

# 2024 Media Kit

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# THE $\mathbf{P}_{GROUP}^3$

### DEDICATED TO SUCCESSFUL ENERGY MARKETS

The PJM Power Providers Group (P3) is a non-profit organization that supports the development of properly designed and well-functioning markets in the PJM region. PJM is a regional transmission organization that manages the supply and movement of power in 13 states and the District of Columbia. Combined, P3 members own over 83,000 megawatts of generation assets and produce enough power to supply over 63 million homes in the PJM region covering 13 states and the District of Columbia. Collectively, P3 members have invested tens of billions of dollars into facilities in the PJM marketplace without any regulatory guarantee of a return of or on that investment. Combined, P3 members own and operate virtually all forms of electricity generation, provide demand response services in certain markets and serve end use consumers through retail affiliates.

P3 members believe that properly designed and well-functioning competitive wholesale electricity markets are the most effective means of:

- Ensuring a reliable supply of power to the PJM region;
- Facilitating the investment of at-risk capital in both new and existing technologies in order to deliver competitively priced power to consumers; and
- Complimenting state and federal environmental objectives.

P3 shall promote policies at the federal and state level that will allow the PJM region to fulfill the promise of these competitive markets. P3 supports:

- Transparent price signals to and from consumers so that they may be the ultimate drivers of the competitive market;
- Effective and independent market monitoring coupled with well-defined rules to identify and prevent market power abuse or gaming and to promote confidence among state regulators and market participants;
- Policies that support effective pricing mechanisms which would allow generation, transmission and demand response to compete on equal footing;
- Capacity markets as a tool to encourage long term capital investments in existing as well as new generation resources;
- Stable, technology-neutral, state and regional retail policies, such as default procurement auctions, that leverage the benefits of wholesale competition;
- The development and promotion of renewable and alternative energy generation within the framework of a competitive market; and
- Non-discriminatory, technology-neutral, economy-wide strategies to achieving state carbon reduction objectives.

Members of The PJM Power Providers Group include:

- Advanced Power
- <u>Caithness Energy, L.L.C.</u>
- <u>Calpine Corporation</u>
- <u>Cogentrix</u>
- <u>Competitive Power Ventures</u>
- Earthrise Energy
- Indeck Niles, LLC
- J-POWER USA Development Co., Ltd
- JERA Americas
- LS Power Development LLC

- Lotus Infrastructure Partners
- Middle River Power
- NRG Energy
- Parkway Generation LLC
- Red Oak Power
- Rockland Capital
- <u>Talen Energy</u>
- Tenaska, Inc.
- <u>Tyr Energy</u>
- Vistra Energy

*"P3 members produce enough power to supply over 63 million homes. They are committed to providing a reliable and competitively priced supply of power to consumers. Competitive wholesale markets will ultimately benefit the entire PJM region."– Glen Thomas, P3 President* 

# THE $\mathbf{P}_{GROUP}^3$

### LEADING THE CHANGING MARKETPLACE

The PJM Power Providers Group (P3) believes that wellfunctioning competitive wholesale electricity markets are the most effective means of ensuring a reliable supply of low-cost power to the 13 Mid-Atlantic and Midwestern states and the District of Columbia in the PJM service territory. P3 has provided expert testimony, advocated market reforms in PJM at the state and federal levels and championed the benefits of competitive markets throughout the PJM footprint. A sampling of P3 advocacy includes the following:



#### P3 Engagement at the Federal Energy Regulatory Commission (FERC) and PJM in 2023

P3 Filed Comments at FERC Regarding Modernizing Wholesale Electricity Market Design -January 18, 2023 (AD21-10-000) P3 filed its fourth set of comments in this docket. Specifically in these comments, P3 responded to PJM's Report, and highlighted the various concerns in the current PJM market design and FERC's decisions. P3 urged the Commission and PJM to answer the call for the sake of reliability, affordability and sustainability. <u>MORE</u>

P3 Filed Protest at FERC Opposing PJM Proposal to Amend Tariff During Auction - January 20, 2023 (ER23-729-000 and EL23-19-000) P3 opposed PJM's proposal to alter tariff revisions during the conduct of an auction to address issues in the DPL South LDA. P3's filing featured expert affidavits from Dr. Roy Shanker and former FERC Chairman Kelliher. FERC ultimately accepted PJM's proposal and P3 filed for rehearing and eventually prevailed on appeal before the 3<sup>rd</sup> Circuit. MORE

P3 Filed Answer at FERC Responding to PJM and IMM - February 9, 2023 (ER23-729-000 and EL23-19-000) P3 further responded to PJM's call to change its rules related to DPL South during the BRA. <u>MORE</u>

P3 Filed Comments at FERC Regarding PJM's Revisions to Billing of Non-Performance Charges Regarding Winter Storm Elliott - February 23, 2023 (ER23-1038-000) P3 filed comments supporting PJM's revisions to its billing of Capacity Market Non-Performance Charges. P3 specifically agreed to PJM's revisions to the billing changes as they relate to Winter Storm Elliott but noted permanent changes should be discussed in the stakeholder process. FERC eventually accepted PJM's proposal. <u>MORE</u> P3 Filed Comments at FERC Supporting PJM's Proposed Tariff Revisions For CIRs for ELCC Resources - March 1, 2023 (ER23-1067-000) P3 filed Comments at FERC Supporting PJM's proposed Tariff revisions regarding Capacity Interconnection Rights ("CIRs") for Effective Load Carrying Capability ("ELCC") resources. In part, P3 noted that PJM's proposed revisions represented a long overdue, yet appropriate, response to a long-standing process of allowing certain resources to receive capacity rewards over their transmission rights. On April 6, FERC accepted PJM's proposal in a 3-1 vote (Clement dissenting). MORE

**P3 Submitted a Letter to the PJM Board – March 7, 2023.** The P3 letter detailed the organization's concerns related to the PJM capacity market and offering suggestions for policy revisions to restore vitality to the PJM capacity construct. <u>MORE</u>

P3 joined EPSA and NEPGA on Rehearing Request at FERC on Cost Recovery Concerns of New Cold Weather Standards - March 20, 2023 (RD23-1-001) P3 joined EPSA and NEPGA in a request for rehearing of FERC's dismissal of all three groups' comments that some cost recovery mechanism needs to be in place to address costs imposed by new NERC standards on extreme cold weather preparedness and operations. In FERC's February 16th order, approving the standards, the Commission dismissed the generators' cost recovery concerns by simply stating the issue is outside the scope of this proceeding. This short dismissal is a breach of the Commission's duty to ensure that reliability standards are just and reasonable and thwarts reasoned decision-making by failing to respond to, or engage with, the serious objections raised by the power supplier organizations. MORE

P3 Filed Comments at FERC Supporting PJM's Motion for Establishment of Settlement Judge Procedures Related to Winter Storm Elliott Complaints - April 24, 2023 (EL23-53-000, EL23-54-000, EL23-55-000, EL23-56-000, EL23-57-000, EL23-58-000, EL23-59-000, EL23-60-000, EL23-61-000) P3 filed comments supporting PJM's Motion for Establishment of Settlement Judge Procedures related to the multiple Winter Storm Elliott Complaints. PJM requested that the Commission establish a global settlement proceeding to address all the complaint proceedings and for any similar complaints that may be filed by the time the Commission acted on the PJM motion. P3 supported PJM's motion and urged the Commission to approve it provided that any settlement applies equally to any similarly situated market participants, complainants and intervenors. <u>MORE</u> FERC commenced the settlement process on June 26<sup>th</sup> and a settlement was eventually accepted by FERC on December 19, 2023.

P3 Filed Comments at FERC Supporting PJM's PAI Trigger Revisions - June 9, 2023 (ER23-1996-000) P3's Comments supported PJM's Tariff revisions in order to provide a tighter definition in order to define when PJM should issue a Performance Assessment Interval ("PAI") to ensure that an Emergency Action is better synchronized with instances where capacity shortage emergency conditions exist. P3 also supported PJM's request for a Commission order in this regard by July 14, 2023. <u>MORE</u> **FERC PJM Capacity Market Forum - June 15, 2023 (AD23-7)** On behalf of P3, Glen Thomas participated in the forum on the panel discussion on possible areas for capacity market reform. Among other things, Mr. Thomas pointed to the need for offer cap changes and proper accreditation. P3 filed post-technical conference comments regarding capacity market reforms. P3 offered FERC a path forward with specific suggestions. MORE

P3 Filed Comments on PJM's Capacity Market Reform Filings - November 9, 2023 (ER24-98-000 and ER24-99-000). PJM submitted two filings to the Commission addressing a broad array of capacity market reforms including accreditation, offer caps, loss limits and performance testing, following the submission of voluminous comments from stakeholders. P3 filed Comments and a Protest only of the severable section on performance payment eligibility in Docket ER24-98-000, and Comments in Docket ER24-99-000. MORE

P3 Files Comments at FERC Supporting PJM's Proposal to Create a New CONE Area 5 in Response to Illinois' CEJA Law - December 19, 2023 (ER24-462). P3 filed Comments supporting, in part, PJM's finding that continued assumption of a 20-year economic life for purposes of the CONE calculation in the ComEd region will not accurately represent the CONE of a Reference Resource in the region going forward, given that any natural combined cycle Reference Resource would retire by 2045 in Illinois due the infeasibility of meeting Illinois' zero emission standard. PJM's newly-proposed CONE Area 5 for ComEd will therefore have its own Reference Resource that reflects the reality of a shortened economic life for these units as opposed to others in the broader PJM Region. MORE

#### P3 Engagement in the States

- On May 15, 2023, P3 President Glen Thomas testified before the Pennsylvania Senate Environmental Resources and Energy Committee discussing PJM and FERC decisions that have led to compromised reliability in the PJM footprint. <u>MORE</u>
- On Jun 16, 2023, P3 President Glen Thomas testified before the Pennsylvania House Republican Policy Committee on grid reliability. PJM testified at the meeting as well.
  <u>MORE</u>
- On July 6, 2023, P3 filed Comments at the New Jersey Board of Public Utilities regarding ZECs. P3 provided the Board with information from the PJM IMM regarding forward unit surplus earnings from 2019 to 2022 showing the nuclear units do not need to receive ZEC payments. P3 also reminded the Board that the nuclear units will shortly be eligible for federal tax credits from the Inflation Reduction Act. <u>MORE</u>
- On October 23, 2023, P3 filed comments at the Pennsylvania Public Utility Commission regarding the ability of utility companies to own and operate storage facilities. P3 argued that utilities should only be allowed to rate based electricity-storage assets that are small in scale and narrowly tailored to address distribution level reliability concerns. <u>MORE</u>

On November 2, 2023, state legislators from Pennsylvania and Ohio held a "first of its kind" respective energy legislative hearing, spearheaded by PA Senator Gene Yaw, Chairman of the PA Senate Environmental Resource and Energy Committee and Ohio Rep. Dick Stein, Chairman of the Ohio House of Representatives Public Utilities Committee, regarding reliability issues and the effects of IL's CEJA law. P3 President Glen Thomas was one of the participants on the panel. MORE

#### P3 Engagement in the U.S. Court of Appeals

#### MOPR Appeal – Third Circuit

On November 5, 2021, P3 filed a Petition for Review in the U.S. Court of Appeals for the Third Circuit petitioning the court to overturn FERC's approval of PJM's minimum offer-price rule (MOPR), which was a dramatic reversal of long-held precedent on a critical consumer protection against market manipulation. P3's appeal requested reinstatement of a strong MOPR to ensure the competitiveness of PJM's capacity market. Other parties in the appeal were Electric Power Supply Association (EPSA), the Pennsylvania Public Utility Commission (PA PUC) and the Public Utilities Commission of Ohio (PUCO). P3's Brief\_On December 1, 2023, the Third Circuit issued a unanimous opinion rejecting the arguments of P3, EPSA, OH and PA.

#### MSOC Appeal – DC Circuit

 On November 5, 2021, P3 joined with the Electric Power Supply Association (EPSA) and several independent power-producers and filed a Petition for Review in the U.S. Court of Appeals for the D.C. Circuit on PJM's market-seller offer cap (MSOC). The petition demanded reinstatement of market rules that recognize a competitive offer in the capacity market must include the costs and risks of accepting a capacity auction. Oral argument took place on November 8, 2022. On August 15, 2023, the U.S. Court of Appeals for the D.C. Circuit denied the petitions for review of FERC's MSOC order. P3 did not submit a petition for certiorari.

#### **Operating Reserve Demand Curve (ORDC) Appeal – Sixth Circuit**

On March 10, 2022, P3 filed a Petition for Review in the U.S. Court of Appeals for the Third Circuit, of FERC's December 22, 2021, decision to reverse a prior commission order implementing an operating reserve demand curve (ORDC) in PJM. On February 23, 2023, in the U.S. Court of Appeals for the Sixth Circuit, P3, along with EPSA, filed its opening petitioners' brief of appeal. <u>P3 and EPSA's Opening Petitioner Brief</u> <u>P3 and EPSA's Reply</u> <u>Brief</u> On December 21, 2023, the Sixth Circuit issued an opinion and determined that then FERC Chairman Glick exceeded his authority as Chairman by unilaterally seeking a voluntary remand without the consultation with his other commissioners. The Court, however, did not undo the underlying order so PJM remains without an ORDC.

#### DPL South BRA Re-run – Third Circuit

 On April 24, 2023, P3 filed a Petition for Review in the U.S. Court of Appeals for the Third Circuit, of FERC's February 21, 2023, decision accepting PJM's filing to re-run the December 2022 BRA. On July 27, 2023, FERC issued an Order denying rehearing with a lengthy dissent issued by Commissioner Danly. On September 5, 2023, P3 filed a new Petition for Review based on FERC's rehearing order.

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P3 members include: Advanced Power, Caithness Energy, L.L.C.; Calpine Corporation; Cogentrix; Competitive Power Ventures : Earthrise Energy, LLC;; Indeck Niles, LLC, J-POWER USA Development Co., Ltd, JERA Americas, LS Power Development LLC; Lotus Infrastructure Partners; Middle River Power; NRG Energy; Parkway Generation LLC; Red Oak Power; Rockland Capital; Talen Energy; Tenaska, Inc.; Tyr Energy and Vistra Energy.



### P3 LEADERSHIP P3 BOARD

Glen Thomas	Chair:	Matt Litchfield, CPV
Laura Chappelle	Treasure	r: Dan Pierpont, LS Power
Diane Slifer	Secretary	7: Tim Gusick, Lotus Infrastructure Partners

**Glen Thomas** is president of The PJM Power Providers Group (P3 Group), a non-profit organization made up of power providers with the mission of promoting competitive wholesale electricity markets in the 13-state region and the District of Columbia served by PJM Interconnection.

Mr. Thomas is the former chairman of the Pennsylvania Utility Commission (PUC) where he oversaw the restructuring of Pennsylvania's electricity, natural gas, and local telephone markets. Before his appointment to the PUC, Mr. Thomas served as Deputy Director of Governor Ridge's Policy Office, where he advised the Governor on energy and environmental issues. In addition, Mr. Thomas was appointed by California Governor Arnold Schwarzenegger to serve on the Governor's transition team for energy related issues in 2003. Mr. Thomas is also a former partner at the law firm of Blank Rome.

Mr. Thomas has served as President of the Mid-Atlantic Association of Regulatory Utilities Commissioners; Chairman of the National Association of Regulatory Utility Commissioners Washington Action Committee; member of the U.S. Department of Energy's Electricity Advisory Board; the National Regulatory Research Institute's Board of Directors; the Keystone Center Energy Board; the Organization of MISO States Board of Directors; and the National Association of Regulatory Utility Commissioners Committee on International Relations, Telecommunications and Critical Infrastructure.

Laura Chappelle is a former Chairman and Commissioner of the Michigan Public Service Commission (MPSC). Appointed by Governor John Engler as Chairman of the MPSC in 2000, Ms. Chappelle took an active role in state energy and telecommunications regulations, including the drafting and implementation of both Michigan's electric restructuring law, as well as Michigan's nationally-recognized "Broadband" law that, in part, coordinated and streamlined local and state rightof-way regulations for telecommunications and Internet providers. She was also active in regional and federal energy issues. Ms. Chappelle's leadership includes an active role in the development and implementation of the Organization of MISO States (OMS), and the Organization of PJM States (OPSI), the first FERC-approved "multi-state entities."

During her six-year tenure with the MPSC, Ms. Chappelle served as the Vice-Chair of the National Association of Regulatory Utility Commissioners' (NARUC) Committee on Electricity, the Treasurer and President of the OMS, the Vice-President of OPSI, the Chair of NARUC's Broadband over Power Lines Task Force and was a member of the U.S. Department of Energy's Electricity Advisory Board.

Prior to her appointment to the Commission, Ms. Chappelle served as deputy legal counsel and regulatory affairs advisor for Governor John Engler. She also served as an attorney/legal advisor in both the Michigan House of Representatives and the Michigan Senate. Ms. Chappelle began her legal career as an assistant prosecuting attorney with the Saginaw County Prosecutor's Office. She also served a three-year term as a Michigan Supreme Court designee to the Michigan State Bar Association's Board of Commissioners and has been an Associate Professor of energy law with both the Thomas M. Cooley Law School and the Michigan State University College of Law. She was a founding member of the Advancing Women in Energy association.

Ms. Chappelle currently works as an independent regulatory consultant, working with The PJM Power Providers Group since 2007, wherein she assists with filings, as well as strategic communications with state commissioners and staff. She also continues to be active in the legal arena, currently working as a Partner with the Potomac Law Group.

**Diane Slifer** is currently an independent consultant working, in part, with The PJM Power Providers Group. Ms. Slifer previously worked as a regulatory and business attorney for two prominent national law firms, Blank Rome LLP and Duane Morris LLP. Ms. Slifer has also written numerous articles and has given presentations regarding regulatory as well as privacy and data security issues to various groups, including the Payment Cards Center of the Federal Reserve Bank in Philadelphia. Having both JD and MBA degrees, Ms. Slifer's legal background is complimented by her previous business experience as an accountant at a major national accounting firm, Coopers & Lybrand, and her experience gained while serving in various management, strategic planning, teaching and consulting capacities at LaSalle University.

Ms. Slifer was one of thirty lawyers selected throughout Pennsylvania in 2004 as a "Lawyers on the Fast Track" recipient. In 2005, Ms. Slifer was invited to serve on the 2005 Presidential Rank Award Meritorious Review Board, and additionally that year, she was selected for induction into the Lower Moreland High School Hall of Fame. In 2002, she was one of nineteen women chosen across Pennsylvania to participate in the inaugural class of the Anne Anstine Excellence in Public Service Series, a state-wide woman's leadership program. She has been a member of the Women's Council on Energy and the Environment (WCEE). As a testament to her leadership abilities and commitment to the community, Ms. Slifer has been appointed and currently serves on several boards, including serving on the Villanova University School of Law Alumni Association Board of Advisors and previously served as the Association's President.

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