

**MC Legal Report
Summary of Significant Filings, Legal Activity
and
Federal Energy Regulatory Commission (Commission) and Court Orders
(August 7, 2026 – September 14, 2026)**

ORDERS

On September 1, 2026, the Department of Energy issued Order No. 202-26-41 pursuant to Federal Power Act section 202(c), finding that an imminent electric reliability emergency exists, directing PJM to dispatch Specified Resources as needed to maintain reliability, and authorizing PJM to direct backup generation resources at large loads to operate as a last resort before declaring an Energy Emergency Alert (“EEA”) 3 or during an EEA 3. The order is effective September 1, 2026, upon issuance and expires at 11:59 p.m. Eastern Daylight Time on September 8, 2026.

On August 21, 2026, 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), Department of Energy Order 202-25-8 (August 28, 2025), Department of Energy Order 202-25-10 (November 25, 2025), Department of Energy Order 202-26-17 (February 23, 2026), and Department of Energy Order 202-26-24 (May 21, 2026) 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 on August 23, 2026 and expires on November 20, 2026.

On August 19, 2026, in Order No. 202-26-25A, the Secretary of Energy issued an order pursuant to Federal Power Act, Section 202(c) to authorize the continued operation of H.A. Wagner Generating Station’s Unit 4 (“Wagner Unit 4”), located in Anne Arundel County, Maryland (Zip Code 21226), beyond an existing Operating Limit in certain limited circumstances. Such circumstances include when PJM declares or anticipates declaring based on system conditions, a Maximum Generation Alert and/or Transmission Security Emergency (to include conditions impacting the reliability of transmission facilities that are required to serve the load in the BG&E Zone, or to prevent potential load shed due to transmission limitations), or when PJM schedules and dispatches Wagner Unit 4 in a manner consistent with the Settlement Agreement accepted by the Commission in Docket No. ER24-1787. The order is effective August 20, 2026 and expires on November 17, 2026.

On August 14, 2026, in Docket Nos. EL25-49-002 et al., the Commission issued an order granting PJM’s motion for an extension of 90 days. The deadline for PJM to comply with certain directives of the Commission’s June 18, 2026 Co-Located Load Order is extended to November 16, 2026.

On August 14, 2026, in Docket No. EL26-67-000, the Commission issued an order granting PJM’s motion for abeyance and holding the case in abeyance for 90 days, until November 16, 2026. Responses to the Show Cause Order will be due on November 16, 2026, and answers to responses will be due on December 16, 2026.

On August 13, 2026, in Docket No. EL26-67-000, the Commission issued an errata notice correcting footnote 13 of the Commission's June 18, 2026 order to add "Allegheny Electric Cooperative, Inc." and "Wabash Valley Power Association, Inc."

On August 7, 2026, in Docket No. ER26-2979-000, the Commission issued a letter order accepting PJM's proposal to amend Operating Agreement Schedule 2 penalty calculations for incorrect cost-based offers to prevent negative Locational Marginal Prices from resulting in negative penalties that would otherwise result in a credit to the penalized Market Seller. PJM's revisions to the Operating Agreement become effective as of August 26, 2026.

FILINGS

On September 14, 2026, in Docket No. EL26-4-000, PJM submitted its initial brief pursuant to the Commission Order establishing paper hearing procedures and granting in part Voltus and Mission:data's Complaint against PJM over Emergency Load Response and Pre-Emergency Load Response Program metering rules regarding the use of statistical sampling for interval metered residential demand response customers.

On September 11, 2026, PJM submitted a compliance report in accordance with the Secretary of Energy of the Department of Energy's Order No. 202-26-40, issued August 21, 2026. The compliance report relates to the operations of Eddystone Unit 3 and Eddystone Unit 4, and measures PJM and Constellation Energy Generation have taken and continue to take to ensure that the Eddystone Units are available to operate for the duration of the Order.

On September 11, 2026, in Docket No. EL26-107-000, PJM filed an Emergency Motion Opposing the Shortened Comment Period of the Complaint filed by Lanyard Power Holdings, LLC. PJM asked the Commission to grant the full 20-day comment period required in the Commission's regulations to respond to the Complaint.

On September 11, 2026, in Docket No. ER26-3759-000, PJM submitted a proposal that addresses Lost Opportunity Cost eligibility rules for Flexible Resources and require all available schedules to be less than two hours startup time and notification time, and less than two hours minimum run time, in order to qualify as Flexible Resources. PJM requested that the Commission issue its order accepting the revisions no later than November 10, 2026 and granting effective dates December 1, 2026 and December 31, 9998.

On September 10, 2026, in Docket No. ER26-3380-000, PJM submitted to the Commission a Motion for Leave to Answer and Answer to comments and protests filed in response to PJM's proposal to establish the Reliability Backstop Procurement in order to address resource adequacy concerns.

On September 10, 2026, in Docket No. ER26-751-000, PJM filed a Notice of Filing of Motion for Extension in its Order 1920 compliance docket, notifying the Commission that the PJM Transmission Owners, the PJM Area Relevant State Entities Commission, and PJM filed a joint motion to extend the deadline for the parties' respective cost allocation-related compliance obligations.

On September 9, 2026, in Docket Nos. EL26-105-000 and EL26-106-000, PJM filed an Emergency Motion Opposing Shortened Comment Periods of the Complaints filed by Agilitas Energy, Inc. and RWE Americas,

LLC. PJM asked the Commission to grant the full 20-day comment period required in the Commission's regulations to respond to the Complaints.

On September 8, 2026, in Docket No. RM21-17-000, the PJM Area Relevant State Entities Committee (PARSEC), the PJM Transmission Owners, and PJM (together, the Joint Movants) submitted their joint motion for an extension to the Engagement Period and deadline for the PJM Transmission Owners to file one or more ex ante Long-Term Regional Transmission Cost Allocation Methods in compliance with Order No. 1920. The Motion requested an extension of fifteen days until September 25, 2026, upon which the Joint Movants will file motions to govern with the Commission, which will propose a schedule for the compliance filings, and will permit the PJM Transmission Owners, PARSEC, and PJM to complete their interdependent compliance obligations in a coordinated manner.

On September 9, 2026, in Docket No. EL26-107-000, Lanyard Power Holdings, LLC (LPH) filed a Complaint against PJM for its withdrawal of one of LPH's projects from Cycle 1 of PJM's interconnection study process. LPH requested fast-track processing for the Complaint and a shortened comment period, with answers, interventions, and comments due no later than September 16, 2026.

On September 8, 2026, in Docket No. EL26-99-000, PJM filed an Answer to the August 25, 2026 Complaint of Advantage Capital Renewables, LLC Requesting Fast Track Processing and Motion for Shortened Answer Period. The Answer asks the Commission to deny Advantage Capital Renewables, LLC's Complaint, or in the alternative, if the Commission grants the relief requested in the Complaint, PJM requests action no later than September 14, 2026, two weeks before the date on which PJM plans to commence Phase I of Cycle 01.

On September 8, 2026, PJM submitted a compliance report in accordance with Ordering Paragraph C of the Secretary of Energy of the Department of Energy's Order No. 202-26-25A, issued August 19, 2026. The compliance report relates to the operations of Wagner Unit 4 on September 5, 2026.

On September 8, 2026, in Docket No. ER26-3734-000, PJM submitted clerical and ministerial markets-related revisions originating from the Governing Document Enhancement & Clarification Subcommittee to correct, clarify, and/or make consistent certain markets-related provisions of the PJM Tariff, Operating Agreement and Reliability Assurance Agreement. PJM requested that the revisions become effective as of November 8, 2026.

On September 8, 2026, in Docket No. ER26-1734-003, PJM submitted on behalf of Kammer Juniata Transmission, LLC a compliance filing as directed by the Commission in its July 10, 2026 order in Docket No. ER26-1734-001 to amend its Formula Rate Protocols Attachment H-42B to the PJM Tariff).

On September 5, 2026, PJM submitted a compliance report in accordance with Ordering Paragraph C of the Secretary of Energy of the Department of Energy's Order No. 202-26-25A, issued August 19, 2026. The compliance report relates to the operations of Wagner Unit 4 on September 4, 2026.

On September 5, 2026, PJM submitted a compliance report in accordance with Ordering Paragraph B of the Secretary of Energy of the Department of Energy's Order No. 202-26-40, issued August 21, 2026. The compliance report relates to the operations of Eddystone Unit 3 and Eddystone Unit 4 on September 4, 2026.

On September 5, 2026, PJM submitted a report pursuant to Ordering Paragraph E of Department of Energy, Order No. 202-26-41 (September 1, 2026), which requires PJM to “provide a daily notification to DOE . . . reporting each generating unit that has been designated to use the allowance and operated in reliance on the allowances contained in this Order.” This is version 3 of the report and it covers the September 4 operating day.

On September 4, 2026, in Docket No. EL26-101-000, PJM filed an Answer to the August 28, 2026 Emergency Complaint of Oklo Inc. Requesting Fast Track Processing and Motion for Shortened Answer Period. The Answer asks the Commission to deny Oklo, Inc.’s complaint, or in the alternative, if the Commission grants the relief requested in the Complaint, PJM requests action no later than September 14, 2026, two weeks before the date on which PJM plans to commence Phase I of Cycle 01.

On September 4, 2026, PJM submitted a compliance report in accordance with Ordering Paragraph B of the Secretary of Energy of the Department of Energy’s Order No. 202-26-40, issued August 21, 2026. The compliance report relates to the operations of Eddystone Unit 3 and Eddystone Unit 4 on September 3, 2026.

On September 4, 2026, PJM submitted a compliance report in accordance with Ordering Paragraph C of the Secretary of Energy of the Department of Energy’s Order No. 202-26-25A, issued August 19, 2026. The compliance report relates to the operations of Wagner Unit 4 on September 3, 2026.

On September 4, 2026, PJM filed comments with the Department of Energy regarding its 2026 Draft National Transmission Needs Study assessing the current and anticipated transmission needs nationwide.

On September 4, 2026, PJM submitted a report pursuant to Ordering Paragraph E of Department of Energy, Order No. 202-26-41 (September 1, 2026), which requires PJM to “provide a daily notification to DOE . . . reporting each generating unit that has been designated to use the allowance and operated in reliance on the allowances contained in this Order.” This is version 2 of the report and it covers the September 3 operating day.

On September 4, 2026, PJM submitted a revised report pursuant to Ordering Paragraph E of Department of Energy, Order No. 202-26-41 (September 1, 2026), which requires PJM to “provide a daily notification to DOE . . . reporting each generating unit that has been designated to use the allowance and operated in reliance on the allowances contained in this Order.” This is revised version 2 of the report and it covers the September 3 operating day.

On September 4, 2026, PJM submitted a revised report pursuant to Ordering Paragraph E of Department of Energy, Order No. 202-26-41 (September 1, 2026), which requires PJM to “provide a daily notification to DOE . . . reporting each generating unit that has been designated to use the allowance and operated in reliance on the allowances contained in this Order.” This is revised version 1 of the report and it covers the September 2 operating day.

On September 4, 2026, in Docket No. EL26-106-000, RWE Americas, LLC (RWE) filed a Complaint against PJM for its withdrawal of five of RWE’s projects from Cycle 1 of PJM’s interconnection study process. RWE requested fast-track processing for the Complaint and a shortened comment period, with answers, interventions, and comments due no later than September 11, 2026.

On September 4, 2026, in Docket No. EL26-105-000, Agilitas Energy, Inc. (Agilitas) filed a Complaint against PJM for its withdrawal of one of Agilitas's projects from Cycle 1 of PJM's interconnection study process. Agilitas requested fast-track processing for the Complaint and a shortened comment period, with answers, interventions, and comments due no later than September 14, 2026.

On September 3, 2026, PJM submitted a compliance report in accordance with Ordering Paragraph B of the Secretary of Energy of the Department of Energy's Order No. 202-26-40, issued August 21, 2026. The compliance report relates to the operations of Eddystone Unit 3 and Eddystone Unit 4 on September 2, 2026.

On September 3, 2026, PJM submitted a report pursuant to Ordering Paragraph E of Department of Energy, Order No. 202-26-41 (September 1, 2026), which requires PJM to "provide a daily notification to DOE . . . reporting each generating unit that has been designated to use the allowance and operated in reliance on the allowances contained in this Order." This is version 1 of the report and it covers the September 2 operating day.

On September 3, 2026, PJM submitted a compliance report in accordance with Ordering Paragraph C of the Secretary of Energy of the Department of Energy's Order No. 202-26-25A, issued August 19, 2026. The compliance report relates to the operations of Wagner Unit 4 on September 2, 2026.

On September 3, 2026, pursuant to Ordering Paragraph G in Department of Energy, Order No. 202-26-41 (September 1, 2026), PJM submitted Exhibit A – Specified Resources (September 3, 2026; version 3) relating to PJM's September 1, 2026 Request for Emergency Order Under Federal Power Act, Section 202(c). Exhibit A reflects generation units PJM deems necessary to maintain the reliability of the power grid. Entries in bold reflect additions new to this version of the Exhibit. Other generation units may be deemed Specified Resources but not yet included in this version of the Exhibit.

On September 2, 2026, pursuant to Ordering Paragraph G in Department of Energy, Order No. 202-26-41 (September 1, 2026), PJM submitted Exhibit A – Specified Resources (September 2, 2026; version 2) relating to PJM's September 1, 2026 Request for Emergency Order Under Federal Power Act, Section 202(c). Exhibit A reflects generation units PJM deems necessary to maintain the reliability of the power grid. Entries in bold reflect additions new to this version of the Exhibit. Other generation units may be deemed Specified Resources but not yet included in this version of the Exhibit.

On September 2, 2026, PJM submitted a compliance report in accordance with Ordering Paragraph B of the Secretary of Energy of the Department of Energy's Order No. 202-26-40, issued August 21, 2026. The compliance report relates to the operations of Eddystone Unit 3 and Eddystone Unit 4 on September 1, 2026.

On September 2, 2026, PJM submitted a compliance report in accordance with Ordering Paragraph C of the Secretary of Energy of the Department of Energy's Order No. 202-26-25A, issued August 19, 2026. The compliance report relates to the operations of Wagner Unit 4 on September 1, 2026.

On September 1, 2026, PJM submitted Exhibit A – Specified Resources (September 1, 2026; version 1) relating to PJM's September 1, 2026 Request for Emergency Order Under Federal Power Act, Section 202(c). Exhibit A reflects generation units PJM deems necessary to maintain the reliability of the power

grid. Entries in bold reflect additions new to this version of the Exhibit. Other generation units may be deemed Specified Resources but not yet included in this version of the Exhibit.

On September 1, 2026, PJM submitted a compliance report in accordance with Ordering Paragraph C of the Secretary of Energy of the Department of Energy's Order No. 202-26-25A, issued August 19, 2026. The compliance report relates to the operations of Wagner Unit 4 on August 31, 2026.

On September 1, 2026, in Docket No. EL26-102-000, Current Hydro LLC (Current Hydro) filed a Complaint against PJM for its withdrawal of four of Current Hydro's projects from Cycle 1 of PJM's interconnection study process. Current Hydro requested fast-track processing for the Complaint and a shortened comment period, with answers, interventions, and comments due no later than September 11, 2026.

On September 1, 2026, PJM submitted to the Department of Energy a request for an order pursuant to Federal Power Act, section 202(c) finding that an imminent electric reliability emergency exists, directing PJM to dispatch Specified Resources as needed to maintain reliability, and authorizing PJM to direct backup generation resources at large loads to operate as a last resort before declaring an Energy Emergency Alert ("EEA") 3 or during an EEA 3. PJM requests issuance of an order as soon as possible, to be effective through 11:59 p.m. Eastern Prevailing Time on September 8, 2026.

On August 31, 2026, in Docket Nos. EL15-18-005, et al., PJM submitted to the Commission reply comments addressing comments submitted by Con Edison, Linden VFT, HTP, and NYPA (collectively, the New York Entities) in this proceeding regarding the methodology for allocating the costs of transmission facilities that address short-circuit reliability violations.

On August 31, 2026, in Docket No. ER26-3661-000, PJM submitted its proposal to update the timelines for PJM to post final Effective Load Carrying Capability values to four months prior to the relevant Delivery Year, and post the PJM Region Reliability Requirement and the Locational Deliverability Area Reliability Requirement by March 1 prior to each Base Residual Auction. PJM requested that its Tariff revisions become effective as of October 31, 2026.

On August 28, 2026, in Docket No. EL26-101-000, Oklo Inc. (Oklo) filed a Complaint against PJM challenging the justness and reasonableness of PJM's implementation of its interconnection procedures in reviewing Oklo's Cycle 1 application for a 750 MW mixed technology (advanced nuclear, natural gas, and fuel cell) generation project. Oklo requested fast-track processing for the Complaint.

On August 28, 2026, in the U.S. Bankruptcy Court for the Western District of North Carolina Case No. 26-03055, PJM submitted a motion to dismiss the Adversary Complaint of Affirmed Energy LLC for failure to state a claim upon which relief can be granted.

On August 28, 2026, in Docket No. ER26-1655-003, PJM submitted on behalf of Grid Growth Ohio EHV, LLC (Grid Growth Ohio EHV), and Grid Growth Ohio, LLC (Grid Growth Ohio), a compliance filing to revise both Grid Growth Ohio EHV's and Grid Growth Ohio's formula rate protocols as directed by the Federal Energy Regulatory Commission's July 2, 2026 order.

On August 27, 2026, in Docket No. ER26-3638-000, PJM submitted non-substantive, clerical and ministerial revisions originating from the Governing Document Enhancement & Clarification Subcommittee

to correct, clarify, and/or make consistent certain Generation Interconnection Process-related provisions of the PJM Tariff. PJM requested the revisions be effective as of October 27, 2026.

On August 25, 2026, in Docket No. EL26-99-000, Advantage Capital Renewables, LLC (Advantage Renewables) filed a Complaint against PJM for its decision to withdraw Advantage Renewables' planned 100 MW energy storage project (Queue No. C01-1742) from Cycle 01 of PJM's interconnection study process. Advantage Renewables requested fast-track processing for the Complaint and a shortened comment period, with answers, interventions, and comments due no later than September 4, 2026. Comments are due on September 14, 2026.

On August 24, 2026, in Docket No. EL26-98-000, PJM submitted its unopposed motion requesting a 21-day extension of time to September 29, 2026 to answer the August 17, 2026 Complaint of the Pennsylvania Public Utility Commission.

On August 21, 2026, in Docket No. AD26-7-000, PJM submitted Post-Technical Conference Comments regarding the Commission's Technical Conference on PJM Governance and the Stakeholder Process.

On August 19, 2026, in Docket No. ER26-1734-002, PJM submitted a Motion for Leave to Answer and Limited Answer in response to the Pennsylvania Office of Consumer Advocate's ("OCA") request for rehearing of the Commission's July 10, 2026 Order in the proceeding addressing, among other things, Kammer Juniata Transmission, LLC's request for transmission rate incentives.

On August 17, 2026, in Docket No. EL26-98-000, Pennsylvania Public Utility Commission (PA PUC) filed a Complaint against PJM alleging that PJM Operating Agreement, Schedule 6, Section 1.5.7 is unjust, unreasonable, and unduly discriminatory or preferential in the Selection of Market Efficiency Projects and requesting the Commission to direct PJM to make the PA PUC's proposed revisions.

On August 17, 2026, in Docket No. ER26-1479-002, PJM filed revisions to its Tariff in accordance with the Commission's June 18, 2026 Order, and its August 14, 2026 notice of extension of time in Docket Nos. EL25-49-002, et al. PJM requested an effective date of October 17, 2026, for the changes to Tariff, Parts I, III, VI, VII, VIII, IX, and X, and an effective date of July 1, 2028, for the new Tariff, Part XI.

On August 17, 2026, in Docket No. ER26-3537-000, the PJM Transmission Owners (PJM TOs) submitted a compliance filing in compliance with the Commission's June 18, 2026 Order in Docket Nos. EL25-49, et al., to the PJM Open Access Transmission Tariff, which includes rates for Interim Network Integration Transmission Service (Interim NITS) and related modifications. The PJM TOs requested for the compliance filing to be effective as of July 1, 2028.

On August 14, 2026, in Docket Nos. ER22-2110-000 and ER22-2110-001, PJM filed an informational report pursuant to the Commission's November 29, 2022 order accepting PJM's comprehensive reforms to its generation interconnection process involving the transition from a "first-come, first-served" serial approach to a "first-ready, first-served" Cycle approach. Consistent with the November 29, 2022 order, PJM is submitting this informational report to inform the Commission on the processing of New Service Requests under PJM's Transition Period Rules.

On August 14, 2026, in Docket No. ER26-3525-000, PJM submitted proposed 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 15, 2026. PJM requested an effective date of November 12, 2026, which is 90 days after the date of this filing, to allow a 30-day comment period.

On August 14, 2026, in Docket No. ER26-3380-000, PJM filed a supplemental filing that includes a supplemental affidavit of Danielle Croop to provide a more complete example of the RBP selection process.

On August 13, 2026, in Docket No. ER26-3515-000, PJM submitted proposed revisions to the Reliability Assurance Agreement Among Load Serving Entities and the PJM Open Access Transmission Tariff to: (1) clarify a Load Serving Entity's obligation to bring new capacity in an amount that equals or exceeds its New Large Loads' peak load or be subject to load reduction requests during Emergencies prior to Pre-Emergency Load Management Response; (2) establish a large load registry; (3) beginning with the 2029/2030 Delivery Year, exclude certain New Large Loads from the Variable Resource Requirement Curve; and (4) otherwise establish rates, terms, and conditions for Interim Resource Adequacy Service (IRAS) — a service to be implemented by PJM solely during periods when there are insufficient resources to reliably meet demand in real time operations. PJM requested an October 12, 2026 effective date, although IRAS as proposed would not be available until June 1, 2027.

On August 12, 2026, in Docket No. ER26-3496-000, PJM submitted for filing proposed revisions to the PJM Operating Agreement, Schedule 12, and the RAA, Schedule 17, to reflect new members, removals or withdrawals, current signatories to the RAA, and corporate name changes through July 1, 2026. PJM requested the revisions be effective as of July 1, 2026.

On August 10, 2026, in Docket Nos. EL25-49-002, et al., PJM submitted a motion for leave to answer the answer of Constellation Energy Generation, LLC concerning PJM's motion to extend certain compliance obligations. PJM is moving for leave to answer to provide additional information concerning the intended scope of PJM's August compliance filing to aid the Commission's decision-making process.