

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

Independent Market Monitor For PJM	)	
	)	Docket No. EL26-30-000
v.	)	
	)	
PJM Interconnection, L.L.C.	)	

**MOTION TO DISMISS OF THE DATA CENTER COALITION AND THE PJM  
POWER PROVIDERS GROUP**

Pursuant to Rules 211 and 212<sup>1</sup> of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“Commission”), the Data Center Coalition (“DCC”)<sup>2</sup> and the PJM Power Providers Group (“P3”)<sup>3</sup> submit this motion to dismiss the “Complaint”<sup>4</sup> of the PJM Independent Market Monitor (“IMM”). The Complaint is procedurally and substantively

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<sup>1</sup> 18 C.F.R. §§ 385.211, 385.212 (2025).

<sup>2</sup> The Data Center Coalition is a membership organization of leading data center owners and operators. Public testimony and written comments submitted by DCC do not necessarily reflect the views of each individual DCC member. A list of current DCC members is accessible at <https://www.datacentercoalition.org/members>. On December 5, 2025, DCC filed a doc-less Motion to Intervene.

<sup>3</sup> P3 is a non-profit organization dedicated to advancing federal, state and regional policies that promote properly designed and well-functioning electricity markets in the PJM Interconnection, L.L.C. (“PJM”) region. Combined, P3 members own over 108,000 MWs of generation assets and produce enough power to supply over 63 million homes in the PJM region covering 13 states and the District of Columbia. For more information on P3, visit [www.p3powergroup.com](http://www.p3powergroup.com). The comments contained herein represent the position of P3 as an organization, but not necessarily the views of any particular member with respect to any issue. On December 3, 2025, P3 filed a doc-less Motion to Intervene.

<sup>4</sup> While IMM’s pleading refers to itself as a complaint, as discussed below, it is properly characterized and treated as a petition for declaratory order. To avoid confusion, however, this motion will use the IMM’s terminology.

deficient for multiple reasons, each of which are independently sufficient to dismiss it.

Accordingly, its dismissal is not only warranted, it is required.

And the Commission should dismiss the Complaint promptly and before further filings are submitted. The interconnection of data centers is a Commission priority,<sup>5</sup> and a matter of national interest,<sup>6</sup> which is being considered in multiple proceedings before the Commission as well as stakeholder processes by PJM.<sup>7</sup> Failure to promptly dismiss the Complaint will inject uncertainty into those proceedings, which will slow their resolution and compound the challenges regarding the interconnection of large loads in PJM—a result that would be directly contrary to the Administration’s goals of building energy infrastructure “at the speed of national need.”<sup>8</sup> The very issues that the IMM urges the Commission to address are being considered in

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<sup>5</sup> See, e.g., Ethan Howland, *New FERC commissioners say connecting data centers is key priority*, Utility Dive (Nov. 21, 2025), <https://www.utilitydive.com/news/ferc-data-centers-swett-lacerte-lng/806145/>.

<sup>6</sup> Executive Office of the President, *Winning the Race: America’s AI Action Plan*, at 1 (July 2025), <https://www.whitehouse.gov/wp-content/uploads/2025/07/Americas-AI-Action-Plan.pdf>.

<sup>7</sup> See, e.g., *Interconnection of Large Loads to the Interstate Transmission System*, Docket No. RM26-4-000 (“Large Load Interconnection ANOPR”); *PJM Interconnection, L.L.C.*, Docket No. EL25-49-000 (co-located loads show cause proceeding); *Baltimore Gas & Elec. Co.*, Docket No. EL24-149-000; PJM Board of Managers, Letter Initiating Critical Issue Fast Path (Aug. 8, 2025), <https://www.pjm.com/-/media/DotCom/about-pjm/who-we-are/public-disclosures/2025/20250808-pjm-board-letter-re-implementation-of-critical-issue-fast-path-process-for-large-load-additions.pdf>.

<sup>8</sup> *President’s Budget Request for the U.S. Dep’t of Energy for Fiscal Year 2026: Hearing Before the S. Comm. on Energy & Nat. Res.*, 119th Cong. 5 (June 18, 2025) (statement of Christopher Wright, Secretary, U.S. Dep’t of Energy), <https://www.energy.senate.gov/services/files/35D195A3-946E-46D0-A5E7-84C06F46B9A4>.

multiple of those ongoing proceedings.<sup>9</sup> Requiring parties—not to mention this Commission—to divert resources to briefing a complaint that must be dismissed is a distraction and a waste of time when the industry and the country can least afford it.

Further, while the IMM claims that the Complaint “is consistent with the objectives of the ANOPR,” the opposite is true. The Complaint itself would undermine the DOE’s stated goal of ensuring that “large loads, including AI data centers, served by public utilities [can] connect to the transmission system in a timely, orderly, and non-discriminatory manner,”<sup>10</sup> as it seeks to grind large load interconnection to a halt. And the pendency of the Complaint itself will have a similar effect, as the uncertainty it will create inevitably stymies commercial negotiations regarding data center development.<sup>11</sup> While we share the IMM’s emphasis on the importance of ensuring resource adequacy, reliability, and affordability, time spent addressing this Complaint would further none of those goals and instead only complicate the Commission’s effort to address these issues more comprehensively in other proceedings, including the Large Load Interconnection ANOPR. Lastly, because these issues are already under consideration in those

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<sup>9</sup> See *supra* note 7. In addition, as discussed below, the IMM filed a copy of this complaint in the Large Load Interconnection ANOPR docket, bringing every word of this complaint within the scope of that proceeding. See Large Load Interconnection ANOPR, Letter of the Independent Market Monitor for PJM, attach. A (filed Nov. 25, 2025).

<sup>10</sup> Large Load Interconnection ANOPR, Letter of Dep’t of Energy Sec. Christopher Wright, at 1 (filed Oct. 23, 2025).

<sup>11</sup> See *PJM Interconnection, L.L.C.*, Motion for Clarification of Vistra Corp., Docket No. ER24-2172-001, at 1-2 (filed Dec. 2, 2024) (explaining that a policy that imposes blanket limitations on interconnection service to generators co-located with data centers would “have significant adverse consequences for development of critical data infrastructure that the nation needs to maintain national security, geopolitical leadership, and economic growth and productivity”).

other proceedings, there is little reason to be concerned that the issues raised by the IMM will not be addressed in due course.<sup>12</sup>

## **I. The Complaint Is Procedurally and Substantively Deficient**

The Complaint is deficient for several independent reasons, each of which requires its dismissal. The Commission need only decide which reason provides for the quickest resolution.<sup>13</sup>

First, the IMM has failed to comply with the Commission’s procedural requirements for filing a complaint. Rule 206 of the Commission’s Rules of Practice and Procedures provides that a complaint must “[c]learly identify the action or inaction which is alleged to violate applicable statutory standards or regulatory requirements”<sup>14</sup> and “[e]xplain how the action or inaction violates applicable statutory standards or regulatory requirements.”<sup>15</sup> The IMM never states how PJM has violated its Open Access Transmission Tariff, Operating Agreement, or Reliability Assurance Agreement (collectively, “Tariff”), nor does the IMM actually allege that the Tariff is

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<sup>12</sup> The complaint acknowledges as much in the description to satisfy rule 206(b)(6). *Indep. Mkt. Monitor for PJM v. PJM Interconnection, L.L.C.*, Complaint of the Independent Market Monitor for PJM, Docket No. EL26-30-000, at 11 (filed Nov. 25, 2025) (“Complaint”).

<sup>13</sup> We note that the IMM made materially similar arguments in comments it recently filed in opposition to PECO Energy Company’s (“PECO”) Transmission Security Agreement (“TSA”) with Amazon Data Services, Inc. (“Amazon”), *see PECO Energy Co.*, Comments of the Independent Market Monitor for PJM, Docket No. ER25-3492-000, at 2-5 (filed Oct. 14, 2025), which is intended to ensure that Amazon makes a contribution to PECO’s transmission revenue requirement commensurate with its requested end-use load relating to the construction of, and service to, a new data center campus that Amazon is constructing. The Commission accepted the TSA and found that the IMM’s comments were outside of the scope of the proceeding. *PECO Energy Co.*, 193 FERC ¶ 61,148, at P 31 (2025).

<sup>14</sup> 18 C.F.R. § 385.206(b)(1).

<sup>15</sup> *Id.* § 385.206(b)(2).

unjust and unreasonable. Indeed, the Complaint does not cite a single provision or rule that PJM has allegedly violated. Instead, the closest the Complaint comes is to allege that PJM’s failure to “clarify and enforce” the IMM’s interpretation of PJM’s rules is unjust and unreasonable. But the IMM does not actually explain or identify an instance in which PJM has failed to enforce its rules or why the purported failure to clarify them is a basis to grant a complaint. That alone is sufficient to dismiss the Complaint.<sup>16</sup>

Even construing the Complaint liberally, the IMM comes well short of satisfying the Commission’s regulations. While the theory of the Complaint is murky at best, the IMM appears to argue that because PJM has the authority to interconnect large loads only if there is sufficient capacity to serve them, PJM *would* violate its Tariff *if* it filed a CIFP proposal that is rooted in the premise that “PJM must agree to add large loads to the system when the loads cannot be served reliably.”<sup>17</sup> The IMM admits, however, that PJM has never done so.<sup>18</sup> As such, the complaint has not identified any “action or inaction” on the part of PJM, let alone explained how

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<sup>16</sup> See, e.g., *Coal. of Eastside Neighborhoods for Sensible Energy v. Puget Sound Energy, Inc.*, 183 FERC ¶ 61,057, at PP 27-29 (dismissing complaint for failure to comply with the requirements of Rule 206 of the Commission’s Rules of Practice and Procedure), *order denying request for clarification*, 183 FERC ¶ 61,185 (2023).

<sup>17</sup> Complaint at 6; *see also id.* at 7 (“None of the [CIFP] proposals have addressed the fact that PJM does not have the authority or the capability to order or enforce curtailments. Under all these proposals, PJM will be in the position of recommending the allocation of load curtailments rather than ensuring reliable service for all customers.”).

<sup>18</sup> *Id.* at 6 (“Despite the fact that the premise is assumed in their proposals, PJM and market participants fail to explicitly state the premise, to discuss the premise or to provide any support for the premise.”). To the extent the IMM is arguing that PJM is liable for failing to clarify its reliability and resource adequacy responsibilities vis-à-vis large loads, *see* Complaint at 10 (requesting “an order 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”), the IMM never explains how PJM’s purported inaction violates either the PJM Tariff or the FPA, and the Commission must therefore dismiss any such claim. 18 C.F.R. § 385.206(b)(1)-(2).

PJM's Tariff or its actions allegedly "violate applicable statutory standards or regulatory requirements."<sup>19</sup> For this reason as well, the Complaint must be dismissed.

Second, and separately, the Complaint is also deficient under section 206 of the FPA because it fails to adequately allege that PJM's Tariff is unjust and unreasonable or unduly discriminatory or preferential.<sup>20</sup> As noted, the IMM's theory appears to be that the Tariff *would be* unjust and unreasonable *if* it allowed PJM to add new data center loads when it could not serve those loads reliably. But the IMM itself states that "[i]t is implicit, *if not explicit*, that PJM cannot take actions, including the interconnection of large new data center loads, that PJM knows would compromise the reliability of the PJM Control Area."<sup>21</sup> In other words, the IMM's theory of the case is that the Tariff is not unjust and unreasonable, but that it would be if PJM amended it or interpreted it to allow what the IMM claims it presently does not.<sup>22</sup> That theory is not a basis to grant a complaint under section 206 of the FPA and, in any case, is patently unripe

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<sup>19</sup> 18 C.F.R. § 385.206(b)(1)-(2).

<sup>20</sup> 16 U.S.C. § 824e ("[T]he 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.").

<sup>21</sup> Complaint at 10.

<sup>22</sup> *See also id.* (stating that PJM has "*existing authority* to provide reliable interconnection or transmission service to large new data center loads only when they can be served reliably" (emphasis added)).

for adjudication because it rests entirely on speculation about what *might* happen *if* PJM were to adopt an interpretation of its Tariff with which the IMM disagrees.<sup>23</sup>

Moreover, while the IMM styles its pleading as a Complaint, the IMM is, in fact, asking for a declaratory order from the Commission, but without satisfying the requirements for filing such a petition. The purpose of a declaratory order is to “terminate a controversy or remove uncertainty.”<sup>24</sup> A declaratory order differs from a complaint in that it seeks guidance on an issue within the Commission’s jurisdiction, including about the requirements of a tariff,<sup>25</sup> rather than a determination that a tariff provision is unjust and unreasonable or unduly discriminatory or that a tariff provision has been violated.<sup>26</sup> The former is precisely what the IMM is seeking here: A determination that “PJM has the authority to add large new data center loads only when they can

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<sup>23</sup> In addition, because the IMM’s principal concern appears to be about any proposal that might come from CIFP process currently underway at PJM, it is also unripe because the specific purpose of the CIFP process is to produce a filing under section 205 of the FPA. *If* such a filing were to materialize and *if* it contained proposals bearing on issues about which the IMM is concerned, the IMM would have a full opportunity to protest in that proceeding. And because the IMM asserts that PJM’s Tariff already prohibits the interconnections about which he is concerned, *e.g., id.*, if PJM were to forgo a section 205 filing and adopt business practice manual provisions that allow for the unreliable interconnection of large loads, a complaint would then be ripe as PJM would then, under the IMM’s theory, be violating its Tariff.

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

<sup>25</sup> See *Obtaining Guidance on Regul. Requirements*, 123 FERC ¶ 61,157, at PP 14, 18 (2008) (discussing “mechanisms available to those seeking to obtain guidance regarding compliance with Commission statutes, rules, regulations or orders or *Commission-approved tariffs*,” including declaratory orders (emphasis added)).

<sup>26</sup> Compare 18 C.F.R. § 385.206 (“Any person may file a complaint seeking Commission action against any other person alleged to be in contravention or violation of any statute, rule, order, or other law administered by the Commission, or for any other alleged wrong over which the Commission may have jurisdiction.”), with 18 C.F.R. § 385.207 (“A person must file a petition when seeking . . . [a] declaratory order or rule to terminate a controversy or remove uncertainty . . .”).



be served reliably as defined both by transmission and capacity adequacy and directing PJM to file tariff language stating this explicitly.”<sup>27</sup> And the IMM is doing so while simultaneously insisting that is already what the Tariff requires.<sup>28</sup> To file a declaratory order, however, the filer must comply with various procedural requirements, including those in 18 CFR § 381.302. To the extent the IMM has not complied with such requirements, its filing is deficient, and the Secretary must inform the IMM that the Commission will not process its filing and that the filing will be rejected unless the IMM cures the deficiency within a time specified by the Secretary.<sup>29</sup>

## **II. Request to Stay the Comment Deadline Until the Commission Rules on This Motion**

DCC and P3 respectfully request that the Secretary of the Commission, acting pursuant to her delegated authority,<sup>30</sup> stay the comment deadline until it rules on this motion to dismiss. Doing so will ensure that interested parties can focus their time and resources on proceedings that are properly before the Commission and PJM, including the Large Load Interconnection ANOPR proceeding, and which will not inevitably require dismissal. In addition, to the extent the Commission finds that the IMM’s pleading is properly characterized as a petition for declaratory relief, the Commission should stay the comment deadline unless and until the IMM complies with all applicable requirements.

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<sup>27</sup> Complaint at 11. We acknowledge that the IMM “also seeks an order 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.” *Id.* But if the IMM could transform its pleading from a petition for declaratory relief into a Complaint by simply requesting the type of relief that typically accompanies a Complaint, it would create a roadmap that parties could follow in the future to avoid the filing requirements of petitions for declaratory orders.

<sup>28</sup> *Id.* at 10.

<sup>29</sup> 18 CFR § 381.103.

<sup>30</sup> 18 C.F.R. § 375.302.



Respectfully submitted,

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Dated: December 5, 2025

## **CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing document upon each person designated on the official service lists compiled by the Secretary of the Commission in these proceedings.

Dated: December 5, 2025  
Washington, D.C.

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