



Appalachian
Mountain
Advocates

6101 Penn Avenue, Suite No. 201
Pittsburgh, Pennsylvania 15206
Telephone: (434) 738 - 1863

www.appalmad.org

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May 1, 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 Petition to Intervene. An original verification in paper form will be deposited into the United States Mail in accordance with Rule 1.36 of the Commission's Rules of Administrative Practice and Procedure. Please don't hesitate to contact me with any questions about this filing.

Thank you,

Evan Dimond Johns

APPALACHIAN MOUNTAIN ADVOCATES
6101 Penn Avenue, Suite No. 201
Pittsburgh, Pennsylvania 15206
Phone: (434) 738 - 1863
E-Mail: ejohns@appalmad.org

Copied by Electronic Mail:
Service List

**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**

Electronically Filed

CENTER FOR COALFIELD JUSTICE’S PETITION TO INTERVENE

Under Rule 5.74 of the Commission’s Rules of Administrative Practice and Procedure, 52 Pa. Code § 5.74, the Center for Coalfield Justice (CCJ) petitions to intervene in the above-captioned dockets. In support of its request, CCJ states:

1. Based in Washington, Pennsylvania, CCJ is a nonprofit membership organization with more than 230 members and 3900 non-member supporters. CCJ’s organizational mission is to improve policy and regulations regarding fossil fuel extraction and use; to empower and organize affected communities; and to protect public and environmental health. Although it partners with allies across the Commonwealth and beyond, CCJ’s work focuses particularly on communities in Washington and Greene Counties, Pennsylvania.

2. CCJ's membership includes Greene County residents who live and own property in close proximity to or directly on the proposed route for the MidAtlantic Resiliency Link (MARL) Project. Each of those members are—like the vast majority of CCJ's members—also electricity consumers in Pennsylvania and/or the broader PJM region and live in the airsheds likely to be affected by the increased dispatch of fossil-fueled power plants that the Project will cause. CCJ's members will, therefore, suffer a direct, immediate, and substantial injury as a result of this proceeding.
3. CCJ's participation in these dockets will serve the public interest. This Commission has recognized the benefit of “active participation [by] entities representing . . . the entire spectrum of the public whose welfare is to be protected” in regulatory proceedings. *Office of Consumer Advocate v. UGI Utilities*, Docket Nos. C-2021-3024200 *et al.*, Opinion and Order at 36 (October 28, 2021). CCJ seeks to represent the interests of its members who would be directly affected by the construction of the MARL Project through their communities. Moreover, CCJ is unaware of any other party to these proceedings who seeks to protect the same interests or raise similar concerns to the those asserted by CCJ.
4. CCJ continues to review the relevant filings, but it has initial concerns over the purported benefit to Pennsylvania customers from the MARL Project; NextEra's eligibility to exercise powers statutorily reserved for public utility corporations; and the direct and indirect environmental impacts of the Project on communities in Southwestern Pennsylvania.
 - (a) A certificate of public convenience may be granted “only if the commission shall find or determine that the granting of such certificate is necessary or proper for the service, accommodation, convenience, or safety of the public.” 66 Pa. C.S.

§ 1103(a). The Third Circuit Court of Appeals recently held that the Commission’s need analysis in the context of a *siting application* must yield to the determination of PJM. *Transource Pennsylvania v. DeFrank*, 156 F.4th 351 (3d. Cir. 2025). It specifically recognized, however, that the grant of certificate of public convenience was a pre-requisite for obtaining eminent domain authority, and that a proceeding for such a certificate was a safeguard against the *de facto* grant of eminent domain powers to PJM. *Id.* at 381. The *Transource* decision, therefore, did not take away the Commission’s traditional right to consider whether a certificate is necessary or proper for the service, accommodation, convenience or safety of the public *in Pennsylvania*. This project as proposed is not necessary or proper for the service, accommodation, convenience or safety of the public *in Pennsylvania* because it will provide no appreciable benefit to Pennsylvania consumers, yet will require the seizure of Pennsylvanians’ property for the primary benefit of out-of-state corporations, data centers, and other interests.

- (b) Designation as a public utility corporation would provide NextEra with the power to seize land for the purpose of transmitting electricity “to or for the public.” That grant of eminent domain power must be considered in light of restrictions on the power of eminent domain. Although the Supreme Court of Pennsylvania has yet to directly consider the issue, decisions by other state high courts are consistent in holding that a public use justifying the exercise of eminent domain must be for the benefit of citizens of the exercising sovereign—not another state’s citizens. *See, e.g., Mountain Valley Pipeline v. McCurdy*, 793 S.E.2d 850 (W. Va. 2016) (collecting

cases). The MARL Project—which forms the sole basis for NextEra’s request for a certificate of convenience—would entail the taking of Pennsylvanians’ property for the primary benefit of out-of-state corporations operating data centers in Maryland and Virginia, with no appreciable benefit to the citizens of Pennsylvania.

(c) Additionally, 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. The MARL Project will not distribute electricity to the public or for the benefit of Pennsylvania residents. *See Bethlehem Steel v. Public Utility Commission*, 713 A.2d 1110 (Pa. 1998).

(d) In reviewing siting applications for transmission lines, the Commission must weight any necessity for the line against its “adverse environmental impact.” 52 Pa. Code § 57.76(a)(4). This evaluation is a specific part of the regulatory requirements of the siting review process as well as the Commission’s duties under Article I, Section 27 of the Pennsylvania Constitution to consider the environmental impacts of its decisions. *See generally Marple Township v. Public Utility Commission*, 294 A.3d 965 (Pa. Cmwlth. 2023). On information and belief, the MARL Project will increase the utilization of fossil fuel-based power plants in and near Pennsylvania, which will expose Pennsylvanians to elevated levels of air pollution and increase climate-related risks as a consequence of additional greenhouse gas emissions. NextEra has not provided information on these environmental harms in its Applications and has not described how they should be weighed against the purported need for the project. As it stands, the record is insufficient to allow the Commission to fulfill its

regulatory duties and constitutional obligations regarding environmental harm to the Commonwealth and its citizens.

5. CCJ is represented in this matter by:

Evan Dimond Johns
(Pennsylvania ID No. 334608)
Thomas L. Kloehn
(Pennsylvania ID No. 336940)
APPALACHIAN MOUNTAIN ADVOCATES
6101 Penn Avenue, Suite No. 201
Pittsburgh, Pennsylvania 15206
Telephone: (434) 738 - 1863
(773) 332 - 0551
E-Mail: ejohns@appalmad.org
tkloehn@appalmad.org

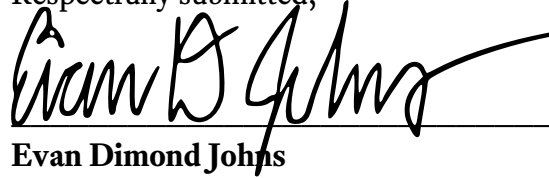
Seth Sherman
(Pennsylvania ID. No. 332732)
CENTER FOR COALFIELD JUSTICE
69 Beau Street, Suite No. 101
Washington, Pennsylvania 15301
Telephone: (412) 229 - 7415
E-Mail: seth@centerforcoalfieldjustice.org

6. 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).
7. In accordance with Rule 1.36 of the Commission's Rules of Administrative Practice and Procedure, the verification of CCJ Executive Director Sarah Martik is attached as Exhibit A to this Petition. The signed original will be deposited into the United States Mail in accordance with the aforementioned Rule.

WHEREFORE, the Center for Coalfield Justice respectfully requests that the Commission grant this Petition to Intervene and accord it full participation rights in the above-captioned proceedings.

Dated: May 1, 2026

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Evan D Johns", written over a horizontal line.

Evan Dimond Johns

(Pennsylvania ID No. 334608)

Thomas L. Kloehn

(Pennsylvania ID No. 336940)

APPALACHIAN MOUNTAIN ADVOCATES

6101 Penn Avenue, Suite No. 201

Pittsburgh, Pennsylvania 15206

Telephone: (434) 738 - 1863

(773) 332 - 0551

E-Mail: ejohns@appalmad.org

tkloehn@appalmad.org

Seth Sherman

(Pennsylvania ID. No. 332732)

CENTER FOR COALFIELD JUSTICE

69 East Chestnut Street, Suite No. 101

Washington, Pennsylvania 15301

Telephone: (412) 229 - 7415

E-Mail: seth@centerforcoalfieldjustice.org

Counsel for the Center for Coalfield Justice

BEFORE THE PENNSYLVANIA
PUBLIC UTILITY COMMISSION



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G-2026-3060942

VERIFICATION IN SUPPORT OF CENTER FOR
COALFIELD JUSTICE'S PETITION TO INTERVENE

I verify that the facts set forth in the Center for Coalfield Justice's Petition to Intervene are true and correct to the best of my knowledge, information, and belief, and I expect to be able to prove those facts at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Date: 05/01/26

Sarah Martik, Executive Director
CENTER FOR COALFIELD JUSTICE

CERTIFICATE OF SERVICE

I certify that on May 1, 2026, I sent a true copy of the foregoing Petition to Intervene to:

NazAarah Sabree
OFFICE OF SMALL BUSINESS ADVOCATE
555 Walnut Street, First Floor
Harrisburg, Pennsylvania 17101
ra-sba@pa.gov

Darryl A. Lawrence
OFFICE OF CONSUMER ADVOCATE
555 Walnut Street, Fifth Floor
Harrisburg, Pennsylvania 17101
dlawrence@paoca.org

Tracy C. Davis
NEXTERA ENERGY TRANSMISSION
5920 West William Cannon Drive
Austin, Texas 78749
tracy.c.davis@nexteraenergy.com

Anna Galanis
NEXTERA ENERGY TRANSMISSION
700 Universe Boulevard
Juno Beach, Florida 33408
anna.galanis@nexteraenergy.com

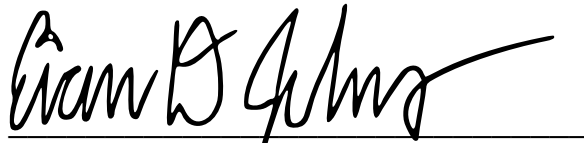
The Honorable John M. Coogan
PENNSYLVANIA PUBLIC UTILITY COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES
801 Market Street, Suite No. 4063
Philadelphia, Pennsylvania 19107
jcoogan@pa.gov

Benjamin C. Dunlap Jr.
COHEN SEGLIAS PALLAS
GREENHALL & FURMAN
240 North Third Street, Seventh Floor
Harrisburg, Pennsylvania 17101
bdunlap@cohenseglias.com

Joseph Pennington
7104 Morgantown Road
Point Marion, Pennsylvania 15474

Thomas John Bozek III
875 Wymps Gap Road
Smithfield, Pennsylvania 15478

David B. MacGregor
Garret P. Lent
Hayley E. Wilburn
POST & SCHELL
17 North Second Street, Twelfth Floor
Harrisburg, Pennsylvania 17101-1601
dmacgregor@postschell.com
glent@postschell.com
hwilburn@postschell.com



Evan Dimond Johns
(Pennsylvania ID No. 334608)