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STAKEHOLDER COMMENTS AND INFORMATION REQUESTS OF THE OHIO OFFICE OF THE CONSUMERS' COUNSEL

Regarding Supplemental Transmission Projects Presented at the August 4, 2026, PJM Transmission Expansion Advisory Committee Meeting

I. Introduction

The Ohio Office of the Consumers' Counsel ("OCC") appreciates the opportunity to submit these Comments and Information Requests regarding the supplemental transmission projects presented by American Electric Power ("AEP"), FirstEnergy ATSI ("ATSI"), and Duke Energy Ohio ("DEOK") at the August 4, 2026, meeting of the PJM Transmission Expansion Advisory Committee ("TEAC").

OCC submits these comments in support of the purposes of PJM's M-3 Supplemental Project Process. As reflected in PJM Manual 14B, the Regional Transmission Expansion Planning Process is intended to promote transparency, facilitate meaningful stakeholder participation, and improve transmission planning through the early identification and evaluation of planning assumptions, transmission needs, proposed solutions, and local transmission plans. Transparency during the M-3 process benefits transmission owners, PJM, regulators, and consumers by promoting informed discussion regarding planning assumptions, project need, alternatives, and anticipated consumer impact. OCC's comments are intended to further these objectives by requesting information necessary for stakeholders to meaningfully evaluate customer-driven supplemental transmission projects.

OCC supports prudent transmission investment necessary to maintain a reliable and resilient transmission system. At the same time, transmission investments are long-lived assets whose costs ultimately may be borne by consumers. Accordingly, transmission planning should remain transparent, data-driven, and consistent with the principle that costs should follow cost causation.

These Comments and Information Requests are consistent with OCC's longstanding interest in ensuring that supplemental transmission projects are supported by transparent planning assumptions, demonstrated need, prudent engineering, and appropriate consumer protections. Nothing in these comments is intended to address the merits of any pending regulatory proceeding. Rather, OCC seeks to ensure that the project-specific record developed through the M-3 process is as complete and transparent as possible.

II. The Supplemental Transmission Projects

A. FirstEnergy ATSI – Need No. ATSI-2026-058

OCC appreciates FirstEnergy's presentation of Need No. ATSI-2026-058. Because this project is being presented during the **Needs** stage of the M-3 process, OCC's comments are directed to whether the identified operational issue has been sufficiently documented to support advancement to the Solutions phase.

To facilitate meaningful stakeholder review, OCC respectfully requests additional information regarding the following:

1. The applicable planning criteria supporting the identified need.
2. The underlying load forecast assumption supporting the need;
3. Whether the requesting customer has executed a binding service agreement or achieved other significant development milestones;
4. As this project advances to the Solutions stage, the alternatives considered, including equipment replacement, operational measures, maintenance practices, and other lower-cost options before more extensive transmission facilities are proposed.
5. Estimated customer benefits and expected project costs once potential solutions are identified.

B. FirstEnergy ATSI – Solutions. ATSI-2026-048

At the Needs and Solutions meeting held last month, OCC submitted several questions regarding the Needs presentation for this project. To date, those questions have not been addressed.

OCC respectfully requests that FirstEnergy provide written responses to the outstanding questions before these projects proceed further in the planning process. The questions concern matters central to evaluating the proposed projects, including the basis for the identified need, underlying load forecast assumptions, customer commitments, consideration of alternatives, project scope, timing, and expected consumer cost impacts.

As it pertains to the Solutions stage of the project, OCC requests the following additional information:

1. What engineering analysis demonstrates that the proposed solution is the least-cost and most effective option to address the identified breaker outage limitation on the Chamberlain-Harding 345-kV-line?

2. What alternatives were evaluated –including equipment replacement, operational changes, maintenance scheduling, or other lower cost options—and why were those alternatives rejected?

3. Please quantify the reliability benefit of the proposed solution. Specifically, how often has this limitation occurred, what contingency or planning criteria are being assessed, and how will the project improve system performance?

4. Will FirstEnergy commit to providing the supporting studies, cost estimates, and responses to OCC's information requests before PJM selects a preferred solution, so stakeholders have a meaningful opportunity to evaluate the project?

C. ATSI 2237.2 Scope Change

1. The underlying load forecast assumption supporting the need;

2. Whether the requesting customer has executed a binding service agreement or achieved other significant development milestones;

3. What specifically has changed in the scope of this project and what circumstances prompted the change since the project was originally presented and approved?

4. How does the revised scope affect the project's schedule, and expected in-service date, and what is the incremental cost attributable solely to the scope change?

5. Has ATSI evaluated lower-cost or less extensive alternatives to the revised scope, and if so, what alternatives were considered and why were they rejected?

6. Does the revised scope change the project's expected reliability or operational benefits, and can ATSI quantify the additional benefits that justify the expanded scope?

7. What impact will the scope change have on consumers, including cost recovery and rate impacts, and will ATSI provide the engineering analyses and cost estimates supporting the revised scope as part of the TEAC record?

D. American Electric Power – Change to Existing Need No. AEP-2025-OH19

1. What specific planning assumptions changed since the original Need for this project was identified, and what new information prompted AEP to revise the existing need?

2. How do the revised load forecasts, system conditions, or customer commitments compare with those supporting the original need, and what analysis demonstrate that the revised need is more accurate? Are there increased costs from the scope change?

3. Did AEP evaluate whether the change in the identified need affects the scope, timing, or size of the proposed transmission solution, including whether a lower-cost or phased alternative is now appropriate?

4. What sensitivity analyses were performed to evaluate whether the revised need would still exist if the underlying assumptions – such as customer load, project timing, or system conditions- change or do not materialize as expected?

5. How does AEP's revised need for this project remain consistent with prudent transmission planning and cost-causation principles, and what impacts, if any, could the revised need have on costs borne by existing Ohio consumers?

E. Duke Energy Ohio – Solutions No. DEOK-2026-004

At the Needs and Solutions meeting held last month, OCC submitted several questions regarding the Needs presentation for this project. To date, those questions have not been addressed.

OCC respectfully requests that Duke Energy Ohio provide written responses to the outstanding questions before these projects proceed further in the planning process. The questions concern matters central to evaluating the proposed projects, including the basis for the identified need, underlying load forecast assumptions, customer commitments, consideration of alternatives, project scope, timing, and expected consumer cost impacts.

As it pertains to the Solutions stage of the project, OCC requests the following additional information:

1. What evidence supports the increase from 500MW to 800 MW?

   Specifically, has the customer made a binding commitment for the additional 300 MW, and what is the anticipated in-service schedule for that additional load?

2. Has Duke evaluated scenarios in which only the original 500 MW materializes or the additional 300 MW is delayed?

   If so, would the same transmission upgrades still be required under those scenarios?

3. How will Duke ensure that existing retail customers are not responsible for costs associated with facilities built primarily to serve this customer's increased load?

General Policy Discussion

The recent increase in requests for large-load service—including data centers, advanced manufacturing facilities, and other energy-intensive customers—is resulting in substantial transmission investment throughout Ohio. Meaningful stakeholder review depends upon understanding not only the magnitude of projected customer load but also the certainty supporting those forecasts.

1. The Need for Standardized Reporting

OCC encourages PJM and transmission owners to provide standardized reporting identifying: (1) projected load attributable to native load, ordinary growth, and large-load customers; (2) whether customer load is supported by executed service agreements or other binding commitments; (3) customer development milestones; (4) anticipated in-service schedules; (5) sensitivity analyses for delayed or cancelled projects; and (6) whether facilities can be phased as customer commitments mature.

2. The Need for Transparency

Customer-driven supplemental transmission projects differ in important respects from traditional reliability-driven transmission projects. Historically, many supplemental projects were developed to address aging infrastructure, equipment replacement, operational flexibility, or identified reliability violations based on existing system conditions. By contrast, customer-driven projects are often initiated in anticipation of substantial future load growth associated with one or more specific customers seeking new or expanded electric service. As a result, these projects frequently depend upon assumptions regarding the timing, magnitude, and certainty of future customer demand rather than existing system deficiencies. That distinction makes transparency regarding planning assumptions, customer commitments, forecast certainty, and project timing particularly important. Without sufficient information regarding those underlying assumptions, stakeholders cannot meaningfully evaluate whether the proposed transmission investment is appropriately timed, appropriately sized, or reasonably necessary to serve the anticipated customer load.

The projects presented at the July 7, 2026, TEAC meeting illustrate this distinction. Three of the four Ohio projects were driven primarily by anticipated customer load growth, while one addressed an operational limitation on the existing transmission system. OCC's comments reflect those differences by applying a common set of planning principles while recognizing that the information necessary to evaluate customer-driven projects is not identical to that required for traditional reliability or operational projects.

3. The Value of Phased in Construction in Customer-Driven Transmission Planning

As customer-driven supplemental transmission projects continue to increase in size and complexity, transmission owners should, where practical, evaluate whether proposed facilities can be developed in phases that correspond with demonstrated customer demand. Phased implementation is a well-established planning approach that allows infrastructure to be expanded as customer development progresses while maintaining the flexibility necessary to provide reliable electric service.

For projects driven by anticipated future load growth, phased construction may reduce the risk of premature investment if projected customer demand is delayed, reduced, or ultimately does not materialize. Rather than requiring the construction of facilities sized for the maximum projected load at the outset, phased implementation can allow transmission owners to provide service as customer commitments become more certain and system needs evolve. This approach can reduce the likelihood that consumers will bear the costs of transmission facilities that exceed what is reasonably necessary to serve actual demand.

Accordingly, OCC encourages transmission owners to discuss, as part of the M-3 process, whether phased implementation was considered during project development, the engineering and economic factors supporting the selected approach, and how the proposed construction schedule aligns with anticipated customer development. Providing this information will improve transparency, strengthen the planning record, and enhance stakeholder confidence that proposed investments are appropriately timed and appropriately sized for reasonably certain customer demand. Considering phased implementation where feasible does not delay necessary infrastructure or discourage economic development. Rather, it reflects prudent utility planning by aligning the pace of infrastructure investment with the pace of demonstrated customer demand, thereby reducing the potential for existing consumers to bear the costs of facilities constructed significantly in advance of need, or that may be excess capacity if the AI loads fail to show up as projected.

III. Federal Regulatory Context

The projects presented at this meeting arise during a period of significant evolution in federal transmission planning policy. The growth in AI load interconnection requests is driving the need for improved local and Supplemental Project transmission planning processes that account for the potential cost impact of these local projects. Although the Supplemental Projects presented through PJM's M-3 process are not directly governed by the requirements of FERC Order No. 1920, the Commission's recent actions reflect an increasing emphasis on transparent planning processes, meaningful stakeholder participation, cost-effective analyses, and well-supported planning records.

In Order No. 1920, the Commission concluded that more forward-looking and transparent transmission planning is necessary to ensure that transmission investments remain just and reasonable over the long term. While that rule principally addresses regional transmission planning, the policy objectives it advances – including transparency, robust planning assumptions, and meaningful stakeholder engagement—are equally relevant to customer-driven supplemental transmission projects. Importantly, Order No. 890 required similar transparency, robust planning assumptions and meaningful stakeholder engagement in the local transmission planning process. In PJM, Supplemental Projects are part of the local planning process and must be planned in a manner that encompasses these principles.

The PJM Attachment M-3 planning process for local transmission projects and Supplemental Projects embrace some, but not all of these principles. OCC recognizes that FERC accepted the current PJM Attachment M-3 local transmission planning process in 2020 but notes that FERC has more recently questioned whether that process is sufficient in its April 2022 Notice of Technical Conference in Docket No. AD22-8-000. That Notice states that:

> The purpose of this conference is to explore measures to ensure sufficient transparency into and cost effectiveness of local and regional transmission planning decisions, including: (1) the role of cost management measures in ensuring the cost-effective identification of local transmission needs (e.g., planning criteria) and solutions to address identified local transmission and regional reliability-related transmission needs; and (2) cost considerations and the processes through which transmission developers recover their costs to ensure just and reasonable transmission rates.

It is this cost effectiveness obligation that is missing from the current PJM Attachment M-3 planning process.

Although FERC did not require changes to the local and Supplemental Project transmission planning process in Order No. 1920, it clearly left the door open for improvements in that process.

In a move toward creating greater transparency around that process, FERC recently issued show-cause orders directing several public utility transmission providers, including PJM in Docket No. EL26-67-000, to explain why aspects of their local and Supplemental Project transmission planning processes remain just and reasonable under the Federal Power Act. OCC recognizes that the new show cause proceedings do not control the disposition of the projects presented here. However, these proceedings reflect FERC's movement toward a broader regulatory focus on transparency, justification, cost-effectiveness and oversight of local and Supplemental Project transmission investments.

These show cause proceedings reinforce the importance of ensuring that local and Supplemental transmission projects are supported by demonstrated need, prudent engineering, transparent planning assumptions, project cost-effectiveness and a planning record sufficient to permit meaningful stakeholder review before significant investments are undertaken.

IV. Consumer Protection Principles

As supplemental transmission planning increasingly responds to requests from individual large-load customers rather than traditional reliability needs, several principles should guide the evaluation of proposed transmission investments.

First, transmission projects should be supported by a clearly demonstrated need based on objective and transparent planning analyses. Stakeholders should have sufficient information to understand the assumptions underlying projected customer demand, the degree of certainty associated with those forecasts, and the planning criteria giving rise to the identified need. Without this information, stakeholders cannot meaningfully evaluate whether proposed facilities are necessary or appropriately sized.

Second, transmission investments should reflect prudent utility planning. Proposed solutions should be supported by reasonable engineering analyses, consideration of feasible alternatives, and where appropriate, opportunities for phased implementation that correspond to demonstrated customer commitments. Particularly for projects involving substantial capital investment, prudent planning requires balancing the need to provide timely service to new consumers with the responsibility to avoid premature, unnecessary or potentially abandoned infrastructure investments that may ultimately be borne by existing consumers.

Third, transmission investments should be developed and implemented in a manner consistent with longstanding regulatory principle of cost causation. Consumers should have confidence that investments undertaken primarily to accommodate new large-load customers are planned and

funded in a manner that appropriately assigns costs to those AI customers, rather than shifting those costs to existing residential and small business consumers.

Meaningful stakeholder participation is essential to maintaining confidence in the transmission planning process. The M-3 process should provide an opportunity for stakeholders to review proposed transmission needs and solutions before significant investment decisions are finalized. That opportunity is meaningful only if stakeholders are provided sufficient information to understand the basis of proposed projects and if substantive stakeholder comments are thoughtfully considered as projects advances through the planning process.

These principles are not intended to impede or delay needed transmission investment. Rather, they are intended to ensure that customer driven transmission projects are supported by transparent planning assumptions, prudent engineering, meaningful stakeholder review, and appropriate consumer protections. As transmission planning continues to evolve in response to unprecedented large-load growth, adherence to these principles will strengthen confidence in the M-3 process and help ensure that transmission investments are reliable, cost-effective, and fair to the consumers who ultimately fund the electric system.

V. Enhancing the M-3 Supplemental Project Process

OCC appreciates PJM's efforts to improve transparency and stakeholder engagement through the M-3 Supplemental Project Process. As supplemental transmission planning evolves to address unprecedented growth in customer-driven load, there are opportunities to further strengthen the process while preserving the flexibility transmission owners need to respond to emerging system needs.

OCC recommends that future customer-driven project presentations include additional information regarding the basis for projected load growth. Without disclosing confidential commercial information, transmission owners should identify the extent to which projected customer demand is supported by executed service agreements, meaningful development milestones, or other objective indicators demonstrating the likelihood that the projected load will materialize. If this information cannot be disclosed without disclosing confidential commercial information, then a non-disclosure agreement should be used to share this information with OCC given that OCC poses no competitive concerns regarding this project. Providing stakeholders with a better understanding of forecast certainty would improve confidence that proposed transmission investments are appropriately timed and sized.

OCC encourages transmission owners to more fully discuss alternatives considered during project development. For projects presented at the Solutions stage, stakeholders should understand not only the preferred solution but also the principal alternatives evaluated, the reasons those alternatives were not selected, and whether phased implementation, equipment upgrades, operational changes, or other lower-cost options were considered. Such information would improve transparency and strengthen stakeholder confidence that the selected solution represents the most prudent investment.

OCC recommends that PJM encourage transmission owners to address substantive stakeholder comments as projects advance through subsequent stages of the M-3 process. OCC is not suggesting that transmission owners be required to provide formal written responses to every comment. However, a brief discussion during subsequent TEAC presentations explaining whether significant stakeholder concerns were considered and, where appropriate, how they were addressed would strengthen the planning record and improve stakeholder confidence in the process.

Finally, OCC encourages continued dialogue among PJM, transmission owners, states, consumer advocates, and other stakeholders regarding the evolution of supplemental transmission planning. Customer-driven transmission investment represents a significant and growing component of transmission development throughout the PJM region. As planning practices continue to evolve, regular stakeholder discussions regarding transparency, planning assumptions, customer commitments, and cost responsibility will help ensure that the M-3 process continues to provide meaningful opportunities for stakeholder participation while supporting timely, reliable, and cost-effective transmission planning.

VI. Looking Forward

The comments submitted herein are intended not only to address the specific supplemental transmission projects presented at the July 7, 2026 TEAC meeting, but also to contribute to the continued evolution of a transparent, well-supported, and consumer-focused supplemental transmission planning process.

OCC recognizes that the electric industry is experiencing unprecedented changes driven by rapid load growth, technological advancement, and increasing demand for electric service from data centers, advanced manufacturing facilities, and other large energy users. Transmission owners and PJM face the significant challenge of planning for this growth while maintaining system reliability and providing timely service to new customers.

At the same time, these changing conditions reinforce—not diminish—the importance of prudent planning, transparency, and meaningful stakeholder participation. Customer-driven supplemental

transmission projects increasingly involve investments measured in billions of dollars and infrastructure that may remain in service for decades. Such investments warrant planning assumptions and project development processes that provide stakeholders with sufficient information to understand the basis for the proposed investment and evaluate whether it is appropriately timed, appropriately sized, and consistent with sound utility planning practices.

The M-3 Supplemental Project Process can provide an important opportunity for stakeholders to contribute constructively to transmission planning before significant investment decisions are finalized. The effectiveness of that process, however, depends upon stakeholders receiving sufficient information to evaluate identified transmission needs, proposed solutions, and the assumptions supporting those decisions.

The OCC supports responsible transmission investment that maintains reliability, accommodates appropriate economic development, and protects consumers from unnecessary costs. Increased transparency and continued stakeholder engagement will strengthen confidence in the supplemental planning process and improve the quality of transmission planning decisions for the benefit of all stakeholders.

OCC appreciates PJM's continued commitment to stakeholder engagement and looks forward to continued participation in the M-3 Supplemental Project Process as transmission planning continues to evolve.

VII. Conclusion

OCC appreciates the opportunity to submit these Comments regarding the supplemental transmission projects presented at the Aug. 4, 2026 TEAC meeting. The Office recognizes the importance of timely transmission planning and supports investments that are necessary to maintain reliable electric service and accommodate responsible economic growth.

The observations and recommendations contained in these comments are intended to support the objectives of the M-3 Supplemental Project Process by encouraging greater transparency, strengthening the planning record, and facilitating informed stakeholder participation before significant transmission investments advance through the planning process.

Accordingly, OCC respectfully requests that PJM include these comments in the planning record for the referenced projects and encourage the applicable transmission owners to address the issues and requests for information raised here during the next stage of the M-3 process. Doing so will enhance stakeholder confidence in the planning process and promote more informed transmission planning decisions.

Respectfully submitted,

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