

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

PJM Interconnection, L.L.C.	)	Docket No. ER26-751-000
	)	
PPL Electric Utilities Corporation et al.	)	Docket No. ER26-744-000
	)	
	)	(NOT CONSOLIDATED)

**MOTION TO INTERVENE AND  
PROTEST OF THE ELECTRICITY TRANSMISSION COMPETITION COALITION**

On December 12, 2025, PJM Interconnection, L.L.C. (“PJM”)<sup>1</sup> and a group of PJM transmission owners<sup>2</sup> separately submitted proposed compliance filings to address the requirements of Order Nos. 1920, 1920-A, and 1920-B (“Order No. 1920”).<sup>3</sup> Pursuant to the notices of extension to file comments up and until January 21, 2026 in the above-referenced dockets and pursuant to Rules 211 and 214 of the Federal Energy Regulatory Commission’s (“FERC” or “Commission”) Rules of Practice and Procedure, 18 C.F.R. §§ 385.211, 385.214, the Electricity Transmission Competition Coalition (“Competition Coalition”) moves to intervene and protests the respective filings (“Non-compliant Filings”) relating to “right-sizing” transmission in the required Long-Term Regional Transmission Plan because neither the PJM

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<sup>1</sup> PJM Interconnection, L.L.C., Docket No. ER26-751-000 Order Nos. 1920, 1920-A, 1920-B Compliance Filing Of PJM Interconnection, L.L.C. And Request For Extension Of Comment Period (December 12, 2025) (“PJM Filing”).

<sup>2</sup> PPL Electric Utilities Corporation on behalf of the PJM Transmission Owners, Docket No. ER26-744-000, Proposed Tariff Amendments in Response to Order No. 1920 LTRTP Requirements, (December 12, 2025) (“TO Filing” and collectively with the PJM Filing, the “Non-compliant Filings”). Although the filing purports to be “on behalf of PJM Transmission Owners,” the specific filing transmission owners are not identified. *See* TO Filing at p. 1.

<sup>3</sup> *Building for the Future Through Electric Regional Transmission Planning and Cost Allocation*, Order No. 1920, Docket No. RM21-17-000, 187 FERC ¶ 61,068 (May 13, 2024) (“Order No. 1920”), 189 FERC ¶ 61,126 (Nov. 21, 2024) Order on Rehearing and Clarification, Order No. 1920-A (“Order No. 1920-A”), 191 FERC ¶ 61,026 Order on Rehearing and Clarification, Order No. 1920-B (“Order No. 1920-B”) (collectively referred to Order No. 1920).

Filing nor the PJM Transmission Owner (“TO Filing”) complies with the “right-sizing” requirements of Order No. 1920. In the event the compliance filings are not outright rejected due to their non-compliance with Order No. 1920, the Commission should consolidate the related and intertwined filings in Docket Nos. ER26-751-000 and ER26-744-000.<sup>4</sup>

## **I. INTRODUCTION, MOTION TO INTERVENE, AND STATEMENT OF INTEREST**

The nation is at a critical juncture as it relates to electricity affordability. The Non-compliant Filings reflect a monopolistic effort to engineer the PJM Long-Term Regional Transmission Planning process to favor incumbent transmission owners to the detriment of consumers. PJM transmission costs have consistently increased in the past 10 years, escalating 32.44% in 2024, while demand had been relatively flat.<sup>5</sup> The Non-compliant Filings not only violate Order No. 1920, they circumvent the established division of authority in PJM between PJM and the Transmission Owners. Consumers suffer from higher transmission rates as a result of the efforts to put more projects in the hands of incumbent transmission owners outside of the price-lowering, cost-disciplining competitive process. Only the Commission can stop these continued efforts that pit regional transmission organizations and their transmission owner members against electric consumers and the public interest. The Competition Coalition, on behalf of consumers and consumer focused entities that pay hundreds of billions of dollars in electricity rates each year – with ongoing annual escalations expected well into the future to meet the grid’s infrastructure needs – ask that the Commission dedicate itself to its consumer

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<sup>4</sup> The Commission will consolidate proceedings “based on similar facts and arguments.” *Cities of Anaheim, Azusa, Banning, Colton, Pasadena, & Riverside, California*, 146 FERC ¶ 61,100, 61,426 (2014).

<sup>5</sup> “Transmission Component of Average Monthly PJM Wholesale Cost,” Industrial Energy Consumers of America (IECA), p. 3, available at [https://www.ieca-us.org/wp-content/uploads/IECA-PJM-Electricity-Transmission-Costs\\_08.01.25.pdf](https://www.ieca-us.org/wp-content/uploads/IECA-PJM-Electricity-Transmission-Costs_08.01.25.pdf) (last accessed Jan. 21, 2026).

protection role and reject both the PJM Filing and the TO Filing as non-compliant with Order No. 1920 and also as unjust, unreasonable, unduly discriminatory or preferential.

The Competition Coalition is a diverse, broad-based, nation-wide coalition focused on electricity affordability and increasing competition in the development and ownership of America's electricity transmission infrastructure.<sup>6</sup> With the transmission and distribution components of electricity rates representing the fastest rising component of electricity bills,<sup>7</sup> far outpacing inflation,<sup>8</sup> the Competition Coalition is committed to ensuring that electric transmission projects are subjected to the beneficial and price-lowering impacts of competitive processes and solicitations to the fullest extent feasible for determining the project developer and owner. The Competition Coalition advocates for common-sense policies and solutions that result in competitively priced transmission projects, which reduce energy costs for all ratepayers – from large manufacturers to residential consumers. The Competition Coalition represents a diverse group of more than 90 companies and organizations from all 50 states, including manufacturing groups, retail electric consumers, state consumer advocates, public power representatives, think tanks, and non-incumbent transmission developers.<sup>9</sup>

The Competition Coalition supports transmission investment driven by the needs of consumers and competitive market outcomes. Competition in transmission planning and

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<sup>6</sup> See "Who We Are," Electricity Transmission Competition Coalition, <https://electricitytransmissioncompetitioncoalition.org/who-we-are/> (last accessed Jan. 21, 2026).

<sup>7</sup> See, e.g., "Transmission Costs Are Rising – Here's What That Means for Your Electric Bill," American for Fair Energy Prices, available at <https://www.fairenergyprices.org/energy-prices-blog/transmission-costs-are-risingheres-what-that-means-for-your-electric-bill> (last accessed Jan. 21, 2026).

<sup>8</sup> See "Transmission Costs are the Primary Cause of Electricity Price Inflation Across the Country," Press Release of the Industrial Energy Consumers of America (Aug. 5, 2025), available at [https://www.ieca-us.org/wp-content/uploads/08.05.25\\_Transmission-Costs-IECA-Press-Release\\_FINAL.pdf](https://www.ieca-us.org/wp-content/uploads/08.05.25_Transmission-Costs-IECA-Press-Release_FINAL.pdf) (last accessed Jan. 21, 2026).

<sup>9</sup> More information about the Competition Coalition and its members/partners is available here: <https://electricitytransmissioncompetitioncoalition.org/who-we-are/> (last accessed Jan. 21, 2026).

construction reduces costs to consumers and results in project construction to meet reliability requirements and market-driven transmission needs. Competition in transmission planning and construction would achieve the Commission’s objective of planning for changes in the resource mix and demand, but at a lower cost than what would be achieved through other means. “It is long-established that the ‘primary aim’ [of the Federal Power Act] is the protection of consumers from excessive rates and charges.”<sup>10</sup>

Several Competition Coalition members conduct business in the PJM region, consume large amounts of electricity in the PJM region, and compete in the PJM region. The Competition Coalition is concerned that the Order No. 1920 Compliance Filings will impair and limit transmission competition in the PJM region via an overly expansive application of Order No.1920’s “right-sizing” requirements. The Competition Coalition respectfully moves to intervene pursuant to Rule 214 of the Commission’s Rules of Practice and Procedure, 18 C.F.R. § 385.214. No other party can adequately represent the Competition Coalition’s specific interests and perspective in this proceeding.

## **II. EXECUTIVE SUMMARY**

As discussed herein, PJM’s existing regional transmission process has relied, through its competitive solicitation process, on transmission developers to propose transmission solutions to address identified transmission needs in the region, with PJM selecting the more efficient or cost-effective transmission additions and solutions to address regional needs based on those developer submissions. PJM’s regional planning model is thus known as the sponsorship model, with project sponsors identifying project proposals to address PJM-identified regional needs rather than PJM determining as an initial matter the project to move forward. The sponsorship

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<sup>10</sup> *Xcel Energy Services v. FERC*, 815 F.3d 947, 952-53 (D.C. Cir. 2016).

model has saved consumers in PJM billions of dollars compared to non-competited projects<sup>11</sup> by ensuring that the more efficient or cost-effective project to address regional needs is selected.

The Non-compliant Filings each fail to comply with Order No. 1920 as they improperly seek to create the possibility that an incumbent transmission owner's proposed In-Kind Replacements can be right-sized by PJM as an exclusion from PJM's sponsorship model and competitive process by having PJM preemptively find that the proposed right-sized project is "the more efficient or cost-effective solution to a Long-Term Transmission Need."<sup>12</sup> Although PJM acknowledges that Order No. 1920 requires only that a "right-sized replacement transmission facility must be *considered* for selection,"<sup>13</sup> **PJM's compliance proposal does more than merely "consider" In-Kind Replacement Facilities for right-sizing, as PJM proposes to preemptively select potential right-sized projects as the more efficient or cost-effective regional transmission project without ever considering alternatives proposed by other qualified developers to address regional needs.** Therefore, PJM's proposal is directly contrary to Order No. 1920's requirement that a prospective right-size project "must be evaluated in the same manner as any other proposed Long-Term Regional Transmission Facility to determine whether it is the more efficient or cost-effective transmission facility to address the transmission need."<sup>14</sup>

In addition, as described herein, multiple provisions of the Non-compliant Filings fail to comply with Order No. 1920 by unduly discriminating against prospective competitively

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<sup>11</sup> Projects in PJM that have avoided competitive review include projects that PJM has declared "immediate need" and those transmission owner self-planned projects. Both groups of projects circumvent any determination of the more efficient or cost-effective project to address identified needs.

<sup>12</sup> PJM Filing at 73-74.

<sup>13</sup> *Id.* at 74 (emphasis added).

<sup>14</sup> Order No. 1920 at P 1681; *see* PJM Filing at p. 77, n. 274.

sponsored projects by providing an advantage to incumbent transmission owners and potential right-sizing projects. Taken collectively, both the proposals of PJM and PJM Transmission Owners exceed the compliance requirements of Order No. 1920 and improperly infringe on PJM's exclusive authority regarding the regional transmission planning process.

### **III. BACKGROUND**

The Commission in Order No. 1000 recognized the beneficial impacts to consumers of competitive forces in transmission development and ownership by requiring competitive processes to select the more efficient or cost-effective project and developer/owner of that project.<sup>15</sup> PJM implemented Order No. 1000 by adopting a sponsorship model for determining the more efficient or cost-effective transmission project to address regional needs. Order No. 1920 recognized that transmission owners were circumventing the competitive aspects of Order No. 1000 by moving forward with individual transmission owner planned projects, without a determination as to whether there was a more efficient or cost-effective regional alternatives.<sup>16</sup> While Order No. 1920 required that such regional alternatives be evaluated, Order No. 1920 did not require that proposed right-sized projects be elevated above all other alternatives to meet regional needs.

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<sup>15</sup> *Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities*, Order No. 1000 at PP 284-285, 313, 136 FERC ¶ 61,051 (2011) (“Order No. 1000”), *order on reh’g*, Order No. 1000-A, 139 FERC ¶ 61,132, *order on reh’g*, Order No. 1000-B, 141 FERC ¶ 61,044 (2012), *aff’d sub nom. S. C. Pub. Serv. Auth. v. FERC*, 762 F.3d 41 (D.C. Cir. 2014).

<sup>16</sup> In fact, in defense of Order No. 1920 before the Fourth Circuit Court of Appeals, the Commission emphasized that the regional transmission facility “may be more efficient or cost-effective than solutions identified in the local transmission planning process.” Brief of Federal Energy Regulatory Commission, Docket No. 24-1650 at 27 (filed Jan. 5, 2026 4<sup>th</sup> Cir.) (citing Order No. 1920 at P 15 (quoting Order No. 1000 at P 3)). The Commission further asserted that its regional planning reforms were necessary given that “transmission development has been occurring largely through local projects or one-off, piecemeal upgrades.” *Id.* at 111-112.

To ensure that the more efficient or cost-effective regional project is selected, Order No. 1920 established two requirements relevant to this Protest. Order No. 1920 requires each transmission owner to provide a 10 year look ahead to its expected In-Kind Replacement Facilities to the relevant regional planner, and requires that the regional planner consider in its regional planning process whether it is appropriate to “right-size” those identified proposed replacements to address regional needs. Order 1920 (P 1677) requires:

as part of each Long-Term Regional Transmission Planning cycle, transmission providers in each transmission planning region evaluate whether transmission facilities (1) operating above a specified kV threshold and (2) that an individual transmission provider that owns the transmission facility anticipates replacing in-kind with a new transmission facility during the next 10 years can be “right-sized” to more efficiently or cost-effectively address a Long-Term Transmission Need. To effectuate this reform, we also adopt the NOPR proposal, with modification, to require that, sufficiently early in each Long-Term Regional Transmission Planning cycle, each transmission provider submit its in-kind replacement estimates (i.e., estimates of the transmission facilities operating at and above the specified kV threshold that an individual transmission provider that owns the transmission facility anticipates replacing in-kind with a new transmission facility during the next 10 years) for use in Long-Term Regional Transmission Planning.

The provision of in-kind replacement estimates is the only obligation of the PJM transmission owners to comply with Order No. 1920, but even that requirement, like everything else relating to compliance with the so-called right-sizing requirements, is part of the Long-Term Regional Transmission Planning process required by Order No. 1920, not a local planning matter retained by transmission owners. Because regional planning in PJM is unequivocally an obligation exclusively of PJM, the PJM Operating Agreement is the only appropriate place to address the Long-Term Regional Planning process, including development of right-sized projects and the submission of the required estimates. Yet, as discussed below, both the PJM Filing and the TO Filing improperly shift regional right-sizing matters to the Tariff through the proposed, and

completely unnecessary Attachment M-5 and PJM's proposal that its Operating Agreement defer to Attachment M-5.

In this regard, Order No. 1920 specifically defined In-Kind Replacement Facilities as

a new transmission facility that: (1) would replace an existing transmission facility that the transmission provider has identified in its in-kind replacement estimate as needing to be replaced; (2) would result in no more than incidental increase in capacity over the existing transmission facility identified as needed to be replaced; and (3) is located in the same general route as, and/or uses the existing rights-of-way of, the existing transmission facility identified as needing to be replaced.<sup>17</sup>

Likewise, Order No. 1920 defines a Right-Sized Replacement Transmission Facility as a:

new transmission facility that: (1) would meet the need to replace an existing transmission facility that a transmission provider has identified in its in-kind replacement estimate as one that it plans to replace with an in-kind replacement transmission facility while also addressing a Long-Term Transmission Need; (2) results in more than incidental increase in the capacity of an existing transmission facility that a transmission provider has identified for replacement in its in-kind replacement estimate; and (3) is located in the same general route as, and/or uses or expands the existing rights-of-way of, the existing transmission facility that a transmission provider has identified for replacement in its in-kind replacement estimate.<sup>18</sup>

The Commission further noted that it was important that the "right-sizing reform addresses replacement transmission facilities and not entirely new transmission facilities."<sup>19</sup> Therefore, the Commission held that:

if transmission providers identify a right-sized replacement transmission facility as a potential solution to a Long-Term Transmission Need as part of Long-Term Regional Transmission Planning, that right-sized replacement transmission facility must be evaluated in the same manner as any other proposed Long-Term Regional Transmission Facility to determine whether it is the more

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<sup>17</sup> Order No. 1920 at P 1678.

<sup>18</sup> Order No. 1920 at P 1679.

<sup>19</sup> *Id.*

efficient or cost-effective transmission facility to address the transmission need.<sup>20</sup>

The Commission further held that “[i]f a right-sized replacement transmission facility addresses the transmission provider’s need to replace an existing transmission facility, meets the applicable selection criteria included in Long-Term Regional Transmission Planning, and is found to be the more efficient or cost-effective solution to a Long-Term Transmission Need, then the right-sized replacement transmission facility must be considered for selection.”<sup>21</sup>

Neither the PJM Filing nor the TO Filing comply with Order No. 1920 in these important respects.

#### **IV. PROTEST**

By requiring the submission to the regional planner of transmission owner in-kind replacement estimates, the Commission in Order No. 1920 required the regional planner **to evaluate** a potential Right-Sized Replacement Transmission Facility “in the same manner as any other proposed Long-Term Regional Transmission Facility”<sup>22</sup> in determining the more efficient or cost-effective transmission project to address all regional needs. Order No. 1920 did not express any intent to circumvent the regional planning process by selecting the proposed Right-Sized Replacement Transmission Facility without evaluating other options to address regional needs. In fact, Order No. 1920 required just the opposite, treating a prospective right-sized replacement facility the same as any other proposal in the regional planning process.

As demonstrated herein, the PJM Filing ignores Commission directives and seeks to circumvent the PJM regional planning process by “selecting” a Right-Sized Replacement

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<sup>20</sup> Order No. 1920 at P 1681.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

Transmission Facility as the more efficient or cost-effective regional solution before submitting regional needs to a competitive sponsor identification of proposed solutions. The PJM Filing notes in Figure 1 (LTRTP Protocol Process) that in the competitive proposal window “LT [long term] Needs addressed through preliminary right-sizing decisions are posted for informational purposes only.”<sup>23</sup> The Competition Coalition understands this to mean that the identified long-term needs are no longer subject to the submission of holistic solutions from all PJM qualified sponsors. PJM’s preferential treatment of right-sized solutions has the potential to cost consumers significant excess costs in the transmission of electricity.

**a. Certain Definitions In the PJM Filing Are Inconsistent With Order No. 1920 Or Improperly Defer To Transmission Owner Proposed Definitions For Regional Planning Matters**

**i. Improper Deference To Newly Proposed Attachment M-5**

PJM’s Filing includes two new definitions in the Operating Agreement that improperly defer to definitions in the Transmission Owner-proposed new attachment to be included in the Tariff, proposed Attachment M-5. PJM’s deference to proposed Tariff Attachment M-5 is both improper and unnecessary.

The Commission has confirmed that the Operating Agreement is the proper location for all rules surrounding PJM’s regional planning process.<sup>24</sup> Yet, in defining important parts of the Long-Term Regional Transmission Planning (“LTRTP”) Process, certain of PJM’s newly proposed definitions defer to the TO Filing’s proposed Attachment M-5 definitions. Specifically, for two important definitions within the LTRTP process, the in-kind replacement estimates

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<sup>23</sup> PJM Filing at 11.

<sup>24</sup> See “Order Rejecting Consolidated Transmission Owners Agreement Amendments and Denying Complaint,” *Duquesne Light Co.; PJM Interconnection, L.L.C.*, 189 FERC ¶ 61,181 at PP 104-110 (2024).

required by Paragraph 1677 of Order No. 1920 and the definition of an “In-Kind Replacement Facility,” PJM simply refers to definitions in the TO Filing’s proposed Attachment M-5.

Paragraph 1678 of Order No. 1920 defined In-Kind Replacement Facilities. Rather than simply adopt the Order No. 1920 definition of In-Kind Replacement Facility, PJM’s proposed Operating Agreement definition to inform the LTRTP process proposes: “In-Kind Replacement Facility Need: ‘In-Kind Replacement Facility Need’ shall have the meaning set forth in Tariff, Attachment M-5.”<sup>25</sup> Such deference to the TO Filing’s proposed definition is improper for multiple reasons.

As an initial matter, in most other instances that the Operating Agreement references the Tariff within an Operating Agreement definition, the language of the Operating Agreement establishes the Operating definition and then adds “and the parallel provisions of Tariff.” For example, the definition of Demand Bid Screening in the Operating Agreement provides a definition and then notes “and the parallel provisions of Tariff, Attachment K-Appendix, section 1.10.1B.”<sup>26</sup> Merely referring to a provision of the Tariff outside the control of the Operating Agreement is improper, particularly when the definition is part of a “compliance” filing and the term was defined by the Commission itself for purposes of the regional planning process, not transmission owner retained rights. Both the Operating Agreement and the Tariff (to the extent even necessary in the Tariff) should simply incorporate the Order No. 1920 definition of In-Kind Replacement Facility, and that Order No. 1920 definition should inform PJM’s definition of the required list of estimated In-Kind Replacement Facilities.

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<sup>25</sup> PJM Filing, Attachment B at PDF p. 17.

<sup>26</sup> See PJM Operating Agreement (OA Definitions – C -D).

PJM's Filing likewise creates a new defined term, Candidate In-Kind Replacement Facility Needs List, which again defers to the TO Filing's proposed Attachment M-5 limitations around how the PJM TOs will allow PJM to comply with Order No. 1920 through the required estimate of In-Kind Replacement Facilities in the PJM for the LTRTP process. "Candidate In-Kind Replacement Facility Needs List: 'Candidate In-Kind Replacement Facility Needs List' shall have the meaning set forth in Tariff, Attachment M-5."<sup>27</sup> For its part, the proposed Attachment M-5 provides: "'Candidate In-Kind Replacement Facility Needs List' shall have the meaning ascribed to it in section (c)(1)." Again, PJM's definition merely adopts the proposed Attachment M-5 definition, despite the fact that submission of the list is a requirement of the regional planning process. The PJM TOs have transferred this data collection right to PJM. The Consolidated Transmission Owners Agreement specifically provides in section 4.1.4 "Planning Information" that "Each party shall transfer to PJM, pursuant to this Agreement and in accordance with the Operating Agreement, the responsibility to prepare a Regional Transmission Expansion Plan *and to provide information reasonably requested by PJM to prepare the Regional Transmission Expansion Plan* and shall otherwise cooperate with PJM in such preparation."<sup>28</sup> This provision allows PJM to determine the rules around how the list will be submitted. The TOs specifically ceded to PJM the ability to define the information required to prepare its regional plan, which now includes the right of PJM to define the manner in which the Order No. 1920 facility needs estimate list will be required.

Despite transferring regional planning authority to PJM, the TO Filing seeks to improperly set restrictions on the PJM LTRTP process by adding a proposed Attachment M-5

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<sup>27</sup> PJM Filing Attachment B at PDF p. 6.

<sup>28</sup> Consolidated Transmission Owner Agreement at Section 4.1.4.

definition for a requirement to supply data to PJM for its regional planning. Proposed Attachment M-5 definition of “Candidate In-Kind Replacement Facility Needs List” provides that it “shall have the meaning ascribed to it in section (c)(1).”<sup>29</sup> The reason why this is important is reflected in the title of Section (c) of proposed Attachment M-5, which claims to establish the “Procedures for identification **and consideration** of In-Kind Replacement Facility Needs **in the Long-Term Regional Transmission Plan.**”<sup>30</sup> PJM cannot, through adoption of a definition in the Operating Agreement that defers to a proposed Tariff Attachment M-5 definition, and inclusion of that definition in operative paragraphs for the new LTRTP procedures, cede authority to the PJM TOs to establish procedures for the “consideration” of in-kind replacement facilities in the LTRTP process. Likewise, the PJM TOs, in the guise of a ‘compliance’ related to a requirement to provide an estimate list of in-kind replacements for use in the LTRTP process, usurp regional planning rights and obligations that have been long ago ceded to PJM. The PJM TOs do not have the authority to dictate how in-kind replacement facilities included in the 10-year look-ahead are “considered” in the PJM-controlled process. Sections (c) 1-4 of proposed Attachment M-5 each purports to dictate how or when things happen in the “Long-Term Regional Transmission Plan study cycle.” Accordingly, the entirety of Attachment M-5 (c) is improper and non-compliant with Order No. 1920.<sup>31</sup>

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<sup>29</sup> Proposed Attachment M-5, at Section (b) 6.

<sup>30</sup> Proposed Attachment M-5, at Section (c).

<sup>31</sup> Proposed M-5 (d) is likewise non-compliant as it seems to restrict a Section 206 complaint. It provides: (d) Modifications. This Attachment M-5 may only be modified under section 205 of the Federal Power Act if the proposed modification has been authorized by the PJM Transmission Owners Agreement-Administrative Committee in accordance with section 8.5 of the Consolidated Transmission Owners Agreement.” If the intent was only to reflect a limitation on the Section 205 rights of transmission owners, that limitation is reflected in the voting requirements of the Consolidated Transmission Owners Agreement.

ii. **PJM's Definition Of "Right-Sized Replacement Facility" Does Not Comply With Order No. 1920**

As noted above, Order No. 1920 had a definition of Right-Sized Replacement Facility.

Order No. 1920 defines a Right-Sized Replacement Transmission Facility as a:

new transmission facility that: (1) would meet the need to replace an existing transmission facility that a transmission provider has identified in its in-kind replacement estimate as one that it plans to replace with an in-kind replacement transmission facility while also addressing a Long-Term Transmission Need; (2) results in more than incidental increase in the capacity of an existing transmission facility that a transmission provider has identified for replacement in its in-kind replacement estimate; and (3) is located in the same general route as, and/or uses or expands the existing rights-of-way of, the existing transmission facility that a transmission provider has identified for replacement in its in-kind replacement estimate.<sup>32</sup>

The Commission further emphasized that:

if transmission providers identify a right-sized replacement transmission facility as a potential solution to a Long-Term Transmission Need as part of Long-Term Regional Transmission Planning, *that right-sized replacement transmission facility must be evaluated in the same manner as any other proposed Long-Term Regional Transmission Facility to determine whether it is the more efficient or cost-effective transmission facility to address the transmission need.*<sup>33</sup>

PJM's proposed definition of Right-Sized Replacement Facility fails to comply with Order No. 1920 as it fails to require evaluation in the same manner as any other proposed Long-Term Regional Transmission Facility. PJM defines Right-Sized Replacement Facility as:

"Right-Sized Replacement Facility" shall mean a Long-Term Transmission Project that (1) is identified by the Office of the Interconnection through the Long-Term Regional Transmission Plan study process; (2) addresses an In-Kind Replacement Facility Need as identified by a Transmission Owner pursuant to Tariff, Attachment M-5; (3) meets a Long-Term Transmission Need; (4)

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<sup>32</sup> Order No. 1920 at P 1679.

<sup>33</sup> Order No. 1920 at P 1681 (emphasis added).

results in more than an incidental increase in capacity compared to the existing transmission facility; and (5) is located in the same general right-of-way or uses or expands an existing right-of-way of the existing transmission facility.<sup>34</sup>

The definition is flawed as it provides that a Right-Sized Replacement Facility “is identified by the Office of the Interconnection through the Long-Term Regional Transmission Plan *study process*” rather than through the Section 1.8 and 1.9 evaluation of proposed solutions. In fact, Section 1.8 (b) provides that Long-Term Transmission Needs are only provided as part of an open window “after consideration of identified Long-Term Transmission Needs which can be addressed by a Right-Sized Replacement Facility pursuant to section 1.7 . . .”<sup>35</sup>

To comply with Order No. 1920, PJM’s proposed definition of Right-Sized Replacement Facility should be edited as follows (with additions underlined in red):

“Right-Sized Replacement Facility” shall mean a Long-Term Transmission Project that (1) ~~is identified by the Office of the Interconnection through the Long Term Regional Transmission Plan study process~~; (2) addresses an In-Kind Replacement Facility Need as identified by a Transmission Owner pursuant to ~~Tariff, Attachment M-5 in the required In-Kind Replacement Estimate pursuant to Schedule 6-C Section 1.4.3~~; (23) meets a Long-Term Transmission Need; (34) results in more than an incidental increase in capacity compared to the existing transmission facility; ~~and~~ (45) is located in the same general right-of-way or uses or expands an existing right-of-way of the existing transmission facility; (5) ~~is not an entirely new transmission facility~~; and (6) is selected by the Office of the Interconnection as the more efficient or cost-effective project to address one or more Long-Term Transmission Needs.

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<sup>34</sup> PJM Filing, Attachment B at PDF p. 33.

<sup>35</sup> PJM Filing Attachment A, Schedule 6-C, Section 1.8 (b).

iii. **PJM’s Definition of Long-Term Transmission Project Fails To Require that the Project be the More Efficient or Cost-Effective Project**

PJM defines a “Long-Term Transmission Project” as: “Long-Term Transmission Project’ shall mean one or more enhancement(s) or expansion(s) of the Transmission System identified through the Long-Term Regional Transmission Plan process that, on an aggregate basis of all components, addresses a Long-Term Transmission Need or common set of Long-Term Transmission Needs.”<sup>36</sup> This definition should reflect that the selection addresses a Long-Term Transmission Need or common set of Long-Term Transmission Needs in the more efficient or cost-effective manner.

**b. PJM’s LTRTP Does Not Comply With Order No. 1920 And Is Discriminatory**

As discussed in the following sections, the process proposed by PJM is flawed as well. Given the discussion of definitions above, it is apparent that PJM designed a process not to comply with Order No. 1920, but instead to advantage incumbent transmission owners over non-incumbent transmission developers by usurping PJM’s competitive selection process.

**i. Section 1.3**

Proposed Section 1.3 defines the Contents of the Long-Term Regional Transmission Plan. Section 1.3 (b) provides that “The Long-Term Regional Transmission Plan shall consolidate the Long-Term Transmission Projects *that holistically address* Long-Term Transmission Needs.” While the Competition Coalition encourages “holistically” addressing Long-Term Needs – in fact addressing all transmission needs on the interstate transmission grid through holistic planning – that holistic plan must still be the “more efficient or cost-effective plan.” Section 1.3(b) should reflect that requirement.

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<sup>36</sup> PJM Filing, Attachment B, at PDF p. 20.

Proposed Section 1.3(c) provides “The Long-Term Regional Transmission Plan shall, at a minimum, include *a designation of the Transmission Owner(s) and/or other entity(ies)* that will construct, own, and/or finance each Long-Term Transmission Project selected . . . .” In PJM, projects addressed by PJM regional selection are assigned to a “Designated Entity.”<sup>37</sup> Section 1.3(c) should reflect that designation which carries with it important consumer protection requirements.

ii. **1.4.3 Supply of Other Data**

Proposed Section 1.4.3(a) addresses the data required from transmission owners on expected In-Kind Replacement Facilities. As noted above regarding the definitions in both Non-compliance Filings, PJM improperly defers to the PJM TOs in the mechanism for supplying information that Order No. 1920 mandated. Section 1.4.3(a) has two significant deficiencies. Section 1.4.3(a) provides:

- (a) Consistent with the requirements in Tariff, Attachment M-5, each Transmission Owner shall provide the Office of the Interconnection a Candidate In-Kind Replacement Facility Needs List composed of anticipated In-Kind Replacement Facility Needs. Such Candidate In-Kind Replacement Facility Needs List shall be provided prior to development of scenarios in accordance with section 1.5. Transmission Owners may provide updated estimates of In-Kind Replacement Facilities throughout the Long-Term Regional Transmission Plan study cycle.

Both the first sentence and last sentence are improper.

The first sentence improperly defers to the proposed “Tariff, Attachment M-5” and limits PJM’s requirements to the ones that the transmission owners dictate. As discussed above, PJM has the exclusive authority to establish the data required for regional planning purposes. The

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<sup>37</sup> See “Order on Paper Hearing,” *American Municipal Power et al. v. PJM Interconnection, L.L.C.*, 191 FERC ¶ 61,001 at PP 1-4 (2025).

Consolidated Transmission Owners Agreement specifically cedes any claimed TO authority to dictate the terms on which transmission owners will supply the data required by Order No. 1920 exclusively for use in the regional planning process.<sup>38</sup> In-Kind Replacement “estimates” have no function in the transmission owner individual planning process, and the right to dictate the parameters under which data required by PJM will be used lies exclusively with PJM and the Operating Agreement.

The first sentence of Section 1.4.3(a) also fails to identify the 10-year time horizon for estimates. The 10-year horizon should be reflected in the language.

The last sentence of Section 1.4.3(a) is likewise improper. Order No. 1920 required In-Kind Replacement estimates to be submitted “sufficiently early in each Long-Term Regional Transmission Planning cycle, each transmission provider submit its in-kind replacement estimates . . .”<sup>39</sup> The last sentence of proposed section 1.4.3(a) allows a transmission owner to “provide updated estimates of In-Kind Replacement Facilities throughout the Long-Term Regional Transmission Plan study cycle” effectively nullifying the requirement of early submission. More importantly, the ability to update estimates throughout the process allows transmission owners to game the planning process by identifying In-Kind Replacement Facilities **after** PJM has identified needs. The last sentence of Section 1.4.3(a) should be struck. If not struck in its entirety, it should be edited to limit updates to the period prior to PJM initiating studies to determine regional needs.

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<sup>38</sup> See “Order Rejecting Consolidated Transmission Owners Agreement Amendments and Denying Complaint,” *Duquesne Light Co.; PJM Interconnection, L.L.C.*, 189 FERC ¶ 61,181 at P 6 (2024) (affirming PJM authority to prepare the Regional Transmission Expansion Plan).

<sup>39</sup> Order No. 1920 at P 1677.

### **iii. Section 1.6**

Proposed Section 1.6 is titled “Development of Long-Term Regional Transmission Plan Studies.” Notwithstanding that limitation, section 1.6(a)(ii) provides that PJM “may use sensitivity studies, modeling assumption variations and scenario analyses *in evaluating and identifying* Long-Term Transmission Needs and in assessing possible *solutions*.” Solutions in PJM are identified as part of the competitive process and are not part of the study process. In PJM, the study process determines “needs” not solutions. Proposed Section 1.6(a)(ii) should be stricken or moved to the appropriate section addressing the evaluation and selection of solutions.

### **iv. Section 1.7 Identification of Right-Sized Replacement Facilities**

Section 1.7 is improperly placed outside of and ahead of PJM’s receipt of qualified developer proposals to address Long-Term Regional Needs (Section 1.8) and selection of the more efficient or cost-effective solution to address those needs (Section 1.9). Order No. 1920 unequivocally requires that “right-sized replacement transmission facility must be evaluated in the same manner as any other proposed Long-Term Regional Transmission Facility to determine whether it is the more efficient or cost-effective transmission facility to address the transmission need.<sup>40</sup> PJM’s Section 1.7 fails that requirement.

First, Section 1.7(a) provides that “Prior to the posting of Long-Term Transmission Needs as described in section 1.6.2(c), the Office of the Interconnection shall meet with each Transmission Owner individually to review the identified Long-Term Transmission Needs and the Candidate In-Kind Replacement Facility Needs List provided pursuant to Tariff, Attachment M-5.” In addition to having an improper reference to the “Candidate In-Kind Replacement Facility Needs List provided pursuant to Tariff, Attachment M-5,” the entire meeting is

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<sup>40</sup> Order No. 1920 at P 1681.

inappropriate. PJM does not meet with other developers “Prior to the posting of Long-Term Transmission Needs.” Order No. 1920 requires no such meeting. PJM’s regional planning obligation under Order No. 1920 is for PJM to determine whether an In-Kind Replacement Facility can be “a potential solution to a Long-Term Transmission Need as part of Long-Term Regional Transmission Planning,” and then “evaluate[ that potential project] in the same manner as any other proposed Long-Term Regional Transmission Facility to determine whether it is the more efficient or cost-effective transmission facility to address the transmission need.<sup>41</sup> Meeting with a transmission owner regarding such potential project “Prior to the posting of Long-Term Transmission Needs” is improper and unduly discriminatory in favor of the incumbent transmission owners.

The remainder of Section 1.7(a) is likewise improper in placement and content. The proposed remainder of the Section provides:

The Office of the Interconnection will then evaluate the In-Kind Replacement Facility Needs against the Long-Term Transmission Needs identified in accordance with section 1.6.2 *to evaluate whether any Long-Term Transmission Need can be addressed through Right-Sized Replacement Facilities.* The determination of any such Right-Sized Replacement Facility, *similar to proposals submitted through the competitive window in section 1.8,* shall consider all viable transmission technologies, including alternative transmission technologies in accordance with section 1.8(c)(2). The Office of the Interconnection will notify the Transmission Expansion Advisory Committee of any identified Right-Sized Replacement Facilities for review and comment and explain its conclusions.

PJM proposes to evaluate the potential for Right-Sized Replacement Facilities in Section 1.7 when the remainder of project proposals to address Long-Term Transmission Needs are evaluated in proposed Section 1.9. Neither Section 1.7(a) nor the remainder of the proposed

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<sup>41</sup> Order No. 1920 at P 1681.

process suggest that potential Right-Sized Replacement Facilities “will be evaluated in the same manner as any other proposed Long-Term Regional Transmission Facility.” Proposed Section 1.7(a) should be eliminated so that potential Right-Sized Replacement Facilities are evaluated like all other projects in Sections 1.8 and 1.9.

Section 1.7(c) is also improperly placed. While the Competition Coalition, in the context of these Order No. 1920 compliance filing proceedings, has no objection to transmission owners being assigned Right-Sized Replacement Facilities developed from their In-Kind Replacement Facilities, the assignment should occur after appropriate evaluation. In addition, Section 1.7(c) also fails to properly note that the transmission owner assigned a Right-Sized Replacement Facility will be the Designated Entity for that facility.

**v. Section 1.8(b)**

Proposed Section 1.8(b) addresses the “Posting of Long-Term Transmission Needs.”

Following identification of Long-Term Transmission Needs in the Long-Term Regional Transmission Plan studies described in this Operating Agreement, Schedule 6-C and the PJM Manuals, *and after consideration of identified Long-Term Transmission Needs which can be addressed by a Right-Sized Replacement Facility pursuant to section 1.7*, and as part of opening the proposal window, the Office of the Interconnection shall post on the PJM website all Long-Term Transmission Need information, including the studies for each Long-Term Scenario, a recommended set of Long-Term Transmission Needs to be addressed classified into Core LT Needs and Additional LT Needs, the system conditions considered, and policy requirements, including federal, state, Tribal, and local policy objectives. *For each Long-Term Transmission Need that may be addressed through right-sizing an In-Kind Replacement Facility Need pursuant to section 1.7, the Office of the Interconnection will post for informational purposes the Long-Term Transmission Need, the relevant In-Kind Replacement Facility Need, the identified Right-Sized Replacement Facility, and any incidental system impacts caused by the Right-Sized Replacement Facility that would need to be addressed.* The Office of the Interconnection also shall post an explanation regarding why certain Long-Term Transmission Needs, if any, were identified but were not to be addressed through proposals,

including whether such needs were determined to be more appropriately addressed in a different planning process or through subsequent Long-Term Regional Transmission Planning cycles.

As noted in prior sections, PJM proposes to select Right-Sized Replacement Facility prior to posting Long-Term Transmission Needs for all other transmission developers to address. While the Competition Coalition does not oppose PJM, acting alone, from identifying the potential for a Right-Sized Replacement Facility, all the Long-Term Transmission Needs must be posted for consideration of projects proposals, and not just “for informational purposes.” The italicized language above should be stricken from Section 1.8(b).

**vi. Section 1.8(d)**

To ensure that Right-Sized Replacement Facilities are appropriately evaluated, it is important that they be treated just like any other “proposal” under PJM’s LTRTP process. Section 1.8(d) addresses the “Posting and Review of Proposals.” The title should be revised to reflect its scope as the Section also addresses “opportunities for Right-Sized Replacement Facilities.” The Title should be revised to reflect that fact “Posting and Review of Proposals or Opportunities for Right-Sized Replacement Facilities.”

While the first sentence of Section 1.8(d) refers to both proposals and opportunities for right-sizing, the second sentence only addresses that PJM “shall review and evaluate all *proposals* submitted during a proposal window . . .” Although PJM may assert that the review and evaluation of potential Right-Sized Replacement Facilities is addressed elsewhere, Right-Sized Replacement Facilities should be addressed in the second sentence of Section 1.8(d), as they are in the next sentence.

**vii. Section 1.9**

Proposed Section 1.9 is titled “Evaluation of *Proposals* to Address Posted Long-Term Transmission Needs.” The first sentence of Section 1.9 identifies the confusing nature of PJM’s

proposal that the Competition Coalition has identified. That sentence reads, in part: “The Office of the Interconnection may evaluate proposals, *including* any identified Right-Sized Replacement Facilities, . . . .” The confusion here is that, as written, Right-Sized Replacement Facilities are not identified via “proposals” as that term is used in Section 1.8(c); therefore, the suggestion that PJM’s evaluation of “proposals, including any identified Right-Sized Replacement Facilities,” is incorrect. PJM’s sponsorship model would work more appropriately if potential Right-Sized Replacement Facilities were submitted by the underlying transmission owner, or PJM,<sup>42</sup> into the proposal window, but that is not the proposed process. The Competition Coalition submits that the sentence should read:

The Office of the Interconnection may evaluate proposals ~~and, including~~ any ~~identified~~ potential Right-Sized Replacement Facilities, individually or in conjunction with other proposals to determine the more efficient or cost-effective solution for addressing the identified Long-Term Transmission Needs. In determining whether a proposal submitted pursuant to section 1.8(c) ~~or any Right-Sized Replacement Facility candidate~~, individually or in combination with other proposals, is the more efficient or cost-effective solution and therefore should be included in the recommended Long-Term Regional Transmission Plan, the Office of the Interconnection, based on its engineering judgment and taking into account sensitivity studies and scenario analyses considered pursuant to section 1.6, shall consider, at a minimum, the following criteria and as further described in the PJM Manuals, to the extent applicable: (i) the extent to which the proposal ~~or potential Right-Sized Replacement Facility~~ would address and solve the posted Long-Term Transmission Need and not create or exacerbate other Long-Term Transmission Needs, including the proposal’s ~~or potential Right-Sized Replacement Facility’s~~ expected in-service date relative to the requested in-service date; (ii) the extent to which the proposal would have secondary benefits, such as addressing additional or other system reliability, operational performance, or economic efficiency needs; (iii) the ability to timely complete the project and project development feasibility; (iv) the robustness of the proposal, including the expandability of the proposed Transmission Facility(ies); (v) constructability, including the maximization of existing rights-of-way; (vi) the benefits, as determined in part in accordance with section 1.9(b), including the maximization of benefits, all other things equal; (vii) costs;

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<sup>42</sup> Pursuant to Schedule 6 in the PJM Operating Agreement, PJM has the ability to propose a project.

and (viii) other factors affecting the cost-effectiveness of the proposed solution, including the quality and effectiveness of any voluntarily-submitted binding cost commitment proposal related to Transmission Facilities which caps project construction costs (either in whole or in part), project total return on equity (including incentive adders), or capital structure. The Office of the Interconnection shall use its engineering judgment in evaluating the proposals **or potential Right-Sized Replacement Facilities**. In scrutinizing the cost of project proposals **or a potential Right-Sized Replacement Facility**, the Office of the Interconnection shall determine for each proposal **or potential Right-Sized Replacement Facility**, the comparative risks to be borne by ratepayers as a result of the proposal's binding cost commitment or the use of non-binding cost estimates **by a proposal or potential Right-Sized Replacement Facility**. Such comparative analysis shall summarize, in a clear and transparent manner, the rationale by which the Office of the Interconnection scrutinized the cost and overall cost-effectiveness of each finalist's proposal, including any binding cost commitments **or the costs for any potential Right-Sized Replacement Facility**. Such comparative analysis shall be presented to the Transmission Expansion Advisory Committee for review and comment. In evaluating any cost, return on equity and/or capital structure proposal, the Office of the Interconnection is not making a determination that the cost, return on equity or capital structure results in just and reasonable rates, which shall be addressed in the required rate filing with the Commission. Stakeholders seeking to dispute a particular return on equity analysis utilized in the evaluation process may address such disputes with the Designated Entity in the applicable rate proceeding where the Designated Entity seeks approval of such rates from the Commission. The Office of the Interconnection may modify the technical specifications of a proposal, in accordance with the PJM Manuals and in consultation with the proposing entity, which may result in the modified proposal being determined to be the more efficient or cost-effective proposal for recommendation to the PJM Board.

Proposed Section 1.9(b) should likewise addresses evaluation of project "proposals."

The first sentence should be edited to additionally refer to potential Right-Sized Replacement Facilities. The sentence should begin: "For each proposal submitted pursuant to section 1.8(c), **or potential Right-Sized Replacement Facility**, the Office of the Interconnection will evaluate . . ."

**viii. Section 1.10**

Proposed Section 1.10 addresses the “Criteria for Considering Inclusion of a Project in the Core Plan.” PJM does reference Right-Size Replacement Facilities in Section 1.10, but the references are improperly place and thus reflect an evaluation that is inconsistent with Order No. 1920. For example, the first sentence of Section 1.10(a) provides in pertinent part: “After the close of the competitive window described in section 1.8, the Office of the Interconnection, based on its evaluation of proposals, individually and in conjunction with other proposals, and identified Right-Sized Replacement Facilities in accordance with section 1.9 and in accordance with the PJM Manuals and its engineering judgment, shall develop a Core Plan . . .” The provision should be edited to read: “After the close of the competitive window described in section 1.8, the Office of the Interconnection, based on its evaluation of proposals **and potential Right-Sized Replacement Facilities**, individually and in conjunction with other proposals **or Right-Sized Replacement Facilities**, ~~and identified Right Sized Replacement Facilities~~ in accordance with section 1.9 and in accordance with the PJM Manuals and its engineering judgment, shall develop a Core Plan . . .”

**ix. Section 1.15.1**

Proposed Section 1.15 addresses the “Identification of the Designated Entity for a Long-Term Transmission Project.” As reflected above regarding proposed Section 1.7(c), transmission owners selected to advance a Right-Sized Replacement Facility should be identified as the “Designated Entity” for such projects. Section 1.15.1 should be split into two parts, with one part addressing the designation of a developer/owner that submitted a proposal, and a separate section, similar to proposed Section 1.7(c), relating to the designation of a transmission owner for a Right-Size Replacement Facility.

## V. CONCLUSION

**WHEREFORE**, the Electricity Transmission Competition Coalition respectfully requests that the Commission grant its motion to intervene in the above-referenced proceedings and reject the Order No. 1920 Compliance filings of PJM and the PJM Transmission Owners, consistent with the comments raised herein.

Respectfully submitted,

/s/ Kenneth R. Stark.  
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January 21, 2026

## **CERTIFICATE OF SERVICE**

I hereby certify that I have this day served, via first-class mail, electronic transmission or hand-delivery the foregoing upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated this 21<sup>st</sup> day of January, 2026.

/s/ *Kenneth R. Stark*

Kenneth R. Stark