

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

Gaston Green Acres Solar, LLC)	
Bethel NC Hwy 11 Solar, LLC,)	
Complainants,)	
)	Docket No. EL26-39-001
v.)	
)	
PJM Interconnection, L.L.C.,)	
Respondent.)	

**MOTION FOR LEAVE TO ANSWER AND
ANSWER OF PJM INTERCONNECTION, L.L.C.**

PJM Interconnection, L.L.C. (“PJM”) respectfully submits this Motion for Leave to Answer and Answer (“Answer”)¹ in response to the request for rehearing filed by Gaston Green Acres Solar, LLC (“Gaston”) and Bethel NC Hwy 11 Solar, LLC (“Bethel,” together with Gaston, “Complainants”)² of the Commission’s May 21, 2026 order³ denying the Complaint in this docket.⁴ The Complainants’ arguments for rehearing fail to demonstrate that the Commission committed any legal errors that would require granting rehearing. Complainants reassert, with no meaningful additional support, many of the same arguments

¹ PJM submits this Answer pursuant to Rules 212 and 213 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“Commission”). 18 C.F.R. §§ 385.212, 385.213.

² *Gaston Green Acres Solar, LLC v. PJM Interconnection, L.L.C.*, Request for Rehearing of Gaston Green Acres Solar, LLC and Bethel NC Hwy 11 Solar, LLC, Docket No. EL26-39-001 (June 22, 2026) (“Rehearing Request”).

³ *Gaston Green Acres Solar, LLC v. PJM Interconnection, L.L.C.*, 195 FERC ¶ 61,133 (2026) (“May 21 Order”).

⁴ *Gaston Green Acres Solar, LLC v. PJM Interconnection, L.L.C.*, Complaint of Gaston Green Acres Solar, LLC and Bethel NC Hwy 11 Solar, LLC Against PJM Interconnection, LLC, Request for Shortened Comment Period and Fast Track Processing and Request for Alternative Relief, Docket No. EL26-39-000 (Jan. 8, 2026) (“Complaint”). Capitalized terms not otherwise defined have the meanings as set forth in PJM’s Open Access Transmission Tariff (“Tariff”).

that the Commission rejected in its May 21 Order denying the Complaint. The Commission should continue to reject Complainants' arguments and deny the Rehearing Request.

I. MOTION FOR LEAVE TO ANSWER

The Commission does not generally permit answers to requests for rehearing under Rule 713(d).⁵ However, the Commission has permitted answers to requests for rehearing when they clarify the disputed issues and provide the Commission with information to assist in its decision-making.⁶ This answer satisfies those standards. PJM, therefore, asks that the Commission accept this answer.

II. ANSWER

A. Complainants' Repeat Arguments About Readiness Deposits and Do Not Demonstrate That PJM's Tariff Is Unjust and Unreasonable or Applied in an Unduly Discriminatory Way.

Complainants continue to repeat arguments that the Commission thoroughly considered and addressed in its May 21 Order denying the Complaint.

First, Complainants resurrect arguments comparing PJM's Tariff to the Commission's *pro forma* Open Access Transmission Tariff ("*pro forma* OATT") and to the tariffs of the Southwest Power Pool, Inc. ("SPP") and Midcontinent Independent System Operator, Inc. ("MISO"). The Commission already addressed such arguments

⁵ 18 C.F.R. § 385.713(d).

⁶ *See, e.g., Appalachian Power Co.*, 161 FERC ¶ 61,070, at P 15 (2017) (accepting an answer to a request for rehearing because it provided the Commission with information that assisted in its "consideration of this matter"); *Mo. Interstate Gas, LLC*, 127 FERC ¶ 61,011, at P 8 (2009) (accepting an answer to a request for rehearing because the Commission "has accepted answers where information in the answer will assist the Commission in its decision-making process" and because the "answer meets this criterion; therefore, for good cause, [the Commission] will accept the answer"); *New Eng. Power Pool*, 117 FERC ¶ 61,106, at P 15 (2006) (accepting an answer to a request for rehearing because it "provided information that assisted [the Commission] in [its] decision-making process"); *Mich. Elec. Transmission Co.*, 106 FERC ¶ 61,064, at P 3 (2004) (accepting an answer to a rehearing request as "it provides information that clarifies the issues and aids [the Commission] in the decisional process"), *order on remand*, 115 FERC ¶ 61,105 (2006).

explaining that differences alone do not render a Tariff provision unjust and unreasonable and PJM was granted an independent entity variation for these differences.

Second, Complainants misconstrue a Commission finding, alleging that the Commission held that PJM need not comply with Order No. 2023.⁷ On the contrary, the Commission explained that PJM's Transition Cycle No. 1 ("TC1") rules comply with Order No. 2023's transition cycle requirements. Third, Complainants' argument that the Commission erred in treating the Complaint as a collateral attack is unsuccessful because of its faulty premise. Last, the Commission engaged in reasoned decision-making when it considered and dismissed Complainants' arguments concerning changed circumstances, explaining that Complainants' claims of changed circumstances were unsupported.

1. *The Commission meaningfully addressed Complainants' arguments about comparisons between PJM's Tariff, the Commission's pro forma OATT, SPP's tariff, and MISO's tariff.*

Complainants allege the Commission acted in an arbitrary and capricious manner when it failed to "meaningfully address" their argument concerning differences between the Commission's *pro forma* OATT, MISO's tariff, SPP's tariff, and PJM's Tariff.⁸ In fact, the Commission acted in quite the opposite fashion. The Commission provided a thorough and well-reasoned determination for denying the Complainants' comparative argument. Complainants' arguments continue to fail for several reasons.

Although Complainants point out differences between the *pro forma* OATT, tariffs of other regional transmission organizations ("RTOs"), and PJM's Tariff, those differences

⁷ *Improvements to Generator Interconnection Procedures and Agreements*, Order No. 2023, 184 FERC ¶ 61,054, *limited order on reh'g*, 185 FERC ¶ 61,063 (2023), *order on reh'g and clarification*, Order No. 2023-A, 186 FERC ¶ 61,199, *errata notice*, 188 FERC ¶ 61,134 (2024), *appeals pending sub nom. Advanced Energy United v. FERC*, Nos. 23-1282, et al. (D.C. Cir. Oct. 6, 2023).

⁸ Rehearing Request at 3-4, 6-8.

alone do not mean that PJM's Tariff is unjust and unreasonable. As the Commission explained in its May 21 Order:

Complainants fail[ed] to show that any such differences among PJM's and other RTOs' withdrawal penalty frameworks render PJM's Tariff unjust and unreasonable. To the contrary, the Commission permits RTOs and [independent system operators] to propose generator interconnection processes that deviate from the Commission's *pro forma* generator interconnection processes to better fit regional needs⁹

This reasoning is consistent with decades of precedent in which the Commission has accepted RTO proposals of tariff provisions that deviate from the *pro forma* OATT to accommodate regional differences.¹⁰

Accepting PJM's Order No. 2023 compliance filings, the Commission granted PJM an independent entity variation for the withdrawal provisions and specifically found it to be just and reasonable.¹¹ In granting the independent entity variation, the Commission explained that PJM's proposal for forfeiture of Readiness Deposits that increase in amount as interconnection customers proceed through the interconnection process, with larger portions of the Readiness Deposits placed at risk at each successive decision point,

⁹ May 21 Order at P 58.

¹⁰ See *Standardization of Generator Interconnection Agreements and Procedures*, Order No. 2003, 104 FERC ¶ 61,103, at P 826 (2003) (finding it appropriate that RTOs/independent system operators ("ISOs") be permitted to seek independent entity variations from tariff provisions governing interconnection procedures), *order on reh'g*, Order No. 2003-A, 106 FERC ¶ 61,220, *order on reh'g*, Order No. 2003-B, 109 FERC ¶ 61,287 (2004), *order on reh'g*, Order No. 2003-C, 111 FERC ¶ 61,401 (2005), *aff'd sub nom. Nat'l Ass'n of Regul. Util. Comm'rs v. FERC*, 475 F.3d 1277 (D.C. Cir. 2007); see also *ISO New England Inc.*, 170 FERC ¶ 61,218, at P 26 (2020) ("The Commission in Order No. 2003 stated that this balanced approach recognizes that an RTO/ISO is less likely to act in an unduly discriminatory manner than a transmission provider that is a market participant; an RTO/ISO therefore has greater flexibility to customize its interconnection procedures and agreements to fit regional needs.").

¹¹ See *PJM Interconnection, L.L.C.*, 192 FERC ¶ 61,077, at P 182 (2025) ("PJM requests an independent entity variation from the *pro forma* [Large Generator Interconnection Procedures] and *pro forma* [Large Generator Interconnection Agreement] requirements for withdrawal penalties to retain its existing Tariff provisions.") ("Order No. 2023 Compliance Order"), *order on reh'g*, 194 FERC ¶ 61,053 (2026); *id.* at P 191 ("We accept PJM's proposed withdrawal penalty structure because we find that the proposal is just, reasonable, not unduly discriminatory or preferential, and accomplishes the purposes of Order Nos. 2023 and 2023-A.").

accomplishes the purpose of Order No. 2023 to reduce late-stage withdrawals and accompanying restudies.¹²

Second, the mere absence of a provision does not render the Tariff unjust and unreasonable. In *Coalition of MISO Transmission Customers v. MISO*, the Commission explained that “the absence of a Tariff provision allowing load to exit the system without charge following the auction is by design and does not render the Tariff unjust and unreasonable or unduly discriminatory or preferential.”¹³ Here, as Complainants admit, the lack of off-ramp is by design and was specifically approved by the Commission. Therefore, the mere absence of such an off-ramp provision, when PJM specifically designed and justified its absence and the Commission accepted its absence as an independent entity variation, does not render the PJM Tariff unjust and unreasonable.¹⁴

Additionally, unexpected cost increases do not demonstrate an unjust and unreasonable Tariff. The Commission explained that the Readiness Deposit framework in PJM’s TC1 process “strikes a just and reasonable balance of mitigating the risk to interconnection customers from unexpected increases in network upgrade cost assignments and providing finality to the study process” for TC1 to “avoid endless withdrawals and restudies at a time where PJM can least afford them.”¹⁵ The Commission articulated its findings as to the just and reasonable balance struck between the interests of fairness and

¹² Order No. 2023 Compliance Order at P 191.

¹³ *Coal. of MISO Transmission Customers v. Midcontinent Indep. Sys. Operator, Inc.*, 181 FERC ¶ 61,005, at P 63 (2022).

¹⁴ See *Murphy Solar, LLC*, 195 FERC ¶ 61,034, concur op. (Chairman Swett and Commissioner See) at P 5 (2026) (“This is the Tariff working exactly as designed and as the Commission accepted. Readiness deposits assign risk to project developers and allow PJM to more quickly and efficiently process new service requests into finalized interconnection agreements. Yet petitioners seek waiver to evade these Tariff requirements and the real world consequences that everyone must face under such circumstances.”).

¹⁵ May 21 Order at P 57.

risk mitigation at work in PJM’s transition interconnection process. The Commission should reject such repeat arguments by Complainants that take issue with PJM’s transition interconnection process as they are again insufficient and unconvincing.

2. *Complainants misconstrue the Commission’s findings about PJM’s compliance with Order No. 2023.*

Complainants argue that the Commission erred in holding that PJM’s Tariff “need not comply” with Order No. 2023.¹⁶ However, Complainants misunderstand the Commission’s finding.

In its May 21 Order, the Commission described PJM’s transition from a serial first-come, first-served queue process to the first-ready, first-served clustered cycle approach captured in Tariff, Part VII.¹⁷ The Commission then found that Tariff, Part VII provisions “need not comply” with the withdrawal penalty provisions of Order No. 2023¹⁸ and, in the sentence immediately following, the Commission highlighted that it found PJM’s existing transition process in Tariff, Part VII complied with the transition requirements of Order No. 2023 without any revisions.¹⁹

Complainants work to frame this finding as inconsistent with the “principles and reasoning underlying Order No. 2023,”²⁰ but the finding is consistent with the explicit reasoning of Order No. 2023. In Order No. 2023, the Commission acknowledged “many transmission providers have adopted or are in the process of adopting similar reforms” to those announced in Order No. 2023 and the Commission did “not intend to disrupt these

¹⁶ Rehearing Request at 8-9 (quoting May 21 Order at P 56).

¹⁷ May 21 Order at P 56.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ Rehearing Request at 9.

ongoing transition processes.”²¹ The Commission found that leaving such regional, stakeholder-approved, already-existing transition processes undisturbed was, on balance, just and reasonable given that such reforms were transitioning to interconnection processes aligned with the principles of Order No. 2023. As the May 21 Order highlights, the Commission explicitly found, in its order on PJM’s compliance with Order No. 2023, that PJM need not propose a new transition process because the one already existing at Tariff, Part VII was, on balance, an appropriate transition to the cluster study process directed by Order No. 2023.²²

The Commission should reject Complainants’ Order No. 2023 argument as it is based on a misinterpretation of the Commission’s orders.

3. *The Commission did not treat the Complaint as a collateral attack on the Commission’s 2022 order accepting PJM’s interconnection process reforms or the Order No. 2023 Compliance Order.*

Contrary to Complainants’ arguments,²³ the Commission did not “rest[] in any part” or “effectively” treat the Complaint as a collateral attack on the Commission’s 2022 order accepting PJM’s interconnection process reforms²⁴ or the Order No. 2023 Compliance Order.²⁵ Rather, the Commission denied the Complaint because it neither

²¹ Order No. 2023 at P 1765.

²² May 21 Order at P 56 n.139 (citing and quoting Order No. 2023 Compliance Order at P 201 (“Because PJM has an existing cluster study process, we find that PJM does not need to propose a new transition process to comply with Order Nos. 2023 and 2023-A.”)).

²³ See Rehearing Request at 10.

²⁴ *PJM Interconnection, L.L.C.*, 181 FERC ¶ 61,162, at P 33 (2022), *order on reh’g*, 184 FERC ¶ 61,006 (2023).

²⁵ Order No. 2023 Compliance Order at P 191 (accepting “PJM’s proposed withdrawal penalty structure because we find that the proposal is just, reasonable, not unduly discriminatory or preferential, and accomplishes the purposes of Order Nos. 2023 and 2023-A”).

demonstrated that the Readiness Deposit framework is unjust and unreasonable nor demonstrate that PJM violated its Tariff or acted in an unduly discriminatory manner.²⁶

4. *Contrary to Complainants' contentions, the Commission's rejection of Complainants' changed circumstances arguments is appropriate.*

Complainants' arguments alleging changed circumstances from legislative and policy changes having been readily disposed of by the Commission,²⁷ Complainants now provide multiple weak claims. Complainants argue that the Commission did not engage with the substance of Complainants' arguments, then shrug off as "irrelevant"²⁸ PJM's observation that many other renewable projects chose to remain in the queue (a point the Commission used to support its reasoning),²⁹ and, finally, argue that the Commission did not closely examine PJM's aforementioned observation (the one Complainants deem "irrelevant").³⁰

None of these arguments engage with what the Commission stated in its May 21 Order concerning Complainants' allegations of changed circumstances. The Commission explained it was "unpersuaded" by Complainants' "unsupported" and "general" arguments because Complainants "failed to demonstrate" that recent legislative and executive actions actually resulted in changed circumstances sufficient to eliminate the need for PJM's readiness deposit framework.³¹ Contrary to Complainants' rehearing argument, the Commission *did* engage with the substance of their argument about changed circumstances but found it lacks support and specificity. Moreover, comparing the absence of evidence

²⁶ See May 21 Order at P 55.

²⁷ See *id.* at P 59

²⁸ Rehearing Request at 11-12.

²⁹ See May 21 Order at P 57.

³⁰ Rehearing Request at 12-13.

³¹ May 21 Order at P 59.

to support Complainants' claims (i.e., evidence demonstrating that the legislative and executive actions hampered renewable development to the point of "effectively eliminating" the need for PJM's interconnection process penalties)³² with PJM's evidence concerning the number of renewable projects that chose to remain in TC1 *after* such legislative and executive actions occurred, the Commission found a fundamental flaw in Complainants' argument. The Commission flagged that PJM's evidence strikes at "the premise of Complainants' argument."³³

Next, Complainants attempt to waive off PJM's observation about the project types in TC1 as "irrelevant"³⁴ (despite the Commission finding it relevant) and then argue that the Commission's reliance on PJM's "unexamined factual assertion, without any independent analysis, fails to satisfy the [Administrative Procedure Act]'s requirement of reasoned decisionmaking."³⁵

Anyone can read PJM's press release cited in PJM's initial answer³⁶ to the Complaint and cited here that explains in detail how the majority of the interconnection requests that remained in its New Service Request process as part of TC1 were wind and solar projects.³⁷ For even more recent evidence that legislative and executive actions have not hampered the robust development of solar and wind resources, the Commission may review PJM's recent press release highlighting the 811 New Service Requests received for

³² Complaint at 19.

³³ May 21 Order at P 59.

³⁴ Rehearing Request at 12.

³⁵ *Id.*

³⁶ *Gaston Green Acres Solar, LLC v. PJM Interconnection, L.L.C.*, Answer of PJM Interconnection, L.L.C., Docket No. EL26-39-000, at 22 n.62 (Jan. 28, 2026).

³⁷ *PJM Completes Interconnection Reform Transition Cycle 1 Studies*, PJM Interconnection, L.L.C. (Sep. 22, 2025), <https://insidelines.pjm.com/pjm-completes-interconnection-reform-transition-cycle-1-studies/> [<https://perma.cc/WVQ5-KH7P>].

Cycle 1, which include 142 solar projects (14.8 gigawatts (“GW”)), 65 wind projects (4.7 GW), and 45 solar-storage hybrids (8.9 GW).³⁸ These solar and wind projects applied for study in PJM’s first fully-reformed interconnection process as of the close of the application window on April 27, 2026, more than three months after Complainants first argued that legislative and executive actions “fundamentally altered the economic and regulatory conditions for renewable energy projects” and “severely impacted” the industry.³⁹ Given such evidence, Complainants’ argument that the elimination of federal tax credits supports the elimination of PJM’s Readiness Deposit provision still lacks any merit or basis and, therefore, the Commission should continue to reject such an argument.

Complainants also admit that the “Commission itself grounded the Order No. 2023 readiness requirement reforms in the surge of ‘wind solar, and electric storage resources’ entering the interconnection queues.”⁴⁰ And, as PJM stated in its interconnection process reform filing, the Readiness Deposit regime was designed to address queue overcrowding, regardless of the reasons for queue overcrowding.⁴¹ As PJM continues to refine its interconnection process to meet industry demands, it does so in a way that makes the entire process more efficient and effective, not as a means to affect or implement nationwide

³⁸ *Over 800 New Generation Projects Seek To Connect Under PJM’s Reformed Process*, PJM Interconnection, L.L.C. (Apr. 29, 2026), <https://insidelines.pjm.com/over-800-new-generation-projects-seek-to-connect-under-pjms-reformed-process/> [<https://perma.cc/9HZP-BMU3>].

³⁹ Complaint at 18-19.

⁴⁰ Rehearing Request at 11.

⁴¹ *See PJM Interconnection, L.L.C., Tariff Revisions for Interconnection Process Reform, Request for Commission Action by October 3, 2022, and Request for 30-Day Comment Period of PJM Interconnection, L.L.C., Docket No. ER22-2110-000*, at 16 (June 14, 2022) (“While the bedrock concepts . . . hold true today, other factors have dramatically changed, most notably the volume of new capacity and the number and fuel types of projects seeking to interconnect. PJM frequently reviews and tweaks aspects of its interconnection process, continually improving upon how best to interconnect resources. . . . Recently, the amount of resources and number of projects seeking to interconnect has increased exponentially . . . PJM, along with its stakeholders, acknowledges the need to closely reexamine its interconnection process and propose meaningful reforms based on the bedrock concepts of timeliness, fairness, non-discriminatory access, and efficiency that are designed to meet the challenges of today and the future.”).

policy decisions about energy project development. Complainants’ rehearing arguments attacking the May 21 Order do not change the fact that Complainants did not meet their Federal Power Act (“FPA”) section 206⁴² burden.

B. Complainants Still Do Not Meet Their FPA section 206 Burden to Demonstrate That Issuance of a Separate Generator Interconnection Agreement for the Bethel Uprate Is Warranted.

Regarding Complainants’ request that the Commission direct PJM to issue a separate Generator Interconnection Agreement (“GIA”) for Bethel’s uprate assigned Project Identifier AF2-080 (“Bethel Uprate”), Complainants bore the burden pursuant to FPA section 206 to demonstrate that PJM failed to follow its Tariff or acted in an unduly discriminatory manner, or that the Tariff was unjust and unreasonable. As the Commission notes, Complainants “fail[ed] to identify any Tariff provision that would require a separate GIA for the Bethel [Uprate]” or that PJM’s actions were inconsistent with its current practice in a manner that was unjust, unreasonable, nor unduly discriminatory or preferential or violated its Tariff.⁴³

In fact, the Commission acknowledged that PJM treated the Bethel Uprate as an uprate throughout the study process and “nothing in the PJM Tariff requires PJM to now treat the Bethel [Uprate] as a separate generating facility and to issue a separate GIA under the instant facts.”⁴⁴ In their Rehearing Request, Complainants repeat the same vague allegations as to the Bethel Uprate and still do not point to a specific Tariff provision or provide an explanation as to how PJM failed to follow its Tariff or acted unjustly.⁴⁵

⁴² 16 U.S.C. § 824(e).

⁴³ May 21 Order at PP 60-63.

⁴⁴ *Id.* at P 63.

⁴⁵ Rehearing Request at 14-16.

Therefore, the Commission should uphold its denial of the Complaint, including its denial of Complainants' request for PJM to issue a separate GIA for a project that has been treated as an "uprate" throughout the entire study process.

C. Complainants' Request for Prospective Tariff Changes Remains an Unjust and Unreasonable Remedy as It Continues to Violate the Filed Rate Doctrine and Would Be Inapplicable to Complainants' Projects, Already Withdrawn from the Queue.

Complainants ask the Commission to direct PJM to amend its Tariff to provide protection against extreme cost increases and apply the amended provisions to their Projects.⁴⁶ Not only would the relief sought violate the filed rate doctrine and the rule against retroactive ratemaking, but because Complainants withdrew their projects by not executing their GIAs by January 9, 2026, any prospective Tariff language would not apply to them.

⁴⁶ See *id.* at 17.

III. CONCLUSION

For the reasons set forth above, PJM requests that the Commission accept this answer and deny the Rehearing Request.

Craig Glazer
Vice President – Federal Government Policy
PJM Interconnection, L.L.C.
1200 G Street, NW, Suite 600
Washington, D.C. 20005
(202) 423-4743
craig.glazer@pjm.com

Christopher B. Holt
Managing General Counsel
Salvia Yi
Counsel, Office of General Counsel
PJM Interconnection, L.L.C.
2750 Monroe Blvd.
Audubon, PA 19403
(610) 666-2368
christopher.holt@pjm.com
(484) 501-4619
salvia.yi@pjm.com

Respectfully submitted,

/s/ Abraham F. Johns III

Wendy B. Warren
Abraham F. Johns, III
Alyssa Umberger
Wright & Talisman, P.C.
1200 G Street, NW, Suite 600
Washington, D.C. 20005
(202) 393-1200
warren@wrightlaw.com
johns@wrightlaw.com
umberger@wrightlaw.com

***On Behalf of
PJM Interconnection, L.L.C.***

July 7, 2026

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 7th day of July 2026.

/s/ Abraham F. Johns III
Abraham F. Johns III
Wright & Talisman, P.C.
1200 G Street, NW, Suite 600
Washington, D.C. 20005
(202) 393-1200

Attorney for
PJM Interconnection, L.L.C.