

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

CPV Maryland, LLC

)

Docket No. ER14-2106-000

ER14-2106-001

**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”)<sup>1</sup> respectfully answers the motion of the Indicated Parties<sup>2</sup> and protests the request made by CPV Maryland, LLC (“CPV Maryland”) 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 Maryland’s request defies logic and law and does not merit serious consideration by the Commission. The Commission should promptly reject CPV Maryland’s request.

P3 has reviewed the motion to reject and protest submitted by the Indicated Parties<sup>3</sup>, many of whom are P3 members, and agrees with the arguments and requested Commission action advanced in that filing. Since October 24, 2013, the “contracts” for which CPV Maryland seeks Commission approval have been null and void by operation of law. On that date, the

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<sup>1</sup> 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](http://www.p3powergroup.com).

<sup>2</sup> *Protest, Motion to Reject and Motion to Extend Notice Date of Indicated Parties*, filed June 12, 2014, ER14-2106.

<sup>3</sup> *Id.*

United States District Court for the District of Maryland declared as unconstitutional the Maryland Public Service Commission's ("MD PSC") action ordering utilities within Maryland to enter into "contracts for differences" with CPV Maryland.<sup>4</sup> Since that time, the United States Court of Appeals for the 4<sup>th</sup> Circuit unanimously upheld the District Court's finding of the unconstitutionality of the MD PSC's action<sup>5</sup> and nothing has otherwise 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 Maryland's request.

Respectfully submitted,

On behalf of the PJM Power Providers Group

By: /s/ Glen Thomas

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Dated: June 19, 2014

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<sup>4</sup>PPL EnergyPlus, LLC, et al. v. Nazarian, , Civil Action No. MJG-12-1286.

<sup>5</sup>PPL EnergyPlus LLC v. Nazarian, No. 13-2419, 2014 WL 2445800, at \*1 (4th Cir. June 2, 2014).

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