



3. Powhatan is scheduled to take depositions on December 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup>, and FERC is also taking the deposition on December 3<sup>rd</sup> of Alan Chen.

4. Besides the FERC Rule 30(b)(6) deposition issue set for argument before the Court on December 14, 2021, the only remaining deposition is the deposition of Frederick S. Bresler of PJM, in both his individual capacity and as the Rule 30(b)(6) designee of non-party PJM. Counsel have worked in good faith to agree upon scheduling and topics and to avoid motions practice, but given the holidays and condensed timeframe the parties could not schedule the deposition by December 3<sup>rd</sup>. PJM has offered to conduct the deposition on December 21, 2021, subject to a reservation of rights to object to the substantive topics set forth in the Rule 30(b)(6) subpoena, and Powhatan and FERC have both agreed to that date.

5. In light of this matter's history and complexity, all counsel have worked in good faith to schedule the deposition of Mr. Bresler, avoid motions practice and obviate any drain on the Court's or parties' resources. No other dates on the scheduling order will change if this motion is granted, no party will be prejudiced and the ultimate resolution of this matter will not be delayed.

**WHEREFORE**, Defendant Powhatan Energy Fund, respectfully requests that the Court allow this deposition out of time.

Christopher Perkins  
Va. Bar No. 41783  
Attorney for Powhatan Energy Fund, LLC  
Eckert Seamans Cherin & Mellott, LLC  
919 East Main Street  
Suite 1300  
Richmond, VA 23219  
Telephone: (804) 788-9636  
Fax: (804) 698-2950  
Email: cperkins@eckertseamans.com

/s/ Jeffrey Brundage

Charles A. Zdebski

Va. Bar No. 37519

Jeffrey Brundage

Va. Bar No. 80179

Attorney for Powhatan Energy Fund, LLC

Eckert Seamans Cherin & Mellott, LLC

1717 Pennsylvania Avenue, N.W., 12<sup>th</sup>

Floor

Washington, D.C. 20006

Telephone: (202) 659-6676

Facsimile: (202) 659-6699

czdebski@eckertseamans.com

jbrundage@eckertseamans.com

/s/ Kevin Dinan

Kevin Dinan (Va. Bar No. 25517)

Damon Taaffe (Pro Hac Vice)

Daniel T. Lloyd (Pro Hac Vice)

Federal Energy Regulatory Commission

888 First Street, N.E.

Washington, DC 20426

Telephone: (202) 502-6214

Facsimile: (202) 502-6449

Email: kevin.dinan@ferc.gov

Attorneys for Federal Energy Regulatory  
Commission

Samuel W. Silver

Attorney for Non-Party PJM

Interconnection, LLC

Schnader Harrison Segal & Lewis LLP

Suite 3600, 1600 Market Street

Philadelphia, PA 19103

Telephone: 215-751-2309

Facsimile: 215-751-2205

Dated: November 30, 2021

**CERTIFICATE OF SERVICE**

I certify that on November 30, 2021, I electronically filed the foregoing document(s) and that they are available for viewing and downloading from the Court's CM/ECF system. I further certify that I emailed a copy of the foregoing document to counsel for PJM Interconnection, LLC.

/s/ Jeffrey Brundage

Jeffrey Brundage

Va. Bar No. 80179

Attorney for Powhatan Energy Fund, LLC

ECKERT, SEAMANS, CHERIN &

MELLOT,

LLC

1717 Pennsylvania Avenue, N.W., 12th Floor

Washington, D.C. 20006

Telephone: (202) 659-6676

Facsimile: (202) 659-6699

jbrundage@eckertseamans.com