

**Organization of PJM States, Inc. (OPSI)**

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Virginia State Corporation Commission • Public Service Commission of West Virginia.

November 13, 2008

Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426
(By Electronic Filing)

Re: *Maryland Public Service Commission v. PJM Interconnection, L.L.C., EL08-34-000; PJM Interconnection, L.L.C., EL08-47-000;*
Reply Comments of the Organization of PJM States, Inc.

Dear Ms. Bose:

Please accept for late filing in the above-referenced matter electronically filed Reply Comments of the Organization of PJM States, Inc. (OPSI). Service has been made upon the service list as evidenced by the attached certificate of service.

Thank you for your attention to this matter. If you have any questions in reference to this filing, please contact me at (302) 757-2441.

Sincerely,
/s/Rajnish Barua
Rajnish Barua, Ph.D.
Executive Director
Organization of PJM States, Inc.
62 N. Chapel Street, Suite 203
Newark, DE 19711

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

Maryland Public Service Commission

v.

PJM Interconnection, L.L.C.

PJM Interconnection, L.L.C.

Docket No. EL08-34-000

Docket No. EL08-47-000

**MOTION TO FILE OUT OF TIME AND
REPLY COMMENTS OF THE ORGANIZATION OF PJM STATES, INC.**

Pursuant to Rule 212 of the Commission's Rules of Practice and Procedure, 18 C.F.R. §385.212, the Organization of PJM States, Inc. ("OPSI")¹ hereby files this motion to file out of time and the reply comments on the Three Pivotal Supplier Test ("TPST") in the above-captioned dockets. OPSI previously intervened on September 4, 2008, and filed comments on October 6, 2008.

OPSI is an incorporated association of the utility regulatory agencies of 13 states and the District of Columbia (Member Regulatory Agencies) within the PJM

¹ The Member Regulatory Agencies of OPSI are the: Delaware Public Service Commission; District of Columbia Public Service Commission; Illinois Commerce Commission; Indiana Utility Regulatory Commission; Kentucky Public Service Commission; Maryland Public Service Commission; Michigan Public Service Commission; New Jersey Board of Public Utilities; North Carolina Utilities Commission; Public Utilities Commission of Ohio; Pennsylvania Public Utility Commission; Tennessee Regulatory Authority; Virginia State Corporation Commission; and the Public Service Commission of West Virginia.

footprint. As a voluntary regionally based organization of the 14 agencies, OPSI has a unique, direct, and substantial interest that cannot be represented by any other party. The Member Regulatory Agencies, which regulate numerous electric distribution utilities (some of which are also transmission owners within the PJM footprint), together participate in OPSI and have a unique stake in the operation and success of the PJM wholesale markets. Since its formation, OPSI has participated in proceedings related to PJM before this Commission. OPSI also regularly participates in various meetings organized by PJM.

Under the Commission's procedural schedule, reply briefs were due on November 5, 2008. However, due to the nature of OPSI's membership and the various state administrative regulations and procedures, OPSI was unable to meet the filing deadline for substantive reply comments.² OPSI accepts the record as it stands to date and does not wish to disrupt the proceeding in any way with this filing. Given the importance of the issues and the potential impacts that the outcome of the proceeding could have on members of OPSI, we believe that good cause exists to grant this motion to file these short reply comments out of time and does hereby so move.

² The Illinois Commerce Commission, the Pennsylvania Public Utility Commission, and the Tennessee Regulatory Authority were unable to join this Motion and Reply Comments as of this date of filing.

Reply Comments

OPSI believes that PJM's TPST is just and reasonable, and does not find any evidence provided by intervenors in the record that demonstrates PJM's TPST is unjust and unreasonable. OPSI further believes that no evidence was offered that is sufficient to move the Commission to replace the TPST with any other test.

Therefore, OPSI strongly urges the Commission to keep in place PJM's existing mitigation rules including the TPST, and declare the TPST as just and reasonable.

OPSI requests that the Commission terminate this proceeding without further notice and that it provide any and all other appropriate relief.

Respectfully Submitted,

/s/Rajnish Barua
Rajnish Barua, Ph.D.
Executive Director
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Newark, DE 19711
(302) 757-2441
raj@opsi.us

Dated: November 13, 2008

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each party designated on the official service list compiled by the Secretary in Docket Nos. EL08-34-000 and EL08-47-000 in accordance with the requirements of Rule 2010 of the Commission's Rules of Practice and Procedure.

Dated this 13th day of November, 2008.

/s/ Rajnish Barua
Rajnish Barua, Ph.D.
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Document Content(s)

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