

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

<b>Independent Market Monitor for PJM</b>	)	
	)	
	)	
v.	)	<b>Docket No. EL26-30-000</b>
	)	
<b>PJM Interconnection, L.L.C.</b>	)	
	)	

**ANSWER OF PJM INTERCONNECTION, L.L.C. TO  
COMPLAINT OF THE INDEPENDENT MARKET MONITOR FOR PJM**

Pursuant to Rules 206 and 213 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“Commission”), 18 C.F.R. §§ 385.206, 385.213, PJM Interconnection, L.L.C. (“PJM”) submits this answer to the Complaint of the Independent Market Monitor for PJM, filed on November 25, 2025 (“Complaint”).<sup>1</sup>

In the Complaint, the Independent Market Monitor for PJM (“IMM”) posits that “PJM has the authority to add large new data center loads only when they can be served reliably as defined both by transmission and capacity adequacy.”<sup>2</sup> The IMM expresses concern that, in PJM’s ongoing Critical Issue Fast Path (“CIFP”) stakeholder process, “[t]he solutions offered by PJM and most stakeholders simply assume that PJM must agree to add large loads to the system when the loads cannot be served reliably because PJM does not have the required capacity resources.”<sup>3</sup> Apparently in an effort to foreclose the PJM Board of Managers (“PJM Board”) from adopting solutions inconsistent with the IMM’s view of transmission and resource adequacy, the IMM has filed the Complaint.

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<sup>1</sup> *Indep. Mkt. Monitor for PJM v. PJM Interconnection, L.L.C.*, Complaint of the Independent Market Monitor for PJM, Docket No. EL26-30-000 (Nov. 25, 2025).

<sup>2</sup> Complaint at 3.

<sup>3</sup> *Id.* at 6.

The Commission should deny the Complaint as it is procedurally and substantively deficient. The Complaint recognizes that it overlaps the issues in the recently initiated, industry-wide ANOPR<sup>4</sup> proceeding.<sup>5</sup> The Complaint nonetheless seeks relief applicable solely in the PJM Region, while the Commission develops a comprehensive rule in response to the ANOPR applicable nationwide.<sup>6</sup> The Complaint seeks relief prior to any Commission determinations prompted by the ANOPR on foundational issues, including jurisdictional boundaries. The Complaint invites the Commission to run afoul of the principle that agencies should defer taking action in specific adjudicatory matters where such action would supplant ongoing generic rulemakings.<sup>7</sup>

As the IMM is aware because it submitted a proposal package in the CIFP process, the PJM Board is currently considering twelve proposal packages it received from various stakeholders to address the addition of large loads. The PJM Board has not yet reached a decision, though it plans to do so in the near future. The Complaint attempts to lock in the IMM's desired outcome while foreclosing possible solutions under consideration by the PJM Board as developed in the expedited CIFP process. The ANOPR clearly states that it was "not intended in any way to discourage public utilities from making filings to address

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<sup>4</sup> *Ensuring the Timely and Orderly Interconnection of Large Loads*, Advance Notice of Proposed Rulemaking, Docket No. RM26-4-000 (Oct. 27, 2025) ("ANOPR").

<sup>5</sup> Complaint at 5-6.

<sup>6</sup> *Id.* at 5 & text accompanying n.14.

<sup>7</sup> See *City of Anaheim v. FERC*, 723 F.2d 656, 659 (9th Cir. 1984) ("[A]gencies may not use adjudication to circumvent the Administrative Procedure Act's rulemaking procedures" and adjudication should not "supplant a pending rule-making proceeding." (citations omitted)); *Duke Energy Moss Landing LLC*, 86 FERC ¶ 61,227, at 61,815-16 (1999) (implying that an adjudication would circumvent the Administrative Procedure Act's rulemaking provisions if it supplants a pending rulemaking).

these and similar issues under [Federal Power Act (“FPA”)] section 205,”<sup>8</sup> and the Complaint leap frogs this proviso.

Moreover, because it merely anticipates an outcome that has not yet happened, the Complaint is not a complaint at all and makes no attempt to identify an “action or inaction which is alleged to violate applicable statutory standards or regulatory requirements.”<sup>9</sup> Rather, it is a petition for a declaratory order that fails to meet the requirements of 18 C.F.R. §§ 385.207(a)(2) and 381.302. In short, the Commission should allow the PJM Board to reach a decision, rather than accept the Complaint’s invitation to engage in a debate over which proposals the PJM Board should consider.

PJM reserves the right to amend or supplement this answer if necessary based on developments in its CIFP process or other dockets concerning large load interconnections, such as the recently initiated, industry-wide ANOPR proceeding.<sup>10</sup>

### **ANSWER**

#### **I. THE COMPLAINT SEEKS TO PRE-EMPT AND CIRCUMSCRIBE OPTIONS THE PJM BOARD MAY CONSIDER FROM THE CIFP PROCESS**

The Complaint does not specify a violation of a statute or regulation that PJM has committed, nor does it allege any violation of the PJM Open Access Transmission Tariff (“Tariff”), Amended and Restated Operating Agreement of PJM Interconnection, L.L.C. (“Operating Agreement”), or any other Commission-approved governing document. To sustain a Complaint, Rule 206 of the Commission’s regulations places the burden on the complainant to “[c]learly identify the action or inaction which is alleged to violate

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<sup>8</sup> ANOPR at P 32.

<sup>9</sup> 18 C.F.R. § 385.206(b)(1).

<sup>10</sup> *See supra* note 4.

applicable statutory standards or regulatory requirements” and “[e]xplain how the action or inaction violates applicable statutory standards or regulatory requirements.”<sup>11</sup> The Commission has dismissed complaints for failing to meet Rules 206(b)(1) and (2) requirements where “the Complaint does not cite any specific provision of any Commission order or regulation, or any specific provision of the . . . [relevant] Tariff . . . , that Respondents have allegedly violated.”<sup>12</sup>

Here, the Complaint did not and cannot satisfy these standards because it is anticipating action not yet decided by the PJM Board, based on assumptions the IMM believes are implicit in proposals presented in the CIFP process. For example, the Complaint asserts that “[t]he solutions offered by PJM and most stakeholders simply assume that PJM must agree to add large loads to the system when the loads cannot be served reliably because PJM does not have the required capacity resources. . . . Despite the fact that the premise is assumed in their proposals, PJM and market participants fail to explicitly state the premise, to discuss the premise or to provide any support for the premise. The Market Monitor believes that this premise is false.”<sup>13</sup> Likewise, the Complaint states, “[n]one of the proposals have addressed the fact that PJM does not have the authority or the capability to order or enforce curtailments.”<sup>14</sup> However, debating

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<sup>11</sup> 18 C.F.R. §§ 385.206(b)(1)-(2). Section 206(b) of the FPA states that “the burden of proof to show that any rate, charge, classification, rule, regulation, practice, or contract is unjust, unreasonable, unduly discriminatory, or preferential shall be upon the . . . complainant.” 16 U.S.C. § 824e(b).

<sup>12</sup> *Coal. of Eastside Neighborhoods for Sensible Energy v. Puget Sound Energy*, 153 FERC ¶ 61,076, at P 59 (2015); see *Citizens Energy Task Force v. Midwest Reliability Org.*, 144 FERC ¶ 61,006, at P 39 (2013) (Commission finds “that the Complaint . . . fails to meet the requirements of Rule 206 because the Complaint does not explain how the averred facts support the alleged violations.”).

<sup>13</sup> Complaint at 6.

<sup>14</sup> *Id.* at 7.

proposals and the assumptions or premises underlying them is not an appropriate use of a complaint (or the Commission's resources) because PJM has not yet taken action to implement any such proposal.

The Complaint appears to be an inappropriate attempt to foreclose options the PJM Board could adopt and elevate the IMM's position in the CIFP process and the ongoing ANOPR proceeding.<sup>15</sup> Indeed, the IMM submitted comments in the ANOPR proceeding emphasizing the same position it advocates in the Complaint.<sup>16</sup> The Complaint's attempt to supplant a federal rulemaking and its invitation for section 205 filings is procedurally infirm.<sup>17</sup> Moreover, the PJM Board has not yet determined what action PJM will take, nor has PJM submitted any filing under section 205 of the FPA to implement any particular course of action yet. Accordingly, the Complaint amounts to nothing more than a premature request for the Commission to interfere in PJM's stakeholder process and rule out a potential result based on the complainant's speculation. Rather than indulge an attempt to limit which proposals or assumptions the PJM Board should consider, the Commission should allow the PJM Board to determine a course of action, which PJM will implement through appropriate means, such as an FPA section 205 filing or revision of its manuals.

PJM has been engaged with its stakeholders—including the IMM—in a CIFP process to assist the PJM Board in determining how to address the important, yet extremely complex, issue of interconnecting large loads to the interstate grid. PJM's CIFP process

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<sup>15</sup> *Interconnection of Large Loads to the Interstate Transmission System*, Reply Comments of the Independent Market Monitor for PJM, Docket No. RM26-4-000 (Dec. 5, 2025) ("IMM Reply Comments").

<sup>16</sup> See IMM Reply Comments at 2-4, 10.

<sup>17</sup> See *supra* note 7.

has been ongoing since September, culminating in presentations before the PJM Board on November 19, 2025.<sup>18</sup> Various stakeholders, including the IMM, presented a total of twelve proposal packages to the PJM Board. The PJM Board is now actively considering the stakeholders' various proposals and will soon determine and announce how it plans to proceed. There is a range of possible outcomes that may include changes to PJM's governing documents filed pursuant to FPA section 205. Should PJM make an FPA section 205 filing, which the ANOPR expressly does not discourage, the IMM will have the opportunity to comment on the proposed actions in that proceeding. Until that occurs, there is simply no action or violation cognizable under Rule 206 underlying the Complaint. And, as noted, the IMM has had ample opportunity to present its views in the nationwide ANOPR proceeding.

## **II. THE IMM HAS NOT SATISFIED THE REQUIREMENTS FOR DECLARATORY RELIEF**

Because the Complaint is aimed at closing off an outcome the IMM speculates will occur, it is not really a complaint at all. It is a request for declaratory relief. Rule 207 states that one may file a petition for a declaratory order to “remove uncertainty.”<sup>19</sup> This is exactly what the Complaint explicitly contends. The Complaint states that “[i]t is not just and reasonable to have this level of uncertainty about the meaning of the Market Rules”<sup>20</sup> and that “more explicit rules are plainly needed in order to remove confusion.”<sup>21</sup>

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<sup>18</sup> *Agenda, Critical Issue Fast Path (CIFP) – Large Load Additions*, PJM Interconnection, L.L.C. (Nov. 19, 2025), <https://www.pjm.com/-/media/DotCom/committees-groups/cifp-lla/2025/20251119/20251119-agenda.pdf>.

<sup>19</sup> 18 C.F.R. § 385.207(a)(2).

<sup>20</sup> Complaint at 7.

<sup>21</sup> *Id.* at 9.

Accordingly, the relief sought by the IMM is declaratory relief; yet the IMM has not complied with the filing requirements for such relief.<sup>22</sup>

### **III. ADMISSIONS AND DENIALS PURSUANT TO 18 C.F.R. § 385.213(c)(2)(i)**

Pursuant to Rule 213(c)(2)(i) of the Commission's rules of Practice and Procedure,<sup>23</sup> PJM affirms that any allegation in the Complaint that is not specifically and expressly admitted above is denied.

### **IV. AFFIRMATIVE DEFENSES PURSUANT TO 18 C.F.R. § 385.213(c)(2)(ii)**

PJM's affirmative defenses are set forth above in this answer, and include the following, subject to amendment and supplementation.

1. The Complainant has not satisfied its burden of proof under FPA section 206 (16 U.S.C. § 824e) and has not demonstrated that PJM violated any Commission order, the Tariff, the Operating Agreement, the Reliability Assurance Agreement Among Load Serving Entities in the Region, the Consolidated Transmission Owners Agreement, or any other Commission-jurisdictional governing document.
2. The Complainant has failed to state a claim upon which relief can be granted, because it has not satisfied the pleading requirements of FPA sections 206(b) (16 U.S.C. § 824e(b)) and 306 (16 U.S.C. § 825e), and Commission Rule 206(b) (18 C.F.R. § 385.206(b)), which require that a violation of the FPA, applicable regulatory requirement, Tariff, or other Commission-jurisdictional governing document be specifically alleged and supported. Instead, the Complaint is based on speculation about actions PJM has not yet taken.
3. The Complaint is appropriately characterized as a petition for a declaratory order under Rule 207 (18 C.F.R. § 385.207(a)(2)), yet fails to satisfy the filing requirements of 18 C.F.R. § 381.302.

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<sup>22</sup> See 18 C.F.R. § 381.302.

<sup>23</sup> 18 C.F.R. § 385.213(c)(2)(i).

## **V. COMMUNICATIONS AND SERVICE**

PJM requests that the Commission place the following individuals on the official service list for this proceeding:<sup>24</sup>

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<sup>24</sup> To the extent necessary, PJM requests a waiver of Commission Rule 203(b)(3), 18 C.F.R. § 385.203(b)(3), to permit more than two persons to be listed on the official service list for this proceeding.



## **CONCLUSION**

For the foregoing reasons, the Commission should deny the Complaint.

Respectfully submitted,

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December 15, 2025

## **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 Washington, D.C., this 15th day of December 2025.

/s/ Andrew T. Swers

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