

195 FERC ¶ 61,197
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Laura V. Swett, Chairman;
David Rosner, Lindsay S. See,
Judy W. Chang, and David LaCerte.

PJM Interconnection, L.L.C.

Docket Nos. ER26-1563-000
ER26-1563-001

ORDER ACCEPTING TARIFF REVISIONS

(Issued June 9, 2026)

1. On February 27, 2026, as amended April 10, 2026, pursuant to section 205 of the Federal Power Act (FPA)¹ and part 35 of the Commission's regulations,² PJM Interconnection, L.L.C. (PJM) filed revisions to the PJM Open Access Transmission Tariff (Tariff) adding a new Part X to establish an Expedited Interconnection Track (EIT) for Generating Facilities.³ The proposed EIT is a separate and expedited interconnection process through which PJM would consider up to 10 interconnection requests per calendar year for large new or uprated capacity resources. The EIT process would sunset at the end of 2027. In this order, we accept PJM's proposed Tariff revisions, effective June 10, 2026 and July 31, 2026, as requested.⁴

I. Background

2. On July 10, 2023, PJM began the transition period for its reformed generator interconnection process, which transitioned from a serial first-come, first-served queue process to a first-ready, first-served clustered cycle approach (Cycle Process).⁵ The

¹ 16 U.S.C. § 824d.

² 18 C.F.R. pt. 35 (2025).

³ Transmittal at 1. Capitalized terms not otherwise defined herein have the meanings ascribed to them in the Tariff.

⁴ See Appendix A for eTariff records.

⁵ *PJM Interconnection, L.L.C.*, 181 FERC ¶ 61,162, at P 30 (2022) (Queue Reform Order), *order on reh'g*, 184 FERC ¶ 61,006 (2023), *appeal dismissed sub nom. Hecate Energy LLC v. FERC*, 126 F.4th 660 (D.C. Cir. 2025) (*Hecate*).

transition process included in Part VII of the PJM Tariff includes an Expedited Process, Transition Cycle #1, and Transition Cycle #2. PJM is currently partway through the study timeline for Transition Cycle #2 and is scheduled to complete the final agreement negotiation for Transition Cycle #2 on February 26, 2027.⁶ PJM commenced the new Cycle #1 process, included in Part VIII of the PJM Tariff, in April 2026.

3. On February 11, 2025, the Commission accepted revisions to PJM's Tariff to enable a one-time reliability-based expansion of the eligibility criteria for Transition Cycle #2, known as the Reliability Resource Initiative (RRI).⁷ PJM's RRI process was designed to add up to 50 additional projects to be studied in Transition Cycle #2 to address urgent and near-term resource adequacy concerns. The RRI application window was open from February 28, 2025 through March 14, 2025, and PJM received a total of 89 projects (totaling 21.4 GW of nameplate capacity) that were deemed to meet the RRI eligibility criteria.⁸ PJM ultimately selected 51 projects totaling 11.8 GW of nameplate capacity.⁹

4. PJM administers a capacity market called the Reliability Pricing Model (RPM) to ensure that enough capacity is procured, at a reasonable cost, to maintain reliable grid operations. RPM Base Residual Auctions (BRA) are run to procure enough capacity to meet the reserve requirement three years ahead of the associated delivery year. The concept of sufficient capacity on the transmission system to maintain reliable operations is termed "resource adequacy." PJM assesses resource adequacy using a statistical measure of reliability that measures how often, on average, the available capacity is expected to fall short of the demand for capacity. The product in the RPM capacity market is unforced capacity (UCAP). PJM also uses an effective load-carrying capability (ELCC) measure for assessing the capacity value of resources, because UCAP by itself

⁶ For Transition Cycle #2, the Phase II System Impact Study began on December 3, 2025 and is anticipated to end on June 5, 2026. PJM, *Cycle Timeline* (updated Mar. 18, 2026), <https://www.pjm.com/planning>.

⁷ *PJM Interconnection, L.L.C.*, 190 FERC ¶ 61,084 (RRI Order), *order on reh'g*, 192 FERC ¶ 61,085 (2025).

⁸ PJM, *Reliability Resource Initiative (RRI) Status Update* (Apr. 2025), <https://www.pjm.com/-/media/DotCom/committees-groups/subcommittees/ips/2025/20250424/20250424-item-04---reliability-resource-initiative-status-update.pdf>.

⁹ PJM, *Reliability Resource Initiative Results Summary* (May 2025), <https://www.pjm.com/-/media/DotCom/committees-groups/committees/pc/2025/20250506/20250506-item-06---reliability-resource-initiative---summary-results.pdf>.

does not provide assurance as to when and under what conditions that UCAP will be available.

II. Filing and Description of the EIT Process

5. Subsequent to its Cycle Process reform and RRI efforts, PJM observed accelerated, worsening supply and demand conditions in its region. As a specific example, PJM notes that its BRA for Delivery Year 2027/2028 cleared 6.6 GW short of PJM's reliability requirement.¹⁰ PJM also points out that the National Energy Dominance Council and governors of the PJM states acknowledge an urgent need to bring new capacity resources online in the PJM region to ensure grid reliability, resource adequacy, and energy affordability in the next three years.¹¹ In response to those conditions, PJM initiated a stakeholder process during which stakeholders made various proposals, none of which garnered sufficient support to become a formal recommendation to the PJM Board of Managers (PJM Board). According to PJM, the PJM Board considered all the proposals in reaching its ultimate decision to file the instant proposal.¹²

6. PJM states that the proposed revisions establishing the EIT process are intended to expedite the interconnection of needed capacity resources that have support from the states in the PJM Region. PJM states that the PJM Board directed PJM to implement the EIT proposal to bring "new generation to the system on an accelerated basis" and to have that process in place by August 2026.¹³ PJM states that, on January 29, 2026, it posted the proposed Tariff language to implement an EIT process for stakeholder feedback, consulted stakeholders, and incorporated feedback into the proposed Tariff language.¹⁴

¹⁰ Transmittal at 3 (citing PJM, *PJM Auction Procures 134,479 MW of Generation Resources* 1 (Dec. 17, 2025), <https://www.pjm.com/-/media/DotCom/about-pjm/newsroom/2025-releases/20251217-pjm-auction-procures-134479-mw-of-generation-resources.pdf>).

¹¹ *Id.* at 3 (citing Federal Energy Regulatory Commission, *Transcript: December 18, 2025 FERC Open Meeting* 8 (Jan. 5, 2026), <https://www.ferc.gov/media/transcript-december-18-2025-open-meeting>; U.S. Department of Energy, *Statement of Principles Regarding PJM* (Jan. 16, 2026), <https://www.energy.gov/documents/statement-principles-regarding-pjm>).

¹² *Id.* at 4.

¹³ *Id.* at 5.

¹⁴ *Id.* at 6.

7. PJM states that the EIT process provides a temporary, expedited interconnection process outside of the Cycle Process to interconnect more quickly advanced projects of significant size to address PJM's urgent need for additional capacity resources.¹⁵ PJM states that EIT would allow PJM to consider up to 10 interconnection requests per calendar year for large new or uprated capacity resources that have, among other requirements, a commitment from the relevant state authority or authorities to support a request to expedite siting.¹⁶ PJM expects that these projects will be able to execute a Generation Interconnection Agreement (GIA) roughly 10 months after they submit a complete EIT Request. PJM states that it will accept EIT Requests on a rolling basis until the 10 project limit for the calendar year is reached.¹⁷ PJM will review the applications for EIT Requests to confirm that the project is eligible to participate and all the necessary information has been provided.¹⁸ PJM states that it anticipates that the application review process will take approximately 60 days and will include any needed scoping meetings with the Generation Project Developer, Transmission Owner, and Affected System Operator. To the extent any information or monies are missing from the application, the Generation Project Developer will have 10 business days from the receipt of notice to cure the deficiency.¹⁹

8. To be eligible for the EIT, a project must be seeking to interconnect a new Generating Facility or to increase the capacity of an existing Generating Facility that already has an effective GIA or Interconnection Service Agreement (ISA).²⁰ EIT would not be available to projects proposing to increase the generating capacity at an existing facility that has a related active Interconnection Request and, therefore, does not have an effective ISA or GIA.

¹⁵ *Id.* at 7. The proposed Tariff revisions are a new Part X to the PJM Tariff.

¹⁶ *Id.* at 3-4.

¹⁷ *Id.* at 7-8, 20.

¹⁸ *Id.* at 10.

¹⁹ *Id.* at 9-10.

²⁰ *Id.* at 8.

9. PJM states that EIT meets the independent entity variation standard because it accomplishes the purposes of Order Nos. 2003²¹ and 2023,²² as it promotes increased development of needed capacity resources by reducing interconnection time via a process that minimizes the risk of withdrawals and restudies, thereby encouraging investment in generation and transmission infrastructure necessary to reinforce system reliability.²³ PJM states that EIT is an efficient, fair, and resource-neutral process that will allow for the improvement of efficiency, reliability, and/or cost-effectiveness of interconnecting a limited group of advanced, high impact projects through a well-defined process while not affecting the main Cycle Process. PJM further states that the Commission should find that EIT is just and reasonable and meets the independent entity variation standard because it accomplishes the goals of Order No. 2003 by facilitating the entry of new capacity resources to ensure reliable, reasonably priced service for customers.²⁴

10. PJM states that EIT is consistent with similar procedures accepted by the Commission for Midcontinent Independent System Operator, Inc. (MISO) and Southwest Power Pool, Inc. (SPP).²⁵ PJM states that, like MISO Expedited Resource Addition Study (MISO ERAS), EIT would use a serial study process to review projects on a first-come, first serve basis, and that the Commission previously found that the “use [of] a serial study process here does not present concerns related to queue withdrawals and restudies traditionally raised by serial cluster processes because . . . projects in the ERAS process are less likely to be speculative and withdraw due to the enhanced commercial

²¹ *Standardization of Generator Interconnection Agreements & Procs.*, Order No. 2003, 104 FERC ¶ 61,103 (2003), *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).

²² *Improvements to Generator Interconnection Procs. & Agreements*, Order No. 2023, 184 FERC ¶ 61,054, *order on reh’g*, 185 FERC ¶ 61,063 (2023), *order on reh’g*, Order No. 2023-A, 186 FERC ¶ 61,199, *errata notice*, 188 FERC ¶ 61,134 (2024).

²³ Transmittal at 15.

²⁴ *Id.* at 18 (citing Order No. 2003, 104 FERC ¶ 61,103 at P 5; RRI Order, 190 FERC ¶ 61,084 at P 14; *Cal. Indep. Sys. Operator Corp.*, 188 FERC ¶ 61,225, at P 39 (2024), *order on reh’g*, 193 FERC ¶ 61,117 (2025)).

²⁵ *Id.* at 15 (citing *Midcontinent Indep. Sys. Operator, Inc.*, 192 FERC ¶ 61,064 (2025) (MISO ERAS Order), *order on reh’g*, 194 FERC ¶ 61,050 (2026); *Sw. Power Pool, Inc.*, 192 FERC ¶ 61,062 (2025) (SPP ERAS Order), *order on reh’g*, 194 FERC ¶ 61,051 (2026)).

readiness requirements.”²⁶ PJM also notes that like MISO ERAS and SPP’s Expedited Resource Adequacy Study (SPP ERAS), EIT is limited in duration and scope and includes eligibility requirements to ensure the projects selected are capable of meeting the identified need, including heightened project readiness and financial security requirements and a requirement to achieve commercial operation within a specified timeframe.²⁷ Furthermore, PJM notes that, like MISO ERAS, EIT includes a role for the states to support projects.²⁸

11. PJM requests that the proposed revisions be made effective July 31, 2026, and requests a Commission order accepting the proposed revisions by June 9, 2026.²⁹ PJM states that this date will allow PJM to have the EIT in place by August 2026, as directed by the PJM Board.

III. Notice and Responsive Pleadings

12. Notice of PJM’s February 27, 2026 filing was published in the *Federal Register*, 91 Fed. Reg. 10802 (Mar. 5, 2026), with interventions and protests due on or before March 20, 2026.

13. Appendix B identifies entities that submitted notices of intervention and timely motions to intervene, as well as abbreviations for those entities.

14. Dominion, FirstEnergy, Michigan PSC, Ohio FEA, Oklo, Pennsylvania Governor Josh Shapiro (Governor Shapiro), and multiple individuals and community entities³⁰ filed comments.

²⁶ *Id.* at 15-16 (quoting MISO ERAS Order, 192 FERC ¶ 61,064 at P 260).

²⁷ *Id.* at 16-17 (citing MISO ERAS Order, 192 FERC ¶ 61,064 at PP 9, 195, 210; SPP ERAS Order, 192 FERC ¶ 61,062 at PP 7, 110, 118).

²⁸ *Id.* at 17 (citing MISO ERAS Order, 192 FERC ¶ 61,064 at P 199).

²⁹ *Id.* at 24-25.

³⁰ Appendix C lists the individuals and community entities submitting comments and protests.

15. ACORE, Clean Energy Associations,³¹ ELPC, Illinois Commission, LS Power, New Jersey BPU, NRDC, Public Interest Organizations (PIO),³² Vistra, and multiple individuals and community entities³³ submitted protests.

16. On April 6, 2026, PSEG filed reply comments.

17. On April 10, 2026, PJM submitted a motion for leave to answer and answer and an amendment to its filing (April 10 Filing or April 10 Amendment).

18. Notice of PJM's April 10 Filing was published in the *Federal Register*, 91 Fed. Reg. 20160 (Apr. 15, 2026), with interventions and protests due on or before May 1, 2026.

19. On May 1, 2026, Culpeper County, Fluvanna County, Goochland County, Louisa County, and Orange County, Virginia (Virginia Counties) filed a joint motion to intervene and protest. Multiple individuals and community entities also filed comments and supplemental comments.³⁴

IV. Discussion

A. Procedural Matters

20. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2025), the notices of intervention and the timely, unopposed motions to intervene serve to make the entities that filed them parties to this proceeding.³⁵

21. Rule 213(a)(2) of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.213(a)(2) (2025), prohibits an answer to a protest or answer unless otherwise ordered by the decisional authority. We accept PJM's answer because it has provided information that assisted us in our decision-making process.

³¹ Clean Energy Associations consist of SEIA and Advanced Energy United.

³² The PIOs consist of Sierra Club, Appalachian Voices, Citizens Action Coalition of Indiana, PennFuture, and Union of Concerned Scientists.

³³ See Appendix C.

³⁴ See Appendix C.

³⁵ Entities and individuals that filed comments and protests but did not file a motion to intervene are not parties to this proceeding. See 18 C.F.R. § 385.211(a)(2) (2025) ("The filing of a protest does not make the protestant a party to the proceeding.").

B. Substantive Matters

22. We find PJM's proposed Tariff revisions to establish the EIT process to be just and reasonable and not unduly discriminatory or preferential and accept them, effective June 10, 2026 and July 31, 2026, as requested.³⁶ We find that the EIT proposal accomplishes the purposes of Order Nos. 2003 and 2023 by helping to ensure that interconnection customers are able to interconnect to the transmission system in a reliable, efficient, transparent, and timely manner.³⁷ As discussed further below, we find that the EIT proposal will help address PJM's near-term resource adequacy needs by establishing a separate, time-limited, expedited interconnection process for a limited number of resources that are able to bring significant capacity onto the system in the near-term. Furthermore, we find that the eligibility requirements are tailored to addressing near-term resource adequacy needs and appropriately limit EIT to capacity resources that are more likely to timely contribute to meeting the region's needs.

23. Several commenters agree with PJM that the EIT proposal will accelerate the interconnection of "shovel-ready," essential generation projects that have a high probability of achieving commercial operation within 36 months that may otherwise be confined to the Cycle Process.³⁸ However, that view was not shared universally by the parties to this proceeding. A common theme raised by protesters is that the EIT proposal will not be workable and those protesters suggest significantly revising, or even rejecting, the proposal. In addition to those concerns, several parties, including many individuals, question whether the EIT proposal is tailored to address the near-term resource adequacy needs it is intended to solve.³⁹ Vistra, for example, argues that PJM has not articulated with any degree of specificity the near-term resource adequacy need to be addressed by EIT, or how the timing of EIT will enable resources to participate in near-term capacity auctions in a manner that is unique or even complementary to existing interconnection

³⁶ PJM assigned an effective date of June 10, 2026 to one eTariff record, which contains no Tariff changes, in order to effectuate Commission action by June 9, 2026. April 10 Filing at 12 & n.39. The balance of the provisions carry an effective date of July 31, 2026, which we accept in this order.

³⁷ Order No. 2003, 104 FERC ¶ 61,103 at PP 26, 827; Order No. 2023, 184 FERC ¶ 61,054 at P 1.

³⁸ Ohio FEA Comments at 2-3; FirstEnergy Comments at 2-3; Dominion Comments at 2.

³⁹ See, e.g., Robert Neill Comments at 1; Russell R. Deane II Supplemental Comments at 2.

processes.⁴⁰ Other parties express concern that 10 projects per year for two years is too few and unlikely to affect the supply and demand balance.⁴¹

24. In response to protests arguing for modifications to the EIT proposal or suggesting alternative solutions for addressing PJM's near-term resource adequacy needs, we note that the Commission need only determine under FPA section 205 whether the proposed filing is just and reasonable; the Commission is not obligated to consider whether the proposal is more or less reasonable than other alternatives.⁴² The Commission's responsibility is not to hold proposals against a standard of perfection, even when confronted with what could ultimately be a superior solution and, in that regard, the Commission has found that the perfect cannot be the enemy of the good.⁴³ Furthermore, our findings herein fit within the flexibility that the Commission has extended to regional transmission organizations (RTO) and independent system operators (ISO) as they seek to address region-specific queue processing challenges.⁴⁴

⁴⁰ *Vistra Protest* at 6.

⁴¹ *Governor Shapiro Comments* at 2.

⁴² *See, e.g., Cities of Bethany v. FERC*, 727 F.2d 1131, 1136 (D.C. Cir. 1984) (*Cities of Bethany*) (when determining whether a rate was just and reasonable, the Commission properly did not consider "whether a proposed rate schedule is more or less reasonable than alternative rate designs"). Thus, having found PJM's proposal just and reasonable, we need not consider alternative proposals.

⁴³ *See, e.g., PJM Interconnection, L.L.C. v. Pub. Serv. Elec. & Gas Co.*, 135 FERC ¶ 61,018, at P 35 (2011) (citing *Midwest Indep. Transmission Sys. Operator, Inc.*, 108 FERC ¶ 61,163, at P 640 (2004) ("no reason to make the perfect the enemy of the good, i.e., some centralized redispatch is better (more efficient) than none at all"), *aff'd, Wis. Pub. Power, Inc. v. FERC*, 493 F.3d 239 (D.C. Cir. 2007) (finding the Commission's balancing of the interests reasonable)).

⁴⁴ *RRI Order*, 190 FERC ¶ 61,084 at P 54 (citing *Sw. Power Pool, Inc.*, 128 FERC ¶ 61,114, at PP 15, 32 (finding that an RTO is entitled to flexibility in proposing variations under the independent entity variation standard and that the RTOs' temporal and geographic clustering proposal was a rational approach), *order on compliance*, 129 FERC ¶ 61,226 (2009), *order on compliance*, 133 FERC ¶ 61,139 (2010)).

1. Eligibility and Entry Requirements**a. 250 MW UCAP Threshold****i. PJM's Filing**

25. To be eligible for the EIT process, a project must have at least 250 MW of accredited UCAP.⁴⁵ PJM explains that this MW amount was a compromise between 100 MW and 500 MW and is intended to ensure that the use of scarce PJM administrative and engineering resources for the EIT process will be repaid by significant amounts of capacity.⁴⁶ PJM states that, in this way, EIT is limited and tailored to address specific resource adequacy needs.⁴⁷ PJM states that EIT is resource, ownership, and technology neutral, as it places no limits or priority on projects based on the resource type or ownership structure, other than the 250 MW minimum of accredited UCAP.⁴⁸ Although some renewable technologies are not likely to reach 250 MW UCAP, PJM states that it has at least 4 battery storage projects that meet the UCAP threshold with a 4-hour duration and 11 battery storage projects that meet the threshold with a 10-hour duration active in its interconnection process.⁴⁹

ii. Responsive Pleadings

26. Ohio FEA and FirstEnergy support the proposal, stating that the selection of projects into the EIT process is not unduly discriminatory.⁵⁰ Ohio FEA states that, while not every technology can easily reach 250 MW UCAP, the approach is reasonable and not unduly discriminatory.

27. Several parties disagree with the threshold, however, on a variety of grounds, including that the 250 MW UCAP threshold: (1) is arbitrary and unsupported, because

⁴⁵ Transmittal at 8, 19.

⁴⁶ *Id.* at 19.

⁴⁷ *Id.*

⁴⁸ *Id.* at 20.

⁴⁹ *Id.* at 15, 19 (citing PJM, *Preliminary ELCC Class Ratings for period Delivery Year 2026/27 – Delivery Year 2034/35* (Apr. 24, 2024), <https://www.pjm.com/-/media/DotCom/planning/res-adeq/elcc/preliminary-elcc-class-ratings-for-period-2026-2027-through-2034-2035.pdf>).

⁵⁰ Ohio FEA Comments at 4; FirstEnergy Comments at 3.

PJM does not provide any quantitative analysis to justify how this threshold will help meet the resource adequacy need;⁵¹ (2) is unduly discriminatory because it favors large projects over smaller projects and excludes almost all renewable energy, storage, and hybrid resources;⁵² and (3) will restrict participation by resources that can meet the three-year commercial operation date timeframe (e.g., storage and renewable resources).⁵³

28. Some protesters support a 150 MW UCAP threshold instead.⁵⁴ NJ BPU states that lowering the threshold would better align regional and state efforts to bring more capacity online as quickly as possible by opening up participation to more storage projects, which are backed by a concrete obligation of state support.⁵⁵ PSEG states that PJM should rely on an installed capacity (ICAP) threshold.⁵⁶

29. PIOs and NRDC argue that while the 250 MW UCAP threshold may result in larger projects being studied, this will not necessarily result in more projects being added to the system in the short term, asserting that larger projects are more likely to face Network Upgrade and supply chain delays, or other obstacles to timely development.⁵⁷ In addition, PIOs and Illinois Commission argue that PJM's claim that 4 battery storage projects could meet the UCAP threshold with a 4-hour duration, and that all 11 battery storage projects could meet the UCAP threshold at the 10-hour duration is misleading, because none of these projects are guaranteed to operate at the 10-hour duration.⁵⁸ PIOs and Illinois Commission also argue that EIT would be closed to hybrid resources due to

⁵¹ See ACORE Protest at 2; Illinois Commission Protest at 9; LS Power Protest at 2, 8-9; PIOs Protest at 32; ELPC Comments at 5-6; NRDC Protest at 14-15; PSEG Comments at 2.

⁵² See ACORE Protest at 2-3; Illinois Commission Protest at 9; NJ BPU Comments at 1-2; NRDC Protest at 16-18; PIOs Protest at 23.

⁵³ See Governor Shapiro Comments at 2; PSEG Comments at 2-4; ACORE Protest at 3; Illinois Commission Protest at 9-10; NJ BPU Comments at 1-2; NRDC Protest at 3; PIOs Protest at 28; Vistra Protest at 12.

⁵⁴ NJ BPU Comments at 2; LS Power Protest at 2.

⁵⁵ New Jersey BPU Comments at 4-6.

⁵⁶ PSEG Comments at 3.

⁵⁷ PIOs Protest at 36; NRDC Protest at 16-17.

⁵⁸ PIOs Protest at 25; Illinois Commission Protest at 11. See also ELPC Comments at 2-3.

the lack of ELCC class ratings for those resources. LS Power argues that uprates would be disproportionately disadvantaged because incremental capacity additions frequently fall below 250 MW UCAP.⁵⁹ Some commenters argue that the 250 MW UCAP threshold is not fair, noting that the public does not want large quantities of generation at one site.⁶⁰

30. ELPC argues that EIT, including the 250 MW UCAP eligibility threshold, violates FPA section 201(b) by regulating interconnection customers as generators and by interfering with state control over the generation mix.⁶¹ ELPC notes that five PJM states have policies requiring or encouraging deployment of storage, but PJM has effectively closed EIT to those resources.⁶² Similarly, NRDC argues that the 250 MW UCAP threshold directly restricts the resources states may wish to support, which puts the states in an untenable position, because states must express support for resources in order for them to be eligible for the EIT, but the eligibility criteria may eliminate the types of projects that states wish to support.⁶³

iii. PJM Answer

31. In response to protests, PJM clarifies that aggregation of wind, solar, and battery storage facilities at the same point of interconnection is a permissible way to meet the 250 MW UCAP threshold.⁶⁴ PJM adds that commercial viability and the loss of tax credits are likely more significant limitations for solar and wind projects than the size limit.⁶⁵ PJM argues that, to the extent the 250 MW threshold excludes smaller projects, this discriminatory treatment is not undue.⁶⁶ PJM states that it is facing a near-term capacity shortfall that will require adding 3 GW per year of additional capacity in the

⁵⁹ LS Power Protest at 9.

⁶⁰ *See, e.g.*, Irene E. Leech Supplemental Comments at 2.

⁶¹ ELPC Protest at 3.

⁶² *Id.* at 4.

⁶³ NRDC Comments at 18.

⁶⁴ April 10 Filing at 6.

⁶⁵ *Id.* at 5-6.

⁶⁶ *Id.* at 6.

next few years, and the 250 MW UCAP threshold multiplied by 10 projects will produce 2.5 GW per year.

iv. **Commission Determination**

32. We find that PJM's proposed 250 MW UCAP threshold requirement is just and reasonable and not unduly discriminatory or preferential. As an initial matter, because PJM's stated driver behind the EIT proposal is the need for additional capacity resources in the region, it is appropriate for PJM to establish eligibility criteria for resources that can provide sufficient UCAP to meaningfully contribute to meeting PJM's resource adequacy needs.⁶⁷ We find that the 250 MW UCAP threshold and the proposed cap of 10 projects per calendar year, for two years, together establish reasonable limitations on the interconnection requests that will be studied through the EIT process such that the EIT process will focus on a small number of resources that are able to make a significant capacity contribution to PJM.⁶⁸ Given the direct relationship between PJM's stated resource adequacy needs and the 250 MW UCAP threshold requirement,⁶⁹ we disagree with protesters' arguments that the proposed threshold is arbitrary and unsupported.

33. While we recognize protesters' concerns that relatively larger projects able to meet a 250 MW threshold may face construction delays and Network Upgrade delays, we nonetheless find it reasonable for PJM to establish criteria meant to ensure that resources studied in the EIT are able to make significant capacity contributions. Thus, we do not find it necessary for the EIT process to account for all potential issues that might delay a project, as eligibility thresholds alone cannot fully mitigate against the difficulties inherent in project development.⁷⁰ As discussed below, we find that the stringent

⁶⁷ See, e.g., Queue Reform Order, 181 FERC ¶ 61,162 at P 66 (with respect to PJM's expedited process threshold, "while specific cutoff criteria 'will exclude certain interconnection customers' from participation in a transition cluster, 'any cutoff date inevitably will have that effect'" (citations omitted)), *order on reh'g*, 184 FERC ¶ 61,006 at P 30 ("any cutoff amount will inevitably exclude certain interconnection customers from access to the expedited process").

⁶⁸ See MISO ERAS Order, 192 FERC ¶ 61,064 at P 203.

⁶⁹ April 10 Filing at 6 ("The 250 MW threshold is an amount derived from the needed 3 GW per year (a minimum of 250 MW per project multiplied by the 10 EIT Projects per year PJM will study equates to 2.5 GW, i.e., a healthy contribution to the necessary 3 GW per year)").

⁷⁰ See *id.* at 5-6 (explaining that of the total 324 GW of Interconnection Requests PJM has received since 2020, taking into account the 217 GW of projects that have been withdrawn at various stages of the process and the 30 GW of projects remaining to be

eligibility requirements accepted in this order help ensure that projects eligible to participate in EIT will have better odds of remaining on schedule and achieving commercial operation.

34. We disagree with protesters who argue that the 250 MW UCAP threshold is unduly discriminatory. PJM's proposed threshold is facially neutral and allows for potential inclusion of any resource type. As PJM explains, aggregation of wind, solar, and battery storage facilities at the same point of interconnection is a permissible way to meet the 250 MW UCAP threshold. To the extent the criteria focus on the procurement of resources that make a significant contribution to PJM's stated goal of addressing resource adequacy, they are not undue preferences because such resources are not similarly situated with those resources that are less able to contribute to meeting that resource adequacy goal.⁷¹

35. In response to protests arguing that the 250 MW UCAP threshold directly restricts the types of resources that states may wish to support, we note that state support for specific resources does not necessarily equate with a resource's ability to meet PJM's resource adequacy needs. PJM's proposal does not prohibit any particular resource or resource type as long as it meets the facially-neutral eligibility criteria. Moreover, we note that the Primary Siting Authority requirement discussed below reflects certain aspects of state support for proposed resources.

36. We disagree with protesters' arguments that the 250 MW threshold violates FPA section 201 and infringes on states' jurisdictional authority over resource planning and the generation mix within their boundaries. Under section 201(b)(1) of the FPA, the Commission's regulatory authority extends to wholesale sales and the transmission of electricity in interstate commerce, and the facilities used for such sales and transmission.⁷² The Tariff revisions here, which establish an expedited process for interconnecting to the interstate transmission grid, fall well within the Commission's jurisdiction to regulate generator interconnections as an essential element of transmission service.⁷³ While section 201(b)(1) also provides that the Commission shall not have

studied, 77 GW of projects have service agreements but only 23 GW of projects have been completed and are in service today).

⁷¹ RRI Order, 190 FERC ¶ 61,084 at P 123.

⁷² 16 U.S.C. § 824(b)(1).

⁷³ See *Nat'l Ass'n. of Regul. Util. Comm'rs*, 475 F.3d at 1279-80 (explaining that the Commission in Order No. 2003 asserts jurisdiction over the terms of interconnection between generators and transmission providers and upholding the Commission's judgment); see also *Pac. Gas & Elec. Co.*, 115 FERC ¶ 61,193, at P 36 (2006) ("[I]nterconnection is part and parcel of transmission of electric energy in interstate

jurisdiction over facilities used for the generation of electricity, the proposed Tariff revisions do not directly regulate generating facilities, as protesters allege. Furthermore, the proposal neither mandates nor prohibits the development of any particular generating facility, and it neither authorizes nor requires the adoption of a specific mix of generation resources.⁷⁴

37. Regarding alternate thresholds that commenters propose in the record here, having found PJM's proposal just and reasonable, we need not consider whether PJM's proposal is more or less reasonable than the alternative proposals.⁷⁵

b. Commercial Operation Date

i. PJM's Filing

38. PJM explains that an EIT Project must demonstrate that it will achieve commercial operation within 36 months of submission of the application for its EIT Request.⁷⁶ This timeline for achieving commercial operation must be evidenced by a critical path construction schedule verified by an independent engineer.⁷⁷ PJM states that, in this regard, the selection criteria for EIT is more stringent than some other recently approved resource adequacy initiatives in that the commercial operation date is an eligibility requirement under the proposed Tariff instead of simply one of the factors to be considered for selection.⁷⁸ PJM states, however, that EIT is similar to SPP ERAS in that

commerce, and thus interconnection service is part and parcel of jurisdictional transmission service.”).

⁷⁴ See *FERC v. Elec. Power Supply Ass'n*, 577 U.S. 260, 281 (2016); see also *Conn. Dep't of Pub. Util. Control v. FERC*, 569 F.3d 477, 482 (D.C. Cir. 2009) (Commission regulation of installed capacity requirement did not constitute direct regulation of generating facilities).

⁷⁵ See *Cities of Bethany*, 727 F.2d at 1136 (when determining whether a rate was just and reasonable, the Commission properly did not consider “whether a proposed rate schedule is more or less reasonable than alternative rate designs”).

⁷⁶ Transmittal at 8, 22.

⁷⁷ *Id.* at 8-9.

⁷⁸ *Id.* at 22.

it requires projects to demonstrate the ability to achieve commercial operation within a specified timeframe of entering the process.⁷⁹

ii. Responsive Pleadings

39. ACORE supports PJM's proposed critical path construction schedule requirement, which is designed to ensure that a project will achieve commercial operation within 36 months.⁸⁰

40. Vistra argues that the commercial operation date requirement renders the EIT unworkable because EIT Projects would be required to have commercial operation dates that fall before the delivery years for the BRAs they would be capable of participating in, which requires EIT Projects to operate in the energy market without the benefit of multiple years of capacity market revenue.⁸¹ PSEG asserts that the commercial operation date requirement, which is stricter than other recently approved resource adequacy initiatives, will provide a worse outcome from a resource adequacy perspective and has not been sufficiently justified.⁸² Considering the 10-month timeline to obtain an executed GIA, PSEG argues that this leaves Generation Project Developers with only about two years to obtain all other necessary siting approvals and permits for the generation project and to actually complete the construction of the project, which is unreasonable for many types of generation resources, including gas-fired projects given the long lead time for equipment procurement due to supply chain issues.⁸³ PSEG contends that PJM should allow each state in the PJM region to nominate a certain number of resources instead of imposing the commercial operation date requirement. Oklo states that the proposed commercial operation date requirement would rule out nuclear power generation facilities given the timelines to meet the necessary licensing requirements prior to development.⁸⁴

⁷⁹ *Id.* at 22-23 (citing SPP ERAS Order, 192 FERC ¶ 61,062 at P 38).

⁸⁰ ACORE Protest at 2.

⁸¹ Vistra Protest at 12.

⁸² PSEG Comments at 3-4.

⁸³ *Id.* at 4.

⁸⁴ Oklo Comments at 5, 7 (“PJM’s proposed timelines are impossible due to the unique requirements of nuclear power reactor licensing and development.”).

iii. Commission Determination

41. We find PJM's proposed commercial operation date viability requirement to be just and reasonable and not unduly discriminatory or preferential. PJM's commercial operation date viability requirement only allows projects to participate in EIT that demonstrate that they will achieve commercial operation in the next three years. Further, as PJM explains, the timeline for achieving commercial operation must be evidenced by a critical path construction schedule verified by an independent engineer.⁸⁵ The Commission has previously approved the concept of commercial readiness in other contexts and spoken to the value of these requirements as a means of reducing speculation in the interconnection process.⁸⁶ We also find that the commercial operation date viability requirement is appropriately tailored to meet PJM's near-term resource adequacy needs, as PJM has demonstrated a need for new capacity resources beginning in the 2027/2028 Delivery Year.⁸⁷

42. We disagree with PSEG that the commercial operation date requirement is overly restrictive. PJM has demonstrated resource adequacy needs beginning in the 2027/2028 Delivery Year, and we find that the three-year commercial operation date requirement will help ensure that "shovel ready" projects that are able to meet specific, near-term resource adequacy needs will be studied.⁸⁸ We also note that, while PSEG raises

⁸⁵ Transmittal at 8-9.

⁸⁶ *See, e.g.*, Order No. 2023, 184 FERC ¶ 61,054 at P 47 ("Such generating facilities are often not commercially viable and, thus, the interconnection customers ultimately withdraw from the interconnection queue. We agree with commenters that the withdrawal of speculative interconnection requests that trigger reassessments and possible restudies by the transmission provider can delay the timing and increase the cost to interconnect for lower-queued interconnection requests."); *id.* P 691 ("We believe that, along with the other reforms adopted in this final rule, the commercial readiness deposits we require will address the need for reform underlying this section by helping reduce the submission of speculative, commercially non-viable interconnection requests into interconnection queues.").

⁸⁷ *See* Transmittal at 3.

⁸⁸ *See* Dominion Comments at 2-3 ("The Proposed Revisions will benefit the PJM region in meeting its reliability requirement by giving PJM and market participants an accelerated path to interconnect shovel-ready, essential generation projects that have a high probability of achieving commercial operation. Of note, generation projects in the existing PJM Cycle Process have the ability to migrate to the EIT, potentially accelerating their interconnection and commercial operation. This creates an efficient option to usher in capacity that could be energized within the 36 months, that otherwise

concerns about barriers to developing new generation, the EIT process is open to projects that have already submitted interconnection requests,⁸⁹ and the commercial operation date requirement cannot account for real-world issues that are currently delaying projects.⁹⁰ In response to Vistra's argument that EIT Projects may have to operate in certain Delivery Years without the benefit of capacity revenues, we note that Generation Project Developers who wish to use the existing Cycle Process in the Tariff are able to do so. Further, as Vistra acknowledges, those resources would have the ability to participate in incremental auctions to sell capacity if they so choose.⁹¹ Similarly, in response to PSEG and Oklo, we note that generating facilities that are unable to meet the commercial operation date requirement for EIT can request interconnection through the existing Cycle Process.

43. We note that PSEG expressed a preference for an alternative requirement to the commercial operation date requirement; however, having found PJM's proposal just and reasonable, we need not consider whether the proposal is more or less reasonable than alternative proposals.⁹²

c. Primary Siting Authority

i. PJM's Filing and April 10 Amendment

44. In its initial filing, PJM proposed that EIT Projects must be supported by evidence of a commitment from the Primary Siting Authority⁹³ in the relevant state to support

would be confined to the Cycle Process.”); *see also* MISO ERAS Order, 192 FERC ¶ 61,064 at P 210 (finding that MISO ERAS' proposed requirements, including a commercial operation date requirement, will help prevent speculative projects from applying to the ERAS process, which will help ensure “shovel ready” projects that meet specific, near-term resource adequacy needs will be studied).

⁸⁹ April 10 Filing at 7 n.26.

⁹⁰ RRI Order, 190 FERC ¶ 61,084 at P 157 (finding that PJM's commercial operation date criterion cannot account for real-world issues that are currently delaying projects and cannot guarantee when a project will come online).

⁹¹ Vistra Protest at 13.

⁹² *See Cities of Bethany*, 727 F.2d at 1136 (when determining whether a rate was just and reasonable, the Commission properly did not consider “whether a proposed rate schedule is more or less reasonable than alternative rate designs”).

⁹³ In its initial filing, PJM's proposed Tariff defines Primary Siting Authority as “a commission, board, agency, or governmental subdivision of a state within the PJM

expediting the siting of the project, as needed, to achieve commercial operation within three years.⁹⁴ PJM stated that its proposed definition of Primary Siting Authority focuses on siting, as permitting can be handled through milestones in a project's service agreement.⁹⁵ PJM proposed that Generation Project Developers be required to have the commitment of a Primary Siting Authority to support a request to expedite, if necessary, consideration of the EIT Project's siting to meet a targeted deadline that will enable the EIT Project to meet its proposed commercial operation date, including as applicable Network Upgrades and Interconnection Facilities.⁹⁶

45. PJM stated that this evidence submitted by the Generation Project Developer will help to validate the reasonableness of the commercial operation date of the proposed EIT Project, with the risk on the developer if the schedule is not met.⁹⁷ PJM stated that, in this regard, PJM does not select which projects get to participate in EIT.⁹⁸ PJM stated that developers will be required to share their proposed schedule and commercial operation date with relevant siting authorities, including state executive officers in certain circumstances, and receive an affirmation from those state authorities that from the point of view of processing the siting application, the schedule is achievable. PJM stated that EIT is similar to MISO ERAS in that it accounts for states' views of projects.⁹⁹ PJM stated that EIT will enable states to play a role in prioritizing development of large capacity resources.

46. In its April 10 Amendment, PJM proposes to revise its initial Primary Siting Authority proposal. PJM proposes to revise the definition of Primary Siting Authority to address concerns that it excludes EIT Projects from states that do not have established primary siting authority or where there is not a single siting authority (but rather split

Region that has primary siting authority for the subject EIT project, or the chief executive of the state if a program has been established to expedite the siting for priority projects through executive order or other binding authority.” PJM, Proposed Intra-PJM-Tariffs, OATT, pt. X, subpt. A, § 600 (Definitions) (0.0.0).

⁹⁴ Transmittal at 8, 20.

⁹⁵ *Id.* at 6.

⁹⁶ *Id.* at 20; PJM, Proposed Intra-PJM Tariffs, OATT, pt. X, subpt. A, § 601 (Expedited Interconnection Track Overview) (0.0.0).

⁹⁷ Transmittal at 8.

⁹⁸ *Id.* at 20.

⁹⁹ *Id.* at 21 (citing MISO ERAS Order, 192 FERC ¶ 61,064 at P 15).

authority among different governmental bodies).¹⁰⁰ Specifically, PJM proposes to remove the condition that such a primary siting authority would be conditioned on whether “a program has been established to expedite the siting for priority projects through executive order or other binding authority.”¹⁰¹ PJM states that the revised definition of Primary Siting Authority allows a state’s chief executive to commit to expedite consideration of a project as the Primary Siting Authority if no other state entity is able to do so.¹⁰² PJM also proposes additional tariff provisions to clarify that the required commitment is: (1) only to expedite consideration of an EIT Project’s siting, not to prejudge the outcome of the siting process; and (2) only for the Generating Facility and is not needed for Network Upgrades or Interconnection Facilities.¹⁰³ PJM states that it proposes amended revisions to address concerns that the Primary Siting Authority requirement impermissibly requires states to hasten or prejudge siting decisions.

ii. Responsive Pleadings

47. Some commenters support PJM’s initial proposal requiring a commitment from the state Primary Siting Authority, arguing that approval from the local siting authorities or binding executive action would help to validate the reasonableness of the project’s commercial operation date.¹⁰⁴

48. Some commenters and protesters oppose PJM’s initial Primary Siting Authority requirement.¹⁰⁵ Protesters argue that PJM’s initial proposal does not reflect the reality that many states have split siting authority between state and municipal authorities or many local units or state agencies, thus, making it unclear who a Primary Siting

¹⁰⁰ April 10 Filing at 7-8.

¹⁰¹ In the April 10 Amendment, PJM proposes to define Primary Siting Authority as “a commission, board, agency, or governmental subdivision of a state within the PJM Region that has primary siting authority for the subject EIT project, or the chief executive of the state.” April 10 Amendment at 8; PJM, Proposed Intra-PJM Tariffs, OATT, pt. X, subpt. A, § 600 (Definitions) (0.1.0).

¹⁰² April 10 Filing at 8.

¹⁰³ *Id.* at 8, 11-12; PJM, Proposed Intra-PJM Tariffs, OATT, pt. X, subpt. A, § 601 (Expedited Interconnection Track Overview) (0.1.0).

¹⁰⁴ ACORE Protest at 2; Michigan PSC Comments at 7.

¹⁰⁵ Governor Shapiro Comments at 2-3; Illinois Commission Protest at 3-5; PIOs Protest at 46; Vistra Protest at 10-11, 14-15.

Authority would be.¹⁰⁶ Illinois Commission asserts that PJM's initial proposal for a Primary Siting Authority commitment requirement will unduly prejudice generation resources that seek to locate in retail choice states such as Illinois and will give an undue preference to generation resources locating in non-retail choice states that have primary generation siting authority.¹⁰⁷ Governor Shapiro argues that PJM's initial state sponsorship requirement fails to address local permitting, which is one of the primary project development barriers that PJM itself has recognized.¹⁰⁸

49. Vistra argues that PJM's initial proposal for a Primary Siting Authority requirement inherently treats resources in different states differently because the requirement would discriminate between Generation Project Developers in vertically integrated states that conduct integrated resource planning processes and Generation Project Developers in deregulated states that may be ineligible to obtain such certification.¹⁰⁹

50. In protests to PJM's initial Primary Siting Authority requirement, Residents of Providence at St. Just argue that the Commission should require that state sponsorship of an EIT application be evidenced by a formal order issued by the relevant state public utility commission, issued after public notice and a meaningful opportunity for comment, containing affirmative findings that the proposed generation project serves the public interest and is consistent with the state's integrated resource plan, not an informal gubernatorial letter.¹¹⁰

51. Virginia Counties argue that PJM's amended definition of Primary Siting Authority omits localities whose land-use authority is indispensable to project siting, such as siting of non-utility generation, and that ignoring this local layer creates a false assurance of siting readiness for any EIT Project proposed in Virginia and treats similarly situated localities differently.¹¹¹ Virginia Counties also argue that PJM's proposed Tariff, Part X, Subpart A, section 601 lacks any mechanism to notify host localities for the EIT Project, Interconnection Facilities, or Network Upgrades and lacks any cumulative

¹⁰⁶ Governor Shapiro Comments at 2-3; Illinois Commission Protest at 3; Virginia Counties Protest at 6; Vistra Protest at 10-11.

¹⁰⁷ Illinois Commission Protest at 3-4.

¹⁰⁸ Governor Shapiro Comments at 3.

¹⁰⁹ Vistra Protest at 14-15.

¹¹⁰ Residents of Providence at St. Just Comments at 4.

¹¹¹ Virginia Counties Protest at 6.

locational impact disclosure, and that the inter-state asymmetry is unduly discriminatory.¹¹² Virginia Counties propose several Tariff amendments to address these concerns.

52. Some commenters argue that PJM's amendments to the definition of Primary Siting Authority limit state sovereignty.¹¹³ Commenters argue that EIT would infringe on state jurisdiction over generation, land use and siting, and environmental regulations.¹¹⁴ Commenters argue that the Primary Siting Authority requirement confirms that state siting issues are not outside the scope of this filing and urge the Commission not to approve a process that prejudices the state process.¹¹⁵ Commenters request that the Commission affirm that EIT approval not affect state or local laws or regulations or be treated as permission to build any downstream transmission facility.¹¹⁶

53. Other commenters assert that the Commission should require that any reliability need established through the EIT process be subject to full state-level certification before being used to justify transmission infrastructure affecting private property and rural communities.¹¹⁷ Commenters assert that the Primary Siting Authority is unduly discriminatory because it is not uniformly applicable across states with differing regulatory structures, may favor jurisdictions capable of issuing early endorsements prior to full impact analysis, and therefore risks creating uneven access to the EIT process.¹¹⁸

iii. PJM Answer

54. PJM states that, to address protesters' concerns about the states' exclusive authority over generation, PJM clarifies that it is not asking for a pre-determined approval

¹¹² *Id.* at 7-9.

¹¹³ *See, e.g.*, Paula Durbin-Westby Supplemental Comments at 1.

¹¹⁴ *See, e.g.*, Katelyn Burner Comments at 1.

¹¹⁵ *See, e.g.*, Orange Line Landowners Coalition Comments at 2-3.

¹¹⁶ *See, e.g., id.* at 4.

¹¹⁷ *See, e.g.*, Kristine F. Jones Comments at 1; Monical Small Comments at 1; Patti G. Lohr Comments at 1; George T. Goodwin Comments at 1.

¹¹⁸ *See, e.g.*, Carolyn Loveland Supplemental Comments at 5; Stephen and Kristen Borden Supplemental Comments at 3-4.

of projects, just a commitment to expedite their consideration.¹¹⁹ PJM also states that to the extent a state is not in a position to commit to expedite consideration, there is no obligation to do so and the project can simply apply for Cycle #1 or Cycle #2.¹²⁰

55. PJM states that the further revisions submitted in its amendment to the definition of Primary Siting Authority and to the Primary Siting Authority requirement would avoid the Illinois Commission's and Governor Shapiro's concerns that the proposal is unduly discriminatory towards retail choice states that lack a primary siting authority or ignores the fact that many states in the PJM Region do not have a single siting authority for generation facilities and transmission.¹²¹ PJM states that the revisions in the amendment: (1) implement the clarification that PJM is not asking for a pre-determined approval, only a commitment from a Primary Siting Authority to expedite consideration; (2) limit the commitment to expedite consideration to approve siting to the Generating Facility, instead of also requiring siting for Network Upgrades and Interconnection Facilities; and (3) allow a state's chief executive to commit to expedite consideration of a project if no other state entity is able to do so.

iv. Commission Determination

56. We find that PJM's Primary Siting Authority requirement, as amended, is just and reasonable and not unduly discriminatory or preferential. PJM's proposal requires that an EIT Project application include a Primary Siting Authority's commitment to expedite consideration of an EIT Project's siting. We find that the Primary Siting Authority requirement helps to validate the viability of an EIT Project's proposed commercial operation date, which improves the likelihood that projects will be able to meet the commercial operation deadlines set forth in the EIT process to achieve the stated goals of EIT to resolve near-term resource adequacy concerns.

57. We disagree with commenters that PJM's Primary Siting Authority requirement is unduly discriminatory towards interconnection customers in retail choice states or other states that lack a Primary Siting Authority. The Primary Siting Authority definition and requirement, as amended, focuses on siting of only the EIT Project and allows the chief executive of the state to provide the commitment to expedite consideration if no other state entity can do so. If additional permits are required, as noted by PJM, permitting can be handled through milestones in a project's service agreement.¹²² We find that PJM's

¹¹⁹ April 10 Filing at 6-7.

¹²⁰ *Id.* at 7.

¹²¹ *Id.* at 7-8.

¹²² Transmittal at 6.

proposed Tariff revisions provide the standard terms for eligibility that are applicable to all interconnection customers seeking to participate in the EIT process and, to the extent that interconnection customers are unable to satisfy the requirements, they are not similarly situated to interconnection customers that can meet such criteria.

58. We find that, as amended, PJM's definition of Primary Siting Authority addresses concerns that states have different entities with primary siting authority by, among other things, including the "chief executive of the state" in the definition, and is not unduly discriminatory toward resources in states with split siting jurisdictions. We also are unpersuaded that states that do not allow retail choice have an undue preference because the degree to which a state agency or localities have authority to site generation facilities is separate from which entities are permitted under state law or regulations to serve end-use load within the state. Further, if a state cannot commit to expedite such consideration, projects may apply for the regular Cycle Process.

59. Regarding concerns that the Primary Siting Authority requirement limits state sovereignty or jurisdiction, we find that the Primary Siting Authority requirement, as amended, requires only that an EIT Project application include a Primary Siting Authority commitment to expedite consideration of siting of the EIT Project. The EIT Project, if it meets the eligibility requirements, would then continue through the EIT process, including studies and interconnection agreements with milestones. The Primary Siting Authority requirement does not require the Primary Siting Authority to pre-judge or approve siting of an EIT Project, nor does the requirement include any commitment from the Primary Siting Authority to expedite consideration of siting of Network Upgrades or Interconnection Facilities.

d. Readiness Requirements

i. PJM's Filing

60. In addition to the 250 MW threshold and commercial operation date requirements, PJM has also outlined a number of readiness requirements that an applicant must meet that fall into two categories: (1) certain payments and showings made at the time of the request; and (2) a commitment to fund Network Upgrades. As to the first category, to initiate an interconnection request for an EIT Project, the Generation Project Developer must submit an application for the EIT Request with all the necessary information and deposits.¹²³ PJM proposes that an EIT Project also must demonstrate 100% Site Control for the Generating Facility, Interconnection Facilities, and Interconnection Switchyard at the time it submits its application, and submit a \$500,000 study deposit and a \$15,000 per

¹²³ *Id.* at 9.

MW readiness deposit.¹²⁴ PJM asserts that these heightened financial and project readiness requirements help to screen for projects most likely to reach commercial operation.

61. Once PJM determines that the EIT Request is complete and valid, no modifications are permitted, the Study Deposit becomes non-refundable and the readiness deposit is at-risk but is refundable once the project achieves commercial operation. PJM states that the project readiness requirements are more stringent than the requirements for interconnection requests under its Tariff provisions governing the Transition Cycle and Cycle Process, and require showings at the application stage, rather than throughout the interconnection process, to ensure that only projects that are in advanced stages of development qualify.¹²⁵ PJM contends that this makes the EIT similar to other recently approved resource adequacy initiatives in other RTOs.¹²⁶ PJM further contends that these heightened requirements serve much the same purpose as the RRI scoring mechanism by ensuring that only projects that are highly likely to achieve commercial operation within three years because they are well-advanced in their development will qualify as an EIT Project.¹²⁷

62. Regarding the second category, once PJM determines the EIT Request is complete and valid, PJM will perform any needed studies and provide transmission owners' planning level estimates of Interconnection Facilities and Network Upgrades needed for the EIT process.¹²⁸ To expedite the EIT process, the engineering for the Interconnection Facilities and Network Upgrades is deferred until after the execution of the agreement. Upon completion of the studies, PJM will provide the Generation Project Developer with a study report and draft agreement under Tariff, Part IX and the Generation Project Developer will have 30 days from the receipt of the study report to post security for 100% of the planning level estimates of the costs of the Interconnection Facilities and Network Upgrades. Generation Project Developers will be responsible for 100% of the Network Upgrade costs to reliably interconnect the EIT Project. PJM states that any failure to post the necessary security will result in the EIT Request being terminated and

¹²⁴ *Id.* at 9, 21.

¹²⁵ *Id.* at 21.

¹²⁶ *Id.* at 21-22 (citing MISO ERAS Order, 192 FERC ¶ 61,064 at P 16, *order on reh'g*, 194 FERC ¶ 61,050 at P 8; SPP ERAS Order, 192 FERC ¶ 61,062 at PP 36-38, *order on reh'g*, 194 FERC ¶ 61,051 at P 10).

¹²⁷ *Id.* at 22.

¹²⁸ *Id.* at 10.

withdrawn.¹²⁹ PJM states that it anticipates the study process will take approximately 180 days and the parties will execute the interconnection agreement within 10 months of submitting a completed application.¹³⁰

63. PJM states that an EIT Project's GIA will include a requirement that a Generation Project Developer waive its right to a one-year extension of its milestone dates for any reason as set forth in section 6.5 of the form of GIA in Tariff, Part IX, Subpart B, to further ensure that EIT Projects will be in service within three years of submitting an EIT Request.¹³¹ PJM states that RRI included a similar requirement.¹³² PJM states that these requirements help to ensure that the EIT will add needed capacity resources in a timely manner. PJM states that to the extent the Network Upgrades needed by an EIT Project are not completed within the three-year timeframe, the proposed revisions require the Generation Project Developer of that EIT Project to take Provisional Interconnection Service in order to bring EIT Project capacity online as quickly as possible.

ii. Responsive Pleadings

64. Commenters dispute whether EIT Projects will result in significant Network Upgrades that may ultimately undermine the purpose of the EIT and result in either project delays or withdrawals from the EIT process. On one hand, Dominion states that "PJM proposes setting criteria that will incentivize generation projects that need minimal network upgrades to participate in the EIT while protecting interconnecting generation and customers from added costs and risks."¹³³

65. On the other hand, protesters argue that the Network Upgrades requirement creates significant uncertainty for developers that will both discourage participation of projects that could be ready within three years and increase the likelihood that EIT Projects withdraw once confronted with massive Network Upgrade costs.¹³⁴ Clean Energy

¹²⁹ *Id.* at 10-11.

¹³⁰ *Id.* at 11.

¹³¹ *Id.*

¹³² *Id.* at 23 (citing RRI Order, 190 FERC ¶ 61,084 at P 265).

¹³³ Dominion Comments at 3.

¹³⁴ *Vistra* Protest at 12; *Clean Energy Associations* Protest at 3-4; *NRDC* Protest at 8-9. Several protesters point to the high cost of network upgrades identified for RRI projects in Transition Cycle #2. *ACORE* Protest at 4; *Clean Energy Associations* Protest at 7-8.

Associations and NRDC argue that Network Upgrade costs can significantly reduce the financial viability of some generation projects, resulting in their withdrawal from the queue, which in turn can cause time-consuming restudies of the other generators in the queue, adding even greater uncertainties.¹³⁵ Clean Energy Associations add that the impact of significant Network Upgrade costs will be more acute for EIT projects, which would be solely responsible for the costs of Network Upgrades.¹³⁶ NRDC argues that EIT selection criteria do not, and cannot, provide confidence that selected projects will enter service any sooner than others. Because of this, NRDC asserts EIT and non-EIT projects are similarly situated because they will both be stuck behind the same Network Upgrades and not be able to achieve commercial operation in a timely manner to justify preferential treatment.¹³⁷

66. Commenters request that the Commission clarify that eligibility for EIT is limited to generation projects that can interconnect using existing transmission infrastructure and existing transmission rights-of-way and corridors.¹³⁸ These commenters state that projects that require the development of new transmission corridors present a fundamentally different situation and require careful routing analysis, environmental review, and engagement with affected landowners, local governments, and state agencies.

67. Michigan PSC states that the study deposit fee, readiness deposit, site control requirements, commercial operation date requirement, and obligation to pay for 100% of Network Upgrade costs places the risk on the developer, which ensures that only projects that are likely to achieve their commercial operation date will enter this process.¹³⁹ Ohio FEA states that the EIT eligibility requirements appropriately align the EIT's design with its purpose—to bring significant new capacity resources online quickly.¹⁴⁰ Ohio FEA asserts that they are also designed to minimize the risk of withdrawals and/or consuming

¹³⁵ Clean Energy Associations Protest at 7 (citing *Sw. Power Pool, Inc.*, 194 FERC ¶ 61,192, at P 4 (2026)).

¹³⁶ Clean Energy Associations Protest at 8; NRDC Comments at 7-9.

¹³⁷ NRDC Comments at 10.

¹³⁸ See, e.g., Angela R. Jamerson Comments at 1; Brittany R. Carroll Comments at 1; Cynthia M. Trbovich Comments at 1; Garnie Horne Comments at 1; Helene Purcell Comments at 1; John Purcell Comments at 1; Kimberly Carr Comments at 1; Paula Durbin-Westby Comments at 1; Robin Horne Comments at 1.

¹³⁹ Michigan PSC Comments at 6-7.

¹⁴⁰ Ohio FEA Comments at 4.

scarce time and resources on projects that are unable to meet the region's near-term resource needs.

68. Vistra asserts that EIT would provide an advantage to generation affiliated with load serving entities (LSE) and creates the opportunity for undue discrimination by transmission owners because, for example, independent power producers rely on critical information from the transmission owner, lack eminent domain rights which limits the ability of independent power producers to meet the site control requirements, and are unable to pass the loss of a readiness deposit off to ratepayers like vertically integrated utilities can.¹⁴¹ Vistra argues that while the site control requirement is similar to that in MISO ERAS, in Vistra's experience that process has revealed how this requirement is unduly discriminatory and preferential.¹⁴² Vistra argues that the Commission has rejected interconnection proposals that made it easier for projects affiliated with LSEs to enter the queue and demonstrate commercial readiness.¹⁴³ Vistra argues that, at a minimum, EIT cannot be considered not unduly discriminatory or preferential without additional transparency and information posting requirements, such as the name of the EIT interconnection customer, the interconnection request status, and the project's capacity, fuel type, location, and commercial operation date, as MISO has done with its ERAS process.

69. Residents of Providence at St. Just also argue that the Commission should require either (a) that EIT applicants demonstrate, as part of the application process, that the proposed generation site is reasonably proximate to the contracted load it will serve, supported by a locational efficiency analysis filed as part of the public record; or (b) that all transmission infrastructure costs triggered by the siting of an EIT-approved project be allocated exclusively to the load responsible for the remote siting decision, not to the regional rate base.¹⁴⁴ Residents of Providence at St. Just argue that the Commission should require that no transmission project whose reliability need is established in whole or in part by an EIT-approved generation project may proceed to construction without a full Order No. 1920-compliant alternative technology evaluation, conducted after the reliability need is established and before a certificate application is filed with the relevant state siting authority.

¹⁴¹ Vistra Protest at 14-17.

¹⁴² *Id.* at 16.

¹⁴³ *Id.* at 18 (citing *PacifiCorp*, 171 FERC ¶ 61,112, at PP 100-101 (2020)).

¹⁴⁴ Residents of Providence at St. Just Comments at 3.

iii. Commission Determination

70. We find that PJM's proposed readiness requirements are just and reasonable and not unduly discriminatory or preferential. PJM's comprehensive package of eligibility requirements should deter speculative interconnection requests from entering the EIT process.

71. We disagree with Vistra's concerns that the readiness requirements create an undue preference for generation affiliated with LSEs. Although PJM filed numerous gating criteria, none of the specific elements allow or enable PJM to favor or select certain projects over others among projects that meet the gating criteria.¹⁴⁵ Instead, the requirements we accept here are designed to attract "shovel-ready" projects that have the highest probability of successfully proceeding through this limited interconnection process, regardless of whether they are proposed by an independent power producer or affiliated with an LSE. Furthermore, the EIT proposal also applies identical eligibility criteria across all potential applicants and does not restrict or change Generation Project Developers' access to the Cycle Process.

72. We similarly disagree with NRDC that EIT and non-EIT projects are similarly situated because they will both be "stuck behind" the same Network Upgrades and not be able to achieve commercial operation in a timely manner. As discussed above, we find that the eligibility requirements, including the Primary Siting Authority requirement, help to validate the viability of an EIT Project's proposed commercial operation date, which improves the likelihood that projects will be able to meet PJM's demonstrated near-term resource adequacy needs. Further, as PJM notes, to the extent the Network Upgrades needed by EIT Projects are not completed within the three-year timeframe, the proposed revisions require Generation Project Developers of EIT Projects to take Provisional Interconnection Service in order to bring EIT Project capacity online quickly to the extent possible.¹⁴⁶

73. Regarding commenters' concerns about the construction of Network Upgrades for EIT Projects, we reiterate that PJM's proposal will require Generation Project Developers to pay for 100% of the Network Upgrades necessary to interconnect the EIT Project. This requirement will help limit the risk of Network Upgrade cost shifts to other transmission customers by requiring the Generation Project Developer to be financially responsible for all the Network Upgrades needed to reliably serve an EIT Project. While we recognize concerns in the record regarding the allocation of costs to retail ratepayers, we note that it is within a state's exclusive jurisdiction to determine how Commission-

¹⁴⁵ See MISO ERAS Order, 192 FERC ¶ 61,064, at P 196.

¹⁴⁶ Transmittal at 23 (citing PJM, Proposed Intra-PJM Tariffs, OATT, pt. X, subpt. A, § 601, § 601(C)(3)(a)).

approved rates are collected among the relevant retail consumers along with the rates for state-jurisdictional matters, including how the wholesale costs of providing electricity, such as transmission of such electricity, to those retail customers are recovered through retail rates.¹⁴⁷ In addition, the requirement for Generation Project Developers to pay 100% of the costs of required Network Upgrades incentivizes Generation Project Developers to pursue efficient siting opportunities, which further increases the likelihood that EIT Projects will be able to meet their commercial operation date.

74. While protesters argue that Generation Project Developers may face high Network Upgrade costs that will lead to withdrawals from the EIT process, we find these arguments to be speculative. Further, we note that the EIT process is voluntary and prospective Generation Project Developers will knowingly consider the risk of potential Network Upgrade cost responsibility prior to choosing to enter the process.

75. Having found PJM's proposal to be just and reasonable, we need not consider whether the proposal is more or less reasonable than other alternatives.¹⁴⁸

2. EIT Interaction with the Cycle Process

a. PJM's Filing

76. PJM explains that EIT will operate in parallel with the Cycle Process and is designed to avoid negative impacts to projects in PJM's Cycle Process.¹⁴⁹ PJM states that it intends to study EIT Projects using the models for the currently active Cycle and require the Generation Project Developer to be financially responsible for 100% of the Network Upgrades needed to reliably serve an EIT Project.¹⁵⁰ PJM states that this approach will protect active Cycle projects from having to pay for any Network Upgrades necessitated by an EIT Project. PJM states that, like SPP's High Impact Large Load Generation Assessment process accepted by the Commission, the EIT process will focus on interconnecting needed generation without adversely affecting requests in the main

¹⁴⁷ See *PJM Interconnection, L.L.C.*, 193 FERC ¶ 61,217, at P 167 (2025).

¹⁴⁸ See *Cities of Bethany*, 727 F.2d at 1136 (when determining whether a rate was just and reasonable, the Commission properly did not consider "whether a proposed rate schedule is more or less reasonable than alternative rate designs").

¹⁴⁹ Transmittal at 11.

¹⁵⁰ *Id.* at 12, 24.

interconnection process because the modeling and priority of any pending requests in the main process will not be affected by the EIT process.¹⁵¹

77. PJM states that EIT is not available to projects proposing to increase the generating capacity at an existing facility that has an active Interconnection Request in the Cycle Process but no effective ISA or GIA, meaning the base project to which it is adding capacity is still under study, because it would be difficult to study the EIT Project in a manner that avoids affecting the projects in an active Cycle.¹⁵² PJM states that this restriction avoids uncertainty that would arise with respect to which model to use for the studies and how to isolate the impact of the EIT Project uprate. Finally, PJM states that the EIT process is limited in both size and duration to avoid negative effects on PJM's Cycle Process.¹⁵³ PJM will study only 10 projects per calendar year in the EIT process (i.e., 10 projects in the calendar year in the year in which the Commission accepts EIT, and 10 projects in the next calendar year, after which EIT will sunset), meaning the EIT process will require fewer of PJM's resources to administer and therefore not impinge on processing of the Cycle Process projects. PJM states that EIT is limited in duration to focus on addressing the urgent need for capacity resources in the near term, and will sunset at the end of the full calendar year following acceptance by the Commission.

b. Responsive Pleadings

78. Some commenters contend that existing generation projects in the queue will not be harmed because EIT participation is limited to 10 projects annually and EIT will be conducted in parallel with Cycle Process queue, which will continue under normal timelines.¹⁵⁴ Ohio FEA also contends that EIT Projects will be allocated 100% of the costs for Network Upgrades necessitated by the project, further protecting other planned resources from bearing any financial burden from the EIT.¹⁵⁵

79. Some protesters assert that, although PJM proposes a parallel track for EIT Projects, it is not clear how EIT will impact overall staff and resource availability to process the projects currently in the interconnection queue.¹⁵⁶ PIOs argue that an EIT

¹⁵¹ *Id.* at 24 (citing *Sw. Power Pool, Inc.*, 194 FERC ¶ 61,031, at P 31 (2026)).

¹⁵² *Id.* at 11, 23-24.

¹⁵³ *Id.* at 12, 24.

¹⁵⁴ FirstEnergy Comments at 2; Ohio FEA Comments at 5.

¹⁵⁵ Ohio FEA Comments at 5.

¹⁵⁶ ACORE Protest at 3; PIOs Protest at 11-12.

Project could also increase Network Upgrade costs for Cycle projects by occupying headroom that Cycle projects could otherwise have used.¹⁵⁷ Michigan PSC states it has a concern that a second interconnection queue is in itself problematic and likely discriminatory against projects in the queue.¹⁵⁸ PIOs argue that EIT's parallel serial study process conflicts with Order No. 2023's purpose of establishing cluster studies as the sole form of interconnection study and disallowing serial processes outside the queue, and has the potential to delay the cluster studies.¹⁵⁹ PIOs also argue that EIT reduces certainty as to timing and network upgrade costs for Cycle projects.¹⁶⁰

80. Some protesters assert that EIT represents another short-term measure at the expense of other reforms that could meaningfully address interconnection queue delays and provide a more durable path to respond to PJM's resource adequacy concerns.¹⁶¹

81. Illinois Commission argues that PJM's EIT proposal violates Order Nos. 2003 and 2023 because PJM's EIT proposal fails to accomplish the purposes of Order No. 2003 to ensure fair access to the grid and promote competitive markets across the entire region, including in Illinois, because Illinois will be effectively excluded from the EIT process due to Illinois General Assembly's decision to rely upon competitive markets to ensure resource adequacy.¹⁶² PIOs similarly argue that PJM's proposal fails to accomplish the purposes of Order Nos. 2003 and 2023 by introducing a parallel interconnection study process, making it more difficult for generators to understand the costs to interconnect to the grid, and the lack of accreditation method for hybrid generating facilities.¹⁶³

¹⁵⁷ PIOs Protest at 18.

¹⁵⁸ Michigan PSC Comments at 9.

¹⁵⁹ PIOs Protest at 11-16, 35.

¹⁶⁰ *Id.* at 18-19.

¹⁶¹ *See, e.g.*, ACORE Protest at 4; Clean Energy Associations Protest at 7; PIOs Protest at 6.

¹⁶² Illinois Commission Protest at 6.

¹⁶³ PIOs Protest at 8.

c. PJM Answer

82. PJM states that it determined that 10 projects per year is the number of projects it can study in a serial fashion and still process the main Cycle projects unimpeded.¹⁶⁴

d. Commission Determination

83. PJM seeks variations from the *pro forma* LGIP and *pro forma* LGIA under the independent entity variation standard, which requires that proposed variations be just and reasonable, not unduly discriminatory or preferential, and accomplish the purposes of Order Nos. 2003 and 2023.¹⁶⁵ We find that PJM's proposal to evaluate EIT Requests in a separate, time-limited, serial study process satisfies the independent entity variation standard. While protesters argue that the EIT proposal is inconsistent with the requirements of Order Nos. 2003 and 2023, we find that PJM's proposed Tariff revisions accomplish the purposes of Order Nos. 2003 and 2023 because they will improve the efficiency of PJM's interconnection process and will help ensure interconnection to the transmission system in a reliable, efficient, transparent, and timely manner.¹⁶⁶ PJM's proposal to use a serial study process here does not present concerns related to queue withdrawals and restudies traditionally raised by serial study processes¹⁶⁷ because EIT Projects are less likely to be speculative and withdraw due to the enhanced commercial readiness requirements.¹⁶⁸ For instance, EIT Projects' Readiness Deposits are at risk as soon as the EIT Request is accepted by PJM as valid and complete.

84. Further, we find that PJM's EIT proposal will not harm interconnection customers in the Cycle Process and that the cap on the number of EIT Projects that can be studied per calendar year, as well as the sunset of EIT, provide further guardrails to ensure that EIT is a limited process. We find protesters' claims that EIT could delay PJM's Cycle Process cluster studies or have other negative impacts on the Cycle Process to be speculative. As PJM explains, the 10 project per year limitation corresponds to the number of projects that PJM can study in a serial manner without adversely affecting

¹⁶⁴ April 10 Filing at 8-9.

¹⁶⁵ Order No. 2003, 104 FERC ¶ 61,103 at PP 26, 827; Order No. 2023, 184 FERC ¶ 61,054 at P 1.

¹⁶⁶ See MISO ERAS Order, 192 FERC ¶ 61,064 at P 31; SPP ERAS Order, 192 FERC ¶ 61,062 at P 24; RRI Order, 190 FERC ¶ 61,084 at P 14.

¹⁶⁷ See Order No. 2023, 184 FERC ¶ 61,054 at P 47.

¹⁶⁸ See MISO ERAS Order, 192 FERC ¶ 61,064 at P 260.

PJM's ongoing, parallel analysis of the Cycle projects.¹⁶⁹ Further, PJM states that EIT Projects will be studied using the models for the currently active Cycle and require the Generation Project Developer to be financially responsible for 100% of the costs of Network Upgrades needed to reliably serve an EIT Project.¹⁷⁰ Accordingly, active Cycle projects will be protected from having to pay for any Network Upgrades necessitated by an EIT Project. Additionally, EIT is not available to projects proposing to increase the generating capacity at an existing facility that has an active Interconnection Request in the Cycle Process. As PJM explains, this avoids complications and negative effects on projects in the Cycle Process that would result from an active Cycle project being the base project for an EIT Project that is an uprate.¹⁷¹

85. Protesters also argue that EIT Projects will take up valuable headroom on the system and subject Cycle projects to more costly Network Upgrades or more uncertainty about Network Upgrades. We find these arguments to be speculative, and disagree with protesters that the potential for such an outcome renders PJM's EIT proposal unjust and unreasonable. The Commission has found that interconnection customers have no legal rights to a given system topology or to whether upgrades may be required.¹⁷² Further, given the way PJM's interconnection queue has been designed to encourage orderly withdrawals, interconnection customers are frequently faced with changing network upgrade costs. Moreover, if a Network Upgrade had already been identified in a "prior or subsequent active Cycle," under PJM's proposal, the cost of that Network Upgrade will be allocated entirely to the EIT Project, which would benefit Cycle projects that would otherwise be responsible for that Network Upgrade.¹⁷³

86. Protesters argue that EIT is a short-term process at the expense of other meaningful reforms. We do not find this concern persuasive. While protesters are correct that PJM's EIT process is limited in duration, sunseting at the end of 2027, the

¹⁶⁹ April 10 Filing at 8-9.

¹⁷⁰ Transmittal at 12, 24.

¹⁷¹ *Id.* at 11, 23-24.

¹⁷² See MISO ERAS Order, 192 FERC ¶ 61,064 at P 262; RRI Order, 190 FERC ¶ 61,084 at P 192; see also RRI Order, 190 FERC ¶ 61,084 at P 191 (citing *W. Deptford Energy, LLC v. FERC*, 766 F.3d 10 (D.C. Cir. 2014)) ("[I]nterconnection customers are not entitled to any particular rules or processes as of the date they submit an interconnection request.").

¹⁷³ Transmittal at 12; PJM, Proposed Intra-PJM Tariffs, OATT, pt. X, subpt. C, § 603 (0.0.0), § 603(B)(1).

EIT process does not prevent PJM from proposing further reforms to address interconnection queue delays and resource adequacy concerns.¹⁷⁴

3. Additional Arguments

a. Responsive Pleadings

87. Commenters express concern with the expedited nature of EIT and argue that 10 months is not enough time to review transmission projects and could mean less thorough review and fewer opportunities for community input.¹⁷⁵ Commenters express concern that this accelerated timeline will outpace regional transmission planning cycles and state/local planning timelines.¹⁷⁶ Commenters argue that this timeline will advance generation interconnection before completion of engineering analysis.¹⁷⁷

88. LS Power argues that projects should not have to forfeit their Cycle queue position in order to apply to EIT.¹⁷⁸ LS Power states that the Tariff should provide a limited mechanism to hold a project's present Cycle queue position open during the 60-day EIT application review period as doing otherwise would have outsized, negative impacts to developers with no clear benefit to the objectives of the EIT.

89. Several parties to this proceeding raise issues that extend beyond the specific components of the EIT proposal. For instance, numerous individual commenters urge the Commission to ensure that transmission planning and cost allocation policies remain consistent with the cost causation principle, avoid shifting costs away from large

¹⁷⁴ See Transmittal at 1 (“This proposal is one prong of a multi-pronged approach that is designed to establish a road map to address resource adequacy challenges in the PJM Region resulting from significant increases in load growth.”).

¹⁷⁵ See, e.g., Anna M. Ahlbin Comments at 1; Anthony W. Wright Comments at 1; Bonnie J. Fincham Comments at 1; Crystal L. Hines Comments at 1; Diane S. Chapin Comments at 1; Erin Frey Comments at 1; Gary S. Fletcher Comments at 1; Gisele Grayson Comments at 1; Herbert B. Thomson, III Comments at 1; Hollie N. Deane Comments at 1; Laura A. Foussekis Comments at 1; Melissa Young Comments at 1.

¹⁷⁶ See, e.g., Carolyn Loveland Supplemental Comments at 4-5; Colby Horne Supplemental Comments at 1; Janet R. Melton Comments at 1; Jill King Comments at 1; Laura Richard Comments at 1.

¹⁷⁷ See, e.g., Carolyn Loveland Supplemental Comments at 2; Colby Horne Supplemental Comments at 1; Laura Richard Comments at 1.

¹⁷⁸ LS Power Protest at 1-2.

industrial consumers and onto residential ratepayers, avoid undue discrimination, and carefully consider the direct impacts on rural communities.¹⁷⁹ Those commenters also argue that EIT will fast track excessive expansion of high voltage transmission lines to feed data centers and will put an undue burden on ratepayers through higher electric bills.¹⁸⁰ Many of those commenters express concerns related to data center development and the proposed Joshua Falls – Yeat 765 kV (Valley Link) transmission line to serve data center load.¹⁸¹ Commenters request that environmental, agricultural, and land use concerns are taken into consideration.¹⁸²

90. Commenters request that the Commission require rigorous downstream analysis of transmission impacts in the EIT process.¹⁸³ Residents of Providence at St. Just argue that the EIT is designed to accelerate the interconnection of large generation projects, and those projects, once approved and moving forward, are expected to establish “reliability need” in downstream transmission planning studies. Commenters argue that policies that accelerate large power generation and large electricity loads risk increasing pressure for major transmission, including in rural regions.¹⁸⁴ Commenters urge the Commission to prevent any infrastructure cost shifts from large industrial electricity users onto

¹⁷⁹ See, e.g., Amy E. Crawford Comments at 1; Barry D. Martin Comments at 1; Cathleen Ganzel Comments at 1; Dana D. Catlett Comments at 1; Nancy Levesque Comments at 1; Nancy T. Briscoe Comments at 1; Nikuyah Walker et al. Comments at 1.

¹⁸⁰ See, e.g., Alexandra G. Liivak Comments at 1; Anthony W. Wright Comments at 1; Dominick Pastore Comments at 1-2; Lee Litvinas Comments at 1; Mindy S. Michaels Comments at 1; William C. Daniel Comments at 1.

¹⁸¹ See, e.g., Alice F. Gish Comments at 1; Bonnie J. Fincham Comments at 1; Burton Comments at 1; Juanita D. Roush Comments; Russell N. Tice, Sr. Comments at 1; Sandy Durham Comments at 1; Tiffany Trexler Comments at 1; Thomas P. Oxenham Comments at 1; Tucker G. Watner Comments at 1; William C. Fleser Comments at 1; Zack and Caroline Dayton Comments at 1.

¹⁸² See, e.g., Mark Geslock Comments at 1.

¹⁸³ See, e.g., Andrea Beydler Comments at 1; Charles Goodwin Comments at 1-2; Susan P. Goodwin Comments at 1.

¹⁸⁴ See, e.g., Barb and Joe Cotton Comments at 1; Brian T. Sullivan Comments at 1; Colby Horne Comments at 1; Dana D. Catlett Comments at 1; Kristal Rusk Comments at 1; Lisa Goodwin Comments at 1; Nancy Levesque Comments at 1; Nancy T. Briscoe Comments at 1; Orange County School Board Comments at 1; Paul A. McDonald Comments at 1; Steven and Linda Bowling Comments at 1.

residential ratepayers.¹⁸⁵ Commenters express concern that ratepayers will absorb the risks driven by planning-level estimates and speculative demand.¹⁸⁶ Commenters propose revisions to EIT to provide additional safeguards.¹⁸⁷

91. Residents of Providence at St. Just contend that there is substantial reason to question whether the load forecasts currently driving PJM's transmission planning reflect actual, verified demand.¹⁸⁸ Residents of Providence at St. Just argue that the Commission should condition approval of the EIT on a requirement that PJM demonstrate that load forecasts underlying EIT applications are non-duplicative, contracted, and reasonably certain to materialize.

92. Commenters also raise concerns regarding other requested reforms in PJM, including those concerning co-located load and capacity market reforms,¹⁸⁹ the capacity market price collar,¹⁹⁰ greater transparency and process improvements to regional transmission planning processes and load forecasting,¹⁹¹ and rules to require data centers to provide their own power sources.¹⁹²

¹⁸⁵ See, e.g., Amy Carney Comments at 1; Cathleen Ganzel Comments at 1; Craig McClung Comments at 1; Elizabeth Dole Comments at 1; Kristie M. Twomey Comments at 1; Melanie D. Snoddy Comments at 1; Rachel A. Pheasant Comments at 1-3.

¹⁸⁶ See, e.g., Hollie N. Deane Supplemental Comments at 2; Michael Regan Supplemental Comments at 2; Regina D. Dawson Comments at 1; Sarah J. Regan Supplemental Comments at 1-2.

¹⁸⁷ See, e.g., Michael Regan Supplemental Comments at 3-4; Orange County Board of Supervisors Supplemental Comments at 3-4.

¹⁸⁸ Residents of Providence at St. Just Comments at 2.

¹⁸⁹ Karl Kegley Comments at 1.

¹⁹⁰ Michael Regan Comments at 1-2.

¹⁹¹ See, e.g., George Shirey Comments at 1-2.

¹⁹² Anna M. Ahlbin Comments at 1.

b. PJM Answer

93. PJM clarifies that a project does not have to withdraw from an ongoing Cycle just to apply for the EIT process.¹⁹³ PJM explains that the project must only withdraw from the ongoing Cycle if the project secures one of the EIT spots. PJM adds that each submission must meet the Tariff requirements for that submission on its own; the submissions may not share elements such as site control.

94. PJM states that the Commission has no siting authority over the Joshua Falls-Yeat Line, which is instead within the exclusive purview of the relevant state authority.¹⁹⁴ Regardless, PJM adds that EIT cannot drive the need for the Joshua Falls-Yeat Line because the need for that line is not related to generator interconnections but to system reliability; the Joshua Falls-Yeat Line is already included as a baseline project in PJM's Regional Transmission Expansion Plan as part of a group of upgrades needed for reliability purposes. PJM explains that because the reliability need for the Joshua Falls-Yeat Line has already been determined, it cannot be driven, or indeed, affected in any way, by the interconnection of EIT Projects.

c. Determination

95. Most of the issues raised and identified in this section, including concerns regarding co-located load, capacity market reforms, and requiring data centers to provide their own power sources, are beyond the scope of this FPA section 205 proceeding, which is limited to PJM's proposed Tariff revisions.

96. Regarding commenters' concerns about the 10-month EIT process timeline, this expedited timeline is limited only to the generator interconnection study process and does not change the rules or timelines associated with transmission planning (including regional transmission planning processes and associated stakeholder feedback timelines) or state and local siting and permitting processes (including any state or local timelines and associated community feedback timelines). PJM commits to performing its generator interconnection study process, which it anticipates will take approximately 180 days,¹⁹⁵ and we clarify that the EIT process would not bypass any engineering analysis for evaluating EIT Projects. We find that concerns regarding PJM's regional transmission planning process are beyond the scope of this proceeding, which is limited to evaluating PJM's proposed Tariff revisions to implement the EIT process.

¹⁹³ April 10 Filing at 7 n.26.

¹⁹⁴ *Id.* at 11.

¹⁹⁵ Transmittal at 10-11.

97. Further, having found PJM's proposal just and reasonable, we need not consider whether PJM's proposal is more or less reasonable than the alternative proposals by commenters.¹⁹⁶ Specifically regarding LS Power's concerns that projects would have to permanently forfeit their queue positions to apply for the EIT process and alternative proposal to allow a project to hold its Cycle queue position open during the EIT application review period, we note PJM's clarification that the proposed Tariff revisions do not require a Cycle project to forfeit its queue position to apply for the EIT process.¹⁹⁷

98. As to the issue of whether EIT Projects are being driven by speculative demand, we disagree. The record reflects that there are verified, near-term resource adequacy needs, demonstrated by the BRA results for the Delivery Year 2027/2028, which cleared 6.6 GW short of PJM's reliability requirement.¹⁹⁸ Any broader concerns regarding load forecasting and regional transmission planning needs are beyond the scope of this proceeding, which, as discussed above, is limited to evaluating PJM's proposed Tariff revisions to implement the EIT process.

99. In response to commenters opposing the Valley Link transmission line,¹⁹⁹ we explain that, as PJM states, the Valley Link transmission line has already been identified as a baseline project in PJM's Regional Transmission Expansion Plan and "cannot be driven, or indeed, affected in any way, by the interconnection of EIT Projects."²⁰⁰

¹⁹⁶ See *Cities of Bethany*, 727 F.2d at 1136 (when determining whether a rate was just and reasonable, the Commission properly did not consider "whether a proposed rate schedule is more or less reasonable than alternative rate designs").

¹⁹⁷ April 10 Filing at 7 n.26 (PJM states that while the Tariff prohibits maintaining more than one place in the process for a single project, there is no prohibition on applying for a spot in the EIT for a project that already has a place in the ongoing Cycle but if the project secures one of the EIT spots it must withdraw from the ongoing Cycle).

¹⁹⁸ Transmittal at 3 (citing PJM, *PJM Auction Procures 134,479 MW of Generation Resources* 1 (Dec. 17, 2025), <https://www.pjm.com/-/media/DotCom/about-pjm/newsroom/2025-releases/20251217-pjm-auction-procures-134479-mw-of-generation-resources.pdf>).

¹⁹⁹ Furthermore, we note that the siting of transmission lines is within the purview of relevant state authorities, not the Commission.

²⁰⁰ April 10 Filing at 11.

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The Commission orders:

PJM's proposed Tariff revisions are hereby accepted, effective June 10, 2026 and July 31, 2026, as discussed in the body of this order.

By the Commission. Commissioner Rosner is concurring with a separate statement attached.

(S E A L)

Debbie-Anne A. Reese,
Secretary.

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Appendix APJM Interconnection, L.L.C.
Intra-PJM Tariffs, OATTDocket No. ER26-1563-001, Effective June 10, 2026

- [20, OATT 20 \[Reserved\] \(1.1.0\)](#)

Docket No. ER26-1563-000, Effective July 31, 2026

- [OATT Table of Contents, PJM OATT Table of Contents \(54.0.0\)](#)
- [X, OATT Part X, EXPEDITED INTERCONNECTION TRACK \(0.0.0\)](#)
- [X Subpart A, OATT Part X Subpart A INTRODUCTION \(0.0.0\)](#)
- [X Subpart B, OATT Part X Subpart B REQUEST SUBMISSION PROCESS \(0.0.0\)](#)
- [602, OATT Part X.B 602 Expedited Interconnection Track Request \(0.0.0\)](#)
- [X Subpart C, OATT Part X Subpart C PROCESS, MODIFICATIONS, COSTS, AND SER \(0.0.0\)](#)
- [603, OATT Part X.C 603 Expedited Interconnection Track Process \(0.0.0\)](#)

Docket No. ER26-1563-001, Effective July 31, 2026

- [600, OATT Part X.A 600 Definitions \(0.1.0\)](#)
- [601, OATT Part X.A 601 Expedited Interconnection Track Overview \(0.1.0\)](#)

Appendix B**Docket Nos. ER26-1563-000 and ER26-1563-001****List of Intervenors**

* Filed a notice of intervention

** Late filed motion to intervene

Advanced Energy United

American Clean Power Association

American Council on Renewable Energy (ACORE)

American Electric Power Service Corporation²⁰¹

American Municipal Power, Inc.

Appalachian Voices

Arevon Energy, Inc.**

Boston Energy Trading and Marketing LLC

Brian W Ring

Buckeye Power, Inc.

Capital Power Corporation

Citizens Action Coalition of Indiana, Inc.

Citizens for Pennsylvania's Future (PennFuture)

Clearway Energy Group LLC

Consolidated Edison Company of New York, Inc.

Constellation Energy Generation, LLC

Culpeper County, Fluvanna County, Goochland County, Louisa County, and Orange County, Virginia (Virginia Counties)

Dominion Energy Services, Inc., on behalf of Virginia Electric and Power Company (Dominion)

Duquesne Light Company

East Kentucky Power Cooperative, Inc.

EDF Power Solutions, Inc.

Edison Electric Institute

EDP Renewables North America LLC

Electric Power Supply Association

²⁰¹ American Electric Power Service Corporation moves to intervene on behalf of its affiliates Appalachian Power Company, Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Ohio Power Company, Wheeling Power Company, AEP Appalachian Transmission Company, Inc., AEP Indiana Michigan Transmission Company, Inc., AEP Kentucky Transmission Company, Inc., AEP Ohio Transmission Company, Inc., and AEP West Virginia Transmission Company, Inc., and AEP Energy Partners, Inc.

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Environmental Law and Policy Center (ELPC)
Exelon Corporation
FirstEnergy Service Company²⁰² (FirstEnergy)
Grid Reform
Illinois Attorney General
Illinois Commerce Commission (Illinois Commission)*
Irene E. Leech
Julie Muniz
LS Power Development, LLC
Maryland Public Service Commission*
Michelle K. Alexander
Michigan Public Service Commission (Michigan PSC)*
Monitoring Analytics, LLC, acting in its capacity as the Independent Market Monitor for
PJM
Nathan Brown
Natural Resources Defense Council (NRDC)
New Jersey Board of Public Utilities (New Jersey BPU)*
Northeastern Rural Electric Membership Corporation
Oklo Inc. (Oklo)
Old Dominion Electric Cooperative
Orange Line Landowners Coalition
Paula Durbin-Westby
PJM Industrial Customer Coalition
PJM Power Providers Group
PPL Electric Utilities Corporation
Public Citizen, Inc.
Public Service Electric and Gas Company, PSEG Power LLC, and PSEG Energy
Resources & Trade LLC (collectively, PSEG)
Public Utilities Commission of Ohio's Office of the Federal Energy Advocate (Ohio
FEA)
Rockland Electric Company
Sarah C Strentz
Sierra Club
Solar Energy Industries Association (SEIA)
Union of Concerned Scientists

²⁰² FirstEnergy Service Company submitted a motion to intervene as agent for its affiliates American Transmission Systems, Incorporated, Jersey Central Power & Light Company, Mid-Atlantic Interstate Transmission LLC, Keystone Appalachian Transmission Company, The Potomac Edison Company, Monongahela Power Company and Trans-Allegheny Interstate Line Company.

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Virginia State Corporation Commission*

Vistra Corp. and Dynegy Marketing and Trade, LLC (together, Vistra)

Appendix C**Docket Nos. ER26-1563-000 and ER26-1563-001**
List of Individuals and Community Entities Submitting
Comments, Protests, and Answers

* Filed a motion to intervene

Alexandra G. Liivak	Alice F. Gish
Allen Ammons	Amanda G. Martin
Amie C. Taylor	Amy Carney
Amy E. Crawford	Amy Harris Seay
Amy Pfaltz	Amy S. Barnabei
Amy Seay	Andrea Beydler
Angela R. Jamerson	Anna M. Ahlbin
Anthony W. Wright	Ariana Willis
Arthur D. Karfgin, Jr.	Atla Schwartz
Audrey C. Pryor	Barb and Joseph Cotton
Barbara A. Rose	Barbara E. Coe
Barry D. Martin	Ben Oliver
Bonnie J. Fincham	Brian T. Sullivan
Brian W. Ring*	Brittany R. Carroll
Candice and Harrison Chavis	Carla Passarello
Carolyn Loveland	Cathleen Ganzel
Charles Goodwin	Charles H. Seilheimer, Jr.
Cheryl Vider	Chris White
Christie Aviar	Christina Ortiz
Christina Zeigler	Christine Camillo
Christy Rogers	Claudia B. Perkins
Clay Q. Pass	Colby Horne
Colleen E. Smith	Corie Preston
Coty Goodwin	Craig McClung
Cristy Watkins	Crystal L. Hines
Culpeper County Virginia et al.*	Cynthia Childress
Cynthia M. Trbovich	Cynthia S. Wells
Dale P. Rhodes, SR	Dan Parelius
Dana D. Catlett	Dana White
Daniel Grdovic	Daniel S. Schneider
Darcy Morris	Daria M. Brezinski
David B Gardner	David G. Schwartz
David Himmel	Dean E Moberley, Jr.
Debbie G. Pupa	Derrick J. Dozier
Diane Crammer	Diane S. Chapin

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Dominick Palamenti
Donna Fraleigh
Douglas N. Washburn
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Robin R. Larson	Rochelle Clabough
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UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

PJM Interconnection, L.L.C.

Docket Nos. ER26-1563-000
ER26-1563-001

(Issued June 9, 2026)

ROSNER, Commissioner, *concurring*:

1. I concur in today's order accepting PJM's Expedited Interconnection Track (EIT) process, which will advance up to 20 "shovel ready" generation projects over the next two years to address PJM's near-term resource adequacy needs. I write separately to highlight an essential component of PJM's proposal. Specifically, the EIT process requires project developers to get a commitment from the state to expedite consideration of the project's siting to ensure that the project comes online within three years.¹

2. But today's order will not by itself get badly needed steel in the ground. Given states' siting authority over generation and transmission, public utility commissioners, governors' offices, and state legislatures are all necessary partners in ensuring that energy infrastructure is built at the pace needed to stay ahead of demand and keep energy affordable and reliable for PJM customers. We depend on PJM states, load-serving entities, and developers to take the financing, procurement, permitting, and construction steps needed to turn PJM market signals into steel in the ground. To this end, I am encouraged that some states have started taking meaningful steps to streamline permitting,² and I respectfully encourage others to continue pursuing similar reforms.

For these reasons, I respectfully concur.

David Rosner
Commissioner

¹ PJM, Intra-PJM Tariffs, OATT, pt. X, subpt. A, § 601 (Expedited Interconnection Track Overview) (0.1.0).

² See, e.g., *PJM Interconnection, L.L.C.*, 195 FERC ¶ 61,076 (2026) (Rosner, Comm'r, concurring) at P 3 nn.9-10; Office of New Jersey Governor Mikie Sherill, *Governor Sherrill Marks 100th Day in Office by Announcing Online Application for Permitting Dashboard Pilot* (Apr. 30, 2026), <https://www.nj.gov/governor/news/2026/20260430a.shtml>.

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