

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

FirstEnergy Solutions Corp.)	
Allegheny Energy Supply Company, LLC)	Docket No. EL13-47-001
)	
v.)	
PJM Interconnection, L.L.C.)	
)	
)	

ANSWER OF THE INDEPENDENT MARKET MONITOR FOR PJM

Pursuant to Rule 213(a)(3) of the Commission’s Rules and Regulations,¹ Monitoring Analytics, LLC, acting in its capacity as the Independent Market Monitor for PJM² (“Market Monitor”), submits this answer opposing the Motion for Leave to Submit a Supplemental Pleading of DC Energy LLC, et al., filed January 27, 2015. DC Energy’s Motion should be denied and the accompanying supplemental pleading rejected.

¹ 18 CFR 385 213(a)(3) (2014).

² PJM Interconnection, L.L.C. (“PJM”) is a Commission-approved Regional Transmission Organization. Capitalized terms used herein and not otherwise defined have the meaning used in the PJM Open Access Transmission Tariff (“OATT”) or the PJM Operating Agreement (“OA”).

DC Energy's Motion is an unauthorized answer to a request for rehearing disguised as a motion to file a supplemental pleading.³ DC Energy's Motion was submitted in response to, and in support of, multiple requests for rehearing filed since the Commission's June 5, 2013, Order. DC Energy merely reiterates the same arguments that are pending with the Commission, and expresses its "wish to emphasize [that] the underlying problems still exist and must be addressed by the Commission."⁴

DC Energy's pleading cannot be treated as a motion to lodge because the information DC Energy seeks to make part of the record is insignificant and immaterial to the Commission's determination of the issues before it.⁵ DC Energy's pleading is in fact an unauthorized answer to a request for rehearing filed many months out of time.

The Commission's rules prohibit unauthorized answers to requests for rehearing.⁶ DC Energy presents no basis for a waiver of the Commission's rules barring such answers.⁷

³ See *Midwest Ind. Trans. Sys. Operator*, 136 FERC ¶ 61,212 (2011) (finding that although party had styled its pleadings as supplemental comments the Commission deemed the pleading to be an unauthorized answer); see also *Central Maine Power Company, et al.*, 129 FERC ¶ 61,153 (2009) (finding that a letter of clarification filed after requests for rehearing, although not responsive to any pleading in the record and therefore not strictly an answer, should be treated as an unauthorized answer to an answer, which was subsequently rejected).

⁴ *FirstEnergy Solutions Corp., et al., v. PJM Interconnection, L.L.C.*, Docket No. EL13-47-001, *Motion of DC Energy LLC, Vitol Inc., and Inertia Power I, LLC For Leave to Submit Supplemental Pleading*, at P 4, (January 27, 2015).

⁵ See *Mystic Development, LLC*, 116 FERC ¶ 61,168, at P 8 (2006) (rejecting motion to lodge as cumulative and unnecessary); see also *Peetz Logan Interconnect, LLC*, 142 FERC ¶ 61,035, at P 9 (2013) (denying motion to lodge because the information it sought to make part of the record was not pertinent to the determination at hand and was, therefore, outside the scope of the proceeding); see also *Central Maine Power Company*, at 5 (motion to lodge granted because the parties presented the Commission with information about a material change in facts).

⁶ 18 C.F.R. § 385.213(a)(2) (2014).

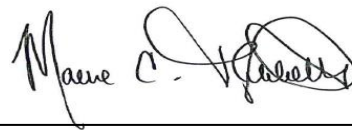
⁷ See e.g. *ITC Midwest, LLC v. American Transmission Company, LLC*, 142 FERC ¶ 61,096 at P 35 (2013); *Entergy Services, Inc.*, 131 FERC ¶ 61,067 at P 13 (2010); *MidAmerican Energy Co.*, 115 FERC ¶ 61,326 at P 10 (2006); see generally *Xcel Energy Operating Cos.*, 123 FERC ¶61,053, at P 10 (2008) (accepting

This unauthorized answer should be rejected because the answer has been filed well beyond any reasonable deadline for an answer, authorized or unauthorized, the answer reiterates arguments already rejected by the Commission in its order of June 5, 2013, and does not otherwise provide anything new or helpful to the Commission's decision-making on rehearing.

Accordingly, DC Energy's Motion should be denied and the accompanying supplemental pleading rejected.

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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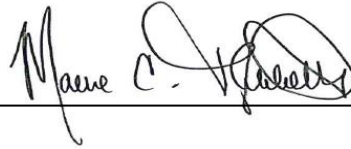
Dated: February 11, 2015

pleading that provided information useful in the decision-making process); *Morgan Stanley Capital Group, Inc. v. New York Indep. Sys. Operator, Inc.*, 93 FERC ¶61,017, at p. 61, 036 (2000) (accepting answer "helpful in the development of the record"); *New York Indep. Sys. Operator, Inc.*, 91 FERC ¶61,218 at p. 61,797 (2000) (allowing answer "useful in addressing the issues arising in these proceedings"); *Central Hudson Gas & Elec. Corp.*, 88 FERC ¶61,381 (1999) (accepting pleadings because they helped to clarify the issues).

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 11th day of February, 2015.

A handwritten signature in black ink, appearing to read "Maeve C. Tibbetts", is written above a solid horizontal line.

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