UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

The Office of the Ohio Consumers' Counsel, Complainant,	)	
v.	)	Docket No. EL23-105-000
PJM Interconnection, L.L.C., American Electric Power Service Corporation, on behalf of Ohio Power Company and AEP Ohio Transmission Company, American Transmission Systems, Inc., AES Ohio, a/k/a The Dayton Power and Light Company, and Duke Energy Ohio, LLC, Respondents.	)	

ANSWER OF THE MARYLAND OFFICE OF PEOPLE'S COUNSEL IN SUPPORT OF THE MOTION FOR EXPEDITED ACTION AND MOTION TO LODGE INFORMATION OF THE OFFICE OF OHIO CONSUMERS' COUNSEL

The Maryland Office of People's Counsel ("OPC") files its answer in support of the *Motion for Expedited Action and Motion to Lodge New Information* filed by the Ohio Consumers' Counsel ("OCC") on August 28, 2026, in this proceeding (collectively, the "OCC Motions"). OPC files this answer in accordance with Rule 213[1] of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (the "Commission" or "FERC").

OPC previously intervened in this proceeding on November 11, 2023, and filed comments, dated November 17, 2023, in support of the OCC's complaint.[2] OCC filed its

[1] 18 C.F.R. § 385.213.

[2] Comments of Maryland Office of People's Counsel in Support of the Office of the Ohio Consumers' Counsel's Complaint v. PJM Interconnection, L.L.C., et al. under EL23-105 ("OPC Comments"), Accession No. 20231117-5222.

complaint nearly three years ago on September 28, 2023, initiating this proceeding.[3] To date, the Commission has not made a determination with respect to the merits of the OCC Complaint.

The OCC complaint alleges that PJM Interconnection, LLC's Open Access Transmission Tariff ("OATT") and Operating Agreement do not protect Ohio electric consumers from excess costs arising from transmission projects and is inconsistent with the Federal Power Act's ("FPA's") requirements that rates to consumers be lawful, just, reasonable and not unduly discriminatory or preferential. The complaint identified a gap in regulatory oversight in Ohio of "local" transmission projects—referred to as "Supplemental Projects" under the PJM OATT—sponsored and developed by individual Transmission Owners ("TOs") in purported conformity with OATT, Attachment M-3. These projects are subject to a reduced level of planning review, no review of cost effectiveness by PJM through the M-3 process, and reduced or no regulatory review of cost effectiveness at the state level. Any federal regulatory review of project costs through the TOs' formula rate proceedings is only conducted after-the-fact in a fragmented and less than robust manner. Moreover, based on information available as of the date of filing of the OCC complaint, in 2023, massive additional amounts of capital expenditures in supplemental projects had been committed to by the TOs in Ohio, since that date.

[3] Accession No. 20230928-5134.

OPC's 2023 comments identify a similar regulatory gap in Maryland. Like Ohio, Maryland is also within PJM's operating footprint, subject to the same Attachment M-3 procedures, and has experienced substantial capital expenditures in supplemental projects without appropriate regulatory review of such projects' cost effectiveness.

As further documented by the OCC's Motions, continued deferral by the Commission of action on the OCC's complaint is increasingly costly to electric consumers given the continual increases in spending on supplemental projects in Ohio and across the PJM operating footprint, including in Maryland. The harm to customers resulting from continued transmission spending without adequate regulatory oversight increases with the passage of time, and now extends to nearly three years since OCC filed its complaint. Since that filing, Maryland has also experienced increased capital expenditures on supplemental projects and a continued lack of transparency and oversight of these projects emanating from the PJM OATT, Attachment M-3 process.

As reported through the M-3 process, Maryland has been or will be responsible for $3.663 billion in estimated capital expenditures on supplemental projects from 2010 to 2031, with $1.941 billion represented by in-service projects and $1.722 billion of estimated capex for projects still in the planning, engineering or construction phases.[4] Some $2.755 billion of this increased capex relates to projects which were not yet in

[4] Data compiled from the PJM web-site page reporting transmission projects and costs, accessed Sep. 2, 2026 : https://www.pjm.com/planning/m/project-construction. Synapse Energy Economics, using earlier data from the same source, reported Maryland's responsibility for $2.8 billion of capital projects for local transmission projects, from 2010 to 2030. OPC Amended Complaint in EL26-63 (May 21, 2026), Attachment B: *PJM Transmission Cost Impacts on Electricity Customers in Maryland: An Overview of PJM Transmission Planning and Costs* at 26 (March 2026).

service as of the end of 2023, contemporaneous with the filing of the OCC Complaint. The expenditure levels are proportionately very significant for Maryland compared to those reported by OCC for Ohio.[5]

Moreover, the Attachment M-3 process as currently conducted by the TOs and administered by PJM, provides inadequate oversight and lack of sufficient transparency. For instance, Baltimore Gas and Electric ("BGE"), a subsidiary of Exelon Corporation, proposed an underground supplemental transmission project to serve the Port Covington (Baltimore, Maryland) real estate development, initially estimating the capital investment cost of the transmission project at $105 million. Subsequently, the project cost estimate, as disclosed to PJM, increased nearly fourfold to $407.25 million; and the prime developer of the real estate project, whose forecasted new electric load motivated the supplemental project, pulled out of the real estate development, raising questions about the need for BGE's supplemental project.[6] Through the M-3 process, BGE/Exelon provided minimal disclosure regarding the reasons for the cost increase or its mitigation efforts to control costs (or to address planning concerns arising from the loss of the principal customer load driving the project), asserting that cost issues were beyond the

[5] Maryland's annual retail electric energy sales (2024) are 59 Twhs; Ohio's are 153 Twhs. Energy Information Administration, Table 1, Maryland Electricity Profile (2024); Ohio Electricity Profile (2024) (release for 2025 data scheduled for November, 2026). OCC reports an additional $4.3 billion in investment in local transmission and supplemental Projects in Ohio since the filing of the OCC Complaint. OCC Motions, p. 4.

[6] *See* Office of People's Counsel, *Petition for an Investigatory Docket on Baltimore Gas and Electric Company's Baltimore Peninsula Investments* ("OPC Petition for Investigation"), Mail Log No. 327417 (Feb. 24, 2026), *available at* https://webpscxb.pscmaryland.com/DMS/maillogsearch.

scope of the process.[7] Furthermore, in a filing with the Maryland Public Service Commission, BGE noted a further increase of more than $100 million, to $520 million; yet that increase has not been the subject of any PJM TEAC presentations or discussions, and it is unclear whether BGE has notified PJM of the increase.[8]

The proliferation of data centers in the PJM footprint, and the infrastructure to serve those data centers, further compounds the customer harm caused by inadequate oversight over supplemental projects. More recently, First Energy/APS proposed in the Attachment M-3 process several supplemental projects to respond to customer service requests for large load/data centers in the Potomac Edison service territory in Maryland. In the PJM TEAC meeting and related comment period, APS did not respond to several information requests about the projects that sought information that is relevant to full disclosure and planning concerns. As shown in Attachments 2.2, OPC's questions directed at APS sought information regarding APS' compliance with Maryland legislation regarding large load interconnection requirements, the deployment of generation to

[7] *See* Attachment 1.1 through 1.3 (written materials regarding BGE's disclosure about the project to the TEAC).

[8] PJM's website still reports the original cost estimate of $105 million for the BGE project, designated as project s2025 (last accessed on Sep. 8, 2026). The $405.7 million updated cost for projects 2025 is only disclosed on an excel spread-sheet accessible by download from the PJM web-site tab. BGE claims prior public disclosure of the cost increase at least to PJM as asserted in Attachment 1.3,but the stale information on the PJM web-site http version of the relevant cost estimate belies BGE's assertion. OPC has been unable to locate a record of a TEAC meeting, prior to the Feb. 12, 2026, meeting at which OPC raised its concerns about the project, at which the cost increase was publicly disclosed, reviewed and discussed. *See* OPC Petition for Investigation at 4–5, 17–19.

In the interim, Maryland enacted legislation requiring the issuance by the Maryland PSC of a certificate of public convenience and necessity ("CPCN") for new underground electric transmission projects rated 69 kV or greater. 2026 Md. Laws, ch. 353 (codified at Md. Code Ann., Pub. Util. § 7-207). The CPCN statute,, however, does not require a cost effectiveness review of such projects.

service the need and load flexibility by the customer. These questions are obviously relevant to the planning of the proposed supplemental projects. Yet, like BGE, FE/APS contended that the questions were out of scope for a response in the M-3 process.[9]

These developments adversely affect Maryland and emanate from the same or similar infirm oversight procedures affecting Ohio as identified in the OCC Motions and the OCC Complaint. These developments also make it incumbent on the Commission: (1) to find that the Attachment M-3 process and the current methods for planning and cost review and oversight of supplemental projects are unjust and unreasonable; and (2) to establish appropriate remedies to address this deficiency.

For the foregoing reasons, OPC supports the OCC Motions and requests that the Commission act favorably and expeditiously on the OCC Complaint.

Respectfully submitted,

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[9] Attachment 2.2 (""FirstEnergy provides the information required by the Attachment M3 process to PJM. Further questions beyond what has already been provided as to cost information should be addressed through the Attachment M3 process.").

Attachments

Attachments to Answer of Maryland Office of People's Counsel in EL23-105	
1.1	Exelon/BGE, *Mid-Atlantic Sub-Regional RTEP Committee BGE Supplemental Cost Update* (Feb. 12, 2026).
1.2	Md OPC, *Questions regarding Port Covington Project Update discussed at Feb. 12, 2026 PJM Subregional RTEP – MidAtlantic and South Committee stake-holder meeting* (Feb. 18, 2026)
1.3	Letter from BGE/Exelon to Executive Secretary, Maryland Public Service Commission (April 20, 2026) – *BGE Response to OPC Petition for and Investigatory Docket on BGE's Baltimore Peninsula Investments*
2.1	First Energy/APS – *Transmission Expansion Advisory Committee (TEAC), First Energy Supplemental Projects – APS Transmission Zone* (July 7, 2026).
2.2	(Not labelled), Md OPC questions to FE/APS and FE/APS answers with respect to July 7, 2026 PJM TEAC presentation.

CERTIFICATE OF SERVICE

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

Dated this 11th day of September 2026.

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