

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

PJM Interconnection, L.L.C., <i>et al.</i>	Docket Nos. EL25-49-000
Large Loads Co-Located at Generating Facilities	AD24-11-000
Constellation Energy Generation, L.L.C.	EL25-20-000
v. PJM Interconnection, L.L.C.	(Consolidated)

**COMMENTS OF THE ELECTRIC POWER SUPPLY ASSOCIATION
AND THE PJM POWER PROVIDERS GROUP**

Pursuant to Rules 212 and 213 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (the “Commission” or “FERC”)¹ and in accordance with the Commission’s February 21, 2025 *Notice of Institution of Section 206 Proceeding and Refund Effective Dates*² issued in the above-captioned consolidated proceedings, the Electric Power Supply Association (“EPSA”)³ and The PJM Power Providers Group (“P3”)⁴ respectfully submit these comments on the Show

¹ 18 C.F.R. §§ 385.212, 385.213 (2024).

² *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).

³ EPSA is the national trade association representing competitive power suppliers in the U.S. EPSA members provide reliable and competitively priced electricity from environmentally responsible facilities using a diverse mix of fuels and technologies. EPSA seeks to bring the benefits of competition to all power customers. This pleading represents the position of EPSA as an organization, but not necessarily the views of any particular member with respect to any issue. EPSA filed a timely document-less Motion to Intervene in this proceeding on November 25, 2024.

⁴ 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 88,000 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. These comments represent the position of P3 as an organization but not necessarily the views of any particular member with respect to any issue. For more information on P3, visit www.p3powergroup.com. P3 filed a timely document-less Motion to Intervene in this proceeding on November 25, 2024.

Cause Order and answers submitted to that order on March 24, 2025, in particular the *Answer of PJM Interconnection, L.L.C.* (“PJM Answer”).⁵

EPSA and P3 agree with the Commission that PJM needs to establish tariff provisions and rules to accommodate the array of co-located load arrangements that will facilitate the timely and effective integration of large loads locating in the region. As many comments underscore,⁶ this is needed to support critical economic development as well as national security. Unfortunately, PJM’s Answer is insufficient as the RTO has taken the position that its Tariff is just and reasonable regarding only an extremely limited type of co-location configuration, largely aping the position expressed by many PJM Transmission Owners in the instant consolidated proceedings⁷ (as well as related proceedings before the Commission)⁸ and disregarding the direction in and intent of the

⁵ Answer of PJM Interconnection, L.L.C., Docket Nos. EL25-49-000, AD24-11-000, EL25-20-000 (consolidated) (March 24, 2025).

⁶ Show Cause Order, P 15, 16, (summarizing comments in the record of Docket No. AD25-11-000, *Technical Conference on Large Loads Co-Located at Generating Facilities*).

⁷ Answer of the Indicated PJM Transmission Owners to the Order Instituting the Proceeding Under Section 206 of the Federal Power Act and Consolidating With Other Proceedings, Docket Nos. EL25-49-000, AD24-11-000, EL25-20-000 (consolidated) (March 24, 2025), (“Answer of the Indicated PJM Transmission Owners”). “[T]he Indicated TOs support the Commission ruling, as part of its review in this proceeding, that the existing PJM Tariff and its existing two forms of transmission service—Network Integration Transmission Service (“Network Service”) and Point-to-Point Transmission Service (“Point-to-Point Service”)—encompass and apply to these arrangements,” p. 2 (citations omitted); “Consequently, the Commission should confirm that the existing PJM Tariff provisions regarding Network Service and Point-to-Point Service are sufficiently inclusive to cover the treatment of co-located load,” p. 5.

See also, Exelon Comments in Opposition to Complaint, Docket No. EL25-20-000, (December 12, 2024); Post-Technical Conference Comments of PPL Electric Utilities Corporation, Docket No AD24-11-000, (December 9, 2024), Section III(A), *Large Loads Should Locate in Front of the Meter, Whether or Not They Are Co-Located with Generation*, pp. 9 – 12, and Section III(B), “The easiest solution to the dilemma of behind-the-meter co-located load would be to prohibit it,” p. 12.

⁸ See six Exelon Companies’ utility FPA Section 205 Tariff Amendment Filings to revise PJM Tariff Attachment H-1 to unilaterally designate any transmission service to co-located load is Network Integration Transmission Service (“NITS”) unless the load is designated to receive Point-to-Point service (rejected by the Commission in an order issued February 20, 2025). Tariff revision filings submitted August 28, 2024, as follows: Atlantic City Electric Company, Docket No. ER24-2888-000; Baltimore Gas & Electric Company, Docket No. ER24-2889-000; Commonwealth Edison Company, Docket No. ER24-2890-000; Delmarva Power & Light Company, Docket No. ER24-2891-000; PECO Energy Company, Docket No. ER24-2893-000; and Potomac Electric Power Company, Docket No. ER24-2894-000 (not consolidated).

Show Cause Order.⁹ Rather than propose revised Tariff provisions to accommodate these arrangements, PJM passes the buck back to the Commission, seeking extensive guidance from the Commission on a path forward, informed by the principles that the RTO says it offers in its Answer. There has been no showing that PJM's Tariff is just and reasonable or not unduly discriminatory, or that changes are not needed to enable progress, though PJM claims otherwise.

In light of the approach PJM has adopted, EPSA and P3 urge the Commission to direct PJM to develop the Tariff revisions necessary to remove barriers to co-location arrangements on an expedited, time-limited basis. At this stage, a clear and defined process is required to move forward in any way, much less expeditiously. Noting that there is some novelty and innovation to the array of co-location configurations that may emerge, EPSA and P3 recommend that the Commission convene an expedited time-limited settlement process¹⁰ so that PJM can work with its states and members to identify and develop the improvements and clarifications needed to accommodate those arrangements. This process should be confined to a 90-day period to provide certainty

⁹ Show Cause Order, P 74, (“[W]e find that the existing Tariff appears to be unjust and unreasonable or unduly discriminatory or preferential because it does not contain provisions addressing with sufficient clarity or consistency the rates, terms, and conditions of service that apply to co-location arrangements. The absence of such provisions may leave entities unable to determine what steps they can or must take to effectuate co-location arrangements of various configurations[.]”).

¹⁰ See Joint Comments and Motion to Stay Proceedings and Request to Establish Settlement Judge Procedures of the Electric Power Supply Association, the PJM Power Providers Group, Calpine Corporation, Cogentrix Energy Power Management, LLC, Constellation Energy Generation, LLC, and LS Power Development, LLC; Docket Nos. EL25-49-000, AD24-11-000, EL25-20-000 (consolidated) (filed April 22, 2025). “[T]he Commission should issue a finding as expeditiously as possible that the PJM Tariff is unjust and unreasonable and unduly discriminatory and preferential. In addition to making this finding, the Commission should appoint a settlement facilitator and/or settlement judge to actively engage, through publicly-noticed settlement conferences, with PJM, the Transmission Owners, and any other interested intervenors in a concerted, focused, and good faith effort to resolve this proceeding within a 90 day period. The Commission should direct parties to this settlement process to identify an acceptable replacement rate that reasonably establishes the services, if any, used by co-located loads, and allocates any costs to such loads (or the generator serving them) consistent with cost causation principles.” p. 2.

and direction to generation suppliers and large load customers negotiating and developing critical co-location contractual arrangements.

I. BACKGROUND

The Show Cause Order makes an initial finding that the PJM Open Access Transmission Tariff (“OATT”) appears to be unjust, unreasonable, and unduly discriminatory or preferential regarding rules to address co-location configurations between interconnected generators and co-located load customers. Therefore, the Commission directs PJM and its Transmission Owners to either show cause as to why the PJM OATT and related rules and agreements (“the Tariff”) are just and reasonable for the accommodation of co-location configurations without provisions specific to those arrangements, or to explain what changes are needed to remedy any insufficiency in the clarity or consistency of rates, terms, and conditions available to co-location arrangements. To ensure a robust record on the co-location issues, the Commission has consolidated the Section 206 Show Cause proceeding with two related dockets – each with established and extensive records addressing co-location in PJM.

In its Answer, PJM identifies “at least eight potential options for additional large load co-location,”¹¹ summarizing each in reference to “key attributes and impacts of each configuration and service option on load characteristics, services consumed, studies required, rates, operations, and resource adequacy impacts.”¹² This includes whether each co-location option is preferred by PJM and whether Tariff modifications are necessary.

¹¹ PJM Answer, p. 5. See also Exhibit A, “Options for Service to Large Loads,” pp. 75-77.

¹² *Id.*, p. 5.

Of the eight options, PJM states that three currently exist under its Tariff – notably two of those are full Network Load and the other is a Behind-the-Meter (“BTM”) generation configuration that PJM says is not intended for use by large loads and is, in fact, capped market-wide because that BTM load does not carry reserves.¹³

For the remaining five “new” options, PJM notes that Tariff modifications are needed or likely needed. Of those, PJM “prefers” (at a lower level) three – two which require the large load to be categorized as Network Load (Options 6 and 8) and one which requires the load to be interruptible so that it may be curtailed to support reliability in advance of emergency conditions (Option 7). Notably, PJM explains that its list of options is not exhaustive but rather it is conceptual and thus would benefit from “continued input from stakeholders, Commission guidance, and a deadline for submission of any such proposals either in the context of a section 205 filing or in this docket.”¹⁴

More generally, PJM states that “participants involved in co-location arrangements should pay the costs of any grid services they consume and the arrangements must be reliable and operationally manageable.”¹⁵ Further, PJM emphasizes that certain options are dependent on state law, which varies across the region and in some instances may impact certain co-located arrangements.¹⁶ In part this discussion of state regulatory regimes leads PJM to seek guidance from the

¹³ *Id.*, p. 13, fn 5, “[B]ecause of the potential reliability impacts of this option, use of this option has been capped at approximately 2000 megawatts (“MW”) of which about 1300 MW are already used. There are also performance requirements for generation associated with this configuration. Therefore, large load additions located behind generation are not ideal or contemplated under this existing configuration.”

¹⁴ *Id.*, p. 5.

¹⁵ *Id.*, p. 4

¹⁶ *Id.*, pp. 23, 26-31, and fn 29.

Commission and to confer with stakeholders on treatment of certain co-location scenarios.

Of note, the Indicated PJM Transmission Owners submitted an answer stating that PJM's existing Tariff includes provisions that apply to co-located load arrangements pursuant to two forms of transmission service – Network Integration Transmission Service (“Network Service”) and Point-to-Point Transmission Service.¹⁷ They contend that co-located end-use loads can only be treated as front of the meter load and designated as Network Load.

II. COMMENTS

A. Certain Restructured States in PJM Have Chosen to Unbundle and Not Regulate Transmission; the Commission Has Duly Exercised Its Jurisdiction Over Transmission to Non-Utility Network Customers Who Serve Retail Customers

The Commission laid out a series of principles in its Order concerning the extent to which it may exercise jurisdiction over the transmission services used to facilitate co-located loads. Purporting to agree with the Commission's nuanced statements in the Order, the Indicated PJM Transmission Owners aver that “[S]tate jurisdiction must be recognized and respected. Consistent with basic principles articulated by the Commission in the Show Cause Order, transmission service for co-location arrangements must be applied to customers taking service under a state jurisdictional rate filed by an electric distribution company (EDC)/load serving entity (LSE) and approved by the state regulator.”¹⁸ Yet, the Indicated PJM Transmission Owners evade the reality of states' policy choices as they relate to retail restructuring, which is that states in many circumstances have no tariff which applies to customers' transmission rates.

¹⁷ See *generally*, Answer of the Indicated PJM Transmission Owners.

¹⁸ Answer of the Indicated PJM Transmission Owners, Attachment A, at 2.

In PJM, most states that passed laws and regulations adopting competition at the retail level also made the decision to unbundle transmission charges from the regulated electric distribution company tariffs approved by the relevant state public utility commission. In those states, some or all retail customers pay for transmission costs through a load-serving entity that is *not* their state-regulated electric distribution company.¹⁹ In those circumstances, *there is no tariff* that purports to contain the “state jurisdictional rate filed by an electric distribution company” for transmission service.²⁰ In those states and for those customers, there is no remaining nexus between state regulation and the transmission rates established by this Commission. Instead, transmission is exclusively an act perforce of Commission-approved tariffs, whose costs are passed to PJM Network Customers (the non-utility load-serving entities, in this case), and thereafter to end-use customers as part of their competitive energy supply rates. Just as states have decided to leave the retail price of electric energy to be determined by

¹⁹ For example, in Maryland, “competitive power supply” includes “*unbundled* energy, capacity, and transmission services.” Potomac Electric Power Co. (Pepco), Electricity Supply Coordination Tariff, 4th Rev’d Pg. 1 (emphasis added).

https://www.pepco.com/cdn/assets/v3/assets/bltbb7c204688a1a6a8/blt8d284546a2ec90cd/6687db009964731dae53e697/Pepco_MD_CURRENT_Clean_Supplier_Tariff_updates_effective_070124.pdf

(accessed Apr. 21, 2025). As Pepco’s own tariff on file at its state regulator makes clear, “The [Maryland] Customer Choice Act gives the customer the option to receive all electricity services (generation, transmission, and distribution) ... The [Maryland] Customer Choice Act also gives the customer the option to receive generation and transmission services from an alternate Electricity Supplier. If this option is chosen, Pepco will continue to provide distribution service... If the customer chooses to receive generation and transmission service from an Electricity Supplier, the customer should contract with an Electricity Supplier.” Pepco, Pepco, General Terms and Conditions for Furnishing Electric Service in Maryland, 5th Rev’d Pg. 14.

https://www.pepco.com/cdn/assets/v3/assets/bltbb7c204688a1a6a8/blt770f5b6804c804c/6512d7d42901d5000d9424f1/MD_Terms_and_Conditions_-_Connection_Fee_effective_090123_FINAL_Filing.pdf (accessed Apr. 21, 2025).

²⁰ *Id.* And Maryland is not alone. In Pennsylvania, certain state-approved utility tariffs expressly disavow the application of state-established transmission rates to customers who make a selection of alternative provider. See, for example, PECO Rate HT-High Tension Power, which applies transmission charges only for “Transmission Service for Customers Receiving Default Service” Available at: https://azure-na-assets.contentstack.com/v3/assets/blt1b5616c79bacadb4/blt20cfd1b271b632de/67e3f09e9af786d1f4ea1b77/Rate_HT_Eff_April_1_2025.pdf (accessed Apr. 16, 2025).

customer choice and retail competition through load-serving entities entering into contracts with retail customers, so too have transmission costs that are charged to these load-serving entities been recouped through private contract between them and their retail customers, and not through state-approved rates.²¹

This situation creates obvious implications for this Commission's jurisdiction. First, it means that there are no transmission rates, other than those the Commission has approved, which related procedures like interconnection may directly affect.²² Second, because these are non-rate terms and conditions that regulatory commissions traditionally claim jurisdiction over because they "directly affect" rates, it logically follows that such transmission procedures are regulable by the Commission. Third, these jurisdictional questions depend less on whether there is a co-location arrangement in place, and instead on whether a state has restructured in a manner that unbundles transmission rates from state-regulated tariffs.

The Commission should restate what is obvious – that it does have jurisdiction over unbundled transmission rates – and its logical implication, that it has jurisdiction over matters like interconnection that directly affect those rates. The Commission may of course also make clear, as the Supreme Court recognized in *New York v. FERC*, that there may be some instances when the Commission, even in possession of jurisdiction, does not actively exercise it.²³

²¹ The rates this Commission sets for transmission of course inform those retailers' costs but does not dictate the retail rate, and for good reason; as one example, certain competitively established energy prices that include transmission have contract terms that do not allow adjustments during the term of the contract, even as the Commission's formula rates adjust over that time.

²² 16 U.S.C. §824d, e; *FERC v. Electric Power Supply Assoc.*, 577 U.S. 260 (2016) (agreeing that the Commission has jurisdiction over compensation for a not directly jurisdictional practice because it "directly affects" Commission-established rates).

²³ *New York v FERC* 535 U.S. 1 (2002), pp. 26-27, (determining that a §206 proceeding could be resolved by determining to apply a remedy only to situations wherein transmission rates were unbundled from utility retail energy sales).

B. PJM's Answer is Not Responsive to the Commission and Fails to Demonstrate its Tariff is Just and Reasonable

As highlighted in EPSA's post-conference comments and the extensive record in that administrative proceeding (consolidated in this instant proceeding),²⁴ co-location arrangements are important bilateral scenarios emerging very quickly to meet the rapid demand growth posed by large load end-users like data centers. This is the precise type of innovation that competitive markets like PJM should foster and support. With numerous proceedings pending before the Commission touching on the array of issues raised by and related to enabling co-location arrangements, the Commission correctly consolidated three of those dockets here, offering PJM the opportunity to respond to the Commission's directives and establish the needed market and Tariff certainty to allow generation developers/operators and new large load customers to move forward and begin operations.

PJM's Answer has not risen to that challenge, however. While comprehensive, the RTO's interpretation of its Tariff as just and reasonable – despite clear barriers to a range of co-located load arrangements – is based on an extremely limited pool of pre-set co-location configurations. PJM's agreement that its Tariff supports certain Network Load scenarios – two, to be specific (Options 1 and 2) – does not mean that PJM has responded to the task at hand. In the face of myriad formal proceedings, policymaker dialogues and inquiries, industry conversations, and press coverage over the past year focused on how to serve significant demand growth spurred by large loads like data centers, PJM's task is to ensure it has tariff provisions in place that accommodate co-location arrangements in a range of forms, enabling optionality rather than crystalizing

²⁴ Post-Conference Comments of the Electric Power Supply Association, Docket No. AD24-11-000, (December 9, 2024).

around pre-set structures. This requires a baseline set of provisions to address the arrangements that impact the PJM system, allowing space for different types of arrangements and leaving regulation of certain fully isolated behind-the-meter arrangements largely to the states in which they locate. PJM's baseline is critical for this region and will inevitably provide guidance if not a pathway for other regions and markets on what is needed to accommodate co-location configurations.

Based on the limitations that PJM has read into its existing Tariff – that it essentially precludes most co-location options other than NITS billed on a gross load basis – EPSA and P3 contend that the lack of clarity has rendered it unjust and unreasonable and it is in fact unduly discriminatory against certain forms of co-located loads in its current form. To revise the Tariff to meet the stated needs in the Show Cause Order does not require extensive provisions added to identify, prescribe, and address *every* type of co-location configuration. Rather, PJM's Tariff must foster and accommodate the innovation that we will see in the coming months and years. PJM should work with stakeholders *in a time-limited process* to develop those revisions needed to establish the basic rates, terms, and conditions of service that would enable and accommodate a broader range of co-location arrangements while preserving reliability and cost efficiency for all PJM end-use customers. Frankly, PJM underestimates its ability to support several types of co-located loads pursuant to its existing Tariff. Today, much new load and generation enters the PJM system as Behind-the-Meter arrangements. The RTO needs to give greater consideration to how those provisions can be extended to co-located scenarios.

PJM's Answer indicates that it has fallen prey to several distractions in its consideration of its Tariff regarding co-located loads. For instance, PJM focuses on how different state laws and regulatory regimes impact co-located loads. However, navigating

varying state requirements is not directly relevant to PJM's task here, and it misses the point. There undoubtedly will be various state requirements that apply to behind-the-meter scenarios that are fully within the authority of the state in which they are located.

Generation developers/operators and large load customers will locate in states that will accommodate their projects. But at bottom, state requirements across PJM's footprint are outside of PJM's authority or purview and should not limit or unnecessarily complicate PJM's efforts to advance Tariff revisions subject to federal jurisdiction.

Additionally, there are degrees of "isolation" and technical characteristics that must be taken into account when developing just and reasonable rules and rates for co-located arrangements. PJM's rules must recognize that there are protective schemes that can shield the system from impacts of a large co-located load and, conversely, that can shield the co-located load from system disturbances. The stakeholder work that EPSA and P3 recommend below must acknowledge how these various structures could operate and interact with the system under normal utility practice – and the rules should reflect that reality, just as they do for other system participants. It is unduly discriminatory to establish unreasonable costs or penalties for varying degrees of isolated co-location scenarios because protective measures or equipment might hypothetically fail. Large loads like Data Centers and AI businesses present new challenges, but they do not vary so significantly from existing large loads that they can be discriminated against simply due to their size or novelty. This means that large load customers willing to rely solely on their co-located generation resource should be allowed to do so.

Another distraction has been PJM's presumption that the Commission has somehow indicated that certain co-location arrangements are impermissible. In its Answer, PJM interprets a recent FERC decision – the only formal Commission action to address

co-location issues directly – as prohibitive of certain co-location arrangements and creating confusion regarding capacity constructs and other treatment in PJM's markets.²⁵

Fortunately, FERC has just resolved this issue in its rehearing order on the Susquehanna Amended Interconnection Services Agreement (“Susquehanna ISA”), in which the Commission stated, “[W]e clarify that the [Susquehanna ISA] Rejection Order does not prevent entities from filing non-conforming interconnection agreements to address matters related to a generator serving co-located load, or prejudice any such future filing.”²⁶ That cleared up, EPSA and P3 urge PJM to take its blinders off and fully consider the Tariff revisions required to remove barriers to co-location arrangements and, certainly, to dismiss the notion that issues related to the Commission’s standards for non-conforming ISAs pose barriers to co-located load configurations.

C. The Transmission Owners’ Litigation Position is Anti-Competitive and Stifles Co-Location Innovation

Individual PJM Transmission Owners in this and related proceedings before the Commission²⁷ have adopted the litigation position that there are two – and only two – options for co-located arrangements that they will allow: Network Load customers beholden to taking Network or Point-to-Point firm transmission service on the TO’s terms (and at their pace), or fully isolated and completely disconnected Behind-the-Meter subject to state jurisdiction. In its Answer, PJM has leaned into this vision and, while acknowledging up to eight variations for co-location configurations, largely lands where the Indicated Transmission Owners have led. The Indicated Transmission Owners position not only violates open access requirements under federal law, but also is reductive, limiting,

²⁵ See e.g., PJM Answer, p. 52, 59.

²⁶ Order Addressing Arguments on Rehearing and Granting Clarification, In Part, *PJM Interconnection, L.L.C.*, Docket No. ER24-2172-002, 191 FERC ¶ 61,025 (issued April 10, 2025), P. 30.

²⁷ See fns 7, 8 above.

and self-serving. Their anti-competitive approach will not help meet these large loads – which are coming and which serve an urgent national priority – reliably, efficiently, or affordably.

Stakeholders in this proceeding must adopt a shared and rational view about how different co-location configurations use and impact the PJM system, and how that may vary greatly across potential arrangements; many scenarios will have minimal if not miniscule impacts on the system (or use of system services). Co-located parties have made it abundantly clear that they are willing to pay for their system use, which will vary. Thus, PJM should work with stakeholders to determine what tariff provisions, rate schedules, or market rules are required to address and enable different scenarios. That must include assessing netting of charges in a non-discriminatory manner in order to reflect cost causation, for instance. Based on the Indicated Transmission Owners' Answer, and disappointingly PJM's Answer, these critical nuances have been largely disregarded, if not impeded.

The key here is that the presumption for Behind-the-Meter co-location configurations should be that some – perhaps even many or most – do not require full Network Service for the gross load, and work up from there, based on individual configurations. Thus, there may be a need to either extend existing Behind-the-Meter generation provisions and rules to co-located loads or to develop new rules that acknowledge a more limited use of the system and PJM/Transmission Owner services. PJM's stated preference for Network Service scenarios is reductive and antithetical to the innovation needed to serve this burgeoning demand. This innovation can (and must) be supported while also ensuring the reliability of the PJM system and designating cost responsibilities based on causation and protecting other customers –priorities for power

suppliers as well. Though complicated, it may not be as complicated as characterized and is certainly in PJM's wheelhouse as system operator of the nation's largest organized power market.

D. The Commission Should Direct PJM to Convene a Time-Limited Settlement Process for Stakeholders to Develop Tariff Provisions for FERC Approval

Rather than digging in heels over Network Load designations or looking to the Commission for guidance, PJM should be working with stakeholders to develop the set of provisions needed to address co-location costs, requirements, and participation in the PJM market and eliminate current Tariff barriers to these arrangements. The Commission should direct PJM and stakeholders to develop a rate design that reasonably addresses how certain configurations use the system – which may be limited or minimal in certain circumstances – and that provides the certainty that co-location developers need while not erecting artificial barriers to these critical and innovative business arrangements.

There are certain issues that must be prioritized to reach a just and reasonable Tariff. PJM should address how its Tariff can clearly support load flexibility and how its Tariff can enable the netting of charges in a non-discriminatory manner, as is done with Behind-the-Meter generation and certain industrial loads today. Among the identified options, several could utilize versions of tariff provisions that apply to Behind-the-Meter generation currently.

PJM should also consider how its Tariff can enable co-located loads to opt into flexible or interruptible transmission services, again noting that accessing netting of charges would support these options. This flexibility will support grid reliability and could enable speed to the market – which is a priority for new large load customers and should be a priority for PJM as well.

III. CONCLUSION

WHEREFORE, EPSA and P3 urge the Commission to consider the comments herein and establish a 90-day settlement process to allow PJM to work with stakeholders on the tariff provisions needed to address co-location arrangements sufficiently and fully.

Respectfully submitted,

/s/ N. Bagot

Nancy Bagot, Senior Vice President
Sharon Theodore, Vice President Regulatory Affairs
Electric Power Supply Association
1401 New York Avenue, N.W., Suite 950
Washington, D.C. 20005
(202) 628-8200
NancyB@epsa.org

On behalf of the Electric Power Supply Association

/s/ G. Thomas

Glen Thomas
Laura Chappelle
Diane Slifer
GT Power Group
101 Lindenwood Drive, Suite 225
Malvern, PA 19355

On behalf of The PJM Power Providers Group

Dated: April 23, 2025

CERTIFICATE OF SERVICE

I hereby certify that on this day I have served via email the foregoing document upon each person designated on the Official Service List compiled by the Secretary in this proceeding.

Dated at Washington, D.C., this 23rd day of April, 2025.

*On behalf of the Electric Power Supply Association
and the PJM Power Providers Group*

/s/ N. Bagot

Nancy Bagot, Senior Vice President, EPSA