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December 22, 2025

Pennsylvania Public Utility Commission  
Commonwealth Keystone Building, Second Floor  
400 North Street  
Harrisburg, PA 17120

**Re: Comments on Tentative Order by the Pennsylvania Public Utility Commission**

Docket No. M-2025-3054271

Dear Commissioners,

Thank you for the opportunity to provide comments. There is no question that the introduction of potential large load customers is already reflected in the PJM wholesale capacity markets - driving up consumers energy prices, even before most of the planned data centers exist.

I strongly support the creation of a model tariff and am grateful for the Commission's efforts to address the potential impact of new large load customers on all Pennsylvania consumers. Pennsylvania's model tariff must promote transparency, prevent cost shifting to residential customers, and mitigate the impacts of another potentially volatile energy industry coming into our Commonwealth.

Just this week, a new large load data center was approved in my Senate District in Allegheny County. After hearing from my constituents, consumer protection advocates, and varied stakeholders, I respectfully urge the Commission to consider the following recommendations to alleviate the impacts on residential customers to the greatest extent possible.

**1. Availability**

The Commission invited comment on defining individual versus aggregate thresholds and the threshold amounts. I want to stress the importance of maintaining an aggregate power

requirement given concerns from stakeholders that large load customer may split interconnection into smaller units to circumvent the definition. I agree with the Office of Consumer Advocate's June 6, 2025 comments from the *en banc* hearing as to how this can be best addressed and commend the model tariff's inclusion of an aggregate threshold, including its clarity that behind the meter generation will not be considered an offset for the purpose of calculating the total customer load.

## **2. Terms of Contract**

In order prevent cost-shifting from speculative or short-lived data center investments onto existing ratepayers, Pennsylvania must require a minimum contract term of longer than 5 years. With the consumer advocate recommending a 20-year minimum contract duration and National Resources Defense Council recommending 20-40 years (the cost recovery period for new transmission and distribution infrastructure), the proposed 5 year minimum is jarringly short. In its comments, Calibrant acknowledges that data centers prefer shorter terms because it is "difficult for them to forecast utilization rates within the rapidly evolving AI landscape". Communities should not be paying the price for the speculative nature of this industry. We've seen the cost to Pennsylvanians when we have failed to meaningfully regulate other energy industries up front.

A contract of significant length helps ensure that costs are not stranded if a facility closes or ends up needing less energy than it asked the utility to supply. With Ohio, Indiana, and West Virginia all having minimum contract lengths of 12 years, there is plenty of room to require substantial exit fees for a contract term longer than 5 years – while still being competitive within the PJM region.

## **3. Universal Service Fund Contributions**

I agree with the Consumer Advisory Council's comments and join them in elevating Vice Chair Barrow and Commission Zerfuss's statements on universal service programs. I support the inclusion of the hardship fund contributions but believe that these provisions alone do not go far enough to protect vulnerable consumers. It must be coupled with contributions to universal service programs.

New large load customers must fully cover the increased energy costs they are causing. In addition to contributing to hardship funds as proposed, a proportionate level of universal service program costs should also be assigned to large load customers. To help safeguard against stranded investments, I recommend the model tariff include both a flat upfront fee and an ongoing volumetric charge.

By increasing funding for hardship funds and requiring contributions to universal service programs, the model tariff can help ensure that large load customers are doing their part to offset rising energy costs.

#### **4. Infrastructure Upgrades by Large Load Customers**

The Commission invited comments on how safety, reliability, and adherence to industry building standards can be assured in the event of customer-funded infrastructure.

Requiring the use of local union labor is one essential piece. The best way to ensure that the work meets existing engineering and PUC standards is to have it done by workers who have the experience, safety standards, and worker protections that come with union labor.

##### Additional Recommendations:

- **Rebuttal Presumption:** The terms “Network Improvements” and “Network Improvement Costs” are defined in the tentative order but not used elsewhere in the model tariff. Their inclusion in the definitions and reference to the “majority” or “equivalent” of the benefits the customer receives prompts me to elevate CAUSE-PA and TURN’s June 6, 2025 comments submitted during the *en banc* hearing.

The Commission should adopt a rebuttal presumption that distribution system upgrades needed to support data center growth are solely for the benefit of the large user. A public utility shall not be permitted to assign costs to non-large load ratepayers based on generalized, ancillary, or theoretical benefits to those ratepayers absent actual, quantifiable evidence demonstrating that such costs incurred were necessary for a purpose other than the electricity demand of the large load customer.

The introduction of data centers to a region should not result in costs to residential consumers for system upgrades that otherwise would not be needed. The model tariff should prevent utilities from shifting expenditures across the general rate base, so residential households are not forced to absorb costs created by data centers.

- **CBAs:** Pennsylvania’s model tariff should require data centers developers to enter into transparent, negotiated Community Benefits Agreements (CBAs) that delineate up front how the local community will benefit and be protected. The terms of the CBA should be openly arranged and discussed among the host, surrounding communities, and community members to ensure transparency and sustainable conditions, while having the mutual benefit of building trust and support for the development.

- **Public Hearing:** With recognition that the Commission already held an *en banc* hearing that invited public comment, the public engagement around this issue is higher now than even earlier this year when this case was originated. In order to promote transparency, public accountability, and robust stakeholder participation, the PUC should schedule a public hearing prior to final adoption of the model tariff.

Thank you again for the opportunity to submit public comment on this important issue

Sincerely,

A handwritten signature in black ink that reads "Lindsey M. Williams". The signature is written in a cursive, flowing style.

Senator Lindsey M. Williams  
Pennsylvania's 38<sup>th</sup> Senatorial District