

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

FEDERAL ENERGY REGULATORY COMMISSION,)	
)	
Plaintiff,)	Civil Action No. 3:15-cv-00452 (MHL)
v.)	
)	
POWHATAN ENERGY FUND, LLC,)	
HOULIAN “ALAN” CHEN,)	
HEEP FUND, INC., and)	
CU FUND, INC.)	
)	
Defendants.)	
)	

**NOTICE OF OBJECTION REGARDING
PJM INTERCONNECTION, L.L.C.’S RESPONSE TO DEFENDANTS’ SUBPOENA**

In accordance with Paragraph 21 of the Court’s December 21, 2020 Initial Pretrial Order (ECF No. 160) and Section 20 of the Consent Protective Order entered by the Court on March 22, 2021 (ECF No. 170), Defendants Powhatan Energy Fund, LLC, Houlian “Alan” Chen, HEEP Fund, Inc., and CU Fund, Inc. (collectively, “Defendants”) hereby file this Notice of Objection regarding the response of the PJM Interconnection, L.L.C. (“PJM”) to Defendants’ December 7, 2020 subpoena (“Subpoena”).

In order to reduce the burdens on PJM in responding to the Subpoena, Defendants and PJM agreed that (1) PJM would make an initial production consisting of the materials it produced in connection with another pending case involving the payment of marginal loss surplus allocation to up-to congestion traders, *Federal Energy Regulatory Commission v. Coaltrain Energy, L.P.*, No.2:16-cv-00732 (S.D. Ohio), and (2) after reviewing that initial production, Defendants would request and PJM would perform supplemental searches for materials not fully covered by the initial

production. Because it took longer than anticipated to negotiate the Consent Protective Order governing the production of documents in this case, PJM did not make its initial production until March 24, 2021. Defendants have requested supplemental searches and have been working with PJM to negotiate mutually agreeable parameters for these searches. However, Defendants and PJM have not yet been able to finalize an agreement regarding the parameters for PJM's supplemental searches. Accordingly, Defendants hereby file this Notice of Object to preserve their rights should Defendants and PJM be unable to resolve this issue between themselves. Defendants think that the supplemental searches they have requested are consistent with the scope of discovery permitted under Federal Rule of Civil Procedure 26(b)(1).

Defendants hereby certify that they have made a good faith effort to resolve this discovery dispute with PJM and will continue to do so.

Respectfully Submitted,

/s/ Patrick R. Hanes

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Dated: April 16, 2021

/s/ Robert W. Warnement

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*Counsel for Houlian Chen, HEEP Fund, Inc.,
and CU Fund, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on April 16, 2021, I filed the foregoing motion with the Clerk's Office, using the CM/ECF system, which will send a notification of such filing to counsel of record in this matter.

/s/ Robert W. Warnement
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