

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

PJM Interconnection, L.L.C.

)

Docket No. ER26-3525-000

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

PJM Interconnection, L.L.C. (“PJM”) hereby submits this Motion for Leave to Answer and Answer (“Answer”)¹ to the protest and comments of the Towering Concerns, LLC (“Towering Concerns”)² in response to PJM’s August 14, 2026 filing³ in this docket, in which PJM submitted revisions to Tariff, Schedule 12-Appendix A to incorporate cost responsibility assignments for baseline upgrades in the recent update to the Regional Transmission Expansion Plan (“RTEP”) approved by the PJM Board of Managers (“PJM Board”) on July 15, 2026.

Towering Concerns makes specific allegations regarding baseline upgrades b4000.344 and b4000.345 (the “Thornburg Project”) that were approved by the PJM Board and incorporated into the RTEP in February 2025, and for which the Commission accepted cost responsibility assignments in May 2025.⁴ Towering Concerns raises a number of issues with the Thornburg Project, including description, need, site control, routing, local

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 *PJM Interconnection, L.L.C.*, Protest and Comments of Towering Concerns, LLC Regarding Federal Energy Regulatory Commission (FERC) Docket No. ER26-3525, Docket No. ER26-3525-000 (Sep. 8, 2026) (“Towering Concerns Protest”).

³ *PJM Interconnection, L.L.C.*, Revisions to Incorporate Cost Responsibility Assignments for Regional Transmission Expansion Plan Baseline Upgrades, Docket No. ER26-3525-000 (Aug. 14, 2026) (“August RTEP Cost Assignment Filing”). Capitalized terms not otherwise defined herein shall have the meaning as set forth in the Open Access Transmission Tariff (“Tariff”), or in the August RTEP Cost Assignment Filing.

⁴ See *PJM Interconnection, L.L.C.*, 191 FERC ¶ 61,156 (2025).

impacts, and other aspects of project development.⁵ As demonstrated below, these issues are outside the scope of this proceeding, which solely concerns whether PJM correctly calculated the proposed cost responsibility assignments in accordance with its Tariff. Thus, the Commission can easily dismiss Towering Concerns' Protest. Further, even if Towering Concerns' issues were within scope, they lack merit. To this end, PJM responds to three points concerning: (i) the reliability basis for the Thornburg Project and its scope change; (ii) the description of the Thornburg Project; and (iii) PJM's assessment of need through the RTEP process.

Accordingly, and for the reasons set forth in more detail below, PJM respectfully requests that the Commission: (i) grant this motion for leave to answer; (ii) reject the arguments set forth in the Towering Concerns Protest; and (iii) accept the cost responsibility assignments reported in the August RTEP Cost Assignment Filing, effective November 12, 2026.

I. MOTION FOR LEAVE TO ANSWER

PJM respectfully requests leave to file this Answer to address arguments raised in the Towering Concerns Protest. Although the Commission's Rules of Practice and Procedure generally do not permit an answer to protests,⁶ the Commission routinely allows such answers when they provide useful or relevant information that will assist the Commission in its decision-making process, clarify the issues, assure a complete record in the proceeding, provide information helpful to the disposition of an issue, and/or permit

⁵ See Towering Concerns Protest at 4-7 (Scope, Description, and Location), 7-16 (Site Control), 16-18 (Project Need).

⁶ 18 C.F.R. § 385.213(a)(2).

the issues to be narrowed.⁷ This Answer satisfies these standards, because it will help clarify that the issues raised by Towering Concerns are outside the scope of this proceeding and will correct the record. Accordingly, PJM respectfully submits that good cause exists to grant this motion for leave to answer.

II. BACKGROUND

The Thornburg Project was initially identified by PJM as a solution to address the reliability criteria violations identified as part of the 2024 RTEP Window 1 process. PJM's 2024 RTEP Window 1 studies identified widespread voltage and thermal reliability criteria violations under forecasted system conditions. Those included low voltage conditions and transmission overloads associated with the power transfers needed to serve projected load growth. The violations were not confined to a single locality or customer request, and PJM selected a coordinated set of transmission reinforcements to address them. The Thornburg Project—formerly referred to as the Kraken loop and the Kraken Substation—was among the projects identified through the 2024 RTEP Window 1 process. The Thornburg Project addresses, among other needs, stability restrictions affecting major generation facilities in the area and reliability violations on Virginia Electric and Power Company's (d/b/a "Dominion Energy Virginia") ("Dominion") 500 kilovolts ("kV") and 230 kV systems, while providing transmission reinforcement along the I-95 and Fredericksburg corridors as

⁷ See, e.g., *Pioneer Transmission, LLC v. N. Ind. Pub. Serv. Co.*, 140 FERC ¶ 61,057, at P 94 (2012); *Midwest Indep. Transmission Sys. Operator, Inc.*, 131 FERC ¶ 61,285, at P 6 n.10 (2010); *Sw. Power Pool, Inc.*, 131 FERC ¶ 61,252, at P 19 (2010) (accepting answers that "provided information that assisted [the Commission] in [its] decision-making process"); *Duke Energy Ky., Inc.*, 122 FERC ¶ 61,182, at P 25 (2008) (accepting answers in proceeding that "provided information that assisted [the Commission] in [its] decision-making process"); *Tallgrass Transmission, LLC*, 125 FERC ¶ 61,248, at P 26 (2008); *Midwest Indep. Transmission Sys. Operator, Inc.*, 120 FERC ¶ 61,083, at P 23 (2007) (answer to protests permitted when it provides information to assist the Commission in its decision-making process); *Morgan Stanley Cap. Grp., Inc. v. N.Y. Indep. Sys. Operator, Inc.*, 93 FERC ¶ 61,017, at 61,036 (2000) (accepting an answer that was "helpful in the development of the record.").

load grows. The Thornburg Project was approved by the PJM Board for inclusion in the RTEP in February 2025 and Dominion was assigned construction responsibility.⁸

Following discussions with Dominion, in May 2026, PJM presented to the Transmission Expansion Advisory Committee (“TEAC”) a scope change related to the Thornburg Project.⁹ The scope change did not create a new project or replace the reliability need for which it was selected. Rather, it added 230 kV underbuild capability to the transmission solution. As described in the TEAC materials, this added capability introduces efficiencies through allowing reuse of existing structure, minimizing future environmental impacts and long-term capital costs, avoiding extended outages on critical 500 kV facilities, and allowing direct connectivity to load as it materializes in the area.¹⁰ The PJM Board approved the scope change in July 2026.¹¹

III. ANSWER

A. The Arguments Raised in the Towering Concerns Protest and Comments Are Outside the Scope of this Proceeding

Tariff, Schedule 12(b)(viii) requires that, within 30 days of PJM Board approval of any update to the RTEP, PJM must submit a Tariff filing and a report with the Commission setting forth the cost responsibility assignments for transmission enhancement and

⁸ See *PJM Interconnection, L.L.C.*, Revisions to Incorporate Cost Responsibility Assignments for Regional Transmission Expansion Plan Baseline Upgrades; 30-Day Comment Period Requested, Docket No. ER25-1811-000, Transmittal Letter at 1 n.3; *id.*, Attachment A (Cost Responsibility Assignment Summary Sheets) at 207-08.

⁹ Wenzheng Qiu, et al., Transmission Expansion Advisory Committee, *Reliability Analysis Update*, PJM Interconnection, L.L.C. (May 8, 2026), 14-15, <https://www.pjm.com/-/media/DotCom/committees-groups/committees/teac/2026/20260508/20260508-item-10---reliability-analysis-update.pdf> [<https://perma.cc/6NBC-4LEV>] (“May 2026 TEAC Presentation”).

¹⁰ See *id.* at 14.

¹¹ See *Transmission Expansion Advisory Commission (TEAC) Recommendations to the PJM Board*, PJM Interconnection, L.L.C. (July 2026), 3, <https://www.pjm.com/-/media/DotCom/committees-groups/committees/teac/2026/20260707/20260707-pjm-board-whitepaper.pdf> [<https://perma.cc/7GLC-MW9C>].

expansion projects selected in PJM's RTEP.¹² The Commission has consistently held that its review of such filings is limited to "whether PJM followed its Tariff provisions in allocating cost responsibility according to its Tariff,"¹³ and has rejected arguments challenging the justness and reasonableness of Commission-accepted cost allocation methodologies and PJM's implementation of its planning process as beyond the scope of the Commission's review of such filings.¹⁴

¹² Tariff, Schedule 12 further provides that customers designated to be responsible for assignments of costs that PJM files with the Commission shall have 30 days from the date of such filing to submit comments regarding the proposed cost responsibility assignments. Tariff, Schedule 12(b)(viii).

¹³ *PJM Interconnection, L.L.C.*, 185 FERC ¶ 61,107, at P 24 (2023) ("November 2023 Order") (citing *PJM Interconnection, L.L.C.*, 165 FERC ¶ 61,078, at P 20 (2018) (stating "PJM's filing pursuant to section 205 of the [Federal Power Act] to change the cost responsibility assignments in Schedule 12 Appendix A simply reflects the result of the cost allocation method found in Schedule 12 of the Tariff")). See also *PJM Interconnection, L.L.C.*, 191 FERC ¶ 61,156, at P 17 ("[W]e limit our review of the proposed revisions to Schedule 12-Appendix A to determining whether PJM followed its Tariff provisions in assigning cost responsibility for the proposed baseline upgrades.").

¹⁴ See, e.g., *PJM Interconnection, L.L.C.*, 189 FERC ¶ 61,160, at P 18 (2024) ("As the Commission has previously stated, challenges to the PJM Tariff cost allocation provisions or the selection of transmission projects included in the PJM RTEP pursuant to the provisions of the PJM Operating Agreement are appropriately raised through separately filed complaints and not through protests to the reports of cost responsibility assignments.") (footnote and citation omitted); *PJM Interconnection, L.L.C.*, 187 FERC ¶ 61,012, at P 28 (2024) ("We review the proposed revisions to Schedule 12 Appendix A and Appendix C 'to determine whether PJM appropriately followed its Tariff provisions in allocating costs.'" (footnote and citation omitted); November 2023 Order, 185 FERC ¶ 61,107, at P 24 ("As PJM noted in its answer, the Commission has limited its review of these cost allocation filings to whether PJM has followed the cost allocation provisions of the Tariff, and the issues raised by the protests are beyond the scope of the Commission's review of the proposed cost responsibility assignments."); *PJM Interconnection, L.L.C.*, 186 FERC ¶ 61,148, at P 28 (2024) ("We, therefore, review PJM's filing to determine whether PJM appropriately followed its Tariff provisions in allocating costs according to this formula and to permit challenges to the inputs to this formula."); *PJM Interconnection, L.L.C.*, 182 FERC ¶ 61,101, at P 27 (2023) ("We, therefore, review PJM's RTEP update filings to determine whether PJM appropriately followed its Tariff provisions in allocating costs according to this formula and to permit challenges to the inputs to this formula, not whether the formula itself is unjust and unreasonable."); *PJM Interconnection, L.L.C.*, 178 FERC ¶ 61,113, at P 28 (2022) (same); 175 FERC ¶ 61,152, at P 47 (2021); *PJM Interconnection, L.L.C.*, 152 FERC ¶ 61,187, at P 25 (2015); *PJM Interconnection, L.L.C.*, 147 FERC ¶ 61,028, at P 43 (2014) ("The reasonableness of the solution-based DFAX methodology is beyond the scope of this proceeding."); *In re PJM Interconnection, L.L.C.*, 139 FERC ¶ 61,242, at P 29 (2012) ("The issue at hand is whether PJM's Filing complies with Order No. 503's directives," not whether the merchant transmission facilities customer agreements allow for the pass-through of RTEP costs or whether pass-through of RTEP costs to such customers is consistent with the public interest.); *PJM Interconnection, L.L.C.*, 139 FERC ¶ 61,010, at P 11 (2012) (determining issues raised by the Illinois Commission are beyond the scope of the docket and the only issue is "whether PJM has determined the cost responsibility . . . consistent with the methodology set forth in Schedule 12 of the PJM Tariff"); *PJM Interconnection, L.L.C.*, 135 FERC ¶ 61,044, at PP 20, 22 (2011) (finding that the ICC did not state that the modeling assumptions used by PJM were inconsistent with the Tariff and, thus, further inquiry into the modeling assumptions required by the Tariff is beyond the scope of this proceeding).

In the August RTEP Cost Assignment Filing, consistent with the requirements of Tariff, Schedule 12(b)(viii), PJM submitted amendments to Tariff, Schedule 12-Appendix A to include proposed cost responsibility assignments for the 38 transmission facilities approved for inclusion in the RTEP by the PJM Board on July 15, 2026.¹⁵ Notwithstanding the clear Commission precedent described above limiting this proceeding to whether PJM correctly applied the cost allocation provisions of its Tariff, Towering Concerns expressly states that it does not believe that PJM has violated its tariff or applicable law.¹⁶ Yet it asks the Commission “to analyze whether the process used was adequate to ensure accuracy and whether further action is required,” and raises other objections concerning the projects and their scope. Towering Concerns identifies no Tariff requirement that PJM failed to follow in calculating the proposed cost responsibility assignments included in the August RTEP Cost Assignment Filing. To the extent its objections seek review of matters beyond PJM’s application of the Tariff, including the adequacy of PJM’s planning process or its underlying RTEP decisions, those issues are beyond the scope of this proceeding. The only issue in this proceeding should be whether PJM determined the cost responsibility assignments included in the August RTEP Cost Assignment Filing consistent with the Commission-accepted methodologies set forth in Schedule 12 of the PJM Tariff, not whether a specific project’s need is still consistent with the earlier filing and order accepting it or whether the project has the necessary site control or is properly located per state regulation.¹⁷

¹⁵ See August RTEP Cost Assignment Filing at 1, n.3.

¹⁶ See, e.g., Towering Concerns Protest at 18-19. (“We don’t believe that PJM has violated its tariff or applicable law, but we do ask the Commission to analyze whether the process used was adequate to ensure accuracy and whether further action is required.”).

¹⁷ Towering Concerns Protest at 7-18.

Absent any evidence that PJM failed to allocate costs consistent with the Commission-accepted methodologies set forth in Tariff, Schedule 12, the Towering Concerns Protest should be rejected. PJM therefore respectfully requests that the Commission reject the Towering Concerns Protest as outside of the scope of this proceeding.

B. Change in Project Description Between March 2025 RTEP Cost Assignment Filing and July PJM Board Approval

Towering Concerns alleges that PJM’s August RTEP Cost Assignment Filing is inaccurate with regard to b4000.344 and b4000.345 given that these projects were revised in the May 2026 TEAC to include expanded scope and revised structures. Towering Concerns notes that Dominion, the Transmission Owner with construction responsibility, “told PJM [b4000.344 and b4000.345] would now cost an additional \$60.5M. The PJM Board approved the scope changes in July 2026.”¹⁸

The July 2026 scope changes and associated cost increases do not, by themselves, establish that the August filing was inaccurate. Although the PJM Board approved a scope change for the Thornburg Project in July 2026, that scope change did not alter the project’s cost responsibility assignments—which the Commission accepted in May 2025.¹⁹ Because the July scope change resulted in no new or revised cost allocation assignments for the project, PJM proposed no change to its existing Tariff entry.²⁰ That said, PJM maintains current project information for all projects included in the PJM RTEP on the Project Status

¹⁸ Towering Concerns Protest at 5 (footnote and citation omitted).

¹⁹ See *PJM Interconnection, L.L.C.*, 191 FERC ¶ 61,156.

²⁰ PJM recognizes that the August RTEP Cost Assignment Filing could have updated the description associated with projects b4000.344 and b4000.345 in Tariff, Schedule 12-Appendix A to correspond with the revised project description. PJM will do so through a future clean-up filing.

& Cost Allocation page of its website.²¹ Additionally, the May 2026 TEAC materials describe the scope change, including the 230 kV underbuild capability, the revised structure configuration, and the project's estimated costs.²² Accordingly, PJM's August RTEP Cost Assignment Filing carried forward the project's existing Tariff, Schedule 12 – Appendix A entries; it did not propose a change to the project's description or cost responsibility assignment, which were unaffected by the Board approved scope change.

C. Towering Concerns Presents Incomplete and Inaccurate Representations in Need of Correction

Notwithstanding the narrow scope of this proceeding, PJM seeks leave to file this answer to correct inaccurate statements in the Towering Concerns' Protest and provide useful and relevant information that will assist the Commission in its decision-making process. These corrections should not be construed as PJM acquiescing that this proceeding is the appropriate venue to resolve the out-of-scope issues raised by Towering Concerns Protest.

1. Towering Concerns' reference to PJM 100% site control is inapposite

Towering Concerns asserts that Dominion “does not have necessary site control to construct” these projects.²³ In support, Towering Concerns points to a Commission order approving PJM's Order No. 2023 compliance filing.²⁴ Aside from timeliness and scope, this claim lacks merit in several ways. First, Order No. 2023 and PJM's compliance filing

²¹ See *Project Status & Cost Allocation*, PJM Interconnection, L.L.C., <https://www.pjm.com/planning/m/project-construction> [<https://perma.cc/Q2VT-EW3Q>] (last visited Sep. 30, 2026).

²² May 2026 TEAC Presentation at 14-15.

²³ Towering Concerns Protest at 7.

²⁴ Towering Concerns Protest at 10 (citing to *PJM Interconnection, L.L.C.*, 192 FERC ¶ 61,077 (2025)).

address generator interconnections and, as relevant here, site control requirements for *generators*; they do not pertain to PJM’s identification of baseline transmission facilities as the more efficient or cost-effective solution to a transmission need. Second, through PJM’s Regional Transmission Expansion Planning Protocol (“RTEP Protocol”), PJM plans for the transmission needs of the PJM Region. PJM does not site transmission facilities—that is the province of the states.²⁵ The RTEP Protocol includes no rules requiring an entity to demonstrate site control before the PJM Board approves cost assignment responsibility in the RTEP.

2. *PJM continues to evaluate whether approved projects remain needed as conditions change*

Towering Concerns further alleges that the need for the Thornburg Project no longer “accurately reflect[s] current conditions in the area.”²⁶ It points to several anecdotal references to declining data center demand and recent data center rejections or cancellations in the area. Specifically, Towering Concerns contends that “data center projects in Fredericksburg, Spotsylvania, and Stafford counties have been withdrawn, reduced, delayed, or outright rejected,” since the Thornburg Project’s needs analysis was completed in 2024, and argues that these changes may affect the assumptions underlying the project.²⁷ Towering Concerns asks PJM to require Dominion to “identify the specific load forecasting assumptions justifying [the Thornburg Project] and explain whether those assumptions remain current.”²⁸

²⁵ See *Transource Pa. v. DeFrank*, 156 F.4th 351, 378 (3rd Cir. 2025) (“[T]he task of approving construction in a particular place falls to state authorities.”).

²⁶ Towering Concerns Protest at 16.

²⁷ Towering Concerns Protest at 3.

²⁸ Towering Concerns Protest at 3.

These concerns miss the mark. First, this proceeding concerns PJM’s application of the Tariff’s cost allocation rules, not transmission planning.²⁹ Second, the possibility that individual load customers may modify or cancel their plans does not automatically alter PJM’s assessment of need. The selection of a transmission project for inclusion in the RTEP does not mean that PJM thereafter assumes that the system conditions underlying that selection will remain unchanged. Rather, PJM continues to evaluate the reliability need of the transmission system through subsequent RTEP analyses using updated system conditions and assumptions, including changes in load, generation, transmission topology, and other relevant system conditions—and may cancel a project included in the RTEP if it was no longer needed.³⁰

Nor does PJM restart the original project selection process each time an individual planning assumption or system condition changes. Major transmission facilities require years to develop, site, and construct, during which the planning baseline necessarily continues to evolve. PJM considers changed system conditions through its ongoing RTEP analyses. If the cancellation or modification of a particular customer project results in a

²⁹ See, e.g., *PJM Interconnection, L.L.C.*, 189 FERC ¶ 61,160, at P 18 (“As the Commission has previously stated, challenges to the PJM Tariff cost allocation provisions or the selection of transmission projects included in the PJM RTEP pursuant to the provisions of the PJM Operating Agreement are appropriately raised through separately filed complaints and not through protests to the reports of cost responsibility assignments.”) (footnote and citation omitted).

³⁰ See *Am. Mun. Power, Inc. v. PJM Interconnection, L.L.C.*, 191 FERC ¶ 61,001, P 39 (2025). In response to paper hearing questions, PJM stated that it “has historically reevaluated the need for an RTEP project regardless of whether a Designated Entity Agreement is in place, and if a project was found to no longer be needed or progressing towards timely completion, PJM has replaced or terminated the project.” See *PJM Interconnection, L.L.C.*, 142 FERC ¶ 61,156, at P 6 (2013) (“PJM staff reviewed results of analyses showing reliability drivers no longer exist for the MAPP Project throughout the 15-year planning cycle. After considering PJM staff’s recommendation resulting from additional reliability analyses and communications received from PJM stakeholders, on August 24, 2012, the PJM Board terminated the MAPP Project and removed it from the PJM RTEP.”); *PJM Interconnection, L.L.C.*, 141 FERC ¶ 61,177, at P 6 (2012) (“In 2011, PJM conducted additional analyses and concluded that due to decreasing customer load growth, increasing participation in demand response, and the expected addition of new generation in the region, the need for the PATH Project no longer existed throughout PJM’s 15 year planning horizon.”).

material change to the system conditions underlying a previously approved transmission facility, PJM's subsequent RTEP analyses provide the mechanism for identifying the reliability implications of that change and determining whether any corresponding change to the previously-approved transmission solution is warranted.

Thus, the cancellation of individual load projects does not, standing alone, establish that the Thornburg Project is no longer needed. The Thornburg Project was selected to address the reliability violations through the 2024 Window 1 process, underpinned by the forecasted load growth projections and system conditions that PJM believes remain valid, despite the subsequent project cancelations, and PJM will continue to evaluate the reliability of the transmission system as system conditions evolve.

IV. CONCLUSION

For the reasons set forth above, PJM respectfully requests that the Commission: (i) grant this motion for leave to answer; (ii) reject the arguments set forth in the Towering Concerns Comments; and (iii) accept the Tariff revisions proposed in the August RTEP Cost Assignment Filing, effective November 12, 2026.

Respectfully submitted,

/s/ Ryan J. Collins

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October 1, 2026

CERTIFICATE OF SERVICE

I hereby that I have this day served the foregoing document on those parties on the official Service List compiled by the Secretary in these proceedings.

Dated at Washington, D.C. this 1st day of October, 2026.

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