

Independent Market Monitor for PJM)
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 v.)
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 PJM Interconnection, L.L.C.)

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Pursuant to Rule 211 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“FERC” or “Commission”),¹ the PJM Power Providers Group (“P3”)² and the Electric Power Supply Association (“EPSA”)³ respectfully submit this protest in response to the complaint⁴ filed on November 25, 2025, by Monitoring Analytics, LLC, acting in its capacity as the Independent Market Monitor for PJM (“IMM”), against PJM Interconnection, L.L.C. (“PJM”), in the above-captioned proceeding (“Complaint”). The IMM requests that the Commission issue an order finding that “PJM has the authority to add large new data center loads only when they can be served reliably as defined both by transmission and capacity

⁴ Complaint of the Independent Market Monitor for PJM, Docket No. EL26-30-000 (filed Nov. 25, 2025) (“Complaint”).

adequacy, and directing PJM to file tariff language stating this explicitly,”⁵ and, further, finding that “PJM’s failure to clarify and enforce its existing rules and to protect reliable and affordable service in PJM is unjust and unreasonable.”⁶

I. Introduction

While P3 and EPSA value the IMM’s contributions to PJM market oversight, the Complaint filed in this docket is both unnecessary and counterproductive. The issue raised by the IMM is already being examined comprehensively through the PJM Large Load Critical Issue Fast Path (“CIFP”) stakeholder process⁷ and in the Commission’s proceeding on the Advance Notice of Proposed Rulemaking (“ANOPR”) issued by the Secretary of Energy (the “Secretary”) on the interconnection of large loads,⁸ as well as in the pending PJM Show Cause proceeding.⁹ The IMM has participated and made its views known in both the CIFP process¹⁰ and in the ANOPR proceeding,¹¹ and the Show Cause Proceeding,¹² but now seeks to short-circuit these

⁵ *Id.* at 10.

⁶ *Id.*

⁷ See PJM Inside Lines, PJM Kicks Off Initiative To Balance Reliability With Large Load Growth (Sept. 17, 2025), <https://insidelines.pjm.com/pjm-kicks-off-initiative-to-balance-reliability-with-large-load-growth/>.

⁸ *Interconnection of Large Loads to the Interstate Transmission Sys.*, Notice Inviting Comments, Docket No. RM26-4-000 (Oct. 27, 2025). See also *PJM Interconnection, L.L.C.*, 190 FERC ¶ 61,115 (2025) (instituting show cause proceeding in Docket No. EL25-49-000 to address co-location arrangements).

⁹ PJM Interconnection, L.L.C., *Notice of Institution of Section 206 Proceeding and Refund Effective Dates*, Docket Nos. EL25-49-000, AD24-11-000, EL25-20-000 (consolidated), (issued February 21, 2025) (“Show Cause Proceeding”).

¹⁰ See, e.g., Monitoring Analytics, IMM CIFP Large Load Additions (LLA) Proposal (Oct. 14, 2025), https://www.monitoringanalytics.com/reports/presentations/2025/IMM_CIFP_LLA_Proposal_Presentation_20251014.pdf.

¹¹ See, e.g., Monitoring Analytics, IMM ANOPR Comments (Nov. 25, 2025), https://www.monitoringanalytics.com/filings/2025/IMM_Comment_Docket_No_RM26-4_20251125.pdf; Monitoring Analytics, IMM ANOPR Reply Comments (Dec. 5, 2025), https://www.monitoringanalytics.com/filings/2025/IMM_Reply_Comments_re_ANOPR_Docket_No_RM26-4_20251205.pdf.

¹² See, e.g., Show Cause Proceeding, Comments of the Independent Market Monitor for PJM, Docket No. EL25-49-000, (filed April 23, 2025).

active processes through its Complaint requesting a legal determination that is neither required nor justified under the standards governing complaints filed pursuant to Section 206 of the Federal Power Act (“FPA”).

Most importantly, the IMM’s Complaint does not seek meaningful or actionable relief. Instead, the IMM requests a general legal pronouncement about PJM’s authority—relief that is not tied to a specific tariff defect and without knowing what PJM may propose in the future, that is more appropriately pursued, if at all, through a petition for declaratory order. For these reasons, and as explained below, the Complaint should be denied.¹³

II. The Complaint Is an Unnecessary Diversion from Ongoing Efforts in PJM and at FERC

The IMM’s Complaint is fundamentally misaligned with the procedural and substantive posture of current industry efforts regarding large load interconnections. Both PJM and the Commission are actively examining the very question the IMM now seeks to litigate.

A. The Large Load CIFP Is the Proper Venue for These Issues

The IMM acknowledges that PJM stakeholders have spent months examining large load interconnection issues through the Large Load CIFP. That process has evaluated alternative approaches, tested concepts, modeled outcomes, and engaged the IMM at every stage. The Board of Managers initiated this accelerated process to bring clarity and policy direction to PJM’s rules for new data-center load. That work will likely result in a filing before the Commission shortly.

https://www.monitoringanalytics.com/filings/2025/IMM_Comments_to_Response_Docket_No_EL25-49_20240423.pdf.

¹³ See also *Independent Market Monitor for PJM v. PJM Interconnection, L.L.C.*, Motion to Dismiss of the Data Center Coalition and the PJM Power Providers Group, Docket No. EL26-30-000 (filed Dec. 5, 2025), <https://www.p3powergroup.com/siteFiles/News/B1EAB4219398364C1E2F359E85E970A7.pdf>.

Filing a complaint while that work continues serves only to distract the stakeholder process, redirect resources, and impair PJM’s ability to advance stakeholder-vetted reforms before the Commission. Nothing in the IMM’s Complaint suggests that PJM or stakeholders are unable or unwilling to address the substantive questions raised. The IMM has already had the opportunity to present its views to PJM and stakeholders, and can also protest any proposal that is actually filed with the Commission by PJM.

B. The ANOPR Proceeding Is Appropriate and Already Underway

The Secretary’s ANOPR on large load interconnections—explicitly cited several times in the IMM’s Complaint—squarely addresses the need for standardized procedures, authority questions, and reliability considerations related to major new load additions. The Secretary’s ANOPR underscores that these issues are national in scope and merit comprehensive policy development, not piecemeal adjudication through a complaint.

Given that the Commission itself is evaluating the legal and policy framework through an open rulemaking proceeding, the IMM’s request that the Commission bypass its own ANOPR and resolve these matters through an adversarial complaint filing is inappropriate and inefficient.

III. The Complaint Fails to Meet the Legal Standards Under FPA Section 206¹⁴

To prevail under FPA Section 206, a complainant must demonstrate that the existing rate or practice is unjust, unreasonable, or unduly discriminatory.¹⁵ The complainant bears the burden of proof in any proceeding under Section 206.¹⁶ The IMM has failed to satisfy that burden here.

¹⁴ See, <https://www.ferc.gov/enforcement-legal/legal/complaints/formal-complaints>.

¹⁵ 16 U.S.C. § 824e(a).

¹⁶ 16 U.S.C. § 824e(b).

Section 206 allows relief when the Commission finds that “any rate, charge, or classification, demanded, observed, charged, or collected by any public utility for any transmission or sale subject to the jurisdiction of the Commission, or that any rule, regulation, practice, or contract affecting such rate, charge, or classification is unjust, unreasonable, unduly discriminatory or preferential”¹⁷ Here, the Complaint identifies no “rate, charge, or classification” that is currently unjust and unreasonable, nor does it allege any violation of any existing rule. Instead, the Complaint relies on broad assertions about data-center load growth and speculation about hypothetical future outcomes but does not identify a specific PJM tariff provision that currently produces unjust or unreasonable results and argues that PJM “is currently proposing”¹⁸ to take certain actions or “to allow the interconnection of large new data center loads that it cannot serve reliably.”¹⁹ Such hypotheticals and unfounded predictions do not satisfy the evidentiary burden for a Section 206 complaint.²⁰

Indeed, the IMM does not identify anything in PJM’s Open Access Transmission Tariff or the Amended and Restated Operating Agreement of PJM Interconnection, L.L.C. that compels the hypothetical scenarios the IMM describes. To the contrary, the Complaint states that the IMM “believes that under current rules, PJM does have the authority to require that the loads can

¹⁷ 16 U.S.C. § 824e(a).

¹⁸ Complaint at 2.

¹⁹ *Id.*

²⁰ See, e.g., *George Berka v. Andrew M. Cuomo*, 175 FERC ¶ 61,212 at P 32 (2021) (finding that a claim in a complaint “constitutes the type of speculative allegation that the Commission has previously found to be insufficient to satisfy a complainant’s burden under FPA section 206” (footnote omitted)); *NextEra Energy Res., LLC v. ISO New England Inc.*, 156 FERC ¶ 61,150 at P 16 (2016) (“*NextEra*”) (finding that complainants had not met their burden under Section 206 because their “allegations are speculative and the complaint lacks sufficient evidence of harm”); *Michigan Elec. Transmission Co., LLC v. Midcontinent Indep. Sys. Operator, Inc.*, 156 FERC ¶ 61,025 at P 16 (2016) (“*METC*”) (finding that complainant had not met its burden under Section 206 “due to the speculative nature of [complainant’s] allegations and the lack of sufficient evidence of harm”).

be served reliably before allowing the loads to be added to the system.”²¹ The Complaint does not identify any specific Tariff provision that gives PJM such authority, nor does the Complaint suggest that PJM is somehow currently violating its obligations under any current rule.

In fact, the Complaint offers that PJM should be “directed to exercise its existing authority”²² which on its face seems to be an admission that the IMM is not seeking a tariff change. The IMM’s Complaint should therefore be dismissed because it is based only on speculation and the IMM’s policy preferences, not any existing tariff defect or violation.²³

IV. The Complaint Does Not Request Actionable Relief and Is Functionally a Petition for Declaratory Order

The IMM’s filing is styled as a complaint, but the relief sought is not relief appropriate under a complaint. The IMM asks the Commission to issue an interpretive ruling on PJM’s existing authority—essentially a legal clarification—rather than seeking revision or enforcement of an existing tariff provision. The IMM does not allege any actual violation by PJM, does not seek to enforce a specific rule, and does not request a remedy that would alter current tariff terms.

The Commission has long distinguished between:

- **Complaints**, which identify a tariff defect and propose a replacement rate; and

²¹ Complaint at 6.

²² Complaint at 9.

²³ See, e.g., *NextEra*, 156 FERC ¶ 61,150 at P 15 (dismissing complaint where “[t]he circumstances giving rise to the Complaint are in a state of flux and the Commission does not have before it the concrete facts necessary to determine whether the tariff will be unjust and unreasonable”); *METC*, 156 FERC ¶ 61,025 at P 15 dismissing complaint where the complainant “provides neither evidence nor argument in the Complaint itself that there is presently a Tariff violation; it merely argues that there *may* be a Tariff violation if it prevails in mediation or before another body” (emphasis in original)); *Northern Ind. Pub. Serv. Co. v. Midwest Indep. Transmission Sys. Operator, Inc.*, 116 FERC ¶ 61,006 at P 14 (2006) (denying rehearing of order dismissing complaint as premature where “[i]t is still speculative as to whether or when the triggering events will actually occur”).

- **Petitions for declaratory order**, which seek legal opinions or clarification.²⁴

Nothing in the IMM's Complaint requests a Section 206 remedy. Instead, the filing resembles a request for declaratory guidance. If the IMM believes clarification of PJM's legal authority is necessary, the appropriate procedural vehicle is a petition for declaratory order—not a complaint that disrupts stakeholder processes and falls short of legal requirements.

V. Conclusion

P3 and EPSA respectfully request that the Commission deny the IMM's Complaint. The issues raised are already under active consideration in the Large Load CIFP stakeholder process and the Commission's own ANOPR on large load interconnection. Disrupting that process in which both the Commission and PJM stakeholders are constructively seeking solutions, is not helpful to the goal of getting large load integrated reliably. Moreover, the IMM's Complaint fails to identify any unjust or unreasonable rate or practice that must be changed so as to warrant relief under Section 206. The Complaint distracts from efforts already underway and would be more properly—and far more efficiently—addressed through a petition for declaratory order, if at all.

²⁴ See 18 C.F.R. § 385.207 (explaining that a party can seek a declaratory order to “terminate a controversy or remove uncertainty”).

For the foregoing reasons, P3 and EPSA urge the Commission to dismiss the Complaint in its entirety.

Respectfully submitted,

On behalf of The PJM Power Providers Group

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Dated: December 15, 2025

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document on each person designated on the official service list compiled by the Secretary of the Federal Energy Regulatory Commission in this proceeding.

Dated at Washington, DC, this 15th day of December, 2025.

On behalf of the PJM Power Providers Group

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