

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

CPV Shore, LLC

)

Docket No. ER14-2105-000
ER14-2105-001

**Answer in Support of the Motion to Reject and Protest
of the PJM Power Providers Group (“P3”)**

Pursuant to Rules 211 and 213 of the Federal Energy Regulatory Commission’s (“Commission” or “FERC”) Rules of Practice and Procedure the PJM Power Providers Group (“P3”)¹ respectfully answers the motion to reject of the Indicated Parties² and protests the request made by CPV Shore, LLC (“CPV Shore”) pursuant to Section 205 of the Federal Power Act that “contracts” that have been declared by federal courts to be void, invalid and unenforceable be “accepted” by the Commission. CPV’s request defies logic and law and does not merit serious consideration by the Commission. The Commission should promptly reject CPV Shore’s request.

P3 has reviewed the motion to reject and protest submitted by the Indicated Parties³, many of whom are P3 members, and agrees with the arguments and requested Commission action advanced in that filing. Since October 25, 2013, the “contracts” for which CPV Shore seeks Commission approval of have been null and void by operation of law. On that date, the

¹ Note that P3 filed a doc-less motion to intervene in this matter on June 13, 2014. The comments contained in this protest represent the position of P3 as an organization, but not necessarily the views of any particular member with respect to any issue. For more information on P3, visit www.p3powergroup.com.

² *Protest, Motion to Reject and Motion to Extend Notice Date of Indicated Parties*, filed June 12, 2014, ER14-2105.

³ *Id.*

United States District Court for the District of New Jersey declared as unconstitutional the law that provided the New Jersey Board of Public Utilities (“BPU”) the authority to order New Jersey utilities to enter into the “contracts” of which CPV Shore now seeks approval.⁴ Since that time, the electric distribution companies that had been compelled to enter into these “contracts” by the BPU have terminated its respective agreement and nothing has happened that would provide these “contracts” legal enforceability. Simply stated, there is nothing for the Commission to approve leaving the Commission with a very straight-forward and obvious decision.

Wherefore, for the reasons stated herein and further supported in the motion to reject and protest of the Indicated Parties, P3 urges the Commission to promptly reject CPV Shore’s request.

Respectfully submitted,

On behalf of the PJM Power Providers Group

By: /s/ Glen Thomas

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Dated: June 19, 2014

⁴ PPL EnergyPlus, LLC et al. v. Solomon et al., Nos. 13-4330, 13-4501 (consolidated).

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 19th day of June, 2014.

On behalf of the PJM Power Providers Group

By: /s/ Glen Thomas