

captioned above, and for any similar complaints that may be filed by the time the Commission acts on the PJM motion. P3 supports PJM's motion and urges the Commission to approve it provided that any settlement will apply equally to any similarly-situated market participants, complainants and intervenors.

P3 filed a doc-less Motion to Intervene in each of the above captioned proceedings as follows: on April 5, 2023 in Docket Nos. EL23-53-000, EL23-54-000, EL23-55-000; on April 6, 2023 in Docket Nos. EL23-56-000, EL23-57-000, EL23-58-000; on April 10, 2023 in Docket No. EL23-59-000, on April 12, 2023 in Docket No. EL23-60-000, and on April 24, 2023 in Docket No. EL23-61-000. P3 respectively submits these comments,³ in the above captioned proceedings.

I. COMMENTS

P3 supports PJM's request to initiate settlement proceedings to resolve the multiple complaints that have been filed against PJM related to Performance Assessment Penalties stemming from Winter Storm Elliott. P3 urges the Commission to act quickly on PJM's motion and start the settlement process as soon as possible.

The potential penalties associated with Winter Storm Elliott are extraordinary and the issues raised in the complaints present material issues that can be addressed in settlement. With the support of PJM and the IMM, settlement proceedings could resolve many if not all of the issues raised in the complaints and save the Commission, PJM and intervenors time and resources that may otherwise be necessary to litigate the issues raised in the complaints. If nothing else, the complainants, PJM and the intervenors deserve an opportunity to attempt to settle these disputes with the assistance of a FERC settlement judge.

Moreover, P3 believes that a timely and equitable resolution of the Winter Storm Elliott

³ The comments contained herein represent the position of P3 as an organization, but not necessarily the views of any particular member with respect to any issue.

complaints will better allow PJM and PJM stakeholders to focus on the pressing matters related to capacity market reform. PJM has proposed to the Commission that capacity auctions should be suspended in PJM until such time as PJM and its stakeholders can submit and FERC approves rules that will allow for just and reasonable capacity market rates in PJM. P3 greatly appreciates the need to address those issues and believes they can be better addressed if the multiple Winter Storm Elliott complaints can be resolved in a timely manner. P3 is concerned that protracted litigation of these complaints will not only demand significant attention from PJM and its members, but also chill the ability of parties to agree to the necessary capacity market reforms.

While P3 supports settlement proceedings, P3 believes that any settlement reached by the parties should apply equally across similarly-situated market participants – including all complainants and intervenors. Failure of any settlement reached to apply equally across similarly-situated market participants, regardless of their status as complainants, leaves any potential settlement vulnerable to challenge and further litigation—the exact type of uncertainty that the settlement process is designed to avoid. The proceedings should be structured in such a way that a global settlement of all complaints is feasible, and applies equally to all similarly-situated market participants, regardless of their status as complainants. P3 recognizes that an unopposed settlement may not be possible; however, the settlement proceedings should strive for as broad a consensus as possible.

II. CONCLUSION

For the reasons set forth above, P3 supports the PJM Settlement Motion and urges the Commission to establish settlement proceedings to resolve all currently filed and prospective complaints related to Performance Assessment penalties stemming from Winter Storm Elliott.

Respectfully submitted,

On behalf of The PJM Power Providers Group

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Dated: April 24, 2023

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 24th day of April, 2023.

On behalf of The PJM Power Providers Group

By: Diane Slifer

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