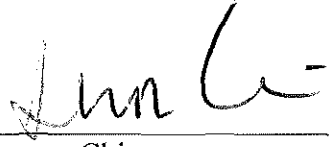
I, the undersigned, being duly sworn depose and say that I am Senior Director - Renewables & Energy Solutions for Public Service Electric and Gas Company (“PSE&G”) and that to the best of my knowledge, information, and belief, PSE&G offers energy efficiency (“EE”) resources into PJM Interconnection, L.L.C.’s (“PJM’s”) capacity market construct under state direction and supervision; currently, PSE&G does not solely rely upon the resulting capacity market related revenues to operate its energy efficiency programs and instead participate in PJM’s wholesale capacity market construct as directed or contemplated by its Relevant Electric Retail Regulatory Authority¹—the New Jersey Board of Public Utilities (the “Applicable RERRA”); PSE&G’s capacity market related revenues from EE resources are credited back to retail customers under the direction and annual review of the Applicable RERRA, with PSE&G permitted to recover program costs through state jurisdictional rate proceedings; and PSE&G is not only bound to follow PJM’s measurement and verification (“M&V”) standards but is also bound by the M&V

¹ Capitalized terms not otherwise defined herein shall have the meanings set forth in the PJM Open Access Transmission Tariff.

standards established and directed by the Applicable RERRA for verification of energy and capacity related savings and for cost effectiveness.

Pursuant to 18 C.F.R § 385.2005 (b) and (c) and 28 U.S. Code § 1746 I verify under penalty of perjury under the laws of the United States of America that the foregoing Attestation true and correct.

Executed on September 25, 2024.

A handwritten signature in black ink, appearing to read 'Susanna Chiu', written over a horizontal line.

Susanna Chiu
Senior Director, Renewables and Energy Solutions
PSE&G

Rockland Electric Company Attestation

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

Independent Market Monitor for PJM,)	
Complainant,)	
)	
-v.-)	Docket No. EL24-113-000
)	
Indicated Energy Efficiency Sellers,)	
Respondents.)	

ATTESTATION

I, the undersigned, represent that I am Section Manager, Customer Energy Services for the Rockland Electric Company (“RECO”) and that to the best of my knowledge, information, and belief: RECO offers energy efficiency (“EE”) resources into PJM Interconnection, L.L.C.’s (“PJM’s”) capacity market construct under state direction and supervision; currently, RECO does not solely rely upon the resulting capacity market related revenues to operate their energy efficiency programs and instead participates in PJM’s wholesale capacity market construct as directed or contemplated by the New Jersey Board of Public Utilities; all RECO’s capacity market related revenues from EE resources are credited back to retail customers under the direction and annual review of the New Jersey Board of Public Utilities, with RECO permitted to recover program costs through state jurisdictional rate proceedings; and RECO is not only bound to follow PJM’s measurement and verification (“M&V”) standards but are also bound by the M&V standards established and directed by the New Jersey Board of Public Utilities for verification of energy and capacity related savings and for cost effectiveness.

Pursuant to 18 C.F.R. § 385.2005 (b) and (c) and 28 U.S. Code § 1746, I verify under penalty of perjury under the laws of the United States of America that the foregoing Attestation is true and correct.

Philip Madnick 9/27/24

Philip Madnick
Section Manager, Customer Energy Services
Rockland Electric Company

Southern Maryland Electric Cooperative, Inc. Attestation

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

Independent Market Monitor for PJM,)	
)	
Complainant,)	
)	
-v.-)	Docket No. EL24-113-000
)	
Indicated Energy Efficiency Sellers,)	
)	
Respondents.)	
)	
)	

ATTESTATION

I, the undersigned, being duly sworn depose and say that I am Vice President, Legal Affairs and Deputy General Counsel for Southern Maryland Electric Cooperative, Inc. (“SMECO”) and that to the best of my knowledge, information, and belief, SMECO offers energy efficiency (“EE”) resources into the PJM Interconnection, L.L.C.’s (“PJM’s”) capacity market construct under Maryland state direction and supervision; currently, SMECO does not solely rely upon the resulting capacity market related revenues to operate its energy efficiency programs and instead participates in PJM’s wholesale capacity market construct as directed or contemplated by its Relevant Electric Retail Regulatory Authority¹—the Maryland Public Service Commission (the “Applicable RERRA”); all of SMECO’s capacity market related revenues from EE resources are credited back to retail customers under the direction and annual review of the Applicable RERRA, with SMECO permitted to recover program costs through state jurisdictional rate proceedings; and SMECO is not only bound to follow PJM’s measurement and verification (“M&V”) standards but

¹ Capitalized terms not otherwise defined herein shall have the meanings set forth in the PJM Open Access Transmission Tariff.

is also bound by the M&V standards established and directed by the Applicable RERRA for verification of energy and capacity related savings and for cost effectiveness.

Pursuant to 18 CFR 385.2005(b) and (c) and 28 US Code 1746, I verify under penalty of perjury under the laws of the United States of America that the foregoing Attestation is true and correct. Executed on September 27, 2024.



Damon Krieger

Vice President, Legal Affairs and Deputy General Counsel
Southern Maryland Electric Cooperative, Inc.

APPENDIX D

Certificate of Service

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 30th day of September, 2024.



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