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May 4, 2026

BY ELECTRONIC FILING

Matthew L. Homsher, Secretary
PENNSYLVANIA PUBLIC UTILITY COMMISSION
400 North Street
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-2026-3060856

Application of NextEra Energy Transmission MidAtlantic Inc., for all of the necessary authority, approvals, and certificates of public convenience (1) to begin to furnish and supply electric transmission service in Greene and Fayette Counties, Pennsylvania; (2) for certain Affiliated Interest Agreements; and (3) for any other approvals necessary to complete the contemplated transactions

Docket Nos. A-2026-3060921, G-2026-3060941, G-2026-3060942

Dear Secretary Homsher,

Please find enclosed for filing in the above-captioned cases the Center for Coalfield Justice's Prehearing Conference Memorandum. Note that the Center for Coalfield Justice's Petitions to Intervene in the above-captioned cases were electronically filed on May 1, 2026, and are currently designated as "In Process" in the Commission's electronic filing system.

Thank you,

Evan Dimond Johns

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**BEFORE THE PENNSYLVANIA
PUBLIC UTILITY COMMISSION**

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

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Docket Nos. A-2026-3060921

G-2026-3060941

G-2026-3060942

**CENTER FOR COALFIELD JUSTICE'S
PREHEARING CONFERENCE MEMORANDUM**

Center for Coalfield Justice (CCJ) distributes this prehearing memorandum in accordance with Judge Coogan's March 27, 2026 Prehearing Conference Order in Pennsylvania Public Utility Commission Dockets A-2026-3060921, G-2026-3060941, and G-2026-3060942. That order also explained that the pre-hearing conference in that case will be held contemporaneously with the pre-hearing conference hearing in Docket A-2026-3060856, in which Judge Coogan issued a March 10, 2026 Prehearing Conference Order. This memorandum will therefore serve as CCJ's prehearing conference memorandum for both proceedings.

1. Introduction & Procedural History

On March 3, 2026, NextEra Energy Transmission MidAtlantic Inc. (NextEra) filed an Application for All of the Necessary Authority, Approvals, and Certificates of Public Convenience (1) to Begin to Furnish and Supply Electric Transmission Service in Greene County and Fayette County, Pennsylvania; (2) for Certain Affiliated Interest Agreements; and (3) for any Other Approvals Necessary to Complete the Contemplated Transactions (CPC Application). Also on March 3, NextEra filed an Application for Approval to Site and Construct a 500 kV Transmission Line Associated with the MidAtlantic Resiliency Link (MARL) Project Located in Portions of Greene County and Fayette County, Pennsylvania (Siting Application).

The Siting Application was assigned docket A-2026-3060856 and the CPC Application was assigned consolidated dockets A-2026-3060921, G-2026-3060941, and G-2026-3060942. Concurrent prehearing conferences in both cases were scheduled for May 6, 2026 at 10:00 a.m., with parties directed to file prehearing conference memoranda by May 4, 2026.¹ According to the Commission's March 27 order, the consolidation of the two cases will be discussed at the contemporaneous prehearing conference.² On May 1, 2026, CCJ submitted a Petition to Intervene in both proceedings, and now respectfully submits this memorandum pursuant to the prehearing conference orders.

2. Proposed Plan & Schedule for Discovery

CCJ believes a 10-day response period for discovery requests will better facilitate full and efficient factual development relative to the default 20-day deadlines under Rules 5.342(d),

1 Prehearing Conference Order, Docket No. A-2026-3060856 (March 10, 2026); Prehearing Conference Order, Docket No. A-2026-3060921 (March 27, 2026).

2 Prehearing Conference Order, Docket Nos. A-2026-3060921 (March 27, 2026).

5.349(d), and 5.350(c), 52 Pa. Code §§ 5.342(d), 5.349(d), 5.350(c). CCJ is willing, however, to consider discovery schedules proposed by other parties to this proceeding at the May 6 prehearing conference.

3. Possibility of Settlement

CCJ is ready to engage in settlement discussions with any party to resolve or narrow the issues in these Proceedings.

4. Issues

CCJ is continuing to review NextEra's applications and anticipates investigating their bases through discovery in these proceedings. After a preliminary review, however, CCJ is concerned that NextEra's CPC Application does not establish that the MARL project is necessary for the service of the public and is concerned that NextEra's Siting Application does not demonstrate that the purported necessity of the MARL project outweighs its impact on Pennsylvania's environment and natural resources. CCJ is further concerned that approval of either application would be a violation of the Commission's duties under Article 1, Section 27 of the Pennsylvania Constitution.

NextEra's application materials state that "new transmission pathways 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 PJM's 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" described in attached testimony.³ The materials submitted in both findings do not

³ Siting Application ¶ 28.

describe service provision to any Pennsylvanians, and instead describe a project meant to satisfy load growth in Maryland and Virginia with electricity generated or otherwise available in western Pennsylvania and northern West Virginia.

The Commission should therefore not grant a CPC for the MARL project for the following reasons:

- It is not “necessary or proper for the service, accommodation, convenience, or safety of the public” of Pennsylvania. 66 Pa. C.S. § 1103(a).
- As regards this project, NextEra does not meet the definition of public utility in the Pennsylvania Public Utility Code because it will not transmit electricity “to or for the public for compensation.” 66 Pa. C.S. § 102. It cannot, therefore, be granted a CPC for the MARL project.
- Granting a CPC would allow NextEra to begin eminent domain proceedings for the MARL project. The MARL project only serves out of state customers and does not provide any public benefit to the Commonwealth of Pennsylvania, however, meaning that the Commonwealth cannot exercise its sovereign power of eminent domain on behalf of the project.

Furthermore, the Commission should not approve NextEra’s Siting Application or CPC Application because the project will increase the burden of pollution from electricity generation in Pennsylvania. An increased demand for electricity generation in Pennsylvania and northern West Virginia will require the increased combustion of coal and gas in the region, which will contribute additional greenhouse gases and other air pollutants to the global and, in particular, the local atmosphere of western Pennsylvania. The health and safety problems created by this air

pollution have not been described or quantified in NextEra's applications. As a result, approving either application would be a violation of the Commission's duty of care as a trustee under Article 1, Section 27 of the Pennsylvania Constitution. Furthermore, NextEra has not demonstrated that this "adverse environmental impact" is outweighed by the purported necessity of serving load growth created by data centers in Virginia and Maryland, and therefore cannot be given siting approval under 52 Pa. Code § 57.76(a)(4). CCJ reserves the right to raise and address such additional issues relating to NextEra's CPC and Siting Applications as may arise on further review, analysis, and discovery.

At this time, and pending discussion of the issue during the May 6 Prehearing Conference, CCJ supports consolidation of the proceedings regarding the Applications discussed in this memorandum.

5. Amount of Hearing Time Needed

In the event that the parties to this Proceeding are unable to resolve issues through settlement, CCJ respectfully submit that the outstanding issues should be adequately analyzed and addressed on the record during hearings. CCJ anticipates that the amount of hearing time needed will be shaped by the issues remaining for adjudication.

6. Proposed Witnesses & Exhibits

CCJ is currently engaged in discussions with technical experts to provide testimony on the issues described above. When those experts have confirmed their ability to testify in these proceedings, CCJ will inform the Commission and the other parties according to the governing rules and regulations. CCJ will develop exhibits necessary for the evidentiary hearing through discovery and through the work of any technical experts it engages in this proceeding, and will

likewise inform the Commission and the other parties of any exhibits according to the governing rules and regulations.

7. Procedural Schedule

CCJ is willing to consider any procedural schedules proposed by other parties to this proceeding and will discuss issues raised at the May 6 prehearing conference. As noted above, CCJ's discussions with technical experts are ongoing. CCJ has asked potential witnesses to provide any scheduling constraints in the event that CCJ is able to secure their testimony. CCJ hopes to have that information before the prehearing conference; if it does, it may have additional thoughts on the procedural schedule at that time.

8. Counsel & Service

CCJ is represented in this matter by:

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In addition, CCJ intends to file shortly a motion for the admission *pro hac vice* of:

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CCJ consents to receive electronic service of all documents as provided in Rule 1.54(b)(3) of the Commission's Rules of Administrative Practice and Procedure, 25 Pa. Code § 1.54(b)(3).

Dated: May 4, 2026

Respectfully submitted,



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CERTIFICATE OF SERVICE

I certify that on May 4, 2026, I sent a true copy of the foregoing Prehearing Memorandum by electronic mail to:

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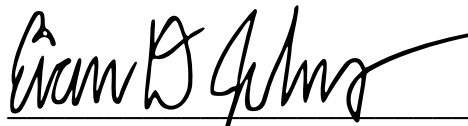
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