

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

Independent Market Monitor for PJM,)	
Complaint,)	
)	
v.)	Docket No. EL24-12-000
)	
)	
PJM Interconnection L.L.C.)	
Respondent.)	

**COMMENTS OF THE PJM POWER PROVIDERS GROUP
AND THE ELECTRIC POWER SUPPLY ASSOCIATION**

Pursuant to Rule 206(f) of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“FERC” or the “Commission”), 18 C.F.R. § 385.206(f), and the Notice issued herein on November 8, 2023, March 10, 2023,¹ the PJM Power Providers Group (“P3”)² and the Electric Power Supply Association (“EPSA”)³ respectfully respond to the November 7, 2023, complaint (“Complaint”)⁴ of Monitoring Analytics, L.L.C., acting in its capacity for PJM as the Independent Market Monitor (“IMM” or the “Market Monitor”).

¹ *Independent Market Monitor for PJM v. PJM Interconnection, L.L.C.*, Notice of Complaint, Docket No. EL24-12-000 (Nov. 8, 2023).

² P3 is a non-profit organization dedicated to advancing federal, state and regional policies that promote properly designed and well-functioning electricity markets in the PJM Interconnection, L.L.C. (“PJM”) region. Combined, P3 members own over 83,000 MWs 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. For more information on P3, visit www.p3powergroup.com. P3 filed a timely doc-less motion to intervene in this docket on November 8, 2023.

³ EPSA is the national trade association representing competitive power suppliers in the U.S. EPSA members provide reliable and competitively priced electricity from environmentally responsible facilities using a diverse mix of fuels and technologies. EPSA seeks to bring the benefits of competition to all power customers. This pleading represents the position of EPSA as an organization, but not necessarily the views of any particular member with respect to any issue. EPSA filed a timely doc-less motion to intervene in this docket on November 13, 2023.

⁴ *Independent Market Monitor for PJM v. PJM Interconnection, L.L.C.*, Complaint Requesting Fast Track Processing of the Independent Market Monitor for PJM, Docket No. EL24-12-000 (Nov. 7, 2023) (“Complaint”).

For the reasons stated herein, P3 and EPSA urge the Commission not to take any action on the IMM's Complaint until such time as the Commission has acted on PJM's pending capacity market reform filings in Docket Nos. ER24-98-000 and ER24-99-000 and stakeholders have had an opportunity to evaluate the impact of those actions on the IMM's Complaint.

I. COMMENTS

P3 and EPSA are concerned about the timing of the IMM's Complaint. PJM Interconnection, L.L.C. ("PJM") has two significant Federal Power Act ("FPA") section 205 capacity market related filings before the Commission in Docket Nos. ER24-98-000 and ER24-99-000 ("section 205 filings" or "filings"). These filings were the result of an intense multi-month stakeholder process in which the PJM stakeholders and the IMM engaged in thoughtful discussions about numerous aspects of the PJM capacity construct. P3 and EPSA members, like other stakeholders, participated actively in those discussions and while P3 and EPSA believe more must be done to improve PJM's capacity market, P3 and EPSA view the filings as incremental improvements to the status quo.

The IMM's 206 Complaint, which is focused on one of many issues in PJM's capacity market construct filings, is a disruptive distraction which the Commission should not entertain. Section 205 filings have statutory deadlines associated with them and, in this case, the two pending 205 filings have absorbed significant time and resources from PJM and its stakeholders. They will continue to do so as PJM responds to deficiency letters issued in the proceeding and stakeholders continue actively building the record for Commission review. A complaint from a market monitor on one issue on which there is a disagreement should not divert Commission and stakeholder resources from disposition of the pending 205 filings, which were made by the public utility and have specific timelines associated with them.

Moreover, the Commission's disposition of the section 205 filings will have a direct impact on the issues raised by the IMM's Complaint.⁵ Capacity performance penalties are directly tied to other issues implicated by PJM's section 205 filings; thus, it is nearly impossible for stakeholders to offer constructive commentary on the IMM's Complaint, knowing that significant changes are pending before the Commission in the form of PJM's two section 205 filings. Any comments would necessarily contain multiple assumptions and/or speculations that would challenge stakeholders to present and the Commission to evaluate.

P3 and EPSA therefore urge the Commission to focus its resources on the pending section 205 filings and not take any action on the IMM's Complaint. By taking this path, PJM stakeholders can evaluate the IMM's Complaint knowing the Commission's disposition of PJM's pending section 205 filings. It is possible the IMM's Complaint becomes moot following the Commission action.⁶ It is also possible that the IMM's Complaint could become relevant. PJM and PJM stakeholders just cannot know at this point.

For the forgoing reasons, P3 and EPSA request that the Commission not take any action on the IMM's Complaint until such time as the Commission has acted on PJM's pending section 205 filings. Following Commission action on the PJM section 205 filings, P3, EPSA, and other stakeholders should be afforded the opportunity to submit comments on the IMM Complaint if the Commission has not already dismissed it as part of its disposition of Docket Nos. ER24-98 and ER24-99.

⁵ P3 and EPSA note that the Commission's November 16, 2023, deficiency notice in ER24-99-000, asks PJM for additional information regarding the stop loss provisions in the PJM proposal which are similar to those offered by the IMM Complaint in this proceeding. The Commission also issued a deficiency notice on November 16, 2023, in ER24-98-000 as well.

⁶ The IMM Complaint argues, in part, that its "Complaint should be granted *even if* the Commission approves some or all of the proposed revisions filed in Docket Nos. ER24-98 and ER24-99 . . ." IMM Complaint, p. 1, footnote 3 (emphasis added).

II. CONCLUSION

For the reasons stated above, P3 and EPSA request that the Commission consider the comments of P3 and EPSA as offered herein and decline to take action on the IMM's Complaint until after the Commission acts in Docket Nos. ER24-98 and ER24-99.

Respectfully submitted,

On behalf of The PJM Power Providers Group

/s/ Glen Thomas
By: Glen Thomas
Laura Chappelle
GT Power Group
101 Lindenwood Drive, Suite 225
Malvern, PA 19355
gthomas@gtpowergroup.com
610-768-8080

On behalf of the Electric Power Supply Association

/s/Nancy Bagot
Nancy Bagot, Senior Vice President
Sharon Theodore, Vice President, Regulatory Affairs
1401 New York Avenue, NW, Suite 950
Washington, DC 20005
(202) 628-8200
NancyB@epsa.org

Dated: November 27, 2023

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document on each person designated on the official service list compiled by the Secretary of the Federal Energy Regulatory Commission in this proceeding.

Dated at Washington, D.C., this 27th day of November, 2023.

/s/ Laura Chappelle
Laura Chappelle
GT Power Group
101 Lindenwood Drive, Suite 225
Malvern, PA 19355
laurac@chappelleconsulting.net
610-768-8080