

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

)	
Essential Power OPP, LLC,)	
Essential Power Rock Springs, LLC,)	
Lakewood Cogeneration, L.P.)	
)	
v.)	Docket No. EL23-53-000
)	
PJM Interconnection, L.L.C.)	
)	
)	
Aurora Generation, LLC)	
Elwood Energy LLC)	
Jackson Generation, LLC)	
Lee County Generating Station, LLC)	
Lincoln Generating Facility, LLC)	Docket No. EL23-54-000
LSP University Park, LLC)	
Rockford Power, LLC)	
Rockford Power II, LLC)	
University Park Energy, LLC)	
)	
v.)	
)	
PJM Interconnection, L.L.C.)	
)	
)	
Coalition of PJM Capacity Resources)	
)	
v.)	Docket No. EL23-55-000
)	
PJM Interconnection, L.L.C.)	
)	
)	
Talen Energy Marketing, LLC)	
)	
v.)	Docket No. EL23-56-000
)	

PJM Interconnection, L.L.C.)	
)	
Lee County Generating Station, LLC)	
)	
v.)	Docket No. EL23-57-000
)	
PJM Interconnection, L.L.C.)	
)	
SunEnergy1, LLC)	
)	
v.)	Docket No. EL23-58-000
)	
PJM Interconnection, L.L.C.)	
)	
Lincoln Generating Facility, LLC)	
)	
v.)	Docket No. EL23-59-000
)	
PJM Interconnection, L.L.C.)	
)	
Parkway Generation Keys Energy Center LLC)	
)	
v.)	Docket No. EL23-60-000
)	
PJM Interconnection, L.L.C.)	
)	
)	
)	(not consolidated)
)	
)	

COMMENTS OF THE INDEPENDENT MARKET MONITOR FOR PJM

Pursuant to Rule 211 of the Commission's Rules and Regulations,¹ Monitoring Analytics, LLC, acting in its capacity as the Independent Market Monitor ("Market Monitor") for PJM Interconnection, L.L.C. ("PJM"),² submits these comments responding to the motion of PJM filed April 14, 2023 ("April 14th Motion"). The April 14th Motion requests (at 1) that the Commission "establish a global settlement judge procedure encompassing all of the complaint proceedings captioned above, and for any similar complaints." PJM states (*id.*) the Market Monitor has no objection to the April 14th Motion.

The Market Monitor confirms that it does not oppose instituting global settlement judge proceedings that would start without delay. In the circumstances here, including complex facts and multiple parties, there is merit to providing structure and organization to settlement discussions under the supervision of a settlement judge.

The Market Monitor continues to review the facts in these proceedings. PJM has not filed its answer(s) addressing the merits of each complaint. The institution of settlement judge proceedings should not prejudice the complaints. Where appropriate, complaints should be accepted or rejected based on the merits. Where complaints are accepted, settlement discussion should concern the development of a just and reasonable solution.

A just and reasonable resolution should be based on consistent principles and should apply to all similarly situated market participants without regard to whether a participant filed a complaint.

If a settlement cannot be achieved based on defined principles and defensible on its merits, then the tariff rules should apply. A "black box" settlement, by its nature devoid of

¹ 18 CFR § 385.211 (2022).

² Capitalized terms used herein and not otherwise defined have the meaning used in the PJM Open Access Transmission Tariff ("OATT"), the PJM Operating Agreement ("OA") or the PJM Reliability Assurance Agreement ("RAA").

any explicit basis in principles, and not based on whether the outcome is just and reasonable, should not be allowed to supplant the filed tariff rules. The Market Monitor would oppose a settlement(s) that fails to resolve the issues raised in the complaints based on principles that can be applied to all participants in these cases, and that can be applied in similar circumstances if they arise in the future.

The Market Monitor respectfully requests that the Commission afford due consideration to these comments as it resolves the issues raised in this proceeding.

Respectfully submitted,



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Dated: April 28, 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 Eagleville, Pennsylvania,
this 28th day of April, 2023.



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