

FEDERAL ENERGY REGULATORY COMMISSION
Office of Enforcement
Washington, D.C. 20426



November 16, 2011

VIA EMAIL & U.S. MAIL

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**RE: Powhatan's Failure to Respond to Third Data Request to
Powhatan Energy Fund LLC in *In Re PJM Up-To Congestion
Transactions*, Docket No. IN10-5-000**

Dear Messrs. McSwain, O'Donnell, and Hagan and Ms. Sarosiek:

Your November 14, 2011 letter, purporting to respond to Staff's Third Data Request, is nonresponsive and unsatisfactory.

Our Data Requests sought, in language that could not have been clearer, that Powhatan identify *specific documents* that *it contends* fall within certain categories. For example, Requests No. 14-15 ask that Powhatan "**identify (by Bates number) any document that you contend falls within any of the following categories**, and state which subpart you contend it is responsive to." (Emphasis added.) Beyond that, Request No. 17 asks Powhatan to identify "**the specific statement(s) in the document that [are] responsive** and a narrative explanation of why each identified statement is responsive. (Emphasis added.) These are merely illustrations of the many ways in which the Requests sought highly specific responses from Powhatan.

Your response ignores the plain language of the Requests. Please provide full and complete responses to each of the Requests by November 29, 2011. For each subpart of each Request, if there are no documents that *you contend* are responsive, your response should be “none.”

Very truly yours,

/s/

Steven C. Tabackman