

**MC Legal Report
Summary of Significant Filings, Legal Activity
and
Federal Energy Regulatory Commission (Commission) and Court Orders
(Nov. 11, 2025 – Dec. 5, 2025)**

ORDERS

On December 5, 2025, in Docket No. EL25-79-000, the Commission issued an order denying the complaint of the North Carolina Electric Membership Corporation (“NCEMC”). In the order, the Commission found that NCEMC did not demonstrate that it is unjust and unreasonable, or unduly discriminatory or preferential, for pseudo-tied external resources that are Prior CIL Exception External Resources to receive the rest-of-RTO clearing price.

On December 5, 2025, in Docket No. ER26-39-000, the Commission issued an order accepting PJM's proposed revisions to PJM's Reliability Assurance Agreement Among Load Serving Entities to allow for cost recovery of Department of Energy Section 202(c) Orders issued to address PJM's nationwide resource adequacy concern and where the unit owner of such resource agrees to a rate that is based on the Deactivation Avoidable Cost Credit. PJM's revisions become effective on August 28, 2025.

On December 5, 2025, in Docket No. ER26-59-000, the Commission issued an order accepting PJM's electronically submitted proposed reforms to the PJM Tariff and Amended and Restated Operating Agreement pertaining to reforms to PJM's uplift credit, deviation rules, and other market settlements rules.

On December 4, 2025, in Docket No. ER26-5-000, the Commission issued a letter order accepting PJM's proposed Tariff revisions to eliminate “First-Use” for distribution-level interconnections. PJM's Tariff revisions become effective as of April 28, 2026.

On December 4, 2025, in Docket No. ER26-98-000, the Commission issued an order accepting PJM's ministerial clean-up filing to ensure that the eTariff records correctly reflect the language in the PJM Tariff, Article 1, Definitions E - F that was accepted by the Commission in various dockets with various effective dates.

On December 2, 2025, in Docket No. ER26-313-000, the Commission issued an order granting PJM's request for a limited, prospective waiver of Tariff, Part VIII, Subpart A, section 401(C), for Susquehanna Nuclear, LLC's Unit 1 to restore 148 MW of Capacity Interconnection Rights effective June 1, 2026.

On November 25, 2025, the Department of Energy issued an order pursuant to Federal Power Act section 202(c) finding that the operational availability and economic dispatch of Units 3 and 4 of the Eddystone Generating Station (Eddystone Units) is still necessary to meet an emergency and serve the public interest. The Department of Energy found that the emergency conditions that led to the issuance of Department of Energy Order 202-25-4 (May 30, 2025) and Department of Energy Order 202-25-8 (August 28, 2025) continue, both in the near and long-term. Among other directives, the order directs PJM and Constellation Energy to take all measures necessary to ensure that the Eddystone Units are available to operate. The order is effective from 00:00 EST on November 26, 2025 and expires at 00:00 EST on February 24, 2026.

On November 25, 2025, in Docket No. ER26-284-000, the Commission issued a letter order accepting PJM's ministerial clean-up filing related to PJM's DER Aggregator Participation Model under Order No. 2222. The filing consolidated and updated various tariff records, including provisions in the RAA. PJM's proposed revisions become effective as of December 28, 2025 and February 2, 2026.

On November 25, 2025, in Docket No. ER25-3324-000, the Commission issued a letter order accepting PJM's revisions to PJM Tariff, Schedule 12-Appendix A, to incorporate cost responsibility assignments for baseline upgrades included in the recent update to the Regional Transmission Expansion Plan approved by the PJM Board of Managers on July 30, 2025. PJM's revisions become effective as of November 26, 2025.

On November 18, 2025, in Docket No. ER25-712-002, the Commission accepted the compliance filing to modify Tariff, Part VII, Subpart C, section 306(E)(6) to comply with the directives of the Commission's July 28, 2025 order. The Tariff revisions are effective as of December 14, 2024.

On November 17, 2025, in Docket No. ER25-3476-000, the Commission accepted PJM/NYISO's proposed revisions to the JOA. The revisions add two non-common Phase Angle Regulators ("PARs") to the list of facilities modeled in the Market Flow calculation to support an effective Market-to-Market ("M2M") coordination process. There were no comments or protests to the filing and the revisions are effective November 19, 2025, as requested.

On November 13, 2025, in Docket No. ER25-1073-001, the Commission issued a delegated order accepting PJM's further compliance filing pursuant to the Commission's August 4 Order on PJM's Order No. 904 compliance filing regarding reactive power compensation, which directed PJM to remove certain language from Tariff, Schedule 2. The Commission accepted the revisions, effective June 1, 2026.

FILINGS

On December 5, 2025, in Docket Nos. EL25-49-000, AD24-11-000, and EL25-20-000, PJM submitted an answer to Constellation Energy Generation, LLC's November 21, 2025 motion for expedited action, requesting that the Commission deny the motion.

On December 5, 2025, in Docket No. ER24-2045-004, PJM filed an answer to protests to its October 23, 2025 compliance filing. PJM requested that the Commission reject the protests and grant PJM's requests for independent entity variations from the requirements of Order Nos. 2023 and 2023-A.

On December 1, 2025, in Docket Nos. ER19-2105-000 and ER19-2105-001, PJM submitted, as part of the annual updating process for the Border Yearly Charge, an informational filing that includes the "2026 BYC Workbook," containing (i) the inputs and calculations used to determine the Border Yearly Charge and (ii) the Border Yearly Charge variance report. The 2026 BYC Workbook was also posted on the PJM website on December 1, 2025.

On November 25, 2025, in Docket No. EL26-30-000, the Independent Market Monitor for PJM filed a Complaint against PJM regarding PJM's authority over the addition of new large data center loads.

On November 24, 2025, in Docket No. ER26-192-000, PJM submitted a response to the motion for leave to answer and answer of DW-Lew Jones LLC (Lew Jones) submitted in the docket on November 12, 2025 and the Supplemental Information filing Lew Jones made in the docket on November 21, 2025. PJM's

response, which includes the Affidavit of Lisa Krizenoskas on behalf of PJM, demonstrates that the Lew Jones answer and Supplemental Information filing fail to address the problems with the scope of the waiver Lew Jones requested of PJM's Tariff and the waiver request's adverse impacts on third parties that PJM explained in its protest filed in the proceeding on November 3, 2025.

On November 24, 2025, in Docket No. ER21-1635-013, PJM submitted a compliance filing to implement the settlement Capital Recovery Factor rates for Black Start Units selected prior to June 6, 2021, in Schedule 6A of PJM's Tariff effective January 1, 2024 on a permanent basis in accordance with the Commission's order approving the settlement issued October 23, 2025 in Docket Nos. ER21-1635-009, et al.

On November 24, 2025, in Docket No. ER26-403-001, PJM filed to request that the effective date for PJM's filing on October 31, 2025 in Docket No. ER26-403-000 (October 31 Filing) be revised to January 30, 2026. In the October 31 Filing, PJM submitted changes to Tariff, Part VIII, to establish Replacement Generation Interconnection Service as a separate serial interconnection process for the efficient and timely transfer of Capacity Interconnection Rights from deactivating generation resources to new replacement resources.

On November 21, 2025, in Docket No. RM26-4-000, PJM submitted its initial comments on the Commission's advance notice of proposed rulemaking on ensuring the timely and orderly interconnection of large loads.

On November 21, 2025, in Docket No. ER26-444-000, PJM submitted a motion to intervene and comments to support a waiver of the capacity market sales cap rule applicable to fixed resource requirement entities requested by American Electric Power Service Corp.

On November 21, 2025, in Docket No. ER25-570-000, PJM and New York Independent System Operator, Inc., (NYISO) jointly submitted proposed revisions to the Joint Operating Agreement (JOA) between NYISO and PJM that is set forth in Attachment CC to the NYISO's Open Access Transmission Tariff. The proposed revisions implement new market rules and enhancements that address the operation, scheduling and management of reservations for the new, direct current (D/C), fully controllable Champlain Hudson Power Express Merchant Transmission Facility (the MTF) that will link a substation located near Montreal, Canada to the Astoria Annex substation in New York City. PJM and NYISO request that the revisions be effective as of January 21, 2026.

On November 21, 2025, PJM submitted a request for assurances regarding the State Agreement Approach (SAA) Agreement in New Jersey Board of Public Utilities (NJ BPU) Docket No. QO20100630 (Request Letter). In the Request Letter, PJM seeks certain assurances and clarifications from the NJ BPU regarding its August 13, 2025 order requesting that PJM and SAA project developers delay SAA projects for a two-and-a-half-year period.

On November 21, 2025, PJM submitted short comments in response to the Department of Energy's September 18, 2025 Request for Information ("RFI") titled "Accelerating Speed to Power/Winning the Artificial Intelligence Race: Federal Action to Rapidly Expand Grid Capacity and Enable Electricity Demand Growth."

On November 21, 2025, in Case Nos. 25-1064 and 25-1100, PJM submitted an intervenor brief and comments in the appeal at the D.C. Circuit regarding the Commission's rulings on the Consolidated Transmission Owners Agreement amendments from 2024.

On November 20, 2025, in Docket No. ER26-313-000, PJM submitted its motion for leave to answer and answer in response to the Market Monitoring Unit's November 10, 2025 protest of PJM's October 29, 2025 waiver request.

On November 17, 2025, in Docket No. EL26-7-000, PJM responded to the complaint filed by RWE Clean Energy, LLC (RWE) on October 27, 2025. PJM demonstrates in its answer that RWE misunderstands the legacy Generator Deliverability Procedure that applies to Transition Cycle No. 1 and has not met its burden as the complainant under section 206 of the Federal Power Act. PJM further explains that RWE's requested relief would not be just and reasonable and would have adverse impacts on other projects in Transition Cycle No. 1 and cascading impacts on Transition Cycle No. 2.

On November 14, 2025, in Docket No. ER26-515-000, PJM submitted a clerical and ministerial clean-up filing of Tariff revisions to correct, clarify, and/or make consistent PJM Tariff, Definitions, Section C - D that was accepted by the Commission in various dockets with various effective dates.

On November 14, 2025, in Docket No. ER26-527-000, PJM proposed Tariff and Operating Agreement updates to utilize only Cost-Based Offers for resources that are pre-scheduled in advance of the Day-ahead Energy Market. PJM requested that the Commission issue its order accepting the revisions by no later than January 13, 2026, with a 12/31/9998 effective date.

On November 14, 2025, in Docket No. ER24-2255-003, PJM submitted on behalf of NextEra Energy Transmission MidAtlantic, Inc. (NEET MidAtlantic), an amendment to correct the tariff records previously submitted in the Offer of Settlement and Settlement Agreement filed on October 3, 2025.

On November 12, 2025, in Docket No. ER24-2045-004, PJM filed a motion for leave to file its Order No. 2023 compliance filing one day out-of-time - October 23, 2025. PJM explained that it made multiple attempts to timely submit its compliance filing on October 22, 2025, but was unsuccessful due to unforeseen technical issues with the eTariff filing system. PJM explained that no party will be prejudiced by this request, as the filing was successfully submitted approximately one hour after the 5:00 p.m. deadline, and all parties to this proceeding were served with the compliance filing shortly thereafter.

On November 11, 2025, in Docket No. ER26-39-000, PJM submitted a motion for leave to answer and answer to the protest of East Kentucky Power Cooperative, Inc. and the Attorney General of Kentucky challenging PJM's October 6, 2025 filing proposing to establish a regionwide cost allocation methodology through which PJM will recover the costs to effectuate orders issued by the Secretary of the United States Department of Energy pursuant to Federal Power Act section 202(c).