

**MC Legal Report
Summary of Significant Filings, Legal Activity
and
Federal Energy Regulatory Commission (Commission) and Court Orders
(September 14, 2026 – October 16, 2026)**

ORDERS

On October 15, 2026, in Docket No. ER24-2045-005, the Commission issued an order partially accepting a compliance filing in response to the Commission's directives in its April 16, 2026 order. The further compliance filing revised PJM's Tariff in accordance with the Commission's Final Rule in its Order No. 2023 proceedings. The Commission directed PJM to submit a compliance filing that addresses the directives in this order within 60 days of the date of this order and make a compliance filing to establish the effective date of the records.

On October 12, 2026, the Department of Energy issued Order No. 202-26-50 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 October 13, 2026, and expires at 11:59 p.m. Eastern Prevailing Time on October 16, 2026.

On October 9, 2026, in Docket No. ER26-3515, the Commission issued an Order Accepting Tariff Revisions in Part and Rejecting Tariff Revisions in Part. The Commission directed PJM to submit a compliance filing by November 8, 2026, of the tariff sections with the Large Load definition and the Large Load Registry to remove the elements that were not accepted.

On October 7, 2026, in Docket Nos. EL15-18-006, et al., FERC issued an Order: (i) denying requests for rehearing regarding FERC's findings related to the de minimis exception to the SBDFAX methodology and associated recalculation and rebilling requirements, (ii) granting limited rehearing regarding historical Tariff requirements, (iii) granting certain clarifications regarding implementation; and (iv) setting several matters for hearing and settlement proceedings. Further, FERC affirmed that PJM should not implement recalculations or rebilling until it issues a further order.

On October 1, 2026, in Docket No. EL26-99-000, the Commission issued an Order denying the complaint filed by Advantage Capital Renewables, LLC (Advantage Capital) against PJM challenging PJM's withdrawal of its Cycle 1 project. In denying Advantage Capital's complaint, FERC found Advantage Renewables failed to meet its burden to show that PJM violated the Tariff during the interconnection process for the project. The Commission found that the Tariff entitles applicants one opportunity to cure, that Advantage Capital did not cure the deficiencies identified by PJM, and upheld PJM's decision to reject and withdraw the Advantage Capital project due to the unresolved deficiencies that remained as consistent with the Tariff.

On October 1, 2026, in Docket No. ER26-3496-000, the Commission issued an order accepting PJM's submission 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. The agreement is effective as of July 1, 2026.

On September 29, 2026, in Docket No. ER26-3344-000, the Commission issued an order accepting PJM's submission on behalf of UGIU, proposals to update and align the depreciation rates in its transmission formula rate with those most recently submitted by UGIU to the PA PUC based on the most recent depreciation study performed by an independent third-party expert. The updated depreciation rates are effective October 1, 2026.

On September 29, 2026, in Docket No. ER26-3380-000, the Commission accepted PJM's proposed Reliability Backstop Procurement (RBP) Tariff revisions, subject to refund and further proceedings and effective February 28, 2027. Further, the Commission opened a new section 206 proceeding in Docket No. EL26-108-000 to establish paper hearing on certain topics related to cost allocation, transmission exit responsibilities, and collateral requirements for load serving entities.

On September 24, 2026, in Docket No. EL26-101-000, the Commission issued an Order denying the complaint filed by Oklo Inc. (Oklo) against PJM challenging the lawfulness of PJM's withdrawal of its Cycle 1 project. In denying Oklo's complaint, FERC found that the Tariff entitles applicants one opportunity to cure, found that Oklo did not cure the deficiencies identified by PJM, and upheld PJM's decision to reject and withdraw the Oklo project due to the unresolved deficiencies that remained as consistent with the Tariff.

On September 21, 2026, in Docket No. EL26-67-001, FERC issued an Order dismissing the requests for rehearing and clarification concerning its June 18, 2026 Show Cause Order. FERC concluded that the Show Cause Order is not a final agency action, because it made only preliminary findings and initiated further proceedings, so it was not eligible for rehearing under the Commission's rules. FERC also declined to provide clarification while this proceeding remains in abeyance through November 16, 2026, to allow PJM's stakeholder process and potential section 205 filings to proceed. Therefore, FERC formally dismissed all requests for rehearing and clarification requests as premature.

On September 17, 2026, the Department of Energy issued Order No. 202-26-45 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 17, 2026, upon issuance and expires at 11:59 p.m. Eastern Prevailing Time on September 18, 2026.

FILINGS

On October 16, 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 October 15, 2026.

On October 16, 2026, in Docket No. ER27-197-000, 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 October 1, 2026. PJM requested the revisions be effective as of October 1, 2026.

On October 15, 2026, PJM submitted a report pursuant to Ordering Paragraph E of Department of Energy, Order No. 202-26-50 (October 12, 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 report covers the October 14 operating day.

On October 15, 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 October 14, 2026.

On October 14, 2026, in Docket No. AD26-8-000, PJM submitted comments on the Annual Commissioner-led Reliability Technical Conference scheduled for October 21, 2026, to discuss policy issues related to the reliability and security of the Bulk-Power System.

On October 14, 2026, pursuant to Ordering Paragraph G in Department of Energy, Order No. 202-26-50 (October 12, 2026), PJM submitted Exhibit A – Specified Resources (October 14, 2026; version 4) relating to PJM’s October 11, 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 October 14, 2026, PJM submitted a report pursuant to Ordering Paragraph E of Department of Energy, Order No. 202-26-50 (October 12, 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 October 13 operating day.

On October 14, 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 October 13, 2026.

On October 13, 2026, pursuant to Ordering Paragraph G in Department of Energy, Order No. 202-26-50 (October 12, 2026), PJM submitted Exhibit A – Specified Resources (October 13, 2026; version 3) relating to PJM’s October 11, 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 October 13, 2026, in Docket No. ER27-126-000, PJM submitted a Study Agreement between PJM, AEP Ohio, and Affiliates of Soft Bank Energy to identify and fund studies to support the identification of transmission facilities to effectuate the State of Ohio’s request to use the State Agreement Approach process. PJM requested that the Study Agreement become effective as of September 25, 2026.

On October 12 2026, in Docket Nos. EL26-108-000, et al., PJM submitted to the Commission a motion requesting to hold the paper hearing proceedings, and any additional briefings, in abeyance pending resolution of PJM’s forthcoming Section 205 filing addressing the issues raised in the Commission’s September 29 Order.

On October 12, 2026, PJM submitted Exhibit A – Specified Resources (October 12, 2026; version 1) relating to PJM’s October 11, 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. Other generation units may be deemed Specified Resources but not yet included in this version of the Exhibit.

On October 11, 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 October 16, 2026.

On October 9, 2026, in Department of Energy Docket No. DOE-HQ-2026-1123, PJM with ISO New England Inc., California Independent System Operator Corp., Midcontinent Independent System Operator Inc, Electric Reliability Council of Texas, Inc., and Southwest Power Pool, Inc. submitted an appendix to their joint comments in response to the United States Department of Energy Request for Information (“RFI”), published in the Federal Register on September 9, 2026. The RFI sought information to inform implementation of Executive Order 14421, issued August 26, 2026, and titled Declaring a National Emergency to Secure the United States Bulk Power System.

On October 9, 2026, in Department of Energy Docket No. DOE-HQ-2026-1123, PJM with ISO New England Inc., California Independent System Operator Corp., Midcontinent Independent System Operator Inc, Electric Reliability Council of Texas, Inc., and Southwest Power Pool, Inc. submitted joint comments in response to the United States Department of Energy Request for Information (“RFI”), published in the Federal Register on September 9, 2026. The RFI sought information to inform implementation of Executive Order 14421, issued August 26, 2026, and titled Declaring a National Emergency to Secure the United States Bulk Power System.

On October 9, 2026, in Docket No. ER26-3734-001, PJM submitted an amendment to its 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.
Associated Materials (1)

On October 6, 2026, in Docket No. EL27-3-000, Monongahela Power Company filed with the Commission a complaint pursuant to Section 206 of the Federal Power Act against PJM. The complaint alleges that PJM violated its Tariff and governing documents through its implementation of advance-scheduling and commitment of resources strategy during Winter Storm Fern.

On October 5, 2026, in Docket No. EL26-106-000, PJM filed a motion for leave to answer and answer to the September 28, 2026 motion for leave to answer and answer of RWE Americas, LLC (RWE). PJM argued that PJM’s answer to RWE’s complaint demonstrated that PJM followed its Tariff in withdrawing RWE’s Applications from Cycle 01, and RWE’s answer offers nothing to alter this conclusion.

On October 2, 2026, in Docket No. ER27-34-000, PJM submitted a ministerial clean-up filing to ensure that the PJM Tariff incorporates all of the language in Tariff, Attachment Q that has been accepted by the

Commission in Docket Nos. ER26-743-000 and ER26-980-000 effective as of February 11, 2026 and March 10, 2026.

On October 1, 2026, in Docket No. ER26-3525-000, PJM submitted to FERC a Motion for Leave to Answer and Answer to the protest and comments of the Towering Concerns, LLC in response to PJM's August 14, 2026 filing in which PJM submitted revisions to its Tariff to incorporate cost responsibility assignments for baseline upgrades in the recent update to the Regional Transmission Expansion Plan approved by the PJM Board on July 15, 2026.

On October 1, 2026, in the U.S. Bankruptcy Court for the Western District of North Carolina Case No. 26-03055, PJM submitted its motion to dismiss the amended adversary complaint filed by Affirmed Energy (AE) against PJM and PJM Settlement seeking to recover approximately \$135.6 million that Affirmed contends PJM is improperly retaining following AE's Chapter 11 filing.

On October 1, 2026, in Docket No. ER27-3-000, PJM submitted on behalf of Commonwealth Edison Company modifications to PJM Tariff, Attachment H-13A to revise its formula rate to provide for charges to MISO for MISO Requested Facilities and credits so that the costs are not charged to PJM customers. The filing also includes requests for CWIP and Abandoned Plant Incentives with corresponding tariff changes. Commonwealth Edison Company is requesting that the tariff changes be effective as of December 1, 2026.

On September 30, 2026, in Docket No. AD26-7-000, PJM submitted to FERC an informational filing regarding PJM Governance and Stakeholder Reforms.

On September 30, 2026, in Docket No. ER26-3898-000, PJM submitted, as part of a periodic review, updates to the default Gross Cost of New Entry and Avoidable Cost Rate values used for purposes of the Market Seller Offer Cap and Minimum Offer Price Rule. PJM requested for the Tariff revisions to be effective as of November 30, 2026.

On September 29, 2026, in Docket No. EL26-98-000, PJM submitted its Motion to Dismiss and Answer to the Complaint of the Pennsylvania Public Utility Commission (PA PUC) against PJM alleging that PJM's 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 September 29, 2026, in Docket No. EL26-107-000, PJM filed an answer to Lanyard Power Holdings, LLC's (Lanyard) September 9, 2026 complaint. PJM argued that the complaint should be dismissed, as Lanyard's initial dynamic model submission was flawed and it was not able to correct its submission sufficiently in its one opportunity to cure. PJM further argued that Lanyard's request for reinstatement to Cycle 01 is not just and reasonable given the significant impact such reinsertion would have on other Cycle 01 projects and the goal of expedited interconnection processing.

On September 29, 2026, in Docket No. ER26-3638-000, PJM submitted a supplement to its August 27, 2026 Governing Document Enhancements and Clarifications of the Open Access Transmission Tariff, Part VII, Part VIII, and Part IX, regarding the Generation Interconnection Process filing. PJM submitted the filing at the request of the Commission to clarify its proposed WMPA, Specifications 1.0(c) revisions. PJM requested an effective date of October 27, 2026, as originally requested.

Associated Materials (1)

On September 25, 2026, in US District Court for the Southern District of Indiana Case No. 1:24-cv-01722, the Parties (Plaintiff LSP Entities and Defendants PJM, the Indiana Utility Regulatory Commission (IURC), MISO, Duke Energy Indiana, LLC, Northern Indiana Public Service Co., LLC, Indianapolis Power & Light Co. D/B/A AES Indiana; Southern Indiana Gas and Electric Co. D/B/A Centerpoint Energy Indiana South, and Commonwealth Edison Co. of Indiana, Inc) submitted a joint motion for a briefing schedule to propose deadlines to adjudicate the Plaintiff LSP Entities' Complaint seeking to block Indiana's "Right of First Refusal" (ROFR) Law (House Enrolled Act 1420), arguing it violates the Commerce Clause by favoring in-state incumbent utilities over competitive interstate transmission developers like LS Power from bidding on regional projects managed by MISO and PJM.

On September 25, 2026, in Docket No. RM21-17-000, PJM, the PJM Transmission Owners (PJM TOs), and PJM Area Relevant State Entities Committee (PARSEC) submitted their unopposed joint motion to govern future proceedings, proposing a schedule pursuant to which (i) the PJM TOs will submit proposed Long-Term Regional Transmission Cost Allocation Methodology(ies) in compliance with Order No. 1920 by November 19, 2206 and (ii) PJM will submit proposed revisions to its Long-Term Regional Transmission Planning Protocol to effectuate such methodology(ies) by December 22, 2026.

On September 24, 2026, in Docket No. EL26-106-000, PJM filed an answer to the complaint of RWE Americas, Inc. (RWE). PJM argued that the complaint should be dismissed as a matter of law with respect to four of the five projects at issue, as RWE failed to demonstrate that treatment of those projects was unjust or unreasonable. PJM further argued that the record demonstrates that PJM followed its Tariff in withdrawing each of RWE's New Service Requests referenced in the complaint from Cycle 01.

On September 24, 2026, in Docket No. EL26-105-000, PJM Interconnection, L.L.C. filed an Answer to the Complaint filed by Agilitas Energy, Inc. on behalf of Tygart, LLC, and a request for privileged treatment of material. PJM argued that the complaint should be denied because Agilitas did not demonstrate that withdrawal of the Tygart Project from Cycle 01 violated the Tariff.

On September 22, 2026, in Docket No. EL26-107-000, PJM Interconnection L.L.C. filed an answer opposing motions filed by Lanyard Power Holdings, LLC (Lanyard Power) in which Lanyard Power sought FERC approval to (1) supplement its complaint in this docket with additional information and (2) shorten the comment date for responses to this supplement and the complaint. PJM requests that FERC deny both motions and maintain the comment date which has been noticed by FERC's Office of the Secretary.

On September 18, 2026, PJM submitted a report pursuant to Ordering Paragraph E of Department of Energy, Order No. 202-26-45 (September 17, 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 17 operating day.

On September 18, 2026, in Docket No. ER26-3798-000, PJM submitted a ministerial clean-up filing to ensure that the eTariff records correctly reflect the language in the PJM RAA, Article 1, Definitions that was accepted by the Commission in various dockets with various effective dates.

On September 17, 2026, pursuant to Ordering Paragraph G in Department of Energy, Order No. 202-26-45 (September 17, 2026), PJM submitted Exhibit A – Specified Resources (Version 2). 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 17, 2026, based on present system conditions PJM submitted to the Department of Energy Supplemental Information supporting its request for Emergency Order pursuant to Federal Power Act, section 202(c).

On September 16, 2026, PJM submitted Exhibit A – Specified Resources (September 16, 2026; version 1) relating to PJM's September 16, 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. Other generation units may be deemed Specified Resources but not yet included in this version of the Exhibit.

On September 16, 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 18, 2026.

On September 16, 2026, in Docket No. ER26-3776-000, PJM submitted a ministerial amendment to Attachment A of the Consolidated Transmission Owners Agreement (CTOA) to update the listing of NextEra Energy Transmission MidAtlantic Indiana, Inc. to reflect its current name of NextEra Energy Transmission MidAtlantic, Inc. PJM requested that the amendment become effective as of November 16, 2026.

On September 15, 2026, in the U.S. Bankruptcy Court for the Western District of North Carolina Case No. 26-30968, PJM Interconnection, L.L.C. and PJM Settlement, Inc. filed their response in opposition to Debtors Affirmed Energy's Motion for Sanctions against PJM Interconnection, L.L.C. and PJM Settlement, Inc. for willful violation of the automatic stay.

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.