

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

Todd Solar, LLC

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Docket No. ER21-258-000

**ANSWER AND MOTION FOR LEAVE TO ANSWER
OF THE INDEPENDENT MARKET MONITOR FOR PJM**

Pursuant to Rules 212 and 213 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 submits this answer to the answer submitted on January 6, 2021, by Todd Solar, LLC ("Applicant").

I. ANSWER

This answer responds to Applicant's statement (at 1) that the Market Monitor's answer of December 22, 2020, "ignores the Commission's recent orders in other market-based rate application proceedings that found that the similar issues raised in the IMM Protest by the IMM filed in such dockets were misplaced and were not granted." The Market Monitor has filed protests in other proceedings similar to the protest filed in this proceeding. Orders have issued in some of those proceedings finding "that the IMM has failed to provide any evidence related to Sellers' market power."³ The Market Monitor has

¹ 18 CFR §§ 385.212 & 385.213 (2020).

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 *Albemarle Beach Solar, LLC, Mechanicsville Lessee, LLC, and AB Lessee, LLC*, 173 FERC ¶ 61,215 at P 26 (2020); *Harts Mill Solar, LLC*, 173 FERC ¶ 61,216 at P 26 (2020).

filed a motion for clarification seeking additional guidance on those Orders.⁴ The Market Monitor is seeking clarification on how the process set forth in Order No. 861 is intended to operate when the applicant has not filed any information concerning market power and has instead relied exclusively on PJM market power mitigation. The Market Monitor is requesting guidance on the evidence necessary to show sellers' market power. The Market Monitor will take appropriate action in this proceeding based on guidance received from the Commission in response to the Market Monitor's pending motion for clarification.

II. MOTION FOR LEAVE TO ANSWER

The Commission's Rules of Practice and Procedure, 18 CFR § 385.213(a)(2), do not permit answers to answers or protests unless otherwise ordered by the decisional authority. The Commission has made exceptions, however, where an answer clarifies the issues or assists in creating a complete record.⁵ In this answer, the Market Monitor provides the Commission with information useful to the Commission's decision making process and which provides a more complete record. Accordingly, the Market Monitor respectfully requests that this answer be permitted.

⁴ Motion for Clarification of the Independent Market Monitor for PJM, Docket No. ER20-2845-001 et al. (January 8, 2021).

⁵ See, e.g., *PJM Interconnection, L.L.C.*, 119 FERC ¶61,318 at P 36 (2007) (accepted answer to answer that "provided information that assisted ... decision-making process"); *California Independent System Operator Corporation*, 110 FERC ¶ 61,007 (2005) (answer to answer permitted to assist Commission in decision-making process); *New Power Company v. PJM Interconnection, L.L.C.*, 98 FERC ¶ 61,208 (2002) (answer accepted to provide new factual and legal material to assist the Commission in decision-making process); *N.Y. Independent System Operator, Inc.*, 121 FERC ¶61,112 at P 4 (2007) (answer to protest accepted because it provided information that assisted the Commission in its decision-making process).

III. CONCLUSION

The Market Monitor respectfully requests that the Commission afford due consideration to this answer as the Commission resolves the issues raised in these proceedings.

Respectfully submitted,



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Dated: January 26, 2021

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 26th day of January, 2021.



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