

196 FERC ¶ 61,231
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.

Oklo Inc.

Docket No. EL26-101-000

v.

PJM Interconnection, L.L.C.

ORDER DENYING COMPLAINT

(Issued September 24, 2026)

1. On August 28, 2026, as revised on September 1, 2026,¹ Oklo Inc. (Oklo) filed a complaint against PJM Interconnection, L.L.C. (PJM) pursuant to sections 206, 306, and 309 of the Federal Power Act (FPA)² and Rule 206 of the Commission's Rules of Practice and Procedure.³ Oklo alleges that PJM unlawfully administered the interconnection process in its Open Access Transmission Tariff (Tariff)⁴ to Oklo's 750 megawatt (MW) mixed technology project (Project) and unjustifiably withdrew the Project from Cycle 01.⁵ Oklo also seeks waiver of provisions deemed necessary by the Commission to effectuate the Project's reinstatement and inclusion in Cycle 01 with

¹ Oklo states that the revised versions submitted on September 1, 2026 are substantially identical to the originally submitted versions of the complaint but include additional markings (e.g., "BEGIN CUI//PRIV" and "END CUI//PRIV") to denote the privileged information. The citations in this order reference the page numbers in the public version of the complaint submitted on September 1, 2026.

² 16 U.S.C. §§ 824e, 825e, 825h.

³ 18 C.F.R. § 385.206 (2025).

⁴ Capitalized terms used but not otherwise defined in this order have the meanings ascribed to them in the Tariff.

⁵ Complaint at 1-2.

minimal disruption and delay.⁶ In this order, we deny the complaint and dismiss as moot the waiver request, as discussed below.

I. Background

2. Pursuant to Part VIII.B, section 403 of the Tariff, a project developer that seeks to initiate a New Service Request for interconnection service must submit a completed Application to PJM prior to the Cycle's Application Deadline. After the close of the Application Deadline, PJM "will exercise Reasonable Efforts to inform Applicant of Application deficiencies within 15 Business Days after the Application Deadline," and the Applicant "has 10 Business Days to respond" to PJM's deficiency determination.⁷ PJM will then "exercise Reasonable Efforts to review Applicant's response within 15 Business Days, and then will either validate or reject the Application."⁸

II. Oklo's Complaint

3. Oklo states that it is an advanced nuclear technology company that develops next generation fission powerhouses, and several arms of the federal government have independently selected Oklo to support national efforts to accelerate the deployment of advanced nuclear facilities.⁹ Oklo states that the Project is a multi-fuel type generator comprised of natural gas, fuel cell, and advanced nuclear generation.¹⁰ Oklo notes that while generators are typically either synchronous or inverter-based, the Project is unique because it contains both inverter-based units and two different types of synchronous units. Oklo states that multi-fuel design of the Project poses additional complexity from an interconnection perspective because the existing rules were not designed with the Project's unique fuel mix in mind.

4. Oklo states that it submitted the Project for review in Cycle 01, and that the Project's interconnection request included 150 MW of advanced nuclear generation,

⁶ *Id.* at 2, 16-18.

⁷ PJM, Intra-PJM Tariffs, OATT pt. VIII.B, § 403 (Application Rules) (0.1.0), § B(1)(a)-(b) (hereinafter PJM, Intra-PJM Tariffs, Part VIII.B, § 403 (Application Rules) (0.10)).

⁸ *Id.* § B(1)(c).

⁹ Complaint at 2-3.

¹⁰ *Id.* at 4.

300 MW of fuel cell generation, and 300 MW of natural gas generation.¹¹ Oklo states that on April 27, 2026, it submitted and PJM confirmed receipt of the Project's project data, signed agreement, and deposit information for consideration in PJM's Cycle 01.¹² Oklo states that PJM issued its first and only deficiency notice for the Project on May 15, 2026, identifying the following deficiencies in six categories: (1) transformer information; (2) generator information; (3) project capability; (4) point of interconnection; (5) site control; and (6) short circuit data (May 15 Deficiency Notice). Oklo states that PJM directed Oklo to respond within 10 business days, and Oklo timely cured all six deficiencies. Oklo states that it explained to PJM that NextGen¹³ did not have the correct parameters for the Project's inverter-based resources and PJM responded with instructions for a workaround.

5. Oklo states that, on June 9, 2026, PJM emailed Oklo a concern about the Project's single line diagram, and Oklo proposed a new configuration to address the concern, noting that NextGen did not provide an option to resubmit the data on the system and asking PJM to inform Oklo if PJM had any further questions or required additional action.¹⁴ On June 18, 2026, Oklo states that it received an automated notice that PJM had updated the Project's NextGen application to incorporate changes to the single line diagram. On June 19, 2026, Oklo states that PJM notified Oklo that it was preparing to schedule project scoping calls, which PJM explained Oklo could waive. Oklo states that it responded that it did not waive its scoping meeting; that Oklo asked PJM to schedule a scoping call on June 22, 2026, and July 21, 2026; and that PJM never responded. Oklo states that PJM's lack of response to its email asking PJM to confirm whether any further action was needed indicated to Oklo that all deficiencies had been cured.

6. Oklo states that, on June 24, 2026, a member of PJM's interconnection team posted a comment on the Project's NextGen page identifying five additional, potential deficiencies in three categories: (1) failure to re-submit a dynamic modeling development guidelines (DMDG) report and checklist when Oklo submitted its cure to the May 15 Deficiency Notice; (2) three data inconsistencies; and (3) notice that PJM had found instability when performing a fault test for the entire Project (June 24 Next Gen

¹¹ *Id.*

¹² *Id.* at 5.

¹³ NextGen is PJM's online platform through which project developers submit and manage Applications and supporting information, receive PJM comments, respond to identified deficiencies, and monitor Application status. PJM September 4 Answer at n.33.

¹⁴ Complaint at 6.

Comments).¹⁵ Oklo states that, on August 3, 2026, after six weeks of silence over email, PJM issued a Withdrawal Notice explaining that the Project was deficient and, for the first time, emailing notice of its June 24 Next Gen Comments. Oklo states that it requested immediate reinstatement of the Project on August 4, 2026, noting that it did not receive notice that the Project was at risk of withdrawal and that it had cured every deficiency for which PJM issued a notice. Oklo states that PJM concluded that its decision was final.¹⁶ Oklo states that it invoked dispute resolution, but PJM and Oklo have been unable to reach a resolution.¹⁷

7. Oklo asserts that PJM's review of the Project was unjust and unreasonable because PJM departed from its Tariff requirements to flag deficiencies promptly and allow applicants an opportunity to cure.¹⁸ Specifically, Oklo states that the Tariff requires PJM to exercise "Reasonable Efforts" to inform an applicant of deficiencies in its application within 15 business days of the Application deadline, after which the applicant has 10 business days to cure the deficiency. Oklo argues that PJM's June 24 NextGen Comments did not comply with this requirement because they were uploaded 41 business days after the Application deadline (26 days after PJM's window to raise deficiencies), depriving Oklo of a meaningful opportunity to cure the alleged deficiencies.¹⁹ Oklo asserts that the June 24 NextGen Comments were not updates to previously flagged deficiencies and argues that four of the five issues addressed topics that PJM could have flagged on the initial review but did not. Oklo states that the fifth issue regarding its failure to re-issue a DMDG report and checklist is a ministerial administrative requirement that Oklo had already provided on its first submission and could have easily re-generated had it known that PJM wanted an updated copy. Further, Oklo asserts that the issues flagged in the June 24 NextGen Comments were not presented as official deficiencies, but rather were informal comments from a PJM reviewer noting *potential* deficiencies.²⁰ Oklo states that PJM's decision to treat reviewer comments in NextGen as formal deficiency determinations without email confirmation to the applicant stands in stark contrast to its established deficiency notice process. Oklo argues that PJM's

¹⁵ *Id.* at 7.

¹⁶ *Id.* at 8.

¹⁷ *Id.* (citing PJM, Intra-PJM Tariffs, OATT, pt. VIII.E, § 419 (Internal Dispute Resolution Procedures) (0.10)).

¹⁸ *Id.* at 10 (citing PJM, Intra-PJM Tariffs, Part VIII.B, § 403 (Application Rules) (0.10), § B.1.).

¹⁹ *Id.* at 10-11.

²⁰ *Id.* at 11.

decision to withdraw the Project based on the June 24 NextGen Comments violates the Tariff because PJM was untimely in flagging the new deficiencies and PJM failed to give Oklo a meaningful opportunity to cure.²¹

8. Additionally, Oklo argues that PJM violated section 205 of the FPA by deviating from its guidelines and applying a condition of service that has no basis in the Tariff.²² Oklo asserts that PJM's DMDG require inverter-based resources to submit a low voltage ride-through test to demonstrate stability,²³ so Oklo submitted a model demonstrating the low voltage ride-through capability of the Project's inverter-based resource (i.e., the fuel cell) only. In response to this submission, Oklo states that PJM identified a cessation deficiency, which Oklo promptly cured.²⁴ Oklo states that the DMDG report clearly states (and the plots clearly show) that the voltage ride through test was performed with fuel cells only, and not the full facility, but PJM did not flag this as a deficiency.²⁵ Oklo argues that, despite the DMDG's straightforward inverter-based resources (IBR)-focused low voltage ride-through requirement, PJM applied a different rule when it determined that the Project was deficient because it did not demonstrate low voltage ride-through capability for the entire facility. Oklo argues that the broad caveat that the DMDG "may not cover every specific scenario" and "unique scenarios or settings . . . shall be . . . brought to the attention of PJM" should be read to indicate that the DMDG provides the opportunity for project-specific guidance of the type the Project required but did not receive.²⁶ Oklo argues that, rather than engaging with Oklo on how to apply the DMDG to the multi-technology Project, PJM chose to require *sub silentio* a low voltage ride-through test to the Project's synchronous generators²⁷ Oklo argues that PJM's attempt to require the Project to comply with a standard that appears nowhere in the Tariff or guidelines violates both the identified standards in PJM's DMDG and the rule of reason requirement to specify rates and charges for Commission jurisdictional transactions.

²¹ *Id.* at 12.

²² *Id.* at 12-16; 16 U.S.C. § 824d.

²³ Complaint at 12 (citing PJM, Dynamic Model Development Guidelines for Interconnection Analysis, § 7.4).

²⁴ *Id.* (citing Complaint, attach. E at 1; attach. L).

²⁵ *Id.* at 13.

²⁶ *Id.* at 14 (citing DMDG, § 2).

²⁷ *Id.* at 16-17.

9. Oklo requests that the Commission find that PJM violated its Tariff and DMDG requirements in processing the Project's Cycle 01 Application and direct PJM to immediately reinstate the Project's Cycle 01 Application with its original queue position.²⁸ In order to minimize disruption to PJM's Cycle 01, Oklo requests fast track processing of the complaint.²⁹

10. Oklo also requests that the Commission grant any waivers the Commission deems necessary to effectuate the Project's inclusion in Cycle 01 with minimal disruption and delay.³⁰ For example, Oklo states that the Commission may grant waiver of Part VIII.B, section 403 of the Tariff requiring that PJM post its Phase I Base Case Data 30 days prior to the initiation of Phase I.³¹ Oklo argues that its waiver request satisfies the Commission's criteria for granting waiver. First, Oklo states that it has acted in good faith at every stage of the process, including taking great care to support PJM's review of the Project, responding promptly to all notified concerns, and collaborating with PJM to address technical questions. Second, Oklo states that the waiver would be limited in scope because it is a limited waiver of one data posting requirement to allow PJM to provide relief in a manner that minimizes disruption and delay for Cycle 01. Third, Oklo states that the waiver addresses the concrete problem of allowing PJM to reinstate the Project into Cycle 01 after correcting its unlawful withdrawal of the Project. Finally, Oklo states that the waiver would minimize undesirable consequences, including harm to third parties, by avoiding delays to other Cycle 01 applicants and putting them in the same position as they would have been had the Project's Application not been erroneously withdrawn.

III. Notice and Responsive Pleadings

11. Notice of Oklo's filing was published in the *Federal Register*, 91 Fed. Reg. 56437 (Sep. 2, 2026), with interventions and protests due on or before September 4, 2026. Public Citizen, Inc. and Monitoring Analytics, LLC, acting in its capacity as the Independent Market Monitor for PJM, each filed a timely motion to intervene. On September 4, 2026, PJM filed an answer (PJM September 4 Answer). On September 14, 2026, Oklo filed a motion for leave to answer and answer. On September 18, 2026, PJM filed a motion for leave to answer and answer (PJM September 18 Answer).

²⁸ *Id.* at 16.

²⁹ *Id.* at 18.

³⁰ *Id.* at 16.

³¹ *Id.* at 16-17 (citing PJM, Intra-PJM Tariffs, Part VIII.B, § 403 (Application Rules (0.10), § B.1)).

A. PJM's September 4 Answer

12. PJM argues that the Commission should deny the complaint.³² PJM asserts that the Project was properly withdrawn from Cycle 01 because Oklo's initial application did not include a model that was acceptable for inclusion in the overall Cycle 01 model, and, after receiving notice of deficiencies with the model, Oklo presented another unworkable model.³³

13. PJM asserts that the Power System Simulator for Engineering (PSSE) model Oklo presented to cure the issues raised by the May 15 Deficiency Notice revealed instability in the nuclear and gas generator components of the Project that was not present in Oklo's initial model.³⁴ PJM argues that it cannot accept a PSSE project model for inclusion in interconnection studies that is unstable for the Project's entire requested Maximum Facility Output (MFO).³⁵ PJM asserts that if a project developer cannot address modeling issues identified during the deficiency review and demonstrate that its entire facility is workable at its MFO, PJM is unable to integrate that project developer's model into the collective Cycle 01 model because the deficiencies in the individual project model will prevent the collective model from operating properly.

14. PJM argues that Oklo's response to the deficiency notice not only failed to resolve the DMDG-related deficiencies, but it created new deficiencies that meant the model was not functional for the entire generating facility.³⁶ For example, PJM notes that in an attempt to resolve the initialization and DSTATE errors identified in the initial Application, Oklo simply eliminated the under-excitation and over-excitation models for all synchronous units rather than reviewing and adjusting parameter values. Doing so, PJM states, may have caused the modeled generating facility to exhibit an unstable response when subjected to PJM's standard 5 cycle, three-phase fault test performed on all projects, which ensures that the model is workable to be included in the Cycle model

³² PJM September 4 Answer at 1.

³³ *Id.* at 14.

³⁴ *Id.* at 15-16.

³⁵ *Id.* at 15. PJM argues that it notified Oklo of errors with its PSSE model with all generators on and that the highlighted issue was not solely with the fuel cell generation component. *Id.* at 16 (noting the May 15 Deficiency Notice stated that, "Per PJM's DMDG the PSSE cases should initialize without any DSTATE errors or suspect initial conditions. When initializing *the full project facility with all generators turned on*). *Id.* (citing Complaint, attach. E).

³⁶ *Id.* at 11.

for study. PJM adds that when it tested the cured model with the entire Project in service (750 MW flow at the POI), it demonstrated unstable performance by the nuclear and gas generation units, and PJM cannot accept a project model for a proposed 750 MW generating facility that is stable for only 300 MW.³⁷ PJM argues that full-MFO testing is consistent with DMDG, section 7.3, and it is not limited to IBRs, so a project developer must ensure that its model works for the entire MFO requested. PJM argues that section 7.4, upon which the Complaint relies, does not obviate the need for the PSSE models to demonstrate stability across the Project's full MFO.

15. PJM asserts that it complied with the Tariff requirements governing review of New Service Requests.³⁸ PJM states that the Tariff affords a single deficiency review and cure round: PJM must “exercise Reasonable Efforts to inform Applicant of Application deficiencies within 15 Business Days after the Application Deadline”; the Applicant has 10 Business Days to respond; and PJM reviews the submission and either rejects or validates the Application. PJM states that the Tariff does not require PJM to engage in multiple rounds of evaluation, identification of deficiencies, and applicant cure periods. PJM states that adding multiple rounds of back-and-forth with developer would greatly prolong the interconnection process and cause cascading delays throughout Cycle 01 and subsequent cycles.³⁹ PJM states that such a process would be inconsistent with the “first ready, first served” foundation of PJM's reformed interconnection process and would have the 88% of other submittals that were accepted by PJM and expect timely processing of their applications with the announced Cycle 01 milestones.

16. PJM states that the application process requires the project developer to provide PJM with a workable model of its facility that demonstrates a stable response for the facility's entire MFO and that can be used to build the study model for the Cycle as a whole.⁴⁰ PJM states that its May 15 Deficiency Notice alerted Oklo that there were many suspect initial conditions when it initialized the full Project facility with all of the generators turned on. PJM states that the cure package Oklo provided in response to this contained a PSSE model that was unstable. PJM asserts that, contrary to Oklo's characterization, PJM identified issues with the PSSE model in its May 15 Deficiency

³⁷ *Id.* at 17.

³⁸ *Id.* at 20 (citing PJM, Intra-PJM Tariffs, Part VIII, § 403 (Application Rules) (0.10), § 403(B)).

³⁹ *Id.* at 21.

⁴⁰ *Id.* (citing Complaint at 9).

Notice, and Oklo's cure package not only failed to provide a stable model for the entire facility, but it instead made the problems worse.⁴¹

17. While Oklo criticizes PJM for not generating an email notification regarding the June 24, 2026 NextGen Comments and argues that the comments were untimely in flagging the new deficiencies without providing a cure period, PJM states that it could not identify in its May 15 Deficiency Notice issues that were introduced for the first time in Oklo's subsequent cure package.⁴² PJM argues that Oklo's assertion that four out of the five issues in the June 24, 2026 NextGen Comments addressed topics that could have been flagged on initial review is untrue.⁴³ PJM states that the June 24, 2026 NextGen Comments reflect PJM's review of the cure package and noted inconsistencies in data between the "cured" PSSE model (which PJM did not have on initial review) and data input into NextGen for transformer windings, aux loads for fuel cells, and reactive capability of the fuel cell units. PJM states Oklo's failure to provide an updated dynamic model report and checklist made it difficult for PJM to identify what was updated and what testing was performed on the new model.⁴⁴ In short, PJM argues that it reasonably enumerated the problems in the initial submission in its May 15 Deficiency Notice, but Oklo's cure package introduced new issues that were not present when PJM issued that notice.

18. Regarding Oklo's criticism of PJM for including only "informal comments . . . noting *potential* deficiencies" in the Withdrawal Notice, PJM states that, as explained in the withdrawal email, PJM documented the deficiencies its reviewers found and provided continued access to NextGen "to assist applicants who may wish to continue developing their projects, address outstanding deficiencies, and reapply in a future submission."⁴⁵ Since PJM had already issued a deficiency notice in May and Oklo had responded with its cure package, PJM states that the further comments provided in the withdrawal email were advisory in nature and intended to assist the developer with a future Application. PJM notes that, while Oklo claims it now "is prepared to remedy the alleged

⁴¹ *Id.* at 21-22.

⁴² *Id.* at 23.

⁴³ *Id.* at 24.

⁴⁴ *Id.* PJM states that while Oklo minimizes the importance of the DMDG Report and Checklist as a "ministerial administrative requirement," PJM made it clear in numerous stakeholder trainings that the Report and Checklist are requirements of the DMDG and must be provided in order for PJM to consider the submission valid. *Id.* at 27.

⁴⁵ *Id.* at 25 (citing Complaint, attach. J at 1 (Withdrawal Notice)).

deficiencies” outlined in the withdrawal email, providing Oklo with further rounds of notice and cure opportunities is inconsistent with the Tariff and would delay Cycle 01 and subsequent cycles.⁴⁶ PJM argues that Oklo provides no limiting principle to its request for multiple rounds of notice and cure for Oklo and the handful of similar projects with deficient applications that would safeguard the cycle process from delay.

19. PJM asserts that its process for New Service Requests is well known. PJM states that while it received an extraordinary number of New Service Requests—811—in this cycle alone, 88% of those projects advanced through the application review phase, demonstrating that developers understand the requirements and guidance at this stage.⁴⁷ PJM states that providing Oklo with additional rounds of deficiency notices and cure opportunities would amount to special treatment for the Project beyond what the Tariff requires and beyond what other project Applications received—harming the over 700 projects that submitted valid, complete Applications. PJM states that Oklo is free to re-submit the Project for study in a future cycle, or PJM’s Expedited Interconnection Track (EIT), if the Project meets applicable requirements.⁴⁸

20. PJM contends that Oklo’s request to delay Cycle 01 to accommodate reinstatement of the Project would inject uncertainty into the interconnection process for all other projects in the process by delaying Cycle 01 by up to two months, which will delay all subsequent cycles.⁴⁹ Specifically, PJM states that it would have to provide a stand-alone deficiency review process for Oklo, rebuild and test its Base Case models, and repost its Phase I Base Case Data for the required 30-day period.⁵⁰ PJM states that if the complaint is granted, it would not be in a position to proceed with Phase I on September 28, 2026, the planned start date, and the delay could be as much as two months. PJM states that this same two-month delay will affect all subsequent Cycle 01 deadlines and ripple on to delay projected Cycle 02 and beyond. Since the 30-day period to review the Base Case model is currently running, PJM states that inserting the Project in the Base Case model may change outcomes for the over 700 Cycle 01 projects. Specifically, PJM notes that changes to the model spurred by the addition of the Project’s 750 MW facility may impact certain project developers’ withdrawal decisions from Cycle 01.

⁴⁶ *Id.* at 26.

⁴⁷ *Id.*

⁴⁸ *Id.* at 27, 30.

⁴⁹ *Id.* at 5.

⁵⁰ *Id.* at 28-29.

21. PJM states that in the event the complaint is granted, the Commission should grant any and all waivers of the Tariff necessary to prevent undue harm to PJM and other project developers in Cycle 01 as a result of Oklo's reinstatement.

B. Oklo's Answer

22. Oklo reiterates several of the same concerns it raised in its complaint. Oklo contends that its cure submission demonstrated stability for the full facility in compliance with all of PJM's enumerated stability requirements and addressed the two stability issues that PJM flagged in its May 15 Deficiency Notice.⁵¹ Specifically, Oklo contends that its cure submission demonstrated stability as required by the DMDG because it passes the flat start test, in compliance with section 7.3, the voltage ride-through test, in compliance with section 7.4.1, and satisfied section 7.5 because the fuel cells did not experience momentary cessation during the voltage ride-through test.

23. Next, Oklo states that PJM's Withdrawal Notice stated that the Project "[f]ailed to meet stability requirements," based on the following explanation: "A 5 cycle 3-phase fault was performed at the [point of interconnection]. The plant was unstable for the twenty second simulation. The developer should check the dynamic model parameters and test the SMIB case to ensure it remains stable for such scenario."⁵² Oklo claims that neither the Withdrawal Notice nor PJM's answer identify a provision of the DMDG that requires an interconnection customer to conduct, much less pass, a "5-cycle 3-phase fault" test.⁵³ Oklo argues that the DMDG imposes no such requirement. According to Oklo, the only three-phase fault test required by the DMDG is the voltage ride-through test under section 7.4, which only applies to inverter-based resources, and that the voltage ride through test is a 9-cycle test, not a 5-cycle test.⁵⁴ Oklo claims that PJM now offers a different test than what is required in the DMDG. Oklo contends that, even if PJM were allowed to apply a test that is not enumerated in the DMDG, PJM at minimum needed to give Oklo notice of that test requirement, which it did not do.⁵⁵ Oklo states, notwithstanding the foregoing, that the Project can pass PJM's "new, unspecified test"

⁵¹ *Id.* at 6.

⁵² *Id.* at 8 (citing Complaint, attach. J (Withdrawal Notice)).

⁵³ *Id.*

⁵⁴ *Id.* (citing DMDG, § 7.4).

⁵⁵ *Id.*

although it did not submit a model tailored to the “5-cycle 3-phase” test because it had no reason to think that was a requirement.⁵⁶

24. Oklo refutes PJM’s justification for applying this test by referencing section 7.1 of the DMDG, which requires developers to “[v]erify that the MFO requested by the New Service Request is achievable at the [point of interconnection].”⁵⁷ Oklo argues that it has demonstrated that the MFO requested for the Project “is achievable at the [point of interconnection],” as required by section 7.1, and has also satisfied the flat start test required by section 7.3.⁵⁸

25. Oklo argues that PJM’s interpretative approach to the DMDG means that PJM could always call a model “unstable” by finding a more stringent test to apply. Oklo states that, if PJM thinks it needs a different test to incorporate its Project into its Cycle 01 model, PJM needs to specify that test and give Oklo an opportunity to comply.⁵⁹

26. Oklo reiterates that PJM’s June 24 NextGen Comments constitute formal deficiencies, so Oklo should have been entitled to an opportunity to cure them.⁶⁰ Oklo also reiterates that four of the five deficiencies raised in the June 24 NextGen Comments could have been flagged in the initial review because PJM had Oklo’s initial model on its first review, and Oklo did not update any of the fields containing those data inconsistencies between its initial and cure submissions.⁶¹

27. Oklo argues that, even if the Commission interprets the stability flags in PJM’s May 15 Deficiency Notice as providing Oklo with notice of the full set of stability tests PJM was applying, as well as the full set of deficiencies, it would have been permissible—and, in these particular circumstances, required—for PJM to grant Oklo a second opportunity to cure.⁶² Oklo argues that section 403(b) of the Tariff does not prohibit second cure opportunities, but rather it requires PJM to exercise “Reasonable Efforts” to identify deficiencies within 15 Business Days, triggering a 10 Business Day

⁵⁶ *Id.*

⁵⁷ *Id.* (citing DMDG, § 7.1 (MFO Assessment)).

⁵⁸ *Id.* at 9-10.

⁵⁹ *Id.*

⁶⁰ *Id.* at 2-3, 11-12.

⁶¹ *Id.* at 11-12.

⁶² *Id.* at 12-13.

response window, at which time PJM must again exercise “Reasonable Efforts” to review Applicant’s response within 15 Business Days and either accept or reject the Application.⁶³ Oklo contends that if the “Reasonable Efforts” language in section 403(b) can be read broadly enough to give PJM the ability to identify cures outside of the initial 15-Business Day review window, it must also be read to allow more than one opportunity to cure. Otherwise, Oklo argues, PJM could identify one deficiency during the first 15 Business Days, triggering Applicant’s 10-Business Day period, and then (using Reasonable Efforts) later identify 10 more deficiencies in the initial submission. Additionally, Oklo notes that after its cure submission, PJM asked Oklo a follow-up question about the single-line diagram. Oklo contends that, while PJM should have raised four out of the five issues in the June 24 NextGen Comments in its May 15 Deficiency Notice, PJM alternatively could have raised all five issues in a second deficiency notice and efficiently resolved the outstanding issues.⁶⁴

28. Oklo argues that, even if a second cure period was only allowed, and not required by the Tariff, PJM must exercise its discretion in a way that is consistent with the FPA, and it failed to do so here.⁶⁵ Specifically, Oklo argues that PJM’s decision to not allow Oklo a second opportunity to cure, where, as here, Oklo’s purported failure resulted from PJM’s application of different standards than those in its Tariff and DMDG, does not satisfy that statutory obligation.⁶⁶ Additionally, Oklo argues that, given the Project’s unique and innovative multi-technology configuration, the Tariff, guidelines, and FPA not only permit a second opportunity to cure, but require PJM to work with the Applicant to ensure that it has clear notice of the standard PJM will apply to the Project.⁶⁷

29. Oklo argues that, to the extent PJM was correct in finding that the Withdrawal Notice comments were merely advisory, PJM failed to timely communicate its withdrawal decision to avoid Cycle 01 delays.⁶⁸ Specifically, Oklo argues that PJM must have known as early as June 24, 2026 that PJM planned to reject the Project, but PJM chose to wait until August 3, 2026 to notify Oklo of its decision to withdraw the Project. Oklo argues that if PJM’s comments were indeed “advisory in nature,” and PJM could have communicated its withdrawal decision on June 24, 2026, PJM cannot now use the

⁶³ *Id.* at 13.

⁶⁴ *Id.* at 14.

⁶⁵ *Id.*

⁶⁶ *Id.* at 14-15.

⁶⁷ *Id.* at 3, 14-15.

⁶⁸ *Id.* at 15-16.

Cycle 01 clock as a basis to deprive Oklo of its ability to enforce its rights and seek to have the Project reinstated.⁶⁹

30. Oklo contends that reinstating the Project will not unnecessarily delay Cycle 01 or harm other developers because it has taken every opportunity to minimize delays associated with reinstatement and stands ready to provide PJM with the information to accelerate any further review necessary.⁷⁰ Regarding PJM's argument that reinstating the Project would harm other developers that have been relying on the Cycle 01 Base Case model posted on August 28, 2026, Oklo argues that the model is invalid if the Project was erroneously withdrawn, and developers assume the risk associated with other developers' decisions at this state of the Cycle 01 process. Additionally, Oklo contends that each time a developer is added or removed, the cost share of possible network upgrades is subject to change, so the list of planned generators is fluid, and reinstatement would not increase developer risk beyond what developers already expect for this stage of the process.⁷¹

31. Finally, Oklo argues that the complaint in this docket is its only recourse because contrary to PJM's suggestion, PJM's EIT is not a viable alternative.⁷² Oklo argues that PJM's EIT "imposes numerous additional requirements that Oklo has not planned for and does not believe are compatible with the Project."⁷³

C. PJM's September 18 Answer

32. PJM continues to argue that the complaint should be denied because PJM followed its Tariff in determining that the Project's Application should be rejected.⁷⁴ PJM asserts

⁶⁹ *Id.*

⁷⁰ *Id.* at 16.

⁷¹ *Id.* at 17 (citing PJM Interconnection, L.L.C., *PJM Manual 14H: New Service Requests Cycle Process* (Revision 07), § 2.11 (Aug. 19, 2026), <https://www.pjm.com/-/media/DotCom/documents/manuals/m14h.pdf>) (noting that "Until the start of Phase I, developers can still withdraw their New Service Request without losing their Readiness Deposit No. 1.")).

⁷² *Id.* at 18 (citing PJM September 4 Answer at 31).

⁷³ *Id.*

⁷⁴ PJM September 18 Answer at 1.

that Oklo's contentions that PJM performed a "surprise test" for the Project are false.⁷⁵ PJM explains that the purpose of dynamic modeling is to use the individual PSSE models submitted by project developers to build a consolidated model of all projects in a Cycle, which it states it can only do with projects that demonstrate stability across the full MFO.⁷⁶ PJM reiterates that accepting dynamic models that are not stable would result in the Base Case model being unstable and unusable for the interconnection studies PJM performs throughout the Cycle process.⁷⁷ PJM argues that it performs industry-standard five-cycle, three-phase fault disturbance tests on all projects to ensure that the model is workable to be included in the overall cycle model.⁷⁸

33. PJM notes that, as reflected in PJM Manual 14B, the stability analysis "is performed at the maximum MW output specified for the project."⁷⁹ PJM states that it agrees with Oklo that the Project's model was stable at the time it submitted its initial Application, but in its attempt to resolve the DSTATE issues identified in the May 15 Deficiency Notice, Oklo turned offline from the model all the generating units other than the inverter-based units. PJM found that when the remaining units were turned online (as necessary to evaluate stability across the entire output) and the "disturbance" test was performed, the model became unstable.⁸⁰ PJM argues that this stems from Oklo's decision to not check that its cure package model was stable across the entire MFO before submitting its cure package, not from PJM's failure to correctly apply the DMDG to the Project or the application of a "new test."

34. PJM argues that Oklo's assertions in the complaint that the Project must be reinstated to Cycle 01 because it is its only recourse to "avoid harm" and "continue

⁷⁵ *Id.* at 4-5.

⁷⁶ *Id.* at 4 (citing PJM September 4 Answer at 15).

⁷⁷ *Id.* (citing PJM September 4 Answer at 15-16).

⁷⁸ *Id.* at 5 (citing PJM September 4 Answer at 11; Eastern Interconnection Reliability Assessment Group, *Multiregional Modeling Working Group, Procedural Manual*, § 8.6, (ver. 44, July 16, 2026) https://www.rfirst.org/wp-content/uploads/2025/12/MMWG_Procedural_Manual_v44.pdf (describing the five-cycle, three-phase fault test as part of dynamics case acceptance criteria)).

⁷⁹ *Id.* (citing PJM Interconnection, L.L.C., *PJM Manual 14B: PJM Region Transmission Planning Process*, attach. G, § G.3.2 (rev. 59, Apr. 22, 2026) <https://www.pjm.com/-/media/DotCom/documents/manuals/m14b.pdf>).

⁸⁰ *Id.* at 6 (citing PJM September 4 Answer at 12).

development on schedule”⁸¹ conflict with other public statements about the Project, which characterize it as “an *early-stage potential* generation project” that “remains under development,” and “should not be understood as a . . . commitment to a particular generation configuration.”⁸² PJM asserts that these statements undercut Oklo’s “claims of urgency” and “dire need to be reinserted in Cycle 01.”⁸³

35. PJM reiterates that the June 24 NextGen Comments were advisory.⁸⁴ PJM states that NextGen serves as a log to reflect comments by PJM engineers as they evaluate materials in real time, and for projects that remain in “Data Deficient” status after a deficiency review is completed, it is a helpful advisory tool for project developers seeking to resubmit Applications in subsequent Cycles.⁸⁵ PJM states that, contrary to Oklo’s claims that PJM failed to timely communicate its withdrawal decision, in the interest of efficiency and to prevent undue discrimination, it issued withdrawal notices for all project developers at the same time on August 3, 2026.⁸⁶ PJM asserts that releasing all withdrawal notices at the same time allowed PJM to ensure that it fairly evaluated all Applications in a consistent manner.⁸⁷

IV. Discussion

A. Procedural Matters

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

⁸¹ *Id.* at 1-2.

⁸² *Id.* at 6 (citing NuclearNewswire, *Oklo claims PJM improperly dropped its Virginia project* (Sep. 2, 2026), <https://www.ans.org/news/article-8362/oklo-claims-pjm-improperly-dropped-its-virginia-project/> (quoting Oklo spokesperson regarding the Complaint and the Oklo Project) (emphasis added)).

⁸³ *Id.* at 7.

⁸⁴ *Id.* at 8.

⁸⁵ *Id.* at 8-9.

⁸⁶ *Id.* at 9-10 (citing Oklo Answer at 15).

⁸⁷ *Id.* at 10.

37. 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 an answer unless otherwise ordered by the decisional authority. We accept Oklo's and PJM's answers because they have provided information that assisted us in our decision-making process.

B. Substantive Matters

38. As discussed below, we deny the complaint. Under FPA section 206, "the burden of proof to show that any rate, charge, classification, rule, regulation, practice, or contract is unjust, unreasonable, unduly discriminatory, or preferential shall be upon . . . the complainant."⁸⁸ We find that Oklo failed to meet its burden to show that PJM violated the Tariff during the interconnection process for the Project.

39. Section 403(B)(1)⁸⁹ of the Tariff required PJM to exercise "Reasonable Efforts" to inform Oklo of deficiencies with its Application within 15 business days of the Application deadline. Section 403(B)(1)(b) of the Tariff provided Oklo with 10 business days to respond to PJM's deficiency determination, after which section 403(B)(1)(c) required PJM to exercise "Reasonable Efforts" to review Oklo's response within 15 business days and then "either validate or reject" the Application. For purposes of section 403(B)(1), the Tariff defines Reasonable Efforts as, "with respect to any action required to be made, attempted, or taken by an Interconnection Party [here, PJM] . . . timely and consistent with Good Utility Practice and with efforts that such party would undertake for the protection of its own interests."⁹⁰

40. When read together, subsections (a), (b), and (c) in section 403(B)(1) entitle the Applicant to only one opportunity to cure PJM's initial deficiency notice, provided that PJM exercised Reasonable Efforts to timely identify deficiencies in the initial notice. Once the Applicant responds to PJM's deficiency determination, section 403(B)(1)(c) is clear that PJM will exercise Reasonable Efforts to review that response within 15 business days, "*and then will either validate or reject the Application.*"⁹¹

41. In this case, PJM's May 15 Deficiency Notice made clear that, among many other deficiencies, Oklo's Project had failed to "initialize without any DSTATE errors or

⁸⁸ 16 U.S.C. § 824e(b); *see, e.g., FirstEnergy Serv. Co. v. FERC*, 758 F.3d 346, 353 (D.C. Cir. 2014).

⁸⁹ PJM, Intra-PJM Tariffs, Part VIII.B, § 403 (Application Rules), § B(1) (0.10).

⁹⁰ PJM, Intra-PJM Tariffs, Part VIII.A, § 400 (Definitions R) (6.1.0).

⁹¹ PJM, Intra-PJM Tariffs, Part VIII.B, § 403 (Applications), § B.1(c) (0.10) (emphasis added).

suspect initial conditions” and that the Project needed to initialize with “all generators turned on.”⁹² In reviewing Oklo’s response to PJM’s May 15 Deficiency Notice, PJM found that Oklo failed to provide PJM with a workable model of its facility that demonstrates a stable system with the MFO that can be used to build the study model for the Cycle as a whole.⁹³ PJM further explained that Oklo’s response to PJM’s May 15 Deficiency Notice contained a PSSE model that was “not acceptable and could not be validated.”⁹⁴ PJM notes that to address certain deficiencies highlighted in the May 15 Deficiency Notice with the PSSE model, rather than cure the model, Oklo exacerbated the deficiencies with the dynamic model by deleting the safety components for the synchronous units in the model.⁹⁵ As a result, PJM found that Oklo’s cure model only demonstrated that the 300 MW IBR (fuel cell) portion of the 750 MW facility would be stable, rather than showing that the entire 750 MW Project, including the nuclear and natural gas units would be stable. As PJM explains, if the developer cannot demonstrate its entire facility is workable at its MFO, the deficiencies in the individual project model will prevent the collective Cycle 01 model from operating properly. Because PJM found that deficiencies identified in the May 15 Deficiency Notice remained unresolved after Oklo submitted its cure package, PJM’s decision to reject and withdraw the Project from Cycle 01 was consistent with section 403(B)(1)(c) of the Tariff.

42. We are unpersuaded by Oklo’s remaining arguments. Oklo asserts that PJM’s June 24 NextGen Comments did not comply with PJM’s enumerated process in

⁹² Complaint, attach. E. Establishing stability is a critical element of interconnection. *Cf. Del. Pub. Serv. Comm’n v. PJM Interconnection, L.L.C.*, 166 FERC ¶ 61,161, *order on reh’g*, 169 FERC ¶ 61,234, *aff’d sub nom.*, *Del. Pub. Serv. Comm’n*, 169 FERC ¶ 61,234 (2019) (noting that when nuclear generators become unstable, they can create the need for extensive transmission upgrades).

⁹³ PJM September 4 Answer at 21; PJM September 18 Answer at 5-6.

⁹⁴ PJM September 4 Answer at 12.

⁹⁵ *Id.* at 16-17. Specifically, PJM notes that:

Oklo’s attempt to ‘cure’ the DSTATE errors in its initial model in response to PJM’s deficiency notice introduced additional problems with the revised model (i.e., Oklo’s deletion of the under-excitation and over-excitation limiter models/components for the synchronous units in its cure model may have caused unstable performance by the nuclear and gas generation project components when the model was tested at the project’s MFO) that did not occur with the original model. *Id.* at 18.

section 403(B)(1)(a) of the Tariff because they were uploaded 41 business days after the Application Deadline (26 business days after PJM's window to raise deficiencies) and were not updates to previously flagged deficiencies. Oklo also contends that PJM failed to satisfy the requirements of section 403(B)(1)(a) because four of the five issues raised in the June 24 NextGen Comments addressed topics that PJM could have flagged on the initial review but did not. Irrespective of PJM's June 24 NextGen comments, Oklo failed to demonstrate a stable system for the facility's MFO, and therefore failed to cure the Application, which is sufficient to justify PJM's rejection of Oklo's application. Moreover, as PJM points out, the Withdrawal Notice included deficiencies that were introduced when Oklo submitted its cure package.⁹⁶

43. Additionally, Oklo argues that PJM violated section 205 of the FPA by deviating from its guidelines and requiring the Project to demonstrate low-voltage ride through capability for the entire facility, a condition of service that has no basis in the Tariff. Oklo argues that it met the requirement in DMDG section 7.4 Voltage Ride Through Test (for IBR):

For inverter-based resources a three-phase fault is applied at the [point of interconnection] for 9 cycles. The fault is cleared without the loss of any elements. The results of the VRT test shall show the unit(s) does not trip, the real and reactive power recovers to the prefault value. The response shall also be reviewed to see if the unit(s) entered Momentary Cessation if both the real and reactive current went to 0. Provide plots of real and reactive power, terminal voltage, terminal current and frequency.

44. However as PJM states, the requirements in DMDG section 7.4 do not obviate the need for PSSE models to demonstrate stability across the Project's full MFO as specified in other parts of the DMDG, including DMDG section 7.3 (power flow and dynamic models for any type of generator must be usable by the Siemens PTI PSS/E software platform to perform the simulation), section 8 (outlining DMDG Model Checklist requirements), section 5 (the full facility model must be checked to ensure the gross active power output of the generator(s) can meet the MFO at the point of interconnection considering loads and losses for the facility), and section 3 (also providing software compatibility requirements).⁹⁷ Stated differently, even if Oklo properly followed DMDG section 7.4 with respect to the fuel cell portion of the Project, PJM properly withdrew the Project because Oklo failed to satisfy other modeling requirements specified in the DMDG. As noted by PJM, the Commission "generally allows transmission providers to

⁹⁶ *Id.* at 18.

⁹⁷ *Id.* at 16, 18-20.

exercise their engineering judgment when conducting interconnection studies, including deferring to transmission providers' discretion regarding how to maintain a reliable transmission system.”⁹⁸

45. Oklo correctly states that the five cycle, three-phase fault test is not in the DMDG. But as noted earlier, Oklo's “cured” version of its Application was deficient. PJM therefore took the additional step of performing the standard five cycle, three-phase fault test,⁹⁹ which it states is an industry standard test that it performs on all projects,¹⁰⁰ to see if the model was stable with the nuclear and natural gas resources included and found that it was not.¹⁰¹ Hence the August 3, 2026, Deficiency Notice listed the failure of the five cycle, three-phase test as additional information to assist Oklo if it is determined to continue developing its Project.¹⁰² PJM states that the Project was rejected because Oklo failed to provide a working model for the facility's MFO, consistent with DMDG sections 7.1 and 7.3 and common industry practice.¹⁰³

46. Although we find that Oklo failed to demonstrate PJM violated its Tariff, we note that, in order to meet growing demand in the PJM Region, it is critical that PJM collaborate with project developers before, during, and after the interconnection

⁹⁸ *PJM Interconnection, L.L.C.*, 195 FERC ¶ 61,024, at P 71 (2026); *RWE Clean Energy, LLC v. PJM Interconnection, L.L.C.*, 194 FERC ¶ 61,212, at P 42 (2026). While Oklo claims that it satisfied PJM's initial deficiency, it does not provide evidence that its response cured those deficiencies and PJM's answer provides evidence that it did not.

⁹⁹ PJM notes that “the 5 cycle - three-phase fault test is a standardized stress test to verify that any model accurately predicts how the facility responds to a major disturbance and whether that facility can recover without disconnecting or becoming unstable,” and to pass that test, “the model must return to its normal power output smoothly without causing unstable oscillations or crashing.” PJM September 4 Answer at 18 & n.45.

¹⁰⁰ PJM September 18 Answer at 5.

¹⁰¹ PJM September 4 Answer at 21 n.84 (referencing Graph 2).

¹⁰² The May 15 Deficiency Notice then indicated that this information was provided to assist the applicant if they sought to reapply: “All identified deficiencies contained in your Application have been documented in NextGen and will remain available for your review. PJM has provided this access to assist applicants who may wish to continue developing their projects, address outstanding deficiencies, and reapply in a future submission.” Complaint, attach. J.

¹⁰³ PJM September 4 Answer at 18-19; PJM September 18 Answer at 3.

application process to ensure guidance and expectations are clearly understood and properly implemented.

47. While we deny the complaint, we note that Oklo can still cure the additional errors and submit the Project to PJM's Cycle 02. Alternatively, if Oklo is committed to moving forward with the Project expeditiously, Oklo may further consider the possibility of submitting the Project for consideration in PJM's EIT process, which is open until December 31, 2027.¹⁰⁴

48. Finally, because we deny the complaint, Oklo's request for waiver of Part VIII.B, section 403 of the Tariff is rendered moot, and we therefore dismiss it.

The Commission orders:

(A) Oklo's complaint is hereby denied, as discussed in the body of this order.

(B) Oklo's waiver request is hereby dismissed as moot, as discussed in the body of this order.

By the Commission.

(S E A L)

Debbie-Anne A. Reese,
Secretary.

¹⁰⁴ *PJM Interconnection, L.L.C.*, 195 FERC ¶ 61,197 (2026). While Oklo represents that the EIT is not a viable alternative, it provides no further explanation other than to note "numerous additional requirements" that it cannot meet. *See supra* P 31. As the Commission explained in approving the EIT, the eligibility requirements of the program "appropriately limit EIT to capacity resources that are more likely to timely contribute to meeting the region's needs" and " . . . should deter speculative interconnection requests from entering the EIT process." *Id.* PP 22, 70. EIT project readiness requirements include, a commitment to fund Network Upgrades, demonstration of 100% site control, a \$500,000 study deposit, and a \$15,000 per MW deposit. *Id.* P 60.

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