

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

PJM Interconnection, L.L.C.	)	Docket Nos. EL25-49-000
Allegheny Electric Cooperative, Inc.	)	
American Transmission Systems,	)	
Incorporated	)	
Atlantic City Electric Company	)	
Baltimore Gas and Electric Company	)	
Delmarva Power & Light Company	)	
Duke Energy Ohio, Inc.	)	
Duke Energy Kentucky, Inc.	)	
East Kentucky Power Cooperative, Inc.	)	
Essential Power Rock Springs, LLC	)	
Hudson Transmission Partners, LLC	)	
Jersey Central Power & Light Company	)	
Mid-Atlantic Interstate Transmission, LLC	)	
Neptune Regional Transmission System,	)	
LLC	)	
Old Dominion Electric Cooperative	)	
PECO Energy Company	)	
PPL Electric Utilities Corporation	)	
Potomac Electric Power Company	)	
Public Service Electric and Gas Company	)	
Rockland Electric Company	)	
Trans-Allegheny Interstate Line Company	)	
Transource West Virginia, LLC	)	
UGI Utilities, Inc.	)	
Monongahela Power Company	)	
The Potomac Edison Company	)	
Commonwealth Edison Company	)	
Commonwealth Edison Company of	)	
Indiana, Inc.	)	
The Dayton Power and Light Company	)	
AEP Appalachian Transmission Company,	)	
Inc.	)	
AEP Indiana Michigan Transmission	)	
Company, Inc. AEP Kentucky	)	
Transmission Company, Inc.	)	
AEP Ohio Transmission Company, Inc.	)	
AEP West Virginia Transmission	)	
Company, Inc. Appalachian Power	)	
Company	)	
Indiana Michigan Power Company	)	
Kentucky Power Company	)	

Kingsport Power Company	)	
Ohio Power Company	)	
Wheeling Power Company	)	
Duquesne Light Company	)	
Virginia Electric and Power Company	)	
Linden VFT, LLC	)	
City of Cleveland, Department of Public	)	
Utilities, Division of Cleveland Public	)	
Power	)	
City of Hamilton, OH	)	
Southern Maryland Electric Cooperative,	)	
Inc.	)	
Ohio Valley Electric Corporation	)	
AMP Transmission, LLC	)	
Silver Run Electric, LLC	)	
NextEra Energy Transmission MidAtlantic	)	
Indiana, Inc.	)	
Wabash Valley Power Association, Inc.	)	
Keystone Appalachian Transmission	)	
Company	)	
	)	
Large Loads Co-Located at Generating	)	AD24-11-000
Facilities	)	
	)	
	)	
Constellation Energy Generation, LLC	)	EL25-20-000
	)	(Consolidated)
v.	)	
	)	
PJM Interconnection, L.L.C.	)	
	)	

**ANSWER OF PJM INTERCONNECTION, L.L.C. TO JOINT COMMENTS AND  
MOTION TO STAY PROCEEDINGS AND REQUEST TO ESTABLISH  
SETTLEMENT JUDGE PROCEDURES**

Pursuant to Rule 213 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“Commission”),<sup>1</sup> PJM Interconnection, L.L.C. (“PJM”) submits this answer to the April 22, 2025 Joint Comments and Motion to Stay Proceedings and

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<sup>1</sup> 18 C.F.R. § 385.213.

Request to Establish Settlement Judgment Procedures.<sup>2</sup> At a later date, PJM intends to submit a targeted response to the more than forty comments filed in response to PJM's and various Transmission Owner submissions. PJM submits this answer in the interim to assist the Commission in resolving the Motion.

## **I. PJM'S TARIFF REMAINS JUST AND REASONABLE**

Contrary to the Motion's conclusory assertions, the ever-growing record in this proceeding reflects substantial support for a finding that PJM's existing Tariff is just and reasonable in regards to co-location arrangements.<sup>3</sup> As noted, PJM intends to submit a targeted response to the many comments filed in this docket and will further demonstrate that the existing Tariff is just and reasonable.

## **II. NO STAY SHOULD ISSUE**

The Motion seeks a 90 day stay of this proceeding. The Commission should not pause its work on offering the industry guidance on a path forward for co-location arrangements. Accordingly, the Commission should not issue any stay in the proceeding.

Any stay request runs contrary to the actions and representations of countless parties in this proceeding that are seeking Commission guidance and further would appear to prejudice the interests expressed by certain parties. By way of example, one of the

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<sup>2</sup> *PJM Interconnection, L.L.C.*, Joint Comments and Motion to Stay Proceedings and Request to Establish Settlement Judge Procedures of the Electric Power Supply Association, the PJM Power Providers Group, Calpine Corporation, Cogentrix Energy Power Management, LLC, Constellation Energy Generation, LLC and LS Power Development, LLC, Docket Nos. EL25-49-000, et al. (April 22, 2025) ("Motion").

<sup>3</sup> See, e.g., *PJM Interconnection, L.L.C.*, Answer of PJM Interconnection, L.L.C., Docket Nos. EL25-49, et al., at 4-5 32-33 (Mar. 24, 2025) ("PJM Answer"); *PJM Interconnection, L.L.C.*, Answer of the Indicated PJM Transmission Owners to the Order Instituting the Proceeding Under Section 206 of the Federal Power Act and Consolidating with Other Proceedings, Docket Nos. EL25-49, et al., at 10-14 (Mar. 24, 2025) ("Indicated TO Answer"); *PJM Interconnection, L.L.C.*, Comments of Talen Energy Corporation, Docket Nos. EL25-49, et al., at 2 (Apr. 23, 2025); *PJM Interconnection, L.L.C.*, Comments of Northern Virginia Electric Cooperative, Inc., Docket Nos. EL25-49, et al. (April 23, 2025); *PJM Interconnection, L.L.C.*, Response of American Municipal Power, Inc., Docket Nos. EL25-49, et al. (April 23, 2025).

movants now seeking a stay filed a co-located load-related complaint requesting fast track processing.<sup>4</sup> When PJM filed a motion to extend the answer deadline, that request was firmly opposed – with one of the Motion’s sponsors then claiming “‘justice delayed is justice denied.’”<sup>5</sup> The Commission relied on this opposition in denying PJM’s extension request.<sup>6</sup> That sponsor and other movants cannot explain how “justice so requires” a stay now, on their say so, several months later, and for a substantially longer period of time than what at least one sponsor previously opposed.<sup>7</sup>

Additionally, the many co-located load dockets brim with requests for expeditious Commission action and calls for certainty and clarity.<sup>8</sup> The Commission heeded these requests and set a 30 day response deadline to the Show Cause Order.<sup>9</sup> The Commission

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<sup>4</sup> *Constellation Energy Generation, LLC v. PJM Interconnection, L.L.C.*, Complaint Requesting Fast Track Processing of Constellation Energy Generation, LLC, Docket No. EL25-20 (Nov. 22, 2024).

<sup>5</sup> See *Constellation Energy Generation, LLC v. PJM Interconnection, L.L.C.*, Answer of Constellation Energy Generation, LLC in Opposition to Motion for Extension, Docket No. EL25-20, at 1 (Dec. 2, 2024); *Constellation Energy Generation, LLC v. PJM Interconnection, L.L.C.*, Motion to Intervene and Comments in Opposition to the Motion for Extension of Time of Talen Energy Corporation, Docket No. EL25-20 (Dec. 3, 2024).

<sup>6</sup> *Constellation Energy Generation, LLC v. PJM Interconnection, L.L.C.*, Notice Denying Extension of Time, Docket No. EL25-20 (Dec. 6, 2024).

<sup>7</sup> See *Pub. Util. Dist. No. 1 of Okanogan Cnty., Washington*, 162 FERC ¶ 61,040, at P 13 (2018) (finding that FPA section 309 gives the Commission stay authority and explaining that the Commission has elected to utilize the “justice so requires” standard set forth in section 705 of the Administrative Procedure Act).

<sup>8</sup> See, e.g., *PJM Interconnection, L.L.C.*, Response of Public Service Electric and Gas Company to the Order to Show Cause, Docket Nos. EL25-49, et al., at 3 (Mar. 24, 2025) (“PSE&G respectfully urges the Commission to effectuate a prompt resolution of this co-location proceeding, as expeditiously arriving at clear co-location rules is essential to allow states like New Jersey and data center customers to move forward with their development plans.”); *PJM Interconnection, L.L.C.*, Motion for Clarification of Vistra Corp. and Request for Expedited Treatment, Docket No. EL25-49, at 2 (Apr. 4, 2025) (“Vistra fully supports the Commission’s stated objective to expeditiously reach a resolution in this proceeding.”); *PJM Interconnection, L.L.C.*, Comments of Talen Energy Corporation, Docket Nos. EL25-49, et al., at 14 (Apr. 23, 2025) (“It is urgent that the Commission act in accordance with its jurisdiction as soon as possible to promote economic growth and support PJM in maintaining reliability on its transmission system.”).

<sup>9</sup> *PJM Interconnection, L.L.C., et al.*, 190 FERC ¶ 61,115, at ordering paragraph (B) (2025).

has subsequently affirmed a commitment to quick action.<sup>10</sup> The Commission has before it a substantial record reflecting views from across the industry. The Commission can now rule on the subject matter of the Show Cause proceeding. A stay would frustrate the Commission’s stated intent to “act quickly” and “expeditiously, so [the Commission] can provide clarity and certainty to all[.]”<sup>11</sup>

### **III. PJM COMMENTS ON THE REQUEST FOR SETTLEMENT JUDGE PROCEDURES**

Two generation supply associations and four generators filed the Motion seeking settlement judge procedures. As of the time of this filing, only the Data Center Coalition appears to support that request.

If a broader consensus emerges in support of settlement procedures in this proceeding (that would necessarily include Transmission Owners, cooperatives, and public power), the Commission could consider supporting a settlement process without any stay. But first PJM observes that the PJM states are critical parties to any such settlement discussions given the unique interaction of federal and state jurisdictional issues in this proceeding. However, it is not clear the extent to which the states can, through a FERC settlement, make policy decisions that are binding upon state jurisdictional matters. Furthermore, PJM is engaging with its stakeholders regarding large load interconnections

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<sup>10</sup> See, e.g., FERC News Release, FERC Chairman Issues Statement on Review of Issues Associated with the Co-Location of Large Loads at Generating Facilities (Feb. 21, 2025), available at: <https://ferc.gov/news-events/news/ferc-chairman-issues-statement-review-issues-associated-co-location-large-loads> (“FERC News Release”); March 18, 2025 Letter from Office of the Chairman, Mark C. Christie, responding to October 2, 2024 Letter from Governor Josh Shapiro, Docket Nos. EL25-49, EL24-149, ER24-2172, and ER24-2888 et al.; March 18, 2025 Letter from Office of the Chairman, Mark C. Christie, responding to October 31, 2024 letter from Governor Glenn Youngkin, Docket No. AD24-11.

<sup>11</sup> See FERC News Release.

generally, including at an upcoming May 9, 2025 Large Load Additions workshop,<sup>12</sup> as well as interrelated efforts pertaining to load forecasting and resource adequacy. Any settlement proceedings should not be permitted to interfere with these efforts. Such stakeholder processes may indeed inform or constrain PJM's position in any settlement discussions. Accordingly, the Commission should only set this matter for settlement if there is a broad coalition of support for such proceedings. And even then, the Commission should continue its efforts to provide necessary clarity and certainty to the industry through the issuance of guidance on co-location arrangements.

#### IV. CONCLUSION

PJM requests that the Commission consider this Answer when deciding the Motion.

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Respectfully submitted,

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May 5, 2025

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<sup>12</sup> PJM Large Load Additions Workshop, available at: <https://www.pjm.com/forms/registration/Meeting%20Registration.aspx?ID={af9810e3-fb39-49ef-85f3-6d05a03609c0}#>.

## **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 Audubon, Pennsylvania, this 5th day of May 2025.

/s/ Mark J. Stanisz

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