

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

VIRGINIA ELECTRIC AND POWER
COMPANY D/B/A DOMINION ENERGY
VIRGINIA, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF THE
INTERIOR, *et al.*,

Defendants.

Case No. 2:25-cv-830

**PROPOSED *AMICUS CURIAE* PJM INTERCONNECTION, L.L.C.’S
MOTION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF**

PJM Interconnection, L.L.C. seeks leave to file an *amicus curiae* brief to be considered in connection with Plaintiff Virginia Electric and Power Company d/b/a Dominion Energy Virginia’s request for a preliminary injunction in this case. In support of its motion, PJM states the following:

This “Court has broad discretion in deciding whether to allow a non-party to participate as an *amicus curiae*.” *Tafas v. Dudas*, 511 F. Supp. 2d 652, 659 (E.D. Va. 2007) (citations omitted); *see also Bryant v. Better Bus. Bureau of Greater Md., Inc.*, 923 F. Supp. 720, 728 (D. Md. 1996) (“The decision to grant leave to proceed as amici at the trial court level is discretionary.”) (citations omitted). Accordingly, briefs by *amici curiae* are routinely accepted at the trial court level where, for example, “they provide helpful analysis of the law” or the *amici* “have a special interest in the subject matter of the suit.” *Bryant*, 923 F. Supp. at 728 (citations omitted); *see also Neonatology Assocs. v. Comm’r of Internal Revenue*, 293 F.3d 128, 131–33 (3d Cir. 2002) (Alito, J., in chambers) (explaining that motions for leave to file *amicus* briefs should be granted liberally when

the proposed briefs meet Federal Rule of Appellate Procedure 29's criteria "as broadly interpreted").

PJM is the independent Federal Energy Regulatory Commission ("FERC")-designated regional transmission organization ("RTO") for a multi-state region covering many of the Mid-Atlantic states, including Virginia, and the District of Columbia. There are more than 67 million people in the region PJM serves. As part of its federally mandated RTO responsibilities,¹ PJM administers a highly regulated process to assess the amount of electrical generation needed to operate the interstate transmission grid in PJM's region in a reliable fashion. This process is described more fully in the proposed *amicus curiae* brief. PJM also oversees the interconnection of electric generators to the transmission grid in its region. As relevant here, PJM oversaw an extensive study process that assessed the impact that interconnecting the offshore electric generation project at issue here will have on the grid's operation and reliability.

PJM's experience as an RTO gives it unique insights into the need for new electric generation in its region. As explained in the proposed brief, the offshore electric generation project at issue in this case will provide much-needed power to Virginia and the interstate electric grid. PJM has an interest in the project coming online.

The proposed brief is both useful and desirable. It provides context relevant to the proceedings from an entity with unique experience administering the transmission grid in Virginia. PJM believes that the information in the proposed brief will assist the Court as it considers the balance of the equities and the nature of the public interest in Dominion's offshore generation project.

¹ As the FERC-designated RTO for its region, PJM has a FERC-approved tariff and is regulated by FERC.

PJM's proposed *amicus curiae* brief is timely because briefing on Dominion's request for a preliminary injunction is ongoing. PJM contacted the parties' attorneys seeking consent for PJM's motion for leave to file the proposed brief. Dominion consented to the relief PJM requests. The government did not respond.

PJM respectfully requests that the Court enter an order granting it leave to participate as *amicus curiae* and directing the clerk to file the accompanying brief on the docket in this matter.

January 9, 2026

Respectfully submitted,

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**Pro hac vice* motion pending

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***AMICUS CURIAE* BRIEF OF PJM INTERCONNECTION, L.L.C. IN SUPPORT OF
PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION**

STATEMENT OF *AMICUS* INTEREST¹

PJM Interconnection, L.L.C. is the federally regulated regional transmission organization (“RTO”) for an area spanning the District of Columbia and all or parts of 13 states in the Mid-Atlantic region, including Virginia. The Federal Energy Regulatory Commission (“FERC”) has authorized PJM to provide transmission service and otherwise administer the bulk power system—otherwise known as the interstate electric transmission grid—in its region pursuant to its FERC-approved tariff. *See* PJM Open Access Transmission Tariff (“Tariff”), <https://agreements.pjm.com/oatt>; *see generally Old Dominion Elec. Coop. v. PJM Interconnection, L.L.C.*, 24 F.4th 271, 275–76 (4th Cir. 2022) (discussing “PJM’s FERC-approved tariffs”).

As an RTO, PJM oversees the process of interconnecting new electrical power generation to the interstate transmission grid. This process is critical: PJM has a mandate to operate a stable, reliable electrical grid under its FERC-approved tariff. *See* 18 C.F.R. § 35.34(a). Because there is rapidly growing demand for electricity in PJM’s region, there is an acute need for new power generation to meet demand and maintain the reliability of a transmission grid that serves more than 67 million people.

Because of its decades of experience administering a reliable transmission grid and overseeing interconnection of new power generation, PJM has unique experience and insight that will assist the Court in this case, which involves a much-needed power-generation project. PJM thus submits this brief as *amicus curiae* to provide information that will assist the Court in

¹ No party’s counsel authored this brief in whole or part. No party, party’s counsel, or person other than *amicus* PJM contributed money to fund the brief’s preparation or submission.

understanding the need for Dominion Energy's Coastal Virginia Offshore Wind ("CVOW") project implicated in these proceedings to be completed and operational as soon as possible.

ARGUMENT

I. Dominion's CVOW project is important to meet a rapidly increasing demand for electric power in PJM's region.

In the past few years, the demand for electric power has grown at an unprecedented pace in the US. This demand is driven, to a large degree, by new data centers that provide the computational muscle required to deliver artificial intelligence as well as more traditional web services. Such data centers consume considerable amounts of electricity. Virginia, and particularly Northern and Central Virginia, is experiencing rapid increase in demand attributable to large-scale data center development and associated infrastructure expansion. Accordingly, the need for new power generation has become increasingly important in Virginia.

As part of its duties to ensure the reliability of the regional electric grid, PJM conducts annual auctions to secure commitments from generator-owning entities to deliver power to the grid in future years. *See Hughes v. Talen Energy Mktg., LLC*, 578 U.S. 150, 155–57 (2016) (describing PJM's capacity auctions). Among other things, these capacity auctions identify when there is need for new generation to meet growing demand. Owners of capacity to produce electricity in three years' time then bid that capacity into the auction for sale to PJM at rates the sellers set in their bids. "PJM accepts bids . . . until it has purchased enough capacity to satisfy projected demand." *Id.* at 155–56. Generally, all accepted capacity sellers receive the highest accepted rate, called the "clearing price." "FERC extensively regulates the structure of the PJM capacity auction to ensure that it efficiently balances supply and demand, producing a just and reasonable clearing price." *Id.* at 157.

Recently, in the auction PJM cleared for commitments for the 2027/2028 Delivery Year, the total capacity of the resources PJM secured in its auction fell short of the level of electricity reliability that people in the PJM region—including the citizens of Virginia—have come to expect and rely upon. The total capacity of the resources PJM secured in the latest auction fell short of the level set in reliability requirements. The shortfall in commitments exceeded 6,517 megawatts.² The shortfall means that there is an increased risk that there will be insufficient generation to meet power demand under extreme conditions.

New generation capacity is necessary to ensure the grid has enough power to meet expected demand under various stressful scenarios such that loss of load events are projected to happen no more than once every 10 years. It takes many years for new generation to be constructed and connected to the transmission system. PJM's own analysis has demonstrated that the PJM region requires substantial new generation to avoid ever-increasing threats to the reliable operation of the grid in coming years.

The CVOW project, with a nameplate rating of 2,489 megawatts, is an integral component of needed new generation that PJM has been relying upon to timely achieve commercial operation. The CVOW project's continued development and ability to produce 2,489 megawatts for the interstate grid will help mitigate the capacity shortfall PJM is now experiencing, which is projected to continue into the future. Given the long lead times associated with the development of any alternative new generation, let alone delay of this project, extended delay of construction and operation of the CVOW project will cause irreparable harm to the 67 million Americans served by

² See PJM Interconnection, L.L.C., 2027/2028 Base Residual Auction Report at 3 (Dec. 17, 2025), <https://www.pjm.com/-/media/DotCom/markets-ops/rpm/rpm-auction-info/2027-2028/2027-2028-bra-report.pdf>.

PJM given this region's (including Virginia's) critical need for new generation resources to achieve commercial operation in the next few years.

II. PJM has sufficient operational flexibility to collaborate with Dominion, relevant regulators, and the Department of War to address potential national security concerns.

There are national security benefits in the form of a stronger and more reliable electric grid in this region that will accrue once the CVOW project is operational and able to contribute power to the interstate grid. Working with generation owners, PJM already has a proven array of tools available to curtail output from generators when needed to address environmental restrictions as well as, in this case, national security concerns. PJM is working with the Department of War and Dominion to put into place protocols for curtailing output from the CVOW project, and other mitigations, under certain conditions where national security concerns are present.

III. The CVOW project has already advanced through prerequisites that must be met to supply power to the transmission grid.

The CVOW project has gone through interconnection processes that required a considerable investment of time and resources both by Dominion Energy and PJM. CVOW has passed through PJM's study process. Before a generator can connect to the transmission grid, PJM, Transmission Owners, and the entity offering generation cooperate to complete an involved study. That process assesses whether the proposed connection of the generator to the grid will adversely affect the reliability and operation of the grid under various conditions, and whether any system enhancements are necessary to mitigate potential issues. The study process requires considerable input from PJM, the Transmission Owner, and the entity that owns the generator. After negotiation of various details, Dominion Energy has recently returned fully executed generator interconnection agreements to PJM. PJM anticipates filing those agreements with FERC imminently for the required regulatory review.

Given that Dominion has returned fully executed generation interconnection agreements to PJM, the project intends to proceed towards commercial operation. As a result, delays of this project's construction and commencement of commercial operation will also adversely affect the planning of future needed transmission infrastructure throughout the multistate PJM region, including in Virginia and the District of Columbia.

CONCLUSION

It is widely recognized, including by the current administration,³ that there is a pressing need for additional electric generation in PJM's region to meet rising demand and ensure the reliability of the interstate transmission grid. CVOW is a large project in the PJM region that will provide such generation. It has been in planning and development for many years. Given the size of the project and the long lead times associated with development of alternatives, further delay of the project will cause irreparable harm to the 67 million residents of this region that depend on continued reliable delivery of electricity. Accordingly, PJM supports Dominion's motion for a preliminary injunction so as to allow the project to move forward.

³ Exec. Order No. 14262, *Strengthening the Reliability & Security of the United States Elec. Grid*, 90 Fed. Reg. 15,521, at 15,521 (Apr. 14, 2025); Exec. Order 14156, *Declaring a National Energy Emergency*, 90 Fed. Reg. 8,433 (Jan. 20, 2025).

January 9, 2026

Respectfully submitted,

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