UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

RWE Americas, LLC, Complainant,	)	
v.	)	Docket No. EL26-106-000
PJM Interconnection, L.L.C., Respondent.	)	

ANSWER OF PJM INTERCONNECTION, L.L.C.

Pursuant to Rule 213 of the Federal Energy Regulatory Commission's ("Commission") Rules of Practice and Procedure,[1] PJM Interconnection, L.L.C. ("PJM"), submits this Answer to the Complaint filed by RWE Americas, Inc. ("RWE" or "Complainant").[2] The Complaint alleges PJM's withdrawal of the Applications associated with PJM Project Identifier Nos. C01-1680, C01-1681, C01-1687, C01-1705, and C01-1708 (collectively, "RWE Projects") was unjust and unreasonable, and seeks reinstatement of the RWE Projects into Cycle 01.[3] For the reasons set forth below, the Commission should deny the Complaint.

With respect to the Applications associated with PJM Project Identifier Nos. C01-1680, C01-1681, C01-1687, and C01-1708 (collectively, the "BESS Projects"), the Commission should deny the Complaint as a matter of law.[4] RWE claims that the bases

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[1] 18 C.F.R. § 385.213.

[2] *RWE Americas, LLC v. PJM Interconnection, L.L.C.*, Complaint and Requests for Fast Track Processing and Shortened Answer Period of RWE Americas, LLC, Docket No. EL26-106-000 (Sep. 4, 2026) ("Complaint"). The Complaint was brought pursuant to Federal Power Act ("FPA") sections 206, 306, and 309. 16 U.S.C. §§ 824e, 825e, 825h. Capitalized terms not defined herein shall have the meaning set forth in the PJM Open Access Transmission Tariff ("Tariff").

[3] Complaint at 1-2.

[4] *See* 16 U.S.C. § 824e(b).

for withdrawal of the BESS Projects are limited to "claimed unresolved technical issues or typographical/ministerial items,"[5] but RWE offers no explanation for why these deficiencies are technical or ministerial other than to claim, without evidence, that the technical data for the BESS Projects used the "exact same" assumptions and calculations as 16 other RWE projects that advanced to Phase I of Cycle 01.[6] As a complainant under FPA section 206, RWE bears the burden to demonstrate that PJM's application of its Tariff to the BESS Projects was unjust and unreasonable, and mere assertions of disparate treatment fall well short of meeting that burden.[7]

As to the Application associated with PJM Project Identifier No. C01-1705 ("Livingston Project"), RWE failed to cure deficiencies related to Site Control and was properly withdrawn. The requirements for Site Control in the Tariff are clear: Project Developers submitting two or more New Service Requests must demonstrate that each New Service Request is "concurrently feasible with the development of any other projects that will share the Site identified in the Site Control."[8] RWE submitted two New Service Requests under the same legal entity using the same Site Control evidence, and requested two separate Generation Interconnection Agreements ("GIAs"). The Site Control provided did not demonstrate proof of concurrent feasibility.[9] PJM therefore issued a deficiency notice for the Livingston Project, the second of the two Applications.[10] Despite additional

[5] Complaint at 2.

[6] Complaint at 14.

[7] 16 U.S.C. § 824e(b) ("[T]he 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 Commission or the complainant.").

[8] Tariff, Part VIII, Subpart A, section 402(A)(5)(b).

[9] Tariff, Part VIII, Subpart A, section 402(A)(5)(b)(i)-(iii).

[10] *See* Complaint, Attachment D (C-1705 Deficiency Notice).

clarification from PJM, RWE failed to cure the Site Control deficiencies identified. The Livingston Project was therefore properly withdrawn.

The Tariff provides only one opportunity to correct deficiencies because, among other things, PJM must incorporate an individual project's respective models into the overall model for the Cycle within the requisite timeframe.[11] Affording multiple rounds of back-and-forth with Applicants would drastically expand the study process for each Cycle, delaying the construction of critically needed generation resources. The Commission should be extremely reticent to require what could amount to an endless round of deficiency reviews, particularly given the significant impact both on other projects in the Cycle that are dependent on timely processing, and the overall goal that the Commission has directed to drive even faster processing of interconnection requests.[12] The remedy that RWE seeks has significant negative implications for timely processing of Cycle 01 and potentially other cycles going forward.

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[11] Interconnection Projects Department, *PJM Manual 14H*: *New Service Requests Cycle Process*, PJM Interconnection, L.L.C., section 2.9 (rev. 07, Aug. 19, 2026), https://www.pjm.com/-/media/DotCom/documents/manuals/m14h.pdf [https://perma.cc/P92Y-JGP8] ("PJM Manual 14H") ("During the Application Review Phase, and at least 30 days prior to initiating Phase I of the Cycle, PJM will post the Phase I base case data for review. Specifically, the PSSE summer peak base case model for the Cycle will be available to comply with Tariff, Part VII, Subpart E, section 318 or Tariff, Part VIII, Subpart E, section 416."). Phase I will begin on September 28, 2026. *See Cycle Timeline*, PJM Interconnection, L.L.C., https://www.pjm.com/planning [https://perma.cc/ELR3-HWF3] (Scroll to Cycle Timeline chart at bottom of website page, select Cycle 1 in the "Select Cycle" window) (last visited Sep. 22, 2026).

[12] *See, e.g.*, *Improvements to Generator Interconnection Procedures and Agreements*, Order No. 2023, 184 FERC ¶ 61,054, at P 37 ("Absent reform, the current interconnection process will continue to cause interconnection queue backlogs, longer development timelines, and increased uncertainty regarding the cost and timing of interconnecting to the transmission system. These backlogs and delays, and the resulting timing and cost uncertainty, hinder the timely development of new generation and thereby stifle competition in the wholesale electric markets resulting in rates, terms, and conditions that are unjust, unreasonable, and unduly discriminatory or preferential." (footnotes omitted)), *limited order on reh'g*, 185 FERC ¶ 61,063 (2023), *order on reh'g & clarification*, Order No. 2023-A, 186 FERC ¶ 61,199, *errata notice*, 188 FERC ¶ 61,134 (2024), *aff'd sub nom. Advanced Energy United v. FERC*, 2026 U.S. App. LEXIS 23001 (D.C. Cir. July 31, 2026).

Further, the remedy the Complaint seeks would lead to a harmful precedent of multiple deficiency reviews and cure periods associated with the modeling of complex projects. The Complaint requests that Commission direct PJM to reinstate the BESS Projects in Cycle 01.[13] But this request falls flat when the evidence is examined and the proposed remedy considered.

Not only does RWE fall short of meeting its burden under FPA section 206, the Complaint does not propose an appropriate just and reasonable remedy. RWE's request to delay Cycle 01 to accommodate reinstatement of the RWE Projects would inject uncertainty into the interconnection process for all other projects in the process by delaying Cycle 01 by up to two months, which will delay all subsequent cycles. The Commission therefore should deny the Complaint. The remedy for a deficient submission should not be to establish a precedent inviting numerous deficiency reviews or simply to reinstate the deficient project, which will cause significant delays and the need to rework the model affecting all other projects that satisfied the filing requirements.[14]

I. BACKGROUND

A. Application Requirements and Deficiency Review Under Tariff, Part VIII

Beginning with Cycle 01, Project Developers seeking to interconnect to the PJM Transmission System are subject to the requirements of Tariff, Part VIII.[15] To be

[13] Complaint at 22.

[14] The need for finality in the deficiency review process given the tight timelines that PJM must meet as part of its Cycle process is not dissimilar to the Commission's own deficiency notice process when handling an FPA section 205 filing. Commission staff issue a deficiency notice and the applicant responds. But the Commission is not required to keep issuing follow up notices if it deems the applicant's response inadequate nor is the Commission limited to ultimately accepting or rejecting the application based solely on issues identified in the Commission staff's deficiency notice. Just as the Commission provides only a single opportunity to cure to meet its tight 60-day FPA section 205 timelines, so too must PJM act on the response to the deficiency rather than engaging in endless back and forth inquiries that would delay processing of the entire Cycle.

[15] *See generally* Tariff, Part VIII, Subpart A, section 401.

considered in a Cycle, all Project Developers must submit a Completed Application prior to the Cycle's Application Deadline that includes all information required under the Tariff, as detailed further in the Application and PJM's Manuals.[16] PJM reviews, and validates or rejects, each New Service Request during the Application Phase, prior to proceeding to Phase I of the corresponding Cycle.[17] If an Application fails to satisfy the requirements for a Completed Application, it will not proceed beyond the Application Phase of a Cycle.[18]

After the close of the Application Deadline, PJM begins the Application Review Phase, wherein it evaluates all Applications from Project Developers to determine whether deficiencies are present, including deficiencies with the dynamic model. The deficiency review process spelled out in Tariff, Part VIII, Subpart B, section 403, is as follows:

> 1. [PJM] exercise[s] Reasonable Efforts to inform Applicant of Application deficiencies within 15 Business Days after the Application Deadline.
>
> 2. Applicant then has 10 Business Days to respond to [PJM's] deficiency determination.
>
> 3. [PJM] exercise[s] Reasonable Efforts to review Applicant's response within 15 Business Days, and then will either validate or reject the Application.[19]

Although Cycle 01 is the first Cycle to be processed under Tariff, Part VIII, the deficiency review process has not meaningfully changed from PJM's prior interconnection

[16] Tariff, Part VIII, Subpart B, section 403(A).

[17] *Id.*

[18] *Id.* (PJM "will review and validate New Service Requests . . . . Only valid New Service Requests will proceed past the Application Phase.").

[19] Tariff, Part VIII, Subpart B, sections 403(B)(1)(a)-(c).

processes,[20] nor from Transition Cycle Nos. 1 and 2.[21] As PJM explained to the Commission in proposing the reforms that resulted in the Cycle process, the single deficiency review, along with the single response opportunity, serves as a critical gate that is consistent with the goal of moving the interconnection process along faster by embracing and enforcing a "first-ready, first-served" consideration. The single 10-Business Day deficiency review process reinforces the goal of ensuring that submitted New Service Requests meet the requirement to be "first-ready" so that they can be "first-served" through a Cycle process that moves forward consistent with Tariff-imposed deadlines.[22] The deficiency review process is also repeated in future Phases of a Cycle, using the same framework, to prevent non-viable projects from tying up valuable headroom on the Transmission System that potentially could have been used for other viable projects.[23]

1. Site Control Requirements

In order to validate an Application, the Project Developer must demonstrate Site Control.[24] Site Control is evidenced by the Project Developer demonstrating the Project Developer's "interest in, control over, and right to utilize the Site for the purpose of

[20] *See, e.g.*, *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, Docket No. ER22-2110-000, Appendix 2 (PJM Interconnection Process Filings) at 3 (June 14, 2022) ("IPRTF Filing") (describing reforms adopted in Docket Nos. ER16-2518-000, -001, in which PJM filed revised tariff provisions to address delays in the interconnection process by revising its application deficiency rules to increase efficiency and shorten the time for an Interconnection Customer to receive a Queue Position (citing *PJM Interconnection, L.L.C.*, Letter Order, Docket No. ER16-2518-000 (Oct. 7, 2016), *order on compliance*, *PJM Interconnection, L.L.C.*, Letter Order, Docket No. ER16-2518-001 (Dec. 20, 2016))).

[21] *See* Tariff, Part VII, Subpart C, section 306(B).

[22] *See* IPRTF Filing at 1, 47.

[23] IPRTF Filing at 47 (explaining the need for gating mechanisms to deter speculation); *see also PJM Interconnection, L.L.C.*, 181 FERC ¶ 61,162 (2022) (accepting interconnection process reforms) ("November 2022 Order"), *order on reh'g*, 184 FERC ¶ 61,006 (2023), *aff'd sub nom. Hecate Energy LLC v. FERC*, 126 F.4th 660 (D.C. Cir. 2025).

[24] Tariff, Part VIII, Subpart B, section 403(A)(1)(f).

constructing a Generating Facility . . . ."[25] In transitioning from its prior serial interconnection process to the "first ready, first served" Cycle process, PJM highlighted the importance of maintaining Site Control evidence throughout the interconnection process to discourage non-ready projects from remaining in a Cycle.[26] The Commission agreed, noting that more stringent Site Control requirements "reduce speculative projects entering and progressing through the interconnection process and causing the need for restudies and resulting in delays."[27]

As relevant to the Complaint, the Tariff does allow Project Developers to submit multiple New Service Requests for a single Site. Applicants must demonstrate that their New Service Request is "concurrently feasible with the development of any other projects that will share the Site identified in the Site Control."[28] Proof of "concurrent feasibility" includes "any related technical information required by [PJM] to enable [PJM] to determine that development of the project referenced in the submitted New Service Request is not inconsistent with development of any of the other New Service Requests that will share all or a portion of the same Site."[29] For each New Service Request, the Tariff contemplates a single Project Developer proposing a single "Generating Facility," which "consists of one or more generating unit(s) . . . which usually can operate independently."[30] Thus, when the same legal entity (i.e., Project Developer) submits multiple New Service Requests proposing use of the same Site, PJM evaluates them as a

[25] Tariff, Part VIII, Subpart A, section 402(A).

[26] IPRTF Filing at 28.

[27] November 2022 Order at P 99.

[28] Tariff, Part VIII, Subpart A, section 402(A)(5)(b).

[29] Tariff, Part VIII, Subpart A, section 402(A)(5)(b)(iii).

[30] Tariff, Part VIII, Subpart A, section 400 (Definitions G) (defining Generating Facility).

single Generating Facility, with the first submission as the "base" project, and subsequent submissions as "uprates" to the base project. If multiple projects intend to share the same Project Developer Interconnection Facilities behind same Point of Interconnection, a shared facilities agreement between or among the legal entities is required.[31]

Project Developers submitting multiple New Service Requests for the same Site must also demonstrate all three of the three elements of Site Control for each request.[32] Acceptable Site Control must also demonstrate three elements: conveyance, term, and exclusivity.[33] Conveyance is a demonstration that "the subject Site is or will be conveyed *to the Project Developer*," such as "through a deed or an option to purchase or lease or other form of property rights acceptable to PJM, or that the Project Developer is guaranteed a right to future conveyance at Project Developer's sole discretion."[34] "Term is the minimum duration required . . . ."[35] "Exclusivity is evidenced by written acknowledgement from the landowner . . . that the Project Developer has *exclusive use of the Site* for the purpose of constructing a Generating Facility, . . . and the landowner cannot make the Site Control identified for the Site available for purchase or lease, to any person or entity other

[31] Tariff, Part VIII, Subpart A, section 402(A)(6). *See also PJM Interconnection, L.L.C.*, Letter Order, Docket No. ER25-2199-000 (July 9, 2025) (accepting shared facilities structure); *PJM Interconnection, L.L.C.*, Letter Order, Docket No. ER25-1997-000 (June 12, 2025); *PJM Interconnection, L.L.C.*, Letter Order, Docket No. ER25-358-000 (Jan. 2, 2025); *PJM Interconnection, L.L.C.*, Letter Order, Docket No. ER24-929-000 (Mar. 14, 2024*); PJM Interconnection, L.L.C.*, Letter Order, Docket No. ER23-766-000 (Mar. 1, 2023).

[32] Tariff, Part VIII, Subpart A, section 402(A)(8).

[33] Tariff, Part VIII, Subpart A, section 402(A)(8).

[34] Tariff, Part VIII, Subpart A, section 402(A)(8)(c) (emphasis added).

[35] Tariff, Part VIII, Subpart A, section 402(A)(8)(a). For purposes of the Application Phase, the term required is one year from the Application Deadline. *See* PJM Manual 14H, section 7.2.1.

than the Project Developer for any purpose or use that will interfere with the rights granted to Project Developer."[36]

2. Dynamic Modeling Requirements

As relevant to the Complaint, a Completed Application must "[s]pecify the proposed voltage and nominal capability of new facilities"[37] and "[p]rovide a detailed description of the equipment configuration and electrical design specifications for the project."[38] In order to produce such specifications, Applicants must submit a dynamic model package for each New Service Request. The dynamic model is used to perform stability studies, which measure disturbances in power flows from the specific generator being studied. Stability studies are essential to ensure that a proposed Generating Facility does not create disturbances on the grid, which could lead to other generators tripping offline in rapid succession and cause reliability concerns. Stability studies also ensure that each Generating Facility in a Cycle is designed and built in accordance with applicable North American Electric Reliability Corporation, PJM, and Transmission Owner standards.[39] Once an Applicant's dynamic model is tested and validated, it is then used to build a model of the entire Cycle (i.e., the Cycle 01 base case), which is used in the interconnection studies in future Phases of the process.

Dynamic model data must be submitted in accordance with the Dynamic Model Development Guidelines ("DMDG"), which are available for public review on the PJM

[36] Tarif, Part VIII, Subpart A, section 402(A)(8)(b) (emphasis added).

[37] Tariff, Part VIII, Subpart B, sections 403(A)(4)(c).

[38] Tariff, Part VIII, Subpart B, sections 403(A)(4)(d).

[39] Interconnection Analysis and Interconnection Planning Analysis Departments, *PJM Dynamic Model Development Guidelines for Interconnection Analysis*, PJM Interconnection, L.L.C., section 2.0 (rev. 2.1, Mar. 10, 2026), https://www.pjm.com/-/media/DotCom/planning/services-requests/pjm-dynamic-model-development-guidelines.ashx [https://perma.cc/96Z3-EGPN] ("DMDG").

website.[40] Section 3 of the DMDG provides that power flow and dynamic models provided as representation of the New Service Request project must be usable by the software platform used to perform the simulation. PJM uses Siemens's Power System Simulator for Engineering ("PSSE")[41] "to perform transient stability analysis, and dynamic models and files provided must be compatible with the specific version" listed for each Cycle.[42] As relevant to the Complaint, dynamic models must include project-specific data demonstrating the Maximum Facility Output and reactive power capability curve.[43] This data is critical because a Generating Facility with a reactive power deficiency could cause the Transmission System to have less available reactive power support during disturbances or normal operation (for high voltages or low voltages), which could lead to cascading effects including instability, overloads, voltage collapse, tripping equipment out of service, local equipment damage, or worse.

Regarding the configuration of the dynamic model, section 5.2 of the DMDG instructs that "[t]he data and information provided in the [Data Application] form shall match the data and parameters provided as the model for the project."[44] Sections 7.1 and 7.2 set forth the assessments PJM applies to Maximum Facility Output and reactive power data, and explicitly state that "[p]roject data shall not be submitted with reactive deficiencies; resolve reactive deficiencies prior to submitting data."[45] The DMDG model

[40] *See generally id.*

[41] PSSE is an engineering software package produced by Siemens.

[42] DMDG, section 3 (including a Table 1 chart with the PSSE versions listed by queue/cycle).

[43] DMDG, section 4.2.1.

[44] DMDG, section 5.2.

[45] DMDG 7.2

checklist also makes clear that all parameters provided in NextGen,[46] PJM's online platform through which Project Developers submit and manage Applications and supporting information, must match with the PSSE model parameters.[47]

For "uprate projects" (i.e., two New Service Requests at the same Site), the DMDG requires Project Developers to submit a combined dynamic model showing both the base and uprate projects.[48] The DMDG is clear that while it may be necessary to provide separate data in the Dynamic Model Report, all testing should be done for the combined project megawatts ("MW") values.[49]

PJM Manual 14H, which provides additional guidance on Application requirements, further reiterates the importance of complying with the DMDG and specifically states that failure to adhere to the requirements will result in withdrawal.[50] Importantly, while revisions to the DMDG have occurred since their adoption in 2023, the substantive requirements have remained largely unchanged.[51]

Project Developers were fully on notice regarding the dynamic modeling requirements and had ample time to prepare a working model for their applications. PJM

[46] NextGen is PJM's online platform through which Project Developers submit and manage Applications and supporting information, receive PJM comments, respond to identified deficiencies, and monitor Application status.

[47] DMDG section 10.5.

[48] DMDG section 7.

[49] DMDG section 7 ("The PJM Testing Requirements and Deliverables per this guideline document shall be created for a combined project (base + uprate). It may be necessary to provide separate data in the Dynamic Model Report, but all testing should be done for the combined project MW values.").

[50] PJM Manual 14H, section 2.1.2 ("Modeling Data required for Stability analysis must be provided with the submitted application in PJM data submission tool. Project Developers shall follow PJM Dynamic Model Development Guidelines on the PJM website to submit stability data specific to their project. Project Developers should pay special attention to PJM Dynamic Model Development Guidelines to ensure all deliverables are met. If stability data submission is not approved at the end of the deficiency review period, the application will be withdrawn.").

[51] *See* DMDG, section 1.0 (providing revision history).

provided extensive education for developers and stakeholders on its interconnection process, the required elements of applications, and the DMDG requirements specifically in the months leading up to the Cycle 01's Application Deadline.[52] Of particular relevance to this proceeding:

- On January 26, 2026, during an Interconnection Process Subcommittee ("IPS") meeting, PJM presented a Cycle 01 readiness checklist setting forth the requirements to submit technical information in NextGen.[53]

- On February 23, 2026, during an IPS meeting, PJM offered a presentation specifically identifying common dynamic data deficiencies and noting that Project Developers "should pay close attention while submitting project data."[54]

- On March 30, 2026, during an IPS meeting, PJM reviewed the deficiency review process and the applicable Tariff timelines.[55]

As noted in the Complaint, RWE submitted 16 additional Applications for New Service Requests prior to the Cycle 01's Application Deadline that proceeded beyond the Application Phase.[56] Each of those Applications were reviewed by PJM for deficiencies in the same manner as the RWE Projects. Each of those Applications included identified deficiencies that were resolved, and each was therefore validated to proceed forward to

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[52] In addition to written materials, educational training included video engagement. *See PJM Dynamic Model Development Guidelines for Stability Studies*, PJM Interconnection, L.L.C. (Mar. 26, 2024), https://videos.pjm.com/media/Interconnection%20Process%3A%20Stability%20Modeling%20Guidelines/1_jeb0xq8v [https://perma.cc/Z86C-ALKK].

[53] Stacy Nestel, Lead Engineer, Interconnection Planning Projects, *Cycle 01 Application*, PJM Interconnection, L.L.C. (Jan. 26, 2026), https://www.pjm.com/-/media/DotCom/committees-groups/subcommittees/ips/2026/20260126/20260126-item-05---cycle-1-application-requirements-and-nextgen-process.pdf [https://perma.cc/N58N-2UG5].

[54] Shekhar Raj Awasthi, Sr. Engineer, Interconnection Planning Analysis, Interconnection Process Subcommittee, *Dynamic Model Application Requirements*, PJM Interconnection, L.L.C., 7 (Feb. 23, 2026), https://www.pjm.com/-/media/DotCom/committees-groups/subcommittees/ips/2026/20260223/20260223-item-05---dynamic-model-application-requirements.pdf [https://perma.cc/7L9Q-2S7Q].

[55] Stacey Nestel, Lead Engineer, Interconnection Planning Projects, *Cycle 01 Application Reminders*, PJM Interconnection, L.L.C. (Mar. 30, 2026), https://www.pjm.com/-/media/DotCom/committees-groups/subcommittees/ips/2026/20260330/20260330-item-04---cycle-01-application-reminders.pdf [https://perma.cc/48ED-P7D4].

[56] Complaint at 1-3.

Phase I of Cycle 01.[57] It is evident that RWE and other developers are able to navigate the modeling and deficiency review process, but RWE did not do so in the case of the Applications at issue in the Complaint.

B. Evaluation of the RWE Projects

1. BESS Projects

a. C01-1680

C01-1680 is a proposed 149 MW battery energy storage system to be located in York County, Virginia.[58] On May 30, 2026, PJM issued a deficiency notice raising various errors, including mismatches in the reactive power capability curve data, missing and out-of-range data parameters in the Dynamic Model Report, and missing boundary identifications on the site plan.[59] RWE provided deficiency responses on June 13, 2026.[60] PJM reviewed RWE's responses and concluded that RWE did not resolve the identified deficiencies. On August 3, 2026, C01-1680 was withdrawn, principally due to RWE's failure to cure the deficiencies related to the reactive power capability curve data, missing parameters in the Dynamic Model Report, and missing information on the site plan.[61]

b. C01-1681

C01-1681 is a proposed 51 MW battery energy storage system to be located at the same Site as C01-1680.[62] On May 30, 2026, PJM issued a deficiency notice raising various

[57] *Cycle Service Request Status*, PJM Interconnection, L.L.C., https://www.pjm.com/planning/m/cycle-service-request-status [https://perma.cc/72FC-N4ST] (showing RWE Projects approved in the bottom's filter search in the SIS Report's Generator Interconnection project type) (last visited Sep. 22, 2026).

[58] Complaint at 5.

[59] *See* Complaint, Attachment A (C01-1680 Deficiency Notice).

[60] *See* Complaint at 5-6.

[61] *See* Complaint, Attachment F (C01-1680 Withdrawal Notice).

[62] Complaint at 7.

errors, including Site Control deficiencies;[63] data mismatches in the reactive power capability curve data; data discrepancies between the Dynamic Model Report and values entered into NexGen; and missing boundary identifications in the site plan.[64] RWE provided a deficiency response on June 12, 2026.[65] PJM reviewed RWE's responses and concluded that RWE did not resolve the identified deficiencies. On August 3, 2026, C01-1681 was withdrawn, principally due to RWE's failure to cure the deficiencies identified in the modeling data and the missing required site plan information.[66]

c. C01-1687

C01-1687 is a proposed 200 MW battery energy storage system to be located in Prince George's County, Maryland.[67] On June 7, 2026, PJM issued a deficiency notice raising various errors, including use of the incorrect PSSE model, mismatched data between the load flow model and NextGen, and invalid power factor assessment tests.[68] RWE provided a deficiency response on June 22, 2026.[69] PJM reviewed RWE's responses and concluded that RWE did not resolve the identified deficiencies. On August 3, 2026, C01-1687 was withdrawn due to RWE's failure to cure these deficiencies.[70]

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[63] *See* Complaint, Attachment B (C01-1681 Deficiency Notice). The Application for C01-1681 shared the same Site Control evidence as C01-1680, but did not reflect that C01-1681 was an expansion (i.e., uprate) to C01-1680. RWE's response included a correction to reflect C01-1681 as an expansion. While the withdrawal notice for C01-1681 reflects failure to cure stability deficiencies as the basis for withdrawal, RWE's deficiency response also did not include the combined uprate modeling required by DMDG, section 7.

[64] *See* Complaint, Attachment B (C01-1681 Deficiency Notice).

[65] *See* Complaint at 7-8.

[66] *See* Complaint, Attachment G (C01-1681 Withdrawal Notice).

[67] *See* Complaint at 9.

[68] *See* Complaint, Attachment C (C01-1687 Deficiency Notice).

[69] *See* Complaint at 9.

[70] *See* Complaint, Attachment H (C01-1687 Withdrawal Notice).

d. C01-1708

C01-1708 is a proposed 200 MW battery energy storage system to be located in Kendall County, Illinois.[71] On June 9, 2026, PJM issued a deficiency notice raising various errors, including modeling file errors and performing the power factor assessments outside of the defined ranges of the reactive power capability curve.[72] RWE provided a deficiency response on June 24, 2026.[73] PJM reviewed RWE's responses and concluded that RWE did not resolve the identified deficiencies. On August 3, 2026, C01-1708 was withdrawn due to RWE's failure to cure these deficiencies.[74]

2. Livingston Project (C01-1705)

The Livingston Project is a proposed 100 MW wind generating facility located in Livingston County, Illinois.[75] RWE submitted the same Site Control evidence for the Livingston Project as for another Application associated with Project Identifier No. C01-1704, and both Applications were submitted by the same legal entity.[76] The Livingston Wind Application incorrectly labeled the Livingston Project as a "new generating facility" instead of as an "increase in capability of an existing generating facility" as required. The Application also did not conform to the DMDG modeling guidelines for uprates. Accordingly, PJM issued a deficiency notice on June 5, 2026, identifying these errors.[77]

[71] Complaint at 12.

[72] *See* Complaint, Attachment E (C01-1708 Deficiency Notice).

[73] Complaint at 12-14.

[74] *See* Complaint, Attachment J (C01-1708 Withdrawal Notice).

[75] Complaint at 10.

[76] *See* Complaint, Attachment D (C01-1705 Deficiency Notice).

[77] *See* Complaint at 10.

RWE submitted a deficiency response on June 20, 2026, indicating that the Livingston Project was *not* an uprate to C01-1704, and that the Livingston Project would have its own Main Power Transformer.[78] While evaluating Livingston Wind's deficiency response, PJM sent an email to RWE clarifying the difference between uprate and standalone configurations and explaining that the Livingston Project would be treated as an uprate to C01-1704 for purposes of Cycle 01.[79] RWE responded requesting additional detail as to the requirements for separate GIAs, and PJM responded on July 22, 2026, outlining seven items to be immediately corrected in the Application in order to cure.[80] Importantly, PJM noted in its response that its clarifications were "for information only and [do] not replace or change any application requirements," and "it is the Project Developer's responsibility to understand and meet all the requirements for the application submittal."[81] PJM further noted that "an alternative to providing the above is C01-1704 can proceed as currently submitted as a standalone project, and C01-1705 can be withdrawn and re-apply in the next cycle as a stand-alone project."[82]

RWE responded on July 23, 2026 with corrections to some but not all of the identified errors, including failure to transfer the Livingston Project to a different legal

[78] *See* Complaint at 10-11.

[79] *See* Complaint, Attachment T (Email Exchange Regarding C01-1705) at 4 (correspondence regarding deficiency response) ("Thus C01-1705 is categorized as an uprate to C01-1704. To be given separate agreements, the projects need to have separate MPTs AND be with separate LLCs, and the two LLCs must enter into a shared facilities agreement. This field will need to be changed to an uprate (i.e.[,] increase in capability of existing facility) in NextGen later at DP1 since NextGen is locked for the developers now. I just want to make sure that you as the project developer understand the requirements and constraints around an uprate versus a shared facilities arrangement.").

[80] *See* Complaint, Attachment T (Email Exchange Regarding C01-1705).

[81] *See id.* at 1.

[82] *See id.* at 2.

entity than C01-1704.[83] On August 3, 2026, PJM issued a withdrawal notice, principally due to RWE's inability to demonstrate Site Control for the Livingston Project.[84]

II. ANSWER TO COMPLAINT

A. With Respect to the BESS Projects, the Commission Should Dismiss the Complaint as a Matter of Law.

RWE has made no showing that withdrawal of the BESS Projects was unjust, unreasonable, or unduly discriminatory. Under section 206(b) of the FPA, "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."[85] In addition, FPA section 306 states that "[a]ny person . . . complaining of anything done or omitted to be done by any . . . public utility in contravention of the provisions of this chapter may apply to the Commission by petition which shall briefly state the facts . . . ."[86] This burden consists of coming forward with a *prima facie* case.[87] To establish a *prima facie* case in an FPA section 206 proceeding, the complainant must identify the alleged action or inaction that violates the specific standard or requirement as well as provide evidence as to how that action or inaction violates the standard.[88] The

[83] *See id.* at 1-2.

[84] *See* Complaint, Attachment I (C01-1705 Withdrawal Notice) at 2-3.

[85] 16 U.S.C. § 824e(b).

[86] 16 U.S.C. § 825e.

[87] *See, e.g.*, *Wholesale Customers of Ohio Edison Co. v. Ohio Edison Co.*, 22 FERC ¶ 61,314 (1983); *Coal. of Eastside Neighborhoods for Sensible Energy v. Puget Sound Energy, Inc.*, 183 FERC ¶ 61,057, at P 28 (2023).

[88] *See* 18 C.F.R. § 385.206(b)(1)-(2); *see, e.g.*, *City of Oakland v. Pac. Gas & Elec. Co.*, 167 FERC ¶ 61,097, at P 6 (2019) ("To establish a *prima facie* case under the Commission's regulations, a complainant must both identify the action or inaction alleged to violate the relevant statutory standard or regulatory requirement and explain how the action or inaction violates the standard or requirement." (citing 18 C.F.R. § 385.206(b)(1)-(2))); *Black Oak Energy LLC v. N.Y. Indep. Sys. Operator, Inc.*, 122 FERC ¶ 61,261, at P 31 (2008) ("In a proceeding under FPA section 206, the burden of proof to show that any charge or practice is unjust or unreasonable is on the complainant." (citing 16 U.S.C. § 824(e))); *330 Fund 1, LP v. N.Y. Indep.*

Commission has stated that "section 306 of the FPA dictates that a complaint must set forth the alleged actions or inactions of the respondent . . . public utility that contravene the provisions of the FPA."[89] The Commission has also held that a "complaint does not satisfy its burden under FPA sections 206 and 306 by broadly alleging potential . . . violations" that lack specificity as to the requirement or provision violated and an explanation of how the violation occurred.[90] Therefore, "rather than make allegations, '[a complainant] must make an adequate proffer of evidence including pertinent information and analysis to support [its] claims.'"[91]

These requirements were adopted by the Commission to ensure that the Commission's or parties' resources were not consumed on unfounded or highly generalized claims. The Commission has dismissed complaints for failing to meet rule 206(b)(1) and (2) requirements where "the Complaint [did] not cite any specific provision of any Commission order or regulation, or any specific provision of the . . . [relevant] Tariff . . . , that Respondents have allegedly violated."[92] Where, as here, a complaint merely makes

Sys. Operator, Inc., 126 FERC ¶ 61,151, at P 12 (2009) ("[T]he complainant . . . has the burden of proof to establish the facts needed to support the claims in its section 206 complaint . . . .").

[89] *Citizens Energy Task Force v. Midwest Reliability Org.*, 144 FERC ¶ 61,006, at P 38 (2013) (citing 16 U.S.C. § 825e).

[90] *Coal. of Eastside Neighborhoods for Sensible Energy*, 183 FERC ¶ 61,057, at P 29.

[91] *Citizens Energy Task Force*, 144 FERC ¶ 61,006, at P 38 (quoting *CAlifornians for Renewable Energy, Inc. v. Pac. Gas & Elec. Co.*, 142 FERC ¶ 61,143, at P 18 (2013); *Ill. Mun. Elec. Agency v. Cent. Ill. Pub. Serv. Co.*, 76 FERC ¶ 61,084, at 61,482 (1996)); *see Coal. of Eastside Neighborhoods for Sensible Energy*, 183 FERC ¶ 61,057, at P 28 ("[T]he Commission has repeatedly stated that 'rather than bald allegations, [a complainant] must make an adequate proffer of evidence including pertinent information and analysis to support its claims.'" (second alteration in original) (quoting *Ill. Mun. Elec. Agency*, 76 FERC ¶ 61,084, at 61,482); *City of Oakland*, 167 FERC ¶ 61,097, at P 6 ("'[T]he Commission requires that the complainant provide the Commission with evidentiary materials, including documents that support the facts in the complaint.'" (quoting 18 C.F.R. § 385.206(b)(8))).

[92] *Coal. of Eastside Neighborhoods for Sensible Energy v. Puget Sound Energy, Inc.*, 153 FERC ¶ 61,076, at P 59 (2015); *see Citizens Energy Task Force*, 144 FERC ¶ 61,006, at P 39 (The 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.").

broad references to Commission orders and does not specify the specific violations at issue, it "fails to provide that minimum level of specificity."[93] A party is entitled to know the specific allegations it must answer.[94]

Rather than meet this burden, RWE simply asserts that the bases on which the BESS Projects were withdrawn are "minor points that can be cured easily."[95] Notwithstanding PJM's explanation to the contrary below, it is *RWE's* burden to demonstrate why withdrawal was unjust on unreasonable on a project-by-project basis, an exercise it declined to undertake in the Complaint. RWE does not identify a specific provision of the Tariff that PJM is alleged to have violated with respect to the BESS Projects, nor does it explain how PJM allegedly violated its Tariff in withdrawing the BESS Projects.[96] PJM cannot meaningfully respond to RWE's allegations of undue discrimination because it makes no attempt to explain how treatment of the BESS Projects was discriminatory other than to point generally to its 16 other projects that successfully entered Cycle 01.[97] Broad-brush assertions of "same assumptions and calculations"[98] are insufficient to sustain RWE's burden as the Complainant. The Commission should therefore dismiss the Complaint in its entirety as to the BESS Projects.

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[93] *See Coal. of Eastside Neighborhoods for Sensible Energy*, 153 FERC ¶ 61,076, at P 60.

[94] *See CAlifornians for Renewable Energy, Inc. v. Pac. Gas & Elec. Co.*, 143 FERC ¶ 61,005 (2013); *Morgan v. U.S.*, 304 U.S. 1, 18 (1938) (Due process requires a "reasonable opportunity to know the claims of the opposing party and to meet them.").

[95] Complaint at 4.

[96] *See supra* note 92.

[97] Complaint at 14.

[98] Complaint at 14-15.

B. Based on the Facts of This Case and the "First-Ready, First-Served" Structure of the PJM Interconnection Reform Tariff, RWE Has Not Met Its Burden of Proof to Justify Reinstatement.

RWE alleges that PJM unjustly and unreasonably withdrew the RWE Projects from Cycle 01, in violation of the Tariff.[99] However, as shown below, the RWE Projects were withdrawn because their initial Applications were deficient, and RWE failed to cure those deficiencies within the 10 Business Day cure period. As such, the Applications for the RWE Projects remain deficient, and RWE therefore cannot sustain the relief it requests—i.e., reinstatement of the RWE Projects to Cycle 01.

1. The Livingston Project failed to demonstrate Site Control.

In withdrawing the Livingston Project, RWE asserts that PJM "arbitrarily imposed a condition that the PJM's Tariff and Manuals do not allow."[100] Not so. While RWE is correct that the PJM's Tariff and Manuals do not impose an explicit bar on the same legal entity submitting two New Service Requests using the same Site, such an arrangement cannot satisfy the elements of conveyance and exclusivity necessary to demonstrate Site Control.[101] Practically speaking, a deed or lease cannot convey an exclusive right to the same legal entity twice, nor can it show conveyance to the same legal entity twice. Nor can such a document be sufficient to demonstrate that both Projects are "concurrently feasible," as the Tariff requires.[102] Accordingly, PJM has maintained a longstanding practice of accommodating multiple Generating Facilities behind a single Point of

[99] Complaint at 14-15. Notably, RWE does not cite to any provision of the Tariff in support of this allegation.

[100] Complaint at 18.

[101] Tariff, Part VIII, Subpart A, section 402(A)(8)(b)-(c).

[102] Tariff, Part VIII, Subpart A, section 402(A)(5)(b).

Interconnection, provided that they are separate legal entities that have entered into a shared facilities arrangement.[103]

Alternatively, if a Project Developer wishes to enter two Applications for New Service Requests at the same Site using the same legal entity, it may do so using the "base" and "expansion" designations in NextGen and using the uprate modeling requirements in the DMDG.[104] This longstanding requirement is not a foreign concept to RWE, a sophisticated commercial entity that "works with [regional transmission organizations] and utilities all over this nation"[105] that has previously entered into a shared facilities arrangement pursuant to the PJM interconnection process.[106]

RWE further claims that the Livingston Project was entitled to a second 10-Business Day cure period to correct its deficiencies.[107] Not only does such an entitlement not exist, providing one would directly contravene the requirements of the Tariff. As discussed above, under Part VIII, Subpart B, section 403, an applicant is allowed a single opportunity to cure its submission in response to PJM's deficiency notice.[108] PJM's July 22, 2026 email provided clarification in response to RWE's request for information as to *how* to demonstrate it intended to entire into two separate GIAs. PJM's clarification was clear: "this list is *for information only* and does not replace or change any application

[103] Tariff, Part VIII, Subpart A, section 402(A)(6).

[104] *See* DMDG section 7. *See also supra* notes 28-32 and accompanying text (discussing base and uprate treatment).

[105] Complaint at 20.

[106] *See, e.g.*, *PJM Interconnection, L.L.C.*, Original ISA and CSA, Service Agreement Nos. 7614 and 7615; Queue No. AE2-289, Docket No. ER25-1890-000 (Apr. 7, 2025) (adopting shared facilities arrangement between RWE-affiliated entity and non-affiliated entity owning Generating Facilities behind the same Point of Interconnection).

[107] Complaint at 16-17 (citing Tariff, Part VIII, Subpart B, section 403(B)(1)(b)).

[108] Tariff, Part VIII, Subpart B, section 403(B)(1); *see supra* at 5-6.

requirements identified in the [T]ariff or [PJM] [M]anuals and it is the Project Developer's responsibility to understand and meet all the requirements for the application submittal."[109] When RWE did not sufficiently clarify its deficiency response within the requested one Business Day timeframe, PJM determined that the Application was deficient. Allowing RWE a second 10-Business Day period to cure its deficiencies would contravene the Tariff and unduly discriminate against Project Developers who timely cure all identified deficiencies.

2. The BESS Projects failed to satisfy the DMDG data requirements and were properly withdrawn.

RWE mischaracterizes the bases for removal of the BESS Projects as "claimed continuing technical 'deficiencies' that all other projects that PJM advanced in Cycle 01 (which includes RWE's 16 projects) had to have satisfied."[110] As discussed above, the Complaint makes no attempt to draw a Tariff-based distinction between the BESS Projects and RWE's 16 additional projects accepted into Cycle 01.[111] Even so, PJM's deficiency determinations regarding the BESS Projects were properly grounded in the Tariff and in the modeling and data requirements of the DMDG.

Simply put, each of the BESS Projects failed to cure a deficiency identified in the deficiency notice.[112] Tariff, Part VIII, Subpart B, section 403(A)(1)(k) requires the applicant to "[p]rovide a detailed description of the equipment configuration and electrical design specifications for the Generating Facility."[113] The DMDG states that "[t]he data

[109] Complaint, Attachment T at 1 (emphasis added).

[110] Complaint at 20.

[111] *See supra* notes 85-98 and accompanying text.

[112] *See supra* notes 58-84 and accompanying text.

[113] Tariff, Part VIII, Subpart B, section 403(A)(1)(k).

and information provided in the [Data Application] form shall match the data and parameters provided as the model for the project."[114] Also, the applicant must "[e]nsure correct transformer MVA base is provided" for the power flow model.[115] These rules exist to enable PJM to properly and efficiently evaluate numerous applications for a given Cycle. The data mismatches were not merely "minor points;" they precluded the modeling and evaluation of the BESS Projects. The Project Developer must submit its design parameters for PJM's review; it is not PJM's role to make assumptions when the Project Developer's design parameters are stated differently in different parts of the application.

Moreover, the Commission "generally allows transmission providers to exercise their engineering judgment when conducting interconnection studies, including deferring to transmission providers' discretion regarding how to maintain a reliable transmission system."[116] It is well within this discretion to expect that Project Developers will provide data that satisfies the modeling requirements of the DMDG and fits comfortably within PJM's discretion to ensure reliability.

RWE claims that "the alleged technical deficiencies would not prevent or delay PJM from conducting its first Cycle 01 study" because PJM does not perform a stability analysis until Phase II.[117] This argument misses the purpose of the deficiency review entirely. PJM's deficiency review process provides only one opportunity to correct

[114] DMDG, section 5.2.

[115] DMDG, section 5.2.2.1.

[116] *PJM Interconnection, L.L.C.*, 195 FERC ¶ 61,024, at P 71 (2026); *RWE Clean Energy, LLC v. PJM Interconnection, L.L.C.*, 194 FERC ¶ 61,212, at P 42 (2026).

[117] Complaint at 3.

identified issues,[118] which was a deliberate design choice to speed up processing, and new issues raised by the attempt to cure will result in withdrawal from the Cycle. This is consistent with the "first ready, first served" structure of PJM's reformed interconnection process. The fact that stability studies are performed in later Phases of the Cycle is irrelevant to the requirement to provide a complete Application after one deficiency review. Further, preparation of the stability model must be performed well in advance of Phase II (i.e., during Phase I) of a Cycle in order to begin the dynamic model analysis at the beginning of Phase II. RWE is free to enter New Service Requests for the BESS Projects in a future cycle, with the benefit of what it has learned from the initial applications.

C. Reinstatement of the RWE Projects Will Substantially Delay Cycle 01 and May Adversely Affect Future Cycles.

RWE requests that the Commission direct PJM to "immediately reinstate the [RWE] Projects into Cycle 01"[119] and claims, without evidence, that reinstating the RWE Projects will not delay Cycle 01.[120] To the contrary, not only reinstatement of the RWE Projects delay Cycle 01, but Project Developers in future Cycles could be adversely affected by such a delay. RWE's requested relief should be denied, and its proposed Tariff waiver rejected.

Simply put, a delay to commencement of Phase I of Cycle 01, which is what would happen if PJM has to reinsert the RWE Projects in Cycle 01 after its model is fixed and then re-build the model for Phase I and post it for the 30-day review period, will have a

[118] *See* IPRTF Filing at 45 n.143 (describing the deficiency review process pursuant to Tariff, Part VIII, Subpart B, section 403(B)(1) as "PJM is to use Reasonable Efforts to inform the Applicant of any Application deficiencies within 15 Business Days after the Application Deadline, with the Applicant then having 10 Business Days to respond and correct the deficiency. PJM is then to use Reasonable Efforts to review Applicant's response within 15 Business Days, and then will either validate or reject the Application").

[119] Complaint at 22-23

[120] Complaint at 22.

cascading effect on all Cycle 01 deadlines. As an initial matter, PJM already posted the Phase I Base Case Data on August 28, 2026.[121] Phase I currently is set to begin after the Base Case Data has been posted for 30 days, i.e., on September 28, 2026.

Reinstatement of the RWE Projects at this point would require PJM first to provide RWE with a stand-alone deficiency review process for each of its five Applications. PJM must be able to validate the RWE Projects' dynamic models, a process that may take multiple requests and weeks to complete given RWE's challenges to date. PJM will then need to rebuild and test its Base Case models with the RWE Projects included, and repost its Phase I Base Case Data for the required 30-day period. Only then will PJM be in a position to commence Phase I of Cycle 01. If the Complaint is granted, under no circumstances will PJM be in a position to proceed with Phase I on September 28, 2026, the planned start date. The delay caused by reinstating the RWE Projects could be as much as two months, as PJM works with RWE to validate the RWE Projects' models, rebuilds the cycle model with the RWE Projects included, and provides the 30-day posting period for the rebuilt model. That same estimated two-month delay will affect all subsequent Cycle 01 deadlines and ripple on to delay projected timelines for future Cycles. Such delays are precisely the kinds of inefficiencies that the deficiency review process was designed to avoid.

Moreover, inserting the RWE Projects in the Cycle 01 Base Case model at this time may change outcomes for other Cycle 01 projects. The 30-day period to review the Base Case model is currently running. Cycle 01 Project Developers are currently reviewing that

[121] *See Cycle Timeline*, PJM Interconnection, L.L.C., https://www.pjm.com/planning [https://perma.cc/ELR3-HWF3] (Scroll to Cycle Timeline chart at bottom of website page, select Cycle 1 in the "Select Cycle" window) (last visited Sep. 22, 2026) (providing Cycle 01 Phase I Base Case posting date).

Base Case model and may withdraw or stay in the Cycle based on their evaluation of the Base Case model. If PJM must rebuild and repost its model to include the RWE Projects, certain Project Developers may conclude that they should have withdrawn due to changes to the model spurred by the addition of five Generating Facilities not previously included. If those Project Developers withdraw due to the changes to the Base Case model caused by insertion of the RWE Project, they may be required to forfeit their Readiness Deposits, even though they reasonably relied on the model PJM posted on August 28, 2026.[122] Alternatively, certain Project Developers that withdrew may conclude that they should not withdraw based on the revised Base Case model. PJM would then need to reinstate those New Service Requests, as the conditions under which they withdrew would now be invalid, and the model would again have to be re-run. Such outcomes would only compound delays to Phase I.

Critically, RWE has not justified the need to be reinserted into Cycle 01 because it provides no support for its claims of discriminatory treatment.[123] As noted above, RWE is not without recourse. It is free to resubmit its New Service Requests for review in a subsequent Cycle. Because RWE is free to seek another path for its projects, and because the harm that would be caused to all other Cycle 01 Project Developers (over 700 projects that have a reasonable expectation of having their projects evaluated consistent with the current Cycle 01 deadlines) is patently unjust and unreasonable, the Commission should not adopt RWE's proposed remedy.

[122] Without an additional 30-day review period, Project Developers may be unable to fully assess the impacts of the model revisions before Phase I begins. Consequently, they may face withdrawal decisions only after a portion of Readiness Deposit 1 has become subject to forfeiture.

[123] *See supra* notes 85-98 and accompanying text.

III. CORRESPONDENCE AND COMMUNICATIONS

Correspondence and communications with respect to this filing should be sent to, and PJM requests the Secretary to include on the official service list, the following:[124]

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IV. 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,[125] PJM's admissions and denials are set forth above in the answer, and, subject to amendment and supplementation, PJM affirms that any allegation in the Complaint that is not specifically and expressly admitted above is denied.

V. 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. RWE, as the Complainant, has failed to satisfy its burden of proof under FPA section 206 (16 U.S.C. § 824e).

[124] To the extent necessary, PJM requests waiver of Rule 203(b)(3) of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.203(b)(3), to permit all of the persons listed to be placed on the official service list for this proceeding.

[125] 18 C.F.R. § 385.213(c)(2)(i).

VI. CONCLUSION

For the reasons set forth in this answer, the Commission should deny the Complaint.

Respectfully submitted

/s/ Elizabeth P. Trinkle

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September 24, 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 24th day of September 2026

/s/ Elizabeth P. Trinkle
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