

Supporters, consisting of PJM Industrial Consumer Coalition (“PJMICC”) and others,³ also submitted its comments and protest on September 16, 2009 (“DRS Protest”). The DRS Protest requested that the Commission issue an order finding that the existing approach is not just and reasonable and requiring PJM to adopt full LMP with no sunset provisions as the just and reasonable compensation for demand reductions. On September 25, 2009, the Electric Power Supply Association (“EPSA”) filed a motion requesting that the Commission reject the DRS Protest without prejudice to re-filing under Section 206 of the FPA, or, in the alternative, to extend the time for parties to respond to the DRS Protest to October 30, 2009.

II. MOTION FOR LEAVE TO ANSWER

To the extent that this pleading is deemed to be an answer to a protest, P3 requests leave to file such an answer pursuant to Rule 213(a)(2) of the Commission’s Rules of Practice and Procedure.⁴ Although the Commission’s procedural rules do not provide for answers to protests as a matter of right, the Commission regularly allows answers where, as here, the answer provides further explanation or otherwise helps ensure a full and complete record and Commission understanding of the record.⁵

III. ANSWER

P3 respectfully submits that the DRS protest is not in the public interest and should be rejected by the Commission. Like the PJM filing, the DRS protest is procedurally flawed and substantively deficient. Neither filing is worthy of Commission

³ In addition to the PJMICC, the DRS includes: Comverge, Inc.; EnergyConnect, Inc.; EnerNOC, Inc.; Viridity Energy, Inc., and Wal-Market Stores East, L.P.

⁴ 18 C.F.R. § 385.213(a)(2).

⁵ See, e.g., *PJM Interconnection, L.L.C.*, 104 FERC ¶ 61,154 at P 14 (2003); *Williams Energy Mktg. & Trading Co. v. Southern Co. Servs., Inc.*, 104 FERC ¶ 61,141 at P 10 (2003); *Ameren Servs. Co.*, 100 FERC ¶ 61,135 at P 15 (2002).

support and both filings should be addressed via the appropriate procedural vehicle – a 206 complaint.

P3 has reviewed the Electric Power Supply Association’s (“EPSA”) Motion for Leave to Answer and Answer and supports EPSA’s filing including the accompanying white paper from independent expert Professor William H. Hogan. P3 agrees that the DRS Protest is in essence an alternative proposal for revising PJM’s Tariff that should, like the PJM proposal, be submitted as a separate complaint pursuant to Section 206 of the FPA. Moreover, as outlined by Professor Hogan’s paper, P3 is concerned that paying demand resources a subsidy in excess of comparable compensation to all other resources, which the DRS protest seeks Commission approval for PJM to do, does not result in symmetrical treatment for demand resources compared to other supply resources. In fact such a disparity results in preferential treatment for demand resources, leads to inefficient market results and is therefore unjust and unreasonable.

IV. CONCLUSION

For the foregoing reasons, P3 respectfully requests that the Commission grant this Motion for Leave to Answer, reject the DRS protest and grant such other relief as necessary to protect P3’s interest.

Respectfully submitted,

/s/ Glen Thomas

Glen Thomas
GT Power Group LLC
1060 First Avenue
Suite 400
King of Prussia, PA 19406
gthomas@gtpowergroup.com
610-768-8080

Dated: October 30, 2009

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 Washington, D.C., this 30th day of October, 2009.

/s/ Glen Thomas

Glen Thomas
GT Power Group LLC
1060 First Avenue
Suite 400
King of Prussia, PA 19406
gthomas@gtpowergroup.com
610-768-8080