
Garrett P. Lent

glent@postschell.com
717-612-6032 Direct
717-731-1985 Direct Fax
File #: 205388

March 3, 2026

VIA ELECTRONIC FILING

Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Second Floor
Harrisburg, Pennsylvania 17120

**Re: Application of NextEra Energy Transmission MidAtlantic, Inc., Filed Pursuant to 52 Pa, Code Chapter 57 Subchapter G, for Approval to Site and Construct a 500 kV Transmission Line Associated with the MidAtlantic Resiliency Link Project Located in Portions of Greene County and Fayette County, Pennsylvania
Docket No. A-2026-**

Dear Secretary Homsher:

Enclosed for filing on behalf of NextEra Energy Transmission MidAtlantic, Inc. ("NEET MA") are the following:

1. The above-captioned Siting Application and Attachments support of the Siting Application;
2. The Direct Testimony and Exhibits in support of the Siting Application; and
3. The Notice of Filing.

The associated \$350.00 filing fee has been paid by Post & Schell, P.C. as of the time of the filing.

Due to file size restrictions, the Application, and the accompanying Attachments, Direct Testimony and Exhibits, as well as a copy of the associated Notice of Filing are being uploaded electronically to the Commission's ShareFile for large filings.

Copies of the Application, and the accompanying Attachments, Direct Testimony and Exhibits are being served by certified mail, return receipt requested, upon the parties indicated on the Certificate of Service associated with the Siting Application. In addition, due to the size of the filing,

Matthew L. Homsher, Secretary
March 3, 2026
Page 2

electronic copies of the Siting Application and accompanying materials are being provided to the Commission's Bureau of Investigation and Enforcement, the Office of Consumer Advocate, and the Office of Small Business Advocate via a Microsoft OneDrive download link.

Copies of the Notice of Filing are being served by certified mail, return receipt requested, upon the parties indicated on the Certificate of Service associated with the Notice of Filing.

Subject to the Commission's approval, construction on the Project is scheduled to begin on or about November 2029, to meet an in-service date of December 31, 2031. However, due to the substantial need for reinforcements to the Bulk Electric System, PJM has asked NEET MA to take all reasonable actions to obtain the necessary approvals and complete construction of the MARL Project as soon as possible. Therefore, NEET MA is working to provide a pathway to accelerate the in-service date to December 2029 or earlier, pending regulatory approvals. In order to facilitate these efforts and NEET MA's compliance with the requirement to complete the MARL Project by December 31, 2031, NEET MA is requesting that the Commission issue a final order in this matter no later than the latest March 2027 public meeting date.

REQUEST FOR CONFIDENTIAL TREATMENT OF PROPRIETY AND NON-PUBLIC INFORMATION

NEET MA further notes that the following materials included in this filing contain **CONFIDENTIAL AND PROPRIETARY**, non-public information:

- Siting Application – Attachment 3 – Routing Study includes **CONFIDENTIAL** pages associated with its Appendix A, Attachment 1G; and
- Siting Application – Attachment 3 – Routing Study includes **CONFIDENTIAL** pages associated with its Appendix E-9 and Appendix E-12.

Each of above-identified materials are designated "**CONFIDENTIAL**" because they contain sensitive information, including, but not limited to, non-public information utilized by NEET MA's consultant to prepare portions of the Routing Study. In addition, each of the above-referenced materials has been clearly marked as "**CONFIDENTIAL**," removed from the public version of the above-captioned Siting Application and associated materials, and separately filed with the Commission. NEET MA requests that the copies of the materials that have been labeled "**CONFIDENTIAL**" be given confidential treatment by the Commission, including its various offices and bureaus. That is, NEET MA requests that the confidential materials be excluded from the Commission's public document folder and that the confidential copies not be disclosed to the public. NEET MA will provide copies of these materials to parties in this proceeding that have executed appropriate Non-Disclosure Certificates pursuant to a Stipulated Protective Agreement or Protective Order.

If you have any questions pertaining to the matter, please contact me at the addresses or telephone numbers provided above.

Matthew L. Homsher, Secretary
March 3, 2026
Page 3

Respectfully submitted,



Garrett P. Lent

GPL/dmc
Enclosures

cc: Darren Gill – Bureau of Technical Utility Services (*via email*)
Deb Becker – Bureau of Technical Utility Services (*via email*)
Jordan Van Order – Bureau of Technical Utility Services (*via email*)
Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Application has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 57.72(d)(3).

VIA CERTIFIED MAIL: RETURN RECEIPT REQUESTED

Pennsylvania Office of Small Business
Advocate
555 Walnut Street
1st Floor Forum Place
Attn: NazAarah Sabree, Small Business
Advocate
Harrisburg, PA 17101
ra-sba@pa.gov

Pennsylvania Office of Consumer Advocate
555 Walnut Street, 5th Floor
Forum Place
Attn: Darryl A. Lawrence, Consumer
Advocate
Harrisburg, PA 17101
ra-oca@paoca.org

Pennsylvania Bureau of Investigation and
Enforcement
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
2nd Floor, Room-N201
Attn: Alison Kaster
Harrisburg, PA 17120
akaster@pa.gov

Pennsylvania Department of Environmental
Protection
400 Market Street
Rachel Carson State Office Building
Harrisburg, PA 17101
Attn: Regional Permit Coordination Office

Presidents of Trans-Allegheny Interstate
Line Company and West Penn Power Co.
c/o First Energy Service Co.
800 Cabin Hill Rd
Greensburg, PA 15601
Att: Mark Mroczynski
Attn: John Hawkins, Jr.

Dunkard Township Supervisors
Dunkard Township Supervisors Building
P.O. Box 369
370 N. Moreland Street
Bobtown, PA 15315
Attn: Chairman Rodger Franks

Greene County Board of Commissioners
93 E. High Street
Waynesburg, PA 15370
Attn: Jared Edgreen, Chairman

Greene County Planning Commission
93 E. High Street
2nd Floor
Waynesburg, PA 15370
Attn: Chairman Julie Gatrell

Greene County Conservation District
22 West High Street, Suite 204
Waynesburg, PA 15370
Attn: Chairman James Cowell

Springhill Township
198 Lake Lynn Road
Lake Lynn, PA 15451
Attn: Sean Goodwin, Supervisor, Chairman

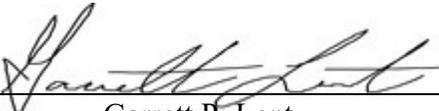
Springhill Township Zoning Officer
198 Lake Lynn Road
Lake Lynn, PA 15451

Fayette County Commissioners
Commissioners Office County Courthouse
61 East Main Street
Uniontown, PA 15401
Attn: Chairman Scott Dunn

Fayette County Planning Commission
2 West Main Street
Uniontown, PA 15401
Attn: Sarah Harvey, Director

Dated: March 3, 2026

Fayette County Conservation District
10 Nickman Plaza
Lemont Furnace, PA 15456
Attn: Doug Petro, District Manager



Garrett P. Lent

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of NextEra Energy : Docket No. A-2026-_____
Transmission MidAtlantic, Inc., Filed :
Pursuant to 52 Pa. Code Chapter 57 :
Subchapter G, for Approval to Site and :
Construct a 500 kV Transmission Line :
Associated with the MidAtlantic Resiliency :
Link Project Located in Portions of Greene :
County and Fayette County, Pennsylvania :

**SITING APPLICATION OF
NEXTERA ENERGY TRANSMISSION MIDATLANTIC, INC.**

NextEra Energy Transmission MidAtlantic, Inc. (the “Applicant” or “NEET MA”) hereby files, pursuant to 52 Pa. Code § 57.72, this Siting Application requesting Pennsylvania Public Utility Commission (“Commission”) approval of the siting and construction of the Pennsylvania portion of a new 500 kilovolt (“kV”) transmission line associated with the MidAtlantic Resiliency Link Project (“MARL Project”) in Dunkard Township in Greene County, and Springhill Township in Fayette County, Pennsylvania (“Siting Application”).

As explained below, PJM Interconnection, L.L.C. (“PJM”) identified a need to address significant and widespread reliability criteria violations on the Bulk Electric System (“BES”) that serves the PJM Region,¹ including Pennsylvania, due to load growth and anticipated resource retirements in the PJM Region. To address these reliability violations, PJM approved multiple transmission projects and enhancements, including the MARL Project.

¹ The PJM Region includes all or parts of Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and the District of Columbia.

The MARL Project involves the construction of a new approximately 107.5-mile 500-kV transmission line across Maryland, Pennsylvania, West Virginia, and Virginia, as well as a new Woodside 500/138 kV Substation in Virginia. The Pennsylvania portion of the MARL Project will extend approximately 10.7 miles from the existing FirstEnergy Corp. (“FirstEnergy”) 502 Junction Substation in Greene County, Pennsylvania for approximately 2.7 miles to the West Virginia border, extends through West Virginia for 3.1 miles, and then re-enters Pennsylvania in Greene County, and traverses through Greene and Fayette Counties for 8.0 miles, and then proceeds back into West Virginia (the “Pennsylvania Portions”). As explained below, NEET MA is obligated to construct the Pennsylvania Portions of the MARL Project.

Through this Siting Application, NEET MA seeks Commission approval of the siting and construction of the Pennsylvania Portions of the MARL Project consistent with 52 Pa. Code § 57.76. Subject to the Commission’s approval, construction of the MARL Project is scheduled to begin as soon as practicable following receipt of all necessary regulatory approvals and permits. In support of this Siting Application, NEET MA states as follows:

I. INTRODUCTION AND OVERVIEW

1. This Siting Application is filed by NEET MA. NEET MA’s address is as follows:

NextEra Energy Transmission MidAtlantic, Inc.
700 Universe Boulevard
Juno Beach, FL 33408

2. NEET MA’s attorneys are:²

Tracy C. Davis (TX Bar # 24045758)
NextEra Energy Transmission, LLC
5920 W. William Cannon Dr., Bldg. 2
Austin, TX 78749

David B. MacGregor (PA ID # 28804)
Garrett P. Lent (PA ID # 321566)
Hayley E. Wilburn (PA ID # 336055)
Post & Schell, P.C.

² An appropriate motion for admission *pro hac vice* will be submitted on behalf of Attorneys Tracy C. Davis and Anna Galanis once a docket number is assigned to this matter.

Phone: 512-236-3141
Fax: 512-236-0484
Email: tracy.c.davis@nexteraenergy.com

Anna Galanis (MD ID # 2106150110)
NextEra Energy Transmission, LLC
700 Universe Blvd
Juno Beach, FL 33408
Phone: 561-691-2542
Fax: 561-691-7135
E-mail: anna.galanis@nexteraenergy.com

17 North Second Street
12th Floor
Harrisburg, PA 17101-1601
Phone: 717-731-1970
Fax: 717-731-1985
E-mail: dmacgregor@postschell.com
E-mail: glent@postschell.com
E-mail: hwilburn@postschell.com

NEET MA's attorneys are authorized to receive all notices, communications, pleadings, motions, orders, or other documents regarding this Application.

3. NEET MA is a corporation organized and existing under the laws of the State of Indiana (formerly a Delaware limited liability company) and is qualified to do business in the Commonwealth of Pennsylvania. NEET MA will be responsible for the Pennsylvania, West Virginia, and Maryland portions of the MARL Project. NEET MA is an indirect, wholly owned subsidiary of NextEra Energy Transmission, LLC ("NEET"), which is a leading competitive electric transmission company that, through various subsidiaries, owns and operates approximately 2,100 circuit miles of transmission lines across the United States and Canada. NEET is an indirect, wholly owned subsidiary of NextEra Energy, Inc. ("NextEra Energy"), which is a Fortune 200 company that is the world's largest electric utility by market capitalization, with revenues in calendar year 2025 of approximately \$27.4 billion and approximately 17,400 employees as of December 31, 2025. In addition to NEET, NextEra Energy owns Florida Power & Light Company, which is America's largest electric utility that sells more power than any other utility, providing clean, affordable, reliable electricity to approximately 6 million customer accounts, or more than 12 million people across Florida. NextEra Energy also owns a competitive energy generation

business, NextEra Energy Resources, LLC, which, together with its affiliated entities, owns and operates approximately 37 GW of generation resources across the U.S. and Canada.³

4. NEET MA was formed to develop, construct, own, and operate transmission lines in the PJM region. NEET MA utilizes best practices and experienced personnel to deliver industry-leading transmission planning, engineering, construction, operation, and procurement expertise to customers in the PJM region. Upon receipt of all necessary approvals, NEET MA will construct, own, and operate the Pennsylvania, West Virginia, and Maryland portions of the MARL Project, and NEET MA's affiliate, NextEra Energy Transmission Virginia, Inc. ("NEET VA"),⁴ will construct, own, and operate the Virginia portion of the MARL Project.

5. Contemporaneously with this Siting Application, NEET MA is filing an Application with the Commission requesting all necessary authority, approvals, and certificates of public convenience authorizing NEET MA to begin to furnish and supply electric transmission service as a Pennsylvania public utility ("CPC Application").

6. The MARL Project involves the siting and construction of a new approximately 107.5-mile 500 kV line across Maryland, Pennsylvania, West Virginia, and Virginia, as well as a new Woodside 500/138 kV substation in Virginia. The Pennsylvania Portions of the MARL Project will extend south-east approximately 2.7 miles from the existing 502 Junction Substation in Greene County, Pennsylvania to the West Virginia border. The MARL Project will continue for 3.1 miles in West Virginia before re-entering Pennsylvania and continue for 8.0 miles in

³ Subsidiaries of NextEra Energy Resources own and operate four distributed generation projects in Pennsylvania. NextEra Energy Resources' subsidiaries, NextEra Energy Services Pennsylvania, LLC, Frontier Utilities Northeast, LLC, and New Wave Energy, LLC are licensed and operate as Electric Generation Suppliers ("EGS") and Natural Gas Suppliers ("NGS"). In addition, NextEra Energy Resources' subsidiary, Symmetry Energy Solutions LLC, operates as an NGS. Finally, NextEra Energy Resources' subsidiaries, USOURCE LLC and Vanguard Energy Services LLC act as electric and natural gas brokers/marketers in the state.

⁴ NEET VA is organized as a public service corporation under the laws of the Commonwealth of Virginia.

Pennsylvania before continuing for 93.7 miles across West Virginia, Maryland, and Virginia where it will interconnect with new 500 kV transmission lines to be constructed by FirstEnergy and Dominion Energy in western Frederick County, Virginia. NEET MA herein seeks approval of the siting and construction of the, approximately 10.7 miles long, Pennsylvania Portions of the MARL Project.

7. Accompanying this Siting Application are the following Attachments that provide additional detailed information regarding the proposed MARL Project:

- Attachment 1 Commission Regulation Cross-Reference Matrix
- Attachment 2 Necessity Statement
- Attachment 3 Routing Study⁵
- Attachment 4 List of Owners of Property within the Proposed Route Right of Way
- Attachment 5 List of Governmental Agencies, Municipalities, and Other Public Entities Receiving the Application
- Attachment 6 List of Governmental Agencies, Municipalities, and Other Public Entities Contacted
- Attachment 7 List of Public Locations where the Siting Application Can Be Viewed by the Public
- Attachment 8 Cost Allocation

8. Also accompanying this Siting Application are the following written direct testimonies further explaining and supporting this Siting Application for approval to site and construct the Pennsylvania portion of the MARL Project:

NEET MA Statement No. 1: Kaitlin McCormick, Senior Director, Development, NextEra Energy Transmission, LLC – Provides an overview of NEET MA; describes the MARL Project; describes the obligation of NEET MA to complete the MARL Project; describes NEET MA’s managerial, financial, and operational

⁵ Appendices B-D to the Routing Study are not included with this filing because they contain non-Pennsylvania, state-specific information for West Virginia, Maryland, and Virginia. In addition, the public version of Attachment 3 excludes CONFIDENTIAL information, as described in the cover letter accompanying this Siting Application.

qualifications; describes how the MARL Project will be operated; and provides an overview of this Siting Application.

NEET MA Statement No. 2: Matt Pawlowski, Vice President, Development, NextEra Energy Transmission, LLC – Explains the need for the MARL Project; describes the MARL Project selected by PJM; describes alternatives that NEET MA considered to constructing the Project; explains the consequences of not constructing the Project; and describes the Project’s cost-effectiveness and estimated costs of constructing the Proposed Route and Alternative Routes.

NEET MA Statement No. 3: Sami Abdulsalam, Ph.D., P.Eng., Director of Transmission Planning, PJM – Explains the PJM Process; explains the need for the MARL Project; and describes how the MARL Project was selected by PJM.

NEET MA Statement No. 4: Andrew Gledhill, Manager of Resource Adequacy, System Planning Division, PJM – Describes PJM’s load forecasting process and the development of the load forecast reports upon which PJM relied to identify the reliability violations for which PJM sought solutions in the 2022 Window 3 competitive solicitation process.

NEET MA Statement No. 5: Heather Heater, Partner, Environmental Resources Management, Inc. (“ERM”) – Explains the environmental assessment, routing development and siting analysis, evaluation of alternative routes and the proposed route, and selection of the proposed route for the new 500 kV transmission line associated with the MARL Project. Mrs. Heater focuses specifically upon these issues with respect to the Pennsylvania Portions of the MARL Project.

NEET MA Statement No. 6: Phillip Givens, Senior Manager of Transmission Project Engineering, Engineering & Construction, NextEra Energy Resources, LLC – Explains the design features of the Pennsylvania Portions of the MARL Project; describes the safety features that will be incorporated into the design of the new 500 kV transmission line; and describes the engineering and construction process for the MARL Project.

NEET MA Statement No. 7: Matthew Boykin, Senior Director, Business Management, NextEra Energy Transmission, LLC – Describes NEET MA’s financial qualifications, as further support of NEET MA’s fitness to operate as an electric transmission public utility. He also describes how NEET MA will finance the construction and operation of the MARL Project, and how the costs of this project will be recovered through NEET MA’s FERC-jurisdictional rates. In addition, Mr. Boykin identifies and describes NEET MA’s affiliate interest agreements and cost allocation methods, which will be applicable to its Pennsylvania operations.

NEET MA Statement No. 8: Sarah Powers, Senior Director, Development, NextEra Energy Transmission, LLC – Explains the process used by NEET MA to attempt to acquire the rights of way (“ROW”) and easements necessary for the

Pennsylvania Portions of MARL Project, and provides an overview of the status of NEET MA's ROW negotiations and acquisitions related to the Pennsylvania Portions of the MARL Project.

NEET MA Statement No. 9: Dr. Fletcher Mangum, CEO and Founder Mangum Economics, Inc. ("Mangum") – Describes the analysis that Mangum performed to evaluate the economic benefits that the MARL Project will bring to the Commonwealth of Pennsylvania, including benefits based on wages from construction jobs and taxes. Dr. Mangum quantifies the direct, indirect, and induced economic impacts in Pennsylvania to arise from the construction and operation of the MARL Project.

9. This Siting Application, including the accompanying Attachments and Statements, which are incorporated herein by reference, contains all of the information required by 52 Pa. Code §§ 57.72(c), 69.1101, 69.3102-69.3107.

II. LEGAL STANDARDS FOR COMMISSION APPROVAL

A. STANDARDS FOR APPROVAL TO SITE AND CONSTRUCT HIGH VOLTAGE TRANSMISSION LINES

10. Pursuant to Section 1501 of the Public Utility Code, an electric utility has a statutory obligation to provide safe, adequate, and reliable service to its customers.⁶ The Commission's regulations provide that an electric distribution company may not construct high voltage ("HV") transmission lines, *i.e.*, electrical lines with an operating voltage of 100 kV or higher, without prior Commission approval. 52 Pa. Code § 57.71. As explained by the Commonwealth Court, the Commission's transmission line siting regulations set forth the following:

(1) the procedures for applying for approval of an HV line -- 52 Pa. Code § 57.72; (2) the procedures for hearings on HV line applications -- 52 Pa. Code § 57.75; and (3) what the [Commission] will consider when deciding whether to approve or deny an HV line application -- 52 Pa. Code § 57.76(a). These regulations, and 52 Pa. Code § 57.76 in particular, represent a codification of the review

⁶ 66 Pa.C.S. § 1501.

required by article I, section 27 of the Pennsylvania Constitution. *Re Proposed Electric Regulation*, 1976 Pa. PUC LEXIS 114, 49 Pa. P.U.C. 709, 712 (March 2, 1976) (stating that the “review required by article I, section 27 is being incorporated into our siting regulations”).

Energy Conservation Council of Pennsylvania v. Pa. PUC, 995 A.2d 465, 477-78 (Pa. Cmwlth. 2010) (“*TrailCo*”).

11. In order to grant an application for the construction and siting of a HV transmission line, the Commission must find and determine the following as to the proposed line:

(1) That there is a need for it.

(2) That it will not create an unreasonable risk of danger to the health and safety of the public.

(3) That it is in compliance with applicable statutes and regulations, providing for the protection of the natural resources of this Commonwealth.

(4) That it will have minimum adverse environmental impact, considering the electric power needs of the public, the state of the available technology and the available alternatives.

52 Pa. Code § 57.76(a).

12. The Public Utility Code does not define need; however, Pennsylvania courts have recognized that there is a need for reliable regional electric service and transmission systems. *Stone v. Pa. PUC*, 162 A.2d 18, 19-221 (Pa. Super. 1960); *Dunk v. Pa. PUC*, 232 A.2d 231, 234-35 (Pa. Super. 1967). Moreover, the General Assembly has recognized the importance of ensuring the reliability of the interconnected electric transmission systems, and the provision of sufficient electrical power at affordable rates. *See* 66 Pa.C.S. §§ 2802 and 2803.⁷

⁷ *See also Application of Trans-Allegheny Interstate Line Company*, Docket No. A-110172, 2008 Pa. PUC LEXIS 35 (Pa. PUC Order entered December 12, 2008) (finding the Commission has an obligation under Section 2805 of the Public Utility Code “to enhance regional reliability and mitigate transmission constraints . . . for ratepayers in Pennsylvania and adjacent jurisdictions”); *Energy Conservation Council*, 995 A.2d at 484-86 (affirming the Commission’s obligation under Section 2805 of the Public Utility Code to work with North American Electric

13. In addition, the U.S. Third Circuit Court of Appeals recently held that, “when an RTO has selected [a multi-state transmission line project] for inclusion in a regional transmission plan as part of its federal mandate, a state regulator cannot, consistent with the Supremacy Clause, reject the project based on a lack of ‘need’.”⁸ PJM has already determined that there is a need for the MARL Project. Thus, the Commission is preempted from denying the MARL Project based upon a finding that there is not sufficient need for it.⁹

14. With respect to health and safety, the Commission has held in numerous cases that transmission lines that meet or exceed National Electric Safety Code (“NESC”) requirements do not create an unreasonable risk of danger to the health and safety of the public.¹⁰

15. With respect to natural resources and the environment under 52 Pa. Code § 57.76(a)(3), recent Pennsylvania Supreme Court case law has concluded that Article I, Section 27 of the Pennsylvania Constitution, *i.e.*, the Environmental Rights Amendment,¹¹ placed

Reliability Corporation (“NERC”) and regional coordinating councils); *Application of PPL Electric Utilities Corporation Filed Pursuant to 52 Pa. Code Chapter 57, Subchapter G, for Approval of the Siting and Construction of the Pennsylvania Portion of The Proposed Susquehanna-Roseland 500 kV Transmission Line*, Docket Nos. A-2009-2082652, *et al.*, 2010 Pa. PUC LEXIS 434 at *44 (Pa. PUC Order entered Feb. 12, 2010) (“Greater coordination of planning on a regional basis will also increase efficiency through the coordination of transmission upgrades that have region-wide benefits, as opposed to pursuing transmission expansion on a piecemeal basis”).

⁸ *Transource Pa., LLC v. DeFrank*, 156 F.4th 351, 379 (3rd Cir. 2025), *affirming Transource Pa., LLC v. DeFrank*, 705 F. Supp. 3d 266 (M.D. Pa. 2023) (“*Transource*”).

⁹ Pursuant to *England v. Louisiana State Board of Medical Examiners*, 375 U.S. 411 (1964), NEET MA reserves its right to seek adjudication of federal claims in federal court, should state tribunals hold against NEET MA on questions of state law, including but not limited to (a) federal law preempting state regulators from finding there is not a need for a multi-state transmission line project that PJM has determined for inclusion in its regional transmission plan, (b) violation(s) of the Supremacy Clause of the United States Constitution, and/or (c) violation(s) of the Dormant Commerce Clause of the United States Constitution.

¹⁰ *See, e.g., Application of PPL Electric Utilities Corporation Filed Pursuant to 52 Pa. Code Chapter 57, Subchapter G, for Approval of the Siting and Construction of the Pennsylvania Portion of The Proposed Susquehanna-Roseland 500 kV Transmission Line*, Docket Nos. A-2009-2082652, *et al.*, 2010 Pa. PUC LEXIS 434 at *166 (Pa. PUC Order entered Feb. 12, 2010); *Investigation on Commission Motion of the Safety of the Cabett-Wylei Ridge 500 kV Transmission Line*, I.D. at p.236 (Initial Decision dated Sept. 18, 1981); *Application of PP&L for Approval to Locate and Construct a 138 kV Transmission Line Between West Allentown and Salisbury Substations*, Docket No. A-00104160 (July 20, 1984); *Application of PP&L for Authorization to Locate and Construct its Hamlin 138 kV Electric Transmission Line*, Docket No. A-00101826 (Apr. 3, 1981); *Larken v. Philadelphia Electric Co.*, 39 Pa. PUC 777 (1961).

¹¹ PA. CONST. art. I, § 27.

Pennsylvania's public natural resources in trust and named the Commonwealth as its trustee, to conserve and maintain those resources for the benefit of all people, including future generations.¹² In carrying out these obligations, the Commonwealth, and its agencies, may subject the individual rights of citizens to clean air, pure water, and to the preservation of natural, scenic, historic, and esthetic values to reasonable regulations.¹³

16. The Commission has determined that its existing rules and policy satisfy its obligations under the Environmental Rights Amendment.¹⁴ The Commission further explained that:

The Commission's regulatory scheme for high-voltage line transmission siting cases, therefore, provides for a robust, evidence-based deliberative process that provides due process for all interested parties. The Commission, consistent with our role as a fiduciary responsible for the preservation of the Commonwealth's natural resources, and consistent with PEDF, acts with prudence, loyalty and impartiality when adhering to these regulations. In this manner, we fulfill our responsibility to protect the public's natural resources from depletion or degradation, while also allowing legitimate development that improves the lot of Pennsylvania's citizenry, as the Pennsylvania Supreme Court recognized in *Robinson Township v. Com. of Pa.*, 623 Pa. 564, 658, 83 A.3d 901, 958 (2013).¹⁵

17. For compliance with applicable statutes and regulations providing for the protection of the natural resources, the Commission has concluded that the requirements of its existing siting regulations provide for review of the evidence regarding the environmental impacts required by

¹² *Pa. Environmental Defense Foundation v. Com. Of Pa.*, 161 A.3d 911 (Pa. 2017) ("PEDF").

¹³ PEDF, 161 A.3d at 931; see also *Application of Pennsylvania Electric Company Seeking Approval to Locate Construct, Operate and Maintain a High-Voltage Transmission Line Referred to as the Bedford North-Central City West 115 kV HV Transmission Line Project*, Docket Nos. A-2016-2565296 et al., at pp. 12-14 (Order entered March 8, 2018) ("Penelec").

¹⁴ *Penelec*, at pp. 13-14 ("Our siting Regulations are in accord with the Environmental Rights Amendment by requiring that the environmental impact of the proposed transmission siting route be minimized."); see also 52 Pa. Code §§ 69.3105, 69.3106.

¹⁵ *Penelec*, p. 14.

the Environmental Rights Amendment set forth in Article 1, Section 27 of the Pennsylvania Constitution.¹⁶ Further, the Commission has generally found compliance with the applicable environmental statutes and regulations where the applicant agrees to obtain any and all environmental permits necessary prior to construction and to comply with any conditions on those permits during construction.¹⁷ However, the applicant is not required to receive all necessary permits before the Commission may approve the transmission line, or before construction of the proposed line begins. *Energy Conservation Council of Pennsylvania v. Pa. PUC*, 25 A.3d 440, 452 (Pa. Cmwlth. 2011) (“*Susquehanna-Roseland*”).

18. Finally, with respect to the siting of the transmission line, the Commonwealth Court has explained that a utility’s route for a proposed HV transmission line should be approved where the record evidence shows that the route-selection process was reasonable, and the utility properly considered the factors relevant to siting a transmission line:

[I]t is settled law that the designation of the route for a HV line is a matter for determination by [a utility’s] management in the first instance, and the utility’s conclusion will be upheld unless shown to be wanton or capricious. Thus, where the record establishes that the utility’s route selection was reasonable, considering all the factors, its route will be upheld. The mere existence of an alternative route does not invalidate the utility’s judgment. This reasoning is equally sound when considering whether a utility has complied with 52 Pa. Code § 57.72(c)(10), as the information required by this section goes

¹⁶ See *Application of Pennsylvania Electric Company Seeking Approval to Locate, Construct, Operate and Maintain a High-Voltage Transmission Line Referred to as the Bedford North-Central City West 115 kV HV Transmission Line Project*, Docket No. A-2016-2565296 (Order entered March 8, 2018).

¹⁷ See, e.g., *Application of Pennsylvania Electric Company For Approval to Locate and Construct the Bedford North-Osterburg East 115 kV HV Transmission Line Project Situated in Bedford and East St. Clair Townships, Bedford County, Pennsylvania*, Docket Nos. A-2011-2247862, et al., 2012 Pa. PUC LEXIS 298 at *61 (Initial Decision Feb. 9, 2012); *Application of Trans-Allegheny Interstate Line Company for the Approval to locate, construct, operate and maintain certain high voltage electric transmission line facilities and to exercise the power of eminent domain to construct and to install the proposed aerial electric transmission line facilities along the proposed route, being a 138 kV transmission line and related facilities collectively, the Osage-Whiteley Line Facilities or Project, in portions of Dunkard Township, Perry Township, and Whiteley Township, Greene County in Southwestern Pennsylvania*, Docket Nos. A-2010-2187540, et al., 2011 Pa. PUC LEXIS 2028 (Recommended Decision March 28, 2011); *Application of PPL Electric Utilities Corporation Filed Pursuant to 52 Pa. Code Chapter 57, Subchapter G, for Approval of the Siting and Construction of the Pennsylvania Portion of The Proposed Susquehanna-Roseland 500 kV Transmission Line*, Docket Nos. A-2009-2082652, et al., 2010 Pa. PUC LEXIS 434 at *191-201 (Feb. 12, 2010).

towards establishing the reasonableness of the utility's route selection.

Susquehanna-Roseland A.3d 440 at 449-50 (quoting *TrAILCo.*, 995 A.2d at 478-80).¹⁸

19. The route selected by the applicant must demonstrate reasonable efforts to minimize adverse environmental impacts when compared to the available alternative routes, but the utility need not consider all possibilities. *Susquehanna-Roseland*, 25 A.3d at 448-49. Moreover, the applicant is not required to choose a route that has no adverse impacts. Instead, a utility must make reasonable efforts to minimize and mitigate any impacts and ensure that any harm to the environment is outweighed by the benefits of the project. *Id.* Finally, the Commission's siting regulations do not require an applicant to "identify and evaluate every possible 'alternative effort' or 'alternative method' that could potentially minimize the impact of the [proposed project] nor is [an applicant] required to identify and implement the construction and maintenance methods that would have the 'least' adverse environmental impact." *Application of PPL Electric Utilities Corporation filed pursuant to 52 Pa. Code Chapter 57, Subchapter G, for approval of the siting and construction of transmission lines associated with the Northeast-Pocono Reliability Project in portions of Luzerne, Lackawanna, Monroe, and Wayne Counties, Pennsylvania*, Docket No. A-2012-2340872, 2013 Pa. PUC LEXIS 620 (R.D. October 8, 2013; Order entered January 9, 2014).

B. BURDEN OF PROOF

20. Section 332(a) of the Public Utility Code, 66 Pa.C.S. § 332(a), provides that the party seeking a rule or order from the Commission has the burden of proof in that proceeding. It is well established that "[a] litigant's burden of proof before administrative tribunals as well as

¹⁸ See also *Paxtowne v. Pa. P.U.C.*, 398 A.2d 254, 256 (Pa. Cmwlth. 1979); *Laird v. Pa. P.U.C.*, 133 A.2d 579, 581 (1957).

before most civil proceedings is satisfied by establishing a preponderance of evidence which is substantial and legally credible.” *Samuel J Lansberry, Inc. v. Pa. PUC*, 578 A.2d 600, 602 (Pa. Cmwlth. 1990). The preponderance of evidence standard requires proof by a greater weight of the evidence. *Commonwealth of Pennsylvania v. Williams*, 557 Pa. 207, 732 A.2d 1167 (1999). This standard is satisfied by presenting evidence more convincing, by even the smallest amount, than that presented by another party. *Brown v. Commonwealth of Pa.*, 940 A.2d 610, 614, n.14 (Pa. Cmwlth. 2008).

21. Additionally, any finding of fact necessary to support an adjudication of the Commission must be based upon substantial evidence. *Met-Ed Indus. Users Group v. Pa. PUC*, 960 A.2d 189, 193, n.2 (Pa. Cmwlth. 2008) (citing 2 Pa.C.S. § 704). Substantial evidence is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. *Borough of E. McKeesport v. Special/Temporary Civil Service Commission*, 942 A.2d 274, 281 (Pa. Cmwlth. 2008). Although substantial evidence must be “more than a scintilla and must do more than create a suspicion of the existence of the fact to be established,” *Kyu Son Yi v. State Board of Veterinarian Medicine*, 960 A.2d 864, 874 (Pa. Cmwlth. 2008) (citation omitted), the “presence of conflicting evidence in the record does not mean that substantial evidence is lacking.” *Allied Mechanical and Elec., Inc. v. Pa. Prevailing Wage Appeals Board*, 923 A.2d 1220, 1228 (Pa. Cmwlth. 2007) (citation omitted).

22. If the applicant sets forth a *prima facie* case, then the burden shifts to the opponent. *McDonald v. Pa. Railroad Co.*, 348 Pa. 558, 36 A.2d 492 (1940). Establishing a *prima facie* case requires either evidence sufficient to make a finding of fact permissible or evidence to create a presumption against an opponent which, if not met, results in an obligatory decision for the proponent. Once a *prima facie* case has been established, if contrary evidence is not presented,

there is no requirement that the applicant produce additional evidence in order to sustain its burden of proof. *District of Columbia's Appeal*, 343 Pa. 65, 21A.2d883 (1941). See, e.g., *Application of Pennsylvania Power & Light Co.*, Docket Nos. A-110500F0196, *et al.*; 1994 Pa. PUC LEXIS 65 (Oct. 21 1994) (holding that the company met its burden to prove that there was an immediate need for the reinforcement of the power supply where the need for the project was uncontested and no party presented any evidence challenging the need for the project).

III. NEED FOR THE PROJECT

23. PJM is a Federal Energy Regulatory Commission (“FERC”)-approved Regional Transmission Organization (“RTO”) charged with maintaining the reliable and efficient operation of the electric transmission system under its functional control and coordinating the transmission of electricity throughout the PJM Region, a region that includes approximately 67 million people in all or part of 13 states and the District of Columbia.

24. In accordance with FERC Order Nos. 890 and 1000,¹⁹ PJM is formally responsible for regional transmission planning to address the need for transmission enhancements or expansions to maintain the reliability of wholesale electric service throughout the PJM Region. PJM’s authority with respect to its planning process is based on its role as a FERC-approved RTO and NERC-registered Transmission Planner, as well as on its authority and responsibilities under the Amended and Restated Operating Agreement of PJM Interconnection, L.L.C. (“Operating Agreement”), the PJM Open Access Transmission Tariff, and the PJM Consolidated Transmission

¹⁹ *Preventing Undue Discrimination and Preference in Transmission Service*, Order No. 890, 118 FERC ¶ 61,119 (2007), *order on reh’g*, Order No. 890-A, 121 FERC ¶ 61,297 (2007), *order on reh’g*, Order No. 890-B, 123 FERC ¶ 61,299 (2008), *order on reh’g*, Order No. 890-C, 126 FERC ¶ 61,228 (2009), *order on clarification*, Order No. 890-D, 129 FERC ¶ 61,126 (2009); *Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities*, Order No. 1000, 136 FERC ¶ 61,051 (2011), *order on reh’g*, Order No. 1000-A, 139 FERC ¶ 61,132 (2012), *order on reh’g*, Order No. 1000-B, 141 FERC ¶ 61,044 (2012).

Owners Agreement, each of which has been filed with and accepted by FERC. As an RTO, PJM plans and operates the integrated BES and administers the power markets for the entire PJM Region and plans the enhancement and expansion of the PJM transmission system.

25. In order to ensure reliable transmission service within the PJM Region, PJM prepares an annual Regional Transmission Expansion Plan (“RTEP”).²⁰ The RTEP is an annual 15-year transmission planning process in which PJM evaluates the aggregate needs across the transmission system, identifying reliability criteria violations impacting the transmission system, and analyzing and selecting solutions to those violations (transmission needs). PJM’s reliability analyses are based in part on mandatory compliance with NERC standards (the “NERC Reliability Standards”). PJM also adheres to several other reliability criteria set forth by SERC Reliability Corporation, ReliabilityFirst Corporation, PJM, individual Transmission Owner planning criteria as filed in the Transmission Owner’s respective FERC Form No. 715 (along with the NERC Reliability Standards, these criteria are collectively, “Planning Criteria”). PJM’s RTEP Protocol allows it to competitively solicit from qualified transmission developers the more efficient or cost-effective solutions to identified reliability criteria violations. This integrated process is detailed in PJM Manual 14B, provided in Exhibit SA-3, and Dr. Abdulsalam describes this process in further detail in his direct testimony in NEET MA Statement No. 3.²¹

26. In reviewing different possible solutions, PJM’s driving approach is to determine the more efficient, cost-effective, constructible, robust, and scalable set of projects to serve the

²⁰ The Regional Transmission Expansion Planning Protocol (“RTEP Protocol”), the process by which PJM plans the transmission system, is set forth in Schedule 6 of PJM’s Operating Agreement (“Schedule 6”), which is available at: <https://agreements.pjm.com/oa/4771>. The RTEP Protocol governs the process by which PJM’s members rely on PJM to prepare an annual regional plan for the enhancement and expansion of the transmission facilities to maintain long-term, reliable electric service consistent with established reliability criteria. In addition, the RTEP Protocol includes the process by which PJM develops the RTEP, the review and approval process for the RTEP, the obligation of transmission owners to build transmission upgrades included in the RTEP, and the process by which interregional transmission upgrades will be developed.

²¹ See Abdulsalam Direct Testimony, NEET MA Statement No. 3, at pp. 15-17.

system reliability needs in a timely fashion.²² PJM’s recommended upgrades are reviewed by the PJM Transmission Expansion Advisory Committee (“TEAC”), with input from stakeholders, and ultimately approved by the PJM Board of Managers (“PJM Board”). After the PJM Board approves a baseline reliability project, the successful project proponent is obligated to complete the project once PJM and the successful entity execute a Designated Entity Agreement (“DEA”), which specifically designates the entity or entities having construction responsibility for the approved project.

27. Throughout 2022, PJM facilitated several competitive windows as part of the 2022 RTEP cycle to address reliability criteria violations and market efficiency congestion needs resulting from several factors, as discussed in the Necessity Statement that is provided as Attachment 2 to this Siting Application, as well as Dr. Abdulsalam’s and Mr. Gledhill’s direct testimonies in NEET MA Statement Nos. 3 and 4.²³ Through this process, PJM has determined that the MARL Project is critically needed to meet the reliability needs for the Commonwealth of Pennsylvania and the greater PJM interconnection. These reliability needs are driven by significant changes on the PJM system, including those caused by the proposed deactivation of generation facilities, as well as load growth projected within Virginia (in the Dominion Energy or “DOM” zone) and in Maryland near the Doubs Substation (in the Allegheny Power System or “APS” zone).²⁴

28. Specifically, PJM’s extensive reliability testing revealed that the BES that serves Pennsylvania customers and the greater PJM interconnection requires new transmission pathways

²² See Abdulsalam Direct Testimony, NEET MA Statement No. 3, at p. 56.

²³ See Abdulsalam Direct Testimony, NEET MA Statement No. 3, at pp. 32-33. See Gledhill Direct Testimony, NEET MA Statement No. 4, at pp. 10-11.

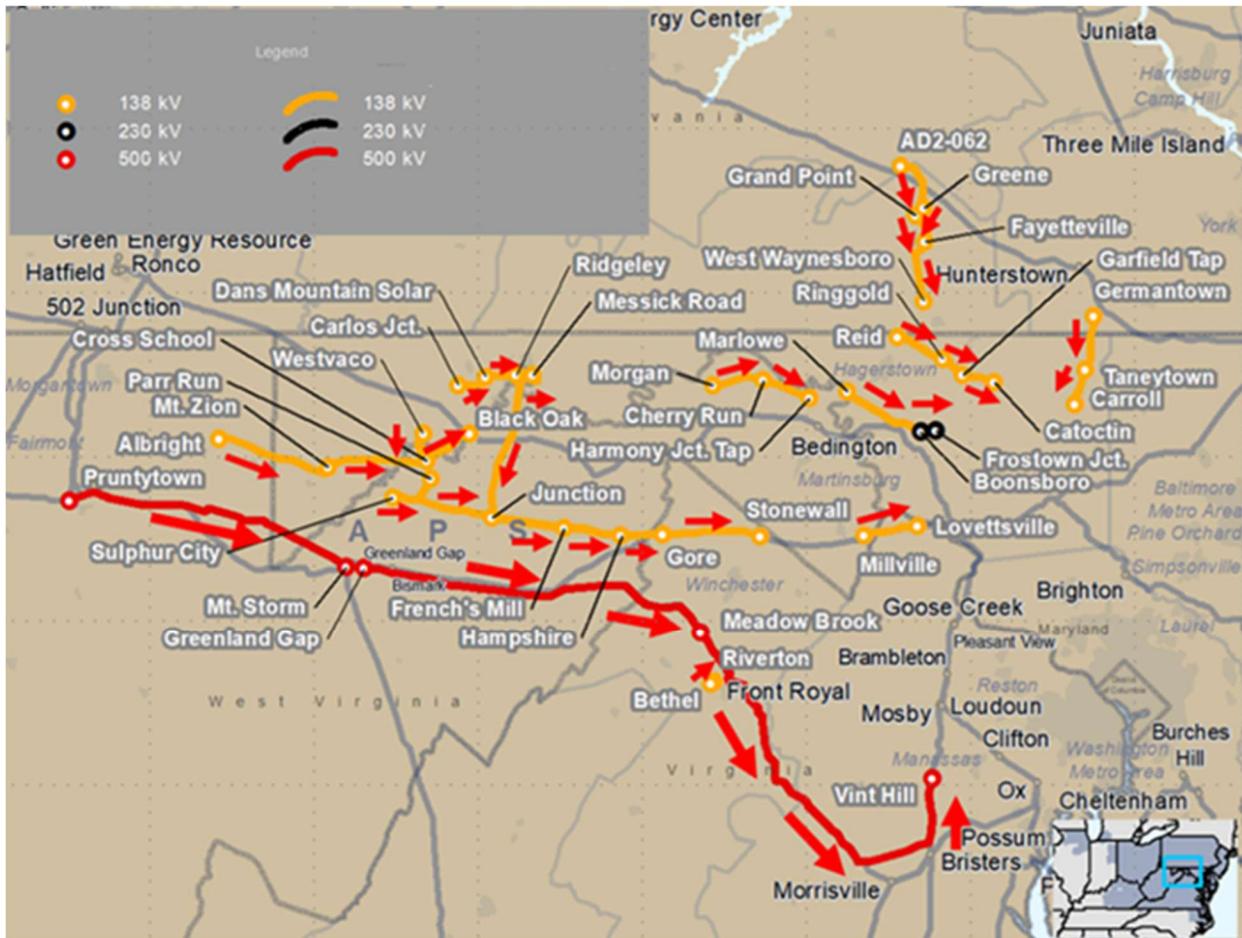
²⁴ See Abdulsalam Direct Testimony, NEET MA Statement No. 3, at pp. 34-36. See Gledhill Direct Testimony, NEET MA Statement No. 4, at pp. 10-11.

to reliably move power across the region due to significant electric generation retirements and electric load growth. These needs are driven by the need to serve new data center loads in the APS (FirstEnergy) and DOM (Dominion Energy) zones across existing, constrained 500 kV and 230 kV transmission lines in the area, and the cumulative impact of generation changes and deactivations that Dr. Abdulsalam discusses in his direct testimony.²⁵ Notably, in addition to the extensive thermal reliability constraints on existing facilities, PJM also identified extensive reactive reliability criteria violations, which if left unsolved would lead to cascading voltage collapse and widespread blackouts. As a result, in addition to new transmission lines, the MARL project will also include specific Mega volt-amperes reactive reinforcements, both static and dynamic. Importantly, the thermal and reactive reliability criteria violations identified by PJM RTEP studies ensure compliance with all applicable Planning Criteria.

29. If left unaddressed, these system conditions are so widespread that they would lead to thermal overloads of existing high voltage transmission lines and potential voltage collapse, leading to electric system failure and blackouts throughout the larger PJM Region, including for Pennsylvania residents and businesses (see **Figure 1** below depicting the forecasted 138 kV, 230 kV, and 500 kV thermal overloads along the west to east transfer corridors).

²⁵ Exhibit SA-6 (PJM Reliability Analysis Report) to NEET MA Statement No. 3 at 7 (Dec. 2023).

Figure 1: 2028 Study Year Generator Deliverability (Thermal) Analyses 138 kV, 230 kV and 500 kV Thermal Overloads (Along the West to East Transfer Corridor; Red Arrows Indicate Direction of Flow Through Overloaded Facilities)²⁶



30. In February 2023, PJM opened and solicited proposals during an approximately three-month period (“2022 Window 3”) with an objective to develop robust, holistic, and expandable solutions that address the 2027/28 baseline violations associated with these needs. In response, PJM received a total of 72 proposals from 10 different bidders, including 22 upgrades to existing transmission infrastructure and 50 greenfield proposals.²⁷ NEET MA proposed a

²⁶ This map is only intended to illustrate the general electrical connectivity of the projects and should **not** be relied upon for exact geographical substation locations or line routes.

²⁷ Exhibit SA-6 (PJM Reliability Analysis Report) to NEET MA Statement No. 3 at 8.

number of solutions to PJM, including one (PJM ID No. 853) that was ultimately selected by PJM to address the identified needs and subsequently modified to become the current MARL Project.²⁸

31. The MARL Project is a major component of the collective electrical solutions selected by PJM to best address the reliability violations identified in the PJM 2022 RTEP Window 3. PJM concluded that the modified MARL Project was a more efficient or cost-effective solution to address the reliability needs for west to east transfers and offers a third 500 kV supply line to the growing load center in the Dominion Energy zone in Virginia. Additionally, the MARL Project offered cost containment commitments to encourage the timely and cost-effective completion of the Project.

32. Detailed descriptions of the process used by PJM to select and approve baseline reliability projects, the need for the proposed MARL Project as identified by PJM, NEET MA's participation in the PJM process, and the obligation of NEET MA to complete the Pennsylvania Portions of the MARL Project are provided in Attachment 2 to this Siting Application and in NEET MA Statement Nos. 2, 3, and 4.

33. Moreover, as introduced in Section II.A., the Third Circuit's recent decision in *Transource* mandates that state utility commissions may not undermine an RTO's inclusion of a project in its regional transmission plan by rejecting that project based on a lack of need.²⁹ The Court acknowledged FERC's reasonableness in construing its mandate to facilitate competitive and wholesale markets, in part by "countering state utilities' economic self-interest," and returns to this objective when reasoning that local authorities who cannot adequately assess regional planning goals may not "veto regional projects because the project appears insufficiently valuable

²⁸ See Pawlowski Direct Testimony, NEET MA Statement No. 2, at p. 8; Exhibit MP-1 at slides 75-78.

²⁹ See *Transource*, 156 F. 4th at 379.

form a local perspective.”³⁰ Further, the Pennsylvania Middle District Court, whose decision was ultimately affirmed by the Third Circuit in *Transource*, found that, “[i]t is clear that FERC has determined that regional congestion is a problem and one that directly affects its core obligation of ensuring just and reasonable electric rates. As such, it is not within the PUC's purview to pose obstacles to FERC's pursuit of reducing congestion through its approval process. Nor is it within the PUC's authority to pose obstacles to this federal objective when PJM pursues it under the auspices of a FERC-approved tariff.”³¹ Here, PJM has determined that there are regional reliability issues that must be resolved, and the MARL Project is a major component of the collective electrical solutions selected by PJM to best address these problems. Therefore, there is clearly “a need” for the Project under 52 Pa. Code § 57.76(a)(1).

34. The Project is currently being developed for the Woodside Substation to be in service by December 31, 2028, and for the entire MARL Project, including the Pennsylvania Portions, to be in service by December 31, 2031. However, because the need for reinforcements to the existing BES is so substantial, PJM has requested that NEET MA take all reasonable actions to obtain the necessary approvals and complete construction of the MARL Project as soon as practicable. As NEET MA Witness Kaitlin McCormick describes in NEET MA Statement No. 1, NEET MA is working to accelerate the in-service date to December 2029 or earlier, pending regulatory approvals, in order to ensure that the MARL Project is completed closer to 2027/2028, the identified need date.

³⁰ *See Id.* at 375, 380.

³¹ *Transource Pa., LLC v. DeFrank*, 705 F. Supp. 3d 266, 289 (M.D. Pa. 2023).

IV. DESCRIPTION OF THE PROPOSED HV TRANSMISSION LINES

35. The MARL Project approved by PJM involves the construction of a new approximately 107.5-mile 500 kV interstate transmission line across Maryland, Pennsylvania, West Virginia, and Virginia, as well as a new 500/138 kV substation in Virginia.

36. Upon receipt of all necessary approvals, the MARL Project will extend southeast approximately 2.7 miles from the existing FirstEnergy 502 Junction Substation in Greene County, Pennsylvania to the Pennsylvania-West Virginia border, and will then continue southeast approximately 3.1 miles through northern West Virginia to the West Virginia-Pennsylvania border. From the West Virginia-Pennsylvania border, the MARL Project will continue east approximately 8.0 miles through Greene and Fayette Counties before re-entering West Virginia. The MARL Project will continue through West Virginia for 18.7 miles, Maryland for 35.4 miles, back through West Virginia for 37.1 miles before coming to the West Virginia-Virginia border, and then continue east 2.4 miles in Virginia, where it will interconnect with new 500 kV transmission lines to be constructed by FirstEnergy and Dominion Energy. As part of the MARL Project, NEET MA is also constructing a new Woodside 500/138 kV Substation in Fredrick County, Virginia that will interconnect with the FirstEnergy and Dominion Energy transmission lines. A map of the proposed MARL Project is provided as Exhibit KM-4 to the direct testimony of NEET MA Witness Kaitlyn McCormick. (NEET MA St. No. 1.)

37. The Pennsylvania Portions of the MARL Project will require the installation of approximately 44 structures with an average height of 145 feet. Taller structures may be used in certain locations to maintain appropriate clearances for certain structures and existing utility facilities. The spans between the structures will be approximately 1,258 feet.

38. The Pennsylvania Portions of the MARL Project will largely consist of steel lattice towers. In certain areas, steel monopoles may be used to better accommodate topographical,

construction, or land use constraints. Depictions of the typical structures to be used for the Pennsylvania Portions of the MARL Project are provided in Attachment 4 to this Siting Application.

39. The transmission line associated with the Pennsylvania Portions of the MARL Project will be a single-circuit 500 kV transmission line. NEET MA's design will utilize triple-bundled 1780 kcmil 84/19 Chukar ACSR conductor for each of the three phase positions (nine conductors for the circuit), along with two optical ground wires to facilitate lightning shielding and provide the primary and secondary communications paths for line conductors. An engineering description of the conductors and overhead ground wires is provided in Attachment 4 to the Siting Application.

V. SITING ANALYSIS AND ROUTE SELECTION

A. SUMMARY OF SITING ANALYSIS

40. In accordance with the Commission's regulations at 52 Pa. Code § 57.72(c), NEET MA, in conjunction with an expert outside siting consultant, ERM, and a team of experienced internal subject-matter experts (the "Routing Team"), conducted an extensive, multi-faceted Routing Study to determine the overall best and most suitable route for a new 500 kV transmission line to connect PJM's fixed endpoints for the Project, the existing FirstEnergy 502 Junction Substation in Greene County, Pennsylvania and a designated handoff point with FirstEnergy in western Frederick County, Virginia. The Routing Study for the MARL Project is provided in Attachment 3 to this Siting Application.

41. During this process, the Routing Team developed the study area in which it would identify route segments to determine end-to-end alternative routes to evaluate a route that would meet at the PJM-identified fixed endpoints for the Project, and best (most suitably) reduce impacts

to built and natural environment determined by a jurisdiction-by-jurisdiction analysis as well as public and stakeholder feedback (“Study Area”). To determine its Study Area, the Routing Team focused on incorporating a diversity of routing options with a focus on abutting or paralleling existing high-voltage transmission lines between the Project’s endpoints as well as other existing linear infrastructure.

42. The Routing Team followed an iterative process that incrementally considered public feedback, desktop data, in-field observations, agency correspondence, and other guidelines detailed in the Routing Study to develop feasible Alternative Routes, evaluate potential impacts associated with those Alternative Routes, and ultimately, identify a Proposed Route. Throughout this process, NEET MA sought feedback from a broad range of interested stakeholders, including landowners, local communities, and state and local stakeholders. The Routing Study provided NEET MA with a means to assess the human/built, environmental, engineering, and constructability variables associated with the different Alternative Routes so that a Proposed Route could be determined for the MARL Project.

43. Importantly, the Routing Study must develop and evaluate potential routes that are capable of connecting the physical end points of the interstate transmission line associated with the MARL Project as approved by PJM. This means that the Routing Team was required to evaluate the potential routes and their associated impacts for the entire interstate transmission line as a whole without regard to the state borders and select a route that best minimizes the potential impacts of the multi-state project to the overall natural, human, and built environments. Indeed, if routes were developed, evaluated, and selected on a standalone state specific basis, this could lead to the selection of individualized state route segments that do not physically interconnect at the state borders, which would defeat the entire functional purpose and need for the MARL Project as

approved by PJM. Thus, for purposes of the Routing Study, the potential routes for the interstate transmission line associated with the MARL Project must be and were evaluated as a whole from endpoint to endpoint and not on an individualized state-by-state basis. In developing the Routing Study, therefore, the Routing Team's work was in line with the precedent set in *Transource*, because PJM found need for the MARL Project pursuant to a federally mandated regional planning process, meant to improve regional grid reliability concerns while eliminating residual discrimination by functioning as a counterweight to state interests.³² Herein, NEET MA seeks Commission approval of the Pennsylvania Portions of the Proposed Route for the MARL Project.³³

44. Many sources of information were used to develop data for the Routing Study and evaluate the potential routes. These sources of information are summarized in Attachment 3 to this Siting Application.

45. The Routing Team established a set of criteria, guidelines, and considerations based on best practices and extensive experience in transmission line routing and siting projects. While there are no published studies or formal industry standards, the criteria reflect methodologies that have been applied to other greenfield projects and, in some cases, accepted by state commissions. These criteria were considered and applied to the MARL Project, incorporating natural environment and built environment resources as well as land and engineering considerations.

46. An extensive list of routing development criteria and guidelines that the Routing Team applied to identify alternative routes are set forth and included in Section 2.7 of the Routing Study, Attachment 3 to the Siting Application. Among other things, these guidelines focus on minimizing impacts to residences, commercial buildings, schools, and other socially sensitive

³² *Transource*, at 362, 374.

³³ The portions of the Proposed Route located in West Virginia, Maryland, and Virginia will be subject to review and approval by the Public Service Commission of West Virginia, Maryland Public Service Commission, and Virginia State Corporation Commission, respectively.

facilities, while reducing interference with agricultural operations and avoiding removal of nonresidential structures. Using these guidelines, alternative routes were evaluated to align closely with existing transmission corridors, limit circuitous paths, and reduce the number of affected parcels by following property boundaries. Environmental considerations included minimizing crossings of major water bodies and wetlands, avoiding critical habitats and biodiversity areas, and reducing visibility from scenic or populated locations. Engineering and constructability factors were also addressed by favoring high ground for tower placement, avoiding steep slopes and flood-prone areas, and utilizing existing access routes where possible

47. The routing process for the MARL Project was structured as a multi-phased, iterative approach that integrated both quantitative and qualitative assessments at each stage with modifications made throughout the routing analysis as a result of the identification of new information and inputs from agencies, landowners, and other stakeholders.

48. Following the public input period, the Routing Team assessed the input and further refined route segments through the quantitative and qualitative analysis of potential impacts of each Alternative Route to the human/built environment, the natural environment, and engineering considerations. Through continued refinement and comparative evaluation, the Routing Team ultimately identified six full end-to-end route alternatives that reflect technical and regulatory requirements and address stakeholder preferences including the desire that the MARL Project parallel existing infrastructure, such as transmission lines and roads, and minimize impacts on residential areas and recreational activities. The Alternative Routes were reviewed in detail and compared using a combination of information collected in the field, Geographic Information System (“GIS”) data sources, public and agency input, engineering and constructability considerations, and the collective knowledge and experience of the Routing Team.

49. Using the quantitative and qualitative analysis described above, the Routing Team selected a Proposed Route that, on balance, best minimized the overall impacts for the entire MARL Project. The rationale for selecting the Proposed Route was derived from the accumulation of the routing decisions made throughout the process, the knowledge and experience of the Routing Team, comments from the public and regulatory agencies, and the comparative analysis of potential impacts of each Alternative Route.

50. A detailed description of the process used to select the Proposed Route for the MARL Project is provided in Attachment 3 to the Siting Application.

B. SUMMARY OF ALTERNATIVE ROUTES

51. The routing process for the MARL Project considered approximately 84 different route segments. Route segments that were not technically or physically feasible were eliminated from further consideration. Likewise, route segments that failed to connect the MARL Project end-to-end (*i.e.*, lines to nowhere) were eliminated. The remaining segments were combined into potential routes for detailed examination of routing constraints and opportunities.

52. Using the routing process described above, the Routing Team identified six Alternative Routes to be comparatively evaluated and considered for the MARL Project: Alternative Routes A through F. These Alternative Routes are shown in Attachment 3 to this Siting Application, described in more detail by Mrs. Heater in NEET MA Statement No. 5, and are summarized below.

53. **Alternative Route A** is 107.5 miles long that includes 10.7 miles in Pennsylvania, 58.9 miles in West Virginia, 35.4 miles in Maryland, and 2.4 miles in Virginia, and requires 2,669.0 acres of ROW Corridor. Alternative Route A parallels existing transmission lines for 56.4 miles (52.5 percent of the total alignment) and proposes 51.0 miles of a greenfield section (47.5 percent of the total alignment). Within Pennsylvania, Alternative Route A parallels existing

transmission lines for 2.3 miles (21.1 percent of the Pennsylvania total alignment) with 8.5 miles of a greenfield section (78.9 percent of the Pennsylvania total alignment). Alternative Route A in Pennsylvania does not cross any protected areas.

54. Alternative Route B is 107.3 miles long that includes 8.5 miles in Pennsylvania, 60.9 miles in West Virginia, 35.5 miles in Maryland, and 2.4 miles in Virginia, and requires 2,671.4 acres of ROW Corridor. Alternative Route B parallels existing transmission lines for 59.7 miles (55.6 percent of the total alignment) and proposes 47.6 miles of a greenfield section (44.4 percent of the total alignment). Within Pennsylvania, Alternative Route B parallels and abuts existing transmission lines for 2.3 miles (26.6 percent of the Pennsylvania total alignment) and proposes 6.2 miles of a greenfield section (73.4 percent of the Pennsylvania total alignment). Alternative Route B in Pennsylvania does not cross any protected areas.

55. Alternative Route C is 113.6 miles long that includes 34.2 miles through Pennsylvania, 40.5 miles through West Virginia, 36.4 miles through Maryland, and 2.4 miles through Virginia, and requires 2,835.5 acres of ROW Corridor. Alternative Route C parallels existing transmission lines for 64.5 miles (56.8 percent of the total alignment) and proposes 49.1 miles of a greenfield section (43.2 percent of the total alignment). Within Pennsylvania, Alternative Route C parallels and abuts existing transmission lines for 16.9 miles (49.4 percent of the Pennsylvania total alignment) and proposes 17.3 miles of a greenfield section (50.5 percent of the Pennsylvania total alignment). Alternative Route C in Pennsylvania crosses State Game Lands 138, Forbes State Forest, including a small section of Quebec Run Wild Area (part of Forbes State Forest).

56. Alternative Route D is 115.2 miles long that includes 10.7 miles in Pennsylvania, 58.9 miles in West Virginia, 43.2 miles in Maryland, and 2.4 miles in Virginia, and requires

2,839.0 acres of ROW Corridor. Alternative Route D parallels existing transmission lines for 43.1 miles (37.4 percent of the total alignment) and proposes 72.1 miles of a greenfield section (62.6 percent of the total alignment). Within Pennsylvania, Alternative Route D follows the same alignment as Alternative Route A and parallels existing transmission lines for 2.3 miles (21.1 percent of the Pennsylvania total alignment) with 8.5 miles of a greenfield section (78.9 percent of the Pennsylvania total alignment). Alternative Route D in Pennsylvania does not cross any protected areas.

57. **Alternative Route E** is 106.3 miles long that includes 10.7 miles in Pennsylvania, 57.8 miles in West Virginia, 35.4 miles in Maryland, and 2.4 miles in Virginia, and requires 2,651.5 acres of ROW Corridor. Alternative Route E parallels existing transmission lines for 50.8 miles (47.7 percent of the total alignment) and proposes 55.6 miles of a greenfield section (52.3 percent of the total alignment). Within Pennsylvania, Alternative Route E follows the same alignment as Alternative Route A and parallels existing transmission lines for 2.3 miles (21.1 percent of the Pennsylvania total alignment) with 8.5 miles of a greenfield section (78.9 percent of the Pennsylvania total alignment). Alternative Route E in Pennsylvania does not cross any protected areas.

58. **Alternative Route F** is 119.1 miles long that includes 34.2 miles in Pennsylvania, 38.3 miles in West Virginia, 44.1 miles in Maryland, and 2.4 miles in Virginia, and requires 2,964.3 acres of ROW Corridor. Alternative Route F parallels existing transmission lines for 43.2 miles (36.3 percent of the total alignment) and proposes 75.9 miles of a greenfield section (63.7 percent of the total alignment). Within Pennsylvania, Alternative Route F follows the same alignment as Alternative Route C and parallels and abuts existing transmission lines for 16.9 miles (49.4 percent of the Pennsylvania total alignment) and proposes 17.3 miles of a greenfield section

(50.5 percent of the Pennsylvania total alignment). Alternative Route F in Pennsylvania crosses State Game Lands 138, Forbes State Forest, including a small section of Quebec Run Wild Area (part of Forbes State Forest).

C. SELECTION OF PROPOSED ROUTE

59. The Alternative Routes were compared, and a Proposed Route was selected based upon a comprehensive, multi-criteria evaluation that analyzed and balanced the impacts on the human/built environment, environmental impacts, and engineering and constructability considerations, including those identified in 52 Pa. Code § 57.75(e). As discussed more fully by Mrs. Heater in NEET MA Statement No. 5 and in Section 5 of the Routing Study, these criteria included route length, construction footprint, paralleling existing infrastructure, community and recreational resources, protected areas, cultural resources, agricultural and land cover, natural environmental features—including water and ecological resources—engineering and infrastructure considerations, and estimated costs. Based on this evaluation, the Routing Team selected end-to-end Alternative Route A as the Proposed Route for the MARL Project.

60. As described in detail in Section 5.6 of the Routing Study, and shown in Table 1 below (which is Table 5.6-1 of the Routing Study), Alternative Route A had superior performance for all routing criteria except for one, where it had a moderate performance. Alternative Route A had superior performance for route length and footprint, paralleling existing infrastructure, community and recreational resources, cultural resources, agricultural and land cover, water resources, sensitive species and habitats, and engineering criteria. Alternative Route A had only one moderate performance criteria, protected areas. It did not have inferior performance for any criteria when compared to other Alternative Routes. Notably, Alternative Route A is the only Alternative Route with superior performance for three primary categories of criteria the Routing Team strived to achieve at the start of the MARL Project: **route length and construction**

footprint, paralleling existing infrastructure, and community and recreational resource—which were important decision criteria for the selection of the Proposed Route.

Table 1 – Alternative Route Evaluation Result Matrix (Table 5.6-1 of the Routing Study)

Alternative Routes	Route Length and Construction Footprint	Paralleling Existing Infrastructure	Community and Recreational Resources	Protected Areas	Cultural Resources	Agricultural and Land Cover	Water Resources	Sensitive Species and Habitats	Engineering and Infrastructure	Estimated Cost
Alternative Route A	Superior	Superior	Superior	Moderate	Superior	Superior	Superior	Superior	Superior	Superior
Alternative Route B	Superior	Superior	Inferior	Moderate	Moderate	Superior	Superior	Superior	Moderate	Superior
Alternative Route C	Moderate	Superior	Moderate	Inferior	Inferior	Inferior	Inferior	Moderate	Inferior	Moderate
Alternative Route D	Moderate	Inferior	Moderate	Superior	Superior	Moderate	Moderate	Inferior	Moderate	Inferior
Alternative Route E	Superior	Moderate	Superior	Moderate	Superior	Superior	Moderate	Superior	Superior	Superior
Alternative Route F	Inferior	Inferior	Inferior	Moderate	Inferior	Inferior	Inferior	Inferior	Inferior	Inferior

Superior—High performance for the listed criteria with low impacts on category resources relative to the other Alternative Routes.
 Moderate—Average performance for the listed criteria with moderate impacts on category resources relative to the other Alternative Routes.
 Inferior—Poor performance for the listed criteria with high impacts on category resources relative to the other Alternative Routes.

61. Based on this analysis, the Routing Team selected Alternative Route A as the Proposed Route for the MARL Project. Alternative Route A offers the most balanced solution that maximizes opportunities to parallel existing transmission lines, minimizes potential impacts on both natural environment and built environment, and minimizes the engineering and construction related challenges. A detailed explanation of the selection of the Proposed Route is provided in Attachment 3 to this Siting Application.

D. COMPLIANCE WITH APPLICABLE STATUTES AND REGULATIONS PROVIDING FOR THE PROTECTION OF PENNSYLVANIA NATURAL RESOURCES

62. As part of the Routing Study, NEET MA has undertaken extensive efforts to identify those public natural resources present within the Study Area for the Pennsylvania Portions of the MARL Project, including prime soils, streams, floodplains, wetlands, and potential threatened and endangered species and has developed alternatives that avoid or minimize impacts

to those resources as much as practicable. A detailed description of the process used to identify impacts to the public natural resources and select the Proposed Route for the MARL Project that, on balance, best minimized the overall impacts of the MARL Project is provided in Attachment 3 to this Siting Application.

63. As set forth in Attachments 3 and 6 to this Siting Application, NEET MA has coordinated with state and local agencies to identify and characterize the potential for impacts on public natural resources and has used that information to aid in the selection of the Proposed Route. The Pennsylvania ERD, provided as Appendix A to Attachment 3 to this Siting Application, describes NEET MA's measures to minimize and/or mitigate potential impacts to the environment. NEET MA will continue to coordinate with state and local agencies to minimize impacts until the MARL Project is complete. NEET MA will comply with all applicable statutes and regulations providing for the protection of the natural resources of this Commonwealth as required by 52 Pa. Code § 57.76(a)(3) and will obtain all necessary permits and comply with any conditions placed on those permits.

VI. RIGHTS OF WAY

64. NEET MA is proposing a transmission ROW that is typically 200-foot-wide, based upon NEET MA's project design, design standards, anticipated structure types, number of structures, span distances, terrain, and soil conditions. This proposed ROW width may vary at some locations to accommodate topographic features and crossing requirements and to provide flexibility in final structure placement.

65. For example, in several spans, additional ROW width may be required for blowout,³⁴ where the spans may be longer due to terrain or to avoid sensitive areas such as critical cold-water streams. NEET MA witness Mr. Givens provides further detail regarding the need for additional ROW under these circumstances in his direct testimony, NEET MA Statement No. 6. At all times, the width of the ROW will be sufficient to ensure the safe and reliable operation of the MARL Project. The objective was to establish a width that would satisfy all required clearances to features existing at the very edge of the ROW, including NESC clearances, and to satisfy the NERC FAC-003 vegetation management requirements. Thus, consistent with 52 Pa. Code § 57.76(b), NEET MA is requesting that the Commission grant NEET MA the authority to locate and construct the MARL Project within a corridor consisting of the area of 500 feet on each side of the centerline of the proposed transmission line (referred to as the “Siting Corridor” in the Routing Study).

66. As described by Ms. Powers in her direct testimony, NEET MA Statement No. 8, there are a total of 48 different owners in Pennsylvania of 59 deeded properties along the Pennsylvania Portions of the Proposed Route for the MARL Project. Detailed maps showing the properties traversed by the ROW for the proposed MARL Project are provided in Exhibit SP-5 to NEET MA Witness Sarah Powers’ direct testimony.

67. Prior to attempting to contact landowners, NEET MA provided packets of information to fully notify Pennsylvania landowners that NEET MA plans to negotiate to acquire additional rights-of-way and easements. This packet of information provided the notices and information required by the Commission’s regulations at 52 Pa. Code § 57.91 and 69.3102. A

³⁴ As described in the Routing Study, the aerial easement blowout area is a designated section within the ROW Corridor that requires additional transmission line easement area to accommodate engineering considerations (*e.g.*, increased span lengths), which can result in greater line sway. These areas are necessary due to constraints, such as uneven terrain, steep slopes, or natural obstructions that make the standard ROW Corridor width impractical or unsafe.

generic form packet of the information and notices provided to each landowner in Pennsylvania is provided in Exhibit SP-1 to the direct testimony of Ms. Powers in NEET MA Statement No. 8.

68. As clearly set forth in these notices, NEET MA is not at this time a certificated Pennsylvania public utility and, therefore, does not currently have the power of eminent domain. Nevertheless, the notices advise that NEET MA intends to apply for public utility status and, if approved, will have the power to take property by eminent domain, subject to the approval by Commission, for the construction of transmission lines if the utility is unable to negotiate a mutually acceptable agreement for the transmission line ROW. These notices were provided to all Pennsylvania landowners at least 15 days in advance of being contacted for the purpose of negotiating for the acquisition of easements for the transmission line ROW.

69. A description of the process NEET MA utilizes to attempt to acquire easements for transmission line ROW associated with the Pennsylvania Portions of the MARL Project is provided in NEET MA Statement No. 8.

70. As explained above, the proposed MARL Project was presented to and approved by the PJM Board in December 2023. Following PJM's approval, NEET MA began the lengthy and detailed process to develop and identify feasible Alternative Routes and ultimately select a Proposed Route for the MARL Project. The Proposed Route was finalized and shared with the public in late September 2025. Because the Proposed Route was only recently identified, NEET MA has not yet been able to complete negotiations and acquire all the ROW needed for the Pennsylvania portion of the MARL Project.

71. Additionally, contemporaneously with this Siting Application, NEET MA is filing its CPC Application seeking Commission approval as a Pennsylvania public utility. As a result, NEET MA did not have the access and survey rights granted to Pennsylvania utilities under Section

309 of the Pennsylvania Eminent Domain Code, 26 Pa.C.S. § 309, when it prepared this Siting Application. The lack of utility status has delayed NEET MA's ability to access land, complete negotiations, and acquire the ROW needed for the Pennsylvania Portions of the MARL Project.

72. Pursuant to Schedule 6 of PJM's Amended and Restated Operating Agreement and the DEA, NEET MA is obligated to complete the MARL Project by December 31, 2031, although as described above and by Ms. McCormick in NEET MA Statement No. 1, NEET MA is working to accelerate the in-service date to December 2029 or earlier, pending regulatory approvals. Given the construction schedule and in-service date for the MARL Project, it is necessary for NEET MA to file this Siting Application as it continues ROW negotiations with Pennsylvania landowners.

73. NEET MA will continue to negotiate in good faith with all affected landowners in an effort to reach a reasonable and mutually acceptable right-of-way agreement and, thereby, avoid the need to condemn rights-of-way across the properties traversed by the MARL Project. NEET MA will submit any eminent domain applications that may be necessary or required to obtain sufficient ROW to complete the MARL Project at a time in these proceedings that provides (1) for sufficient additional time for NEET MA to continue ROW negotiations, (2) for sufficient time to provide notice and an opportunity to participate to any impacted landowners, and (3) for sufficient time for other parties to identify and, if necessary, address issues related to any such eminent domain applications.³⁵

³⁵ NEET MA recognizes that the Commission's statement of policy at 52 Pa. Code § 69.3103 states that applicants for siting authority "should file" applications for eminent domain authority simultaneously with the associated transmission line application. However, NEET MA has determined to defer the filing of such application because (a) the Proposed Route was not finalized and shared with the public until September 2025, (b) NEET MA remains at an early stage in its efforts to negotiate the voluntary acquisition of ROW for the project, and (c) NEET MA is not, at this time, a certificate public utility.

VII. HEALTH AND SAFETY

74. The proposed MARL Project will not create any unreasonable risk of danger to public health or safety. Safety is of the highest importance to NEET MA.

75. The new 500 kV transmission line associated with the MARL Project will be designed, constructed, operated, and maintained in a manner that meets or surpasses all applicable NESC minimum standards and all applicable legal requirements.

76. In addition to meeting the NESC standards, the MARL Project will also be designed in accordance with all applicable local and state codes, the NESC, NERC requirements, American Society of Civil Engineers recommendations, PJM requirements, the interconnecting transmission owners' requirements, NextEra Energy standards, and prudent utility practice.

77. A description of NEET MA's safety and design practices that will be incorporated into the MARL Project is provided in NEET MA Statement No. 6 and the exhibits thereto. NEET MA Statement No. 6 also explains NEET MA's standards for Electric and Magnetic Fields Policy and Practices, which will be applied to the MARL Project.

78. NEET MA is responsible for the safe operation and maintenance of its facilities, including the management and maintenance of tall growing vegetation that could potentially affect the safe and reliable operation of its transmission lines. Exhibit No. SP-6 to NEET MA Statement No. 8 explains NEET MA's vegetation management practices that will be applied to the MARL Project.

79. Although the Proposed Route will traverse certain facilities, the Pennsylvania Portions of the MARL Project will not interfere with the operation of any communication towers, pipelines, or other utilities. NEET MA will work with the incumbent utilities to ensure proper clearances in order to safely operate and maintain the facilities.

80. Several major roadways will be spanned by the Pennsylvania Portions or the MARL Project. If necessary, Pennsylvania Department of Transportation (“PennDOT”) Highway Occupancy Permits or equivalent type permits will be acquired by NEET MA for these major highways and all other state roads prior to construction. Section 2.3.6 of Appendix A, Pennsylvania Environmental Review Document (“ERD”) of Attachment 3 to this Siting Application includes a discussion on linear infrastructure and transportation.

81. No airports are located within 2 miles of the Pennsylvania Portions or the Proposed Route. Therefore, NEET MA does not anticipate any interference with airport operations. However, if necessary, NEET MA will file all required documentation with the Federal Aviation Administration and the Pennsylvania Department of Transportation, Bureau of Aviation. Section 2.3.6 of Appendix A, Pennsylvania ERD of Attachment 3 includes a discussion on linear infrastructure and transportation.

VIII. COST AND COMPLETION DATE

82. The cost estimate for the Proposed Route for the entire MARL Project in 2031 dollars is approximately \$1,167,200,000. The Pennsylvania Portions of the Proposed Route are estimated to cost \$87,690,000. This cost estimate includes siting, engineering, procurement, construction, financing, administrative, development, and legal costs. This total estimate is based upon an initial planning level estimate (\$844.8 million in 2023 dollars), contingency (\$115.4 million in 2023 dollars), and taxes and escalation to the latest in-service date of 2031 (\$207 million), for a total of \$1.167 billion. The estimate also reflects 30% design and engineering, refinements from the project route following the bid, and vendor quotes received.³⁶

³⁶ NEET MA notes that this cost estimate is subject to change as the constructability of the MARL Project, sequence of construction, and other factors that may affect cost are identified and analyzed as the Project progresses.

83. In selecting the projects to address the reliability violations identified by the 2022 RTEP Window 3, PJM undertakes a constructability and financial evaluation of the proposed projects in order to identify the more efficient or cost-effective solution. As part of it detailed constructability analysis for the MARL Project, PJM and its consultants prepared a high-level conceptual independent cost estimate for the components of the project. This estimate was based on a high-level assessment of probable costs for the current conceptual design and is reflective of recent supplier quotes and previous experience with substation engineering, transmission line engineering and construction. The independent cost estimate includes a contingency of 30%, as it is a concept-level estimate.³⁷

84. In selecting the MARL Project over other 500 kV solutions, PJM noted that the MARL Project has a lower estimated cost and stronger cost containment provisions.³⁸ As approved by PJM, the MARL Project includes various cost containment measures intended to incentivize cost-efficient completion of the project and reduce potential cost overruns and project delays.³⁹

85. The costs for the MARL Project will be recovered through transmission rates subject to FERC's exclusive jurisdiction and will be allocated by PJM to Load Serving Entities

³⁷ See PJM Constructability & Financial Analysis Report, 2022 RTEP Window 3 (Nov. 17, 2023), which is available at: <https://www.pjm.com/-/media/DotCom/committees-groups/committees/teac/2023/20231205/20231205-2022-rtep-window-3-constructability--financial-analysis-report.ashx>.

³⁸ See PJM Reliability Analysis Report, 2022 RTEP Window 3 (Dec. 8, 2023), which is available at: <https://www.pjm.com/-/media/DotCom/committees-groups/committees/teac/2023/20231205/20231205-2022-rtep-window-3-reliability-analysis-report.ashx>.

³⁹ The MARL Project includes a return on equity (“ROE”) cap of 9.8% and a binding equity percentage cap of 45%. For any capital expenditures that exceed their original cost estimate, NEET MA’s ROE on that incremental capital would be reduced from 9.8% to 0%, but NEET MA will still recover all depreciation expense and debt costs associated with the incremental capital spend. Regardless of other cost containment, the total earned ROE cannot be lower than 7.5%. NEET MA also provided a schedule guarantee where the total project ROE would be reduced by 2.5 basis points for each month delay past the guaranteed completion date up to a maximum of 30 basis points.

under the terms of PJM's FERC-approved Open Access Transmission Tariff.⁴⁰ The MARL Project is classified as a baseline reliability project. Certain components of the MARL Project are allocated to a single PJM zone, while the cost allocation methodology for all other components is 50% Non-Load Ratio Share (or DFAX) and 50% Load Ratio Share. Further detail on cost allocation is provided in Attachment 8 to this Siting Application.

86. The MARL Project has a scheduled construction start date of November 2029 to meet a current in-service date of December 31, 2031. As discussed above, NEET MA is working to determine whether the in-service date can be accelerated to December 2029, pending receipt of regulatory approvals. Pursuant to Section 1.5.8(j) of Schedule 6 of PJM's Amended and Restated Operating Agreement and the DEA, NEET MA is obligated to complete the MARL Project.

IX. OTHER REQUIRED REGULATORY COMMISSION APPROVALS

87. The MARL Project involves a multi-state interstate 500 kV transmission line that traverses Pennsylvania, West Virginia, Maryland, and Virginia, and will require regulatory approvals from each of these jurisdictions.

88. With respect to Pennsylvania, the MARL Project will require Commission approval of this Siting Application, as well as the CPC Application that is being filed contemporaneously herewith.

89. In Maryland, West Virginia, and Virginia, the MARL Project will require certificates of public convenience and necessity from the respective state utility commissions.

⁴⁰ It is well-established that FERC has exclusive jurisdiction over interstate transmission rates, 16 U.S.C. § 824(b), and is authorized to determine whether such rates are just and reasonable. 16 U.S.C. §§ 824d, 824e. *See also, Nantahala Power & Light Co. v. Thornburg*, 476 U.S. 953, 956-957 and 966 (1986) (states must give effect to FERC-approved rates and agreements affecting those rates).

X. REQUEST FOR CONSOLIDATION OF RELATED FILINGS

90. As explained above, contemporaneously with this Siting Application, NEET MA is filing a CPC Application with the Commission for a finding and determination that the granting of certificate of public convenience as a Pennsylvania public utility is necessary or proper for the service, accommodation, convenience, or safety of the public. 66 Pa.C.S. § 1103. The utility service to be provided by NEET MA as a Pennsylvania public utility is related to the service that will be provided through the MARL Project if this this Siting Application is approved.

91. Because the facts, evidence, and approvals required for the above-referenced proceeding are interrelated with the issues and evidence to be presented and addressed for this Siting Application, NEET MA herein requests, pursuant to 52 Pa. Code § 57.75(i)(1), that these Applications and associated proceedings be consolidated and considered simultaneously for purposes of hearings and decision.

XI. NOTICE AND SERVICE

92. As part of the review and comparison of the Alternative Routes, NEET MA conducted a public outreach program, which included eight public open houses in total, including one held near the Pennsylvania Portions of the MARL Project, and a project website to inform the public about the Project and obtain information from landowners about their properties. Feedback provided through these outreach efforts was taken into consideration as the Routing Team analyzed the Alternative Routes and selected the Proposed Route for the MARL Project.

93. Prior to and subsequent to the open houses, NEET MA received and responded to comments from residents and other interested parties. NEET MA will continue responding to comments and inquiries, and will provide periodic updates to residents and other interested parties.

NEET MA will continue its commitment of open communications and, where practical, will be responsive to input regarding the MARL Project from local residents and other interested parties.

94. A detailed explanation of NEET MA's public outreach efforts is provided in Attachment 3 to this Siting Application and NEET MA Statement No. 1.

95. As explained above, NEET MA has provided public notices in accordance with Sections 57.91 and 69.3102 of the Commission's regulations, 52 Pa. Code §§ 57.91, 69.3102. The public notices for this project are provided in Attachment 13 to this Application.

96. Copies of this Siting Application and Notices of Filing are being served in accordance with the provisions of Section 57.74 of the Commission's regulations, 52 Pa. Code § 57.74.

97. As soon as practicable after the filing of this Application, NEET MA will publish notice of the filing in newspapers of general circulation in the area of the Pennsylvania portion of the MARL Project. This notice will: (a) note the filing with the Commission; (b) provide brief description of the MARL Project and its location; (c) provide area locations where the complete application may be reviewed by the public; and (d) provide any additional information as directed by the Commission.

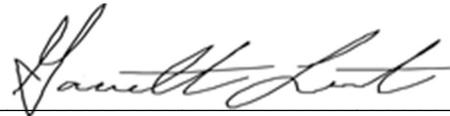
98. NEET MA also requests that the Commission publish notice of this Siting Application in the *Pennsylvania Bulletin*.

99. NEET MA will implement and complete any additional forms of notice for this Siting Application that the Commission may require.

XII. CONCLUSION

WHEREFORE, NextEra Energy Transmission MidAtlantic, Inc. respectfully requests that the Pennsylvania Public Utility Commission: (1) consolidate this Siting Application with the CPC Application contemporaneously filed herewith; (2) approve the siting and constructing of the Pennsylvania portion of the new 500 kV transmission line associated with the MARL Project in Dunkard Township in Greene County and Springhill Township Fayette County, Pennsylvania as explained above and in the Attachments and Testimony submitted in support of this Siting Application; and (3) grant any and all other waivers and/or approvals necessary to site and construct the MARL Project.

Respectfully submitted,



Tracy C. Davis (TX Bar # 24045758)
NextEra Energy Transmission, LLC
5920 W. William Cannon Dr., Bldg. 2
Austin, TX 78749
Phone: 512-236-3141
Fax: 512-236-0484
Email: tracy.c.davis@nexteraenergy.com
**Motion for admission pro hac vice to be submitted*

Anna Galanis (MD ID # 2106150110)
NextEra Energy Transmission, LLC
700 Universe Blvd
Juno Beach, FL 33408
Phone: 561-691-2542
Fax: 561-691-7135
E-mail: anna.galanis@nexteraenergy.com
**Motion for admission pro hac vice to be submitted*

Dated: March 3, 2026

David B. MacGregor (PA ID # 28804)
Garret P. Lent (PA ID # 321566)
Hayley E. Wilburn (PA ID # 336055)
Post & Schell, P.C.
17 North Second Street
12th Floor
Harrisburg, PA 17101-1601
Phone: 717-731-1970
Fax: 717-731-1985
E-mail: dmacgregor@postschell.com
E-mail: glent@postschell.com
E-mail: hwilburn@postschell.com

*Counsel for NextEra Energy Transmission
MidAtlantic, Inc.*