

**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	)	
	)	

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

Pursuant to Rules 212 and 213 of the Commission’s Rules and Regulations,<sup>1</sup> Monitoring Analytics, LLC, acting in its capacity as the Independent Market Monitor (“Market Monitor”) for PJM Interconnection, L.L.C. (“PJM”),<sup>2</sup> submits this answer to the motion submitted by Enerwise Global Technologies, LLC, doing business as CPower on June 10, 2024 (“CPower”).<sup>3</sup>

This proceeding concerns a complaint filed by the Market Monitor that CPower, and other similarly situated Indicated Energy Efficiency (“EE”) Sellers, did not include the information sufficient to support payments for EE to CPower that CPower claims to be

---

<sup>1</sup> 18 CFR § 385.213 (2023).

<sup>2</sup> 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”).

<sup>3</sup> On June 12, 2024, other Indicated EE Sellers filed an answer supporting CPower’s motion, including: FirstEnergy Service Company, as agent for its affiliates, Pennsylvania Power Company, Pennsylvania Electric Company, Metropolitan Edison Company, West Penn Power Company, Jersey Central Power & Light Company and The Potomac Edison Company; 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; and Rockland Electric Company.

providing during the 2024/2025 Delivery Year (“Complaint”) in the post installation measurement & verification reports (“Reports”) submitted to PJM. Those Reports are intended to provide all the information necessary to verify that the EE has been installed and the asserted savings have been demonstrated.

In its motion, CPower requests (at 8) that the Commission “rescind the Notice of Filing to the extent it set a due date for comments,” or, in the alternative “extend the due date for responsive pleadings so that it is no less than thirty days from the date the privileged materials are submitted.”

CPower claims (at 5–6) that it “cannot provide a fulsome response” without access to all of the Reports. CPower claims (*id.*) that this is because the Reports “may not be identical.” CPower has the Reports that it submitted to PJM and has all the information it needs to respond. Each respondent is the source of its own Reports. Each respondent has the information needed to respond to the Complaint. Each respondent needs to provide a Report that shows it provides EE to PJM that meets its obligations. No respondent needs access to any of the Reports other than its own in order to make this showing.

The Market Monitor included a protective order based on the model protective order with the Complaint. The Market Monitor has concerns that the Reports may contain information that the Indicated EE Sellers do not want to be share with each other, as they are competitors. For this reason, the Market Monitor has delayed providing the Reports until the Indicated EE Suppliers have had reasonable opportunity to propose alternative protective measures. The Market Monitor has not yet provided the Reports in order to provide reasonable time for the Respondents to propose such alternatives.

CPower confirms the Market Monitor’s concerns. CPower states (at 7) that it has concerns that the standard model protective order does not sufficiently protect its interests. CPower confirms the Market Monitor’s cautious approach to filing what CPower views as confidential information. Despite being afforded time to do so, neither CPower nor any of the other Indicated EE Suppliers have yet proposed an alternative protective order.

The Market Monitor requests guidance from the Commission on this matter and will provide the information with the appropriate protective agreements as directed by the Commission. The Market Monitor will file the Reports with the Commission as directed by the Commission as soon as the Commission so directs.

The Market Monitor will provide the confidential Reports to any party providing an approved executed non disclosure agreement and non disclosure certificates, as directed by the Commission.

The Market Monitor respectfully requests that the Commission afford due consideration to this answer as the Commission considers the CPower motion.

Respectfully submitted,



---

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: June 14, 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 14<sup>th</sup> day of June, 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*