

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

Kammer Juniata Transmission, LLC

)

Docket No. ER26-1734-002

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

Pursuant to Rules 212 and 213 of the Commission’s Rules of Practice and Procedure,¹ PJM Interconnection, L.L.C. (PJM) submits this Motion for Leave to Answer² and Answer in response to the August 7, 2026 Request for Rehearing of the Pennsylvania Office of Consumer Advocate (OCA). The Commission should deny the Rehearing Request because OCA misapprehends the law, PJM’s Regional Transmission Expansion Plan (RTEP) process, and PJM’s Tariff and Governing Documents generally.³ However, PJM provides this limited response to address OCA’s fundamental misunderstanding of the rebuttable presumption set forth in 18 C.F.R. section 35.35(i)⁴ pursuant to Order No. 679, which underlies much of OCA’s Rehearing Request.

¹ 18 C.F.R. § 385.212 & .213 (2025).

² The Commission has discretion to accept answers to requests for rehearing for good cause shown where accepting the response would either lead to a more complete or accurate record, improve the Commission’s understanding of the issues, clarify disputed or erroneous matters, or help the Commission in its decision-making. 18 C.F.R. § 385.213(a)(2) (“An answer may not be made to . . . a request for rehearing, unless otherwise ordered by the decisional authority.”); *see, e.g., Alamito Co.*, 41 FERC ¶ 61,312, at *3 (1987) (“Although the Commission’s Rules of Practice and Procedure in general do not support the filing of responses to requests for rehearing, the decisional authority may permit answers.”) (citations omitted); *c.f., e.g., PJM Interconnection, L.L.C.*, 158 FERC ¶ 61,133, at P 12 (2017) (accepting answers to protests). There is good cause for the Commission to accept PJM’s answer because it corrects OCA’s misrepresentation of PJM’s RTEP process and the Commission’s rebuttable presumption.

³ PJM covered those points in detail in its previous answers. Given the Commission’s correct conclusions on those points, PJM limits its answer to addressing OCA’s incorrect understanding of the rebuttable presumption set forth in 18 C.F.R. § 35.35(i).

⁴ 18 C.F.R. § 35.35(i)(1) (2026).

OCA centers its Rehearing Request on the claim that “[e]ven if an applicant receives a rebuttable presumption because its project was approved through a fair and open regional planning process, parties can rebut that presumption by showing that the project is not ‘needed to ensure reliability.’”⁵ That is false. The Commission’s regulations state that a party attempting to rebut the presumption must show that the *approval process* for selecting the transmission project “do[es] not require that a project ensures reliability.”⁶ But that is exactly what PJM’s RTEP process is designed to do: identify and evaluate transmission projects needed to address reliability criteria violations.

The rebuttable presumption merely means that a project developer does *not* need to independently prove that a project is needed for reliability if the project was selected through “a fair and open regional planning process that *considers and evaluates* projects for reliability ... and is found to be acceptable to the Commission.”⁷ OCA needed to show that the RTEP process was not “a fair and open regional planning process” to rebut the Commission’s presumption,⁸ not that the project itself was not needed to ensure reliability, as OCA incorrectly claims.⁹ OCA’s interpretation would largely nullify the presumption. If a protester could require the Commission to independently redetermine whether an RTEP-selected project is needed for reliability simply by disputing PJM’s reliability determination, the Commission would effectively supplant PJM’s reliability determination and require the project developer to prove on a project-specific basis the very proposition that the presumption establishes.

⁵ Rehearing Request at 11-12 (quoting 18 C.F.R. § 35.35(i)(1)).

⁶ *Id.*

⁷ 18 C.F.R. § 35.35(i)(1) (emphasis added).

⁸ *Id.* § 35.35(i)(1)(i).

⁹ *See* Rehearing Request at 11-12; *id.* at 15.

OCA has confused the Commission’s standard, and its arguments that the Commission failed to examine whether Kammer Juniata was needed to ensure reliability fail because OCA never satisfied the first step of showing that the RTEP process was not “a fair and open regional planning process.” PJM has shown,¹⁰ and the Commission has correctly determined once again,¹¹ that PJM’s RTEP process was fair and open. The RTEP process is not rendered less fair or open simply because the OCA disagrees with the RTEP results.¹² And, OCA cannot circumvent the resulting presumption by asking the Commission to independently redetermine the reliability need for an individual project selected through that process. For these reasons, the Commission should accept this answer and deny OCA’s Rehearing Request.

¹⁰ See, e.g., Motion for Leave to Answer and Answer of PJM Interconnection, L.L.C., Docket No. ER26-1734 at 16-21 (Apr. 4, 2026).

¹¹ See *Kammer Juniata Transmission, LLC*, 196 FERC ¶ 61,015, at P 95 (2026) (“We find that protesters have failed to demonstrate that the Window, including the information that PJM posted as part of the Window and PJM’s decision to open a 60-day proposal window rather than a 120-day proposal window, was not fair and open or that PJM did not consider and evaluate whether the Project would enhance reliability”); accord, e.g., *Valley Link Transmission Maryland LLC*, 191 FERC ¶ 61,113, at P 94 (2025) (“None of Ms. Ghiorzi’s arguments about RTEP cause us to call into question our long-held determination that the RTEP process is fair and open.”).

¹² See *Transource Pa., LLC v. DeFrank*, 156 F.4th 351, 377 (3d Cir. 2025).

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August 19, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I have on this day caused to be served a copy of the foregoing answer upon all parties on the service list in these proceedings in accordance with the requirements of Rule 2010 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.2010 (2025).

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August 19, 2026