

May 14, 2026

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

Via Electronic Filing

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 Necessary Authority Approvals and Certificates of Public Convenience to furnish electric transmission service in Greene and Fayette Counties, Pennsylvania and for related approvals
Docket No. A-2026-3060921

Dear Secretary Homsher:

Enclosed for filing please find Proposed Intervenor Charity Grimm Krupa's Petition for Stay of Proceedings Pending Final Resolution of Transource Litigation and Resolution of All Petitions to Intervene in the above-referenced proceedings.

Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,



Charity Grimm Krupa,
Individually and as
State Representative for the
51st House District

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing Proposed Intervenor Charity Grimm Krupa's Petition for Stay of Proceedings Pending Final Resolution of Transource Litigation and Resolution of All Petitions to Intervene.

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Respectfully submitted,

Date: 5/14/26

/s/ Charity Grimm Krupa
Charity Grimm Krupa,
Individually and as
State Representative for the
51st House District

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 : Docket No. A-2026-3060856

Application of NextEra Energy Transmission :
MidAtlantic, Inc., for All Necessary Authority :
Approvals and Certificates of Public Convenience :
to furnish electric transmission service :
in Greene and Fayette Counties, Pennsylvania :
and for related approvals : Docket No. A-2026-3060921

**PETITION OF PROPOSED INTERVENOR CHARITY GRIMM KRUPA FOR
STAY OF PROCEEDINGS PENDING FINAL RESOLUTION OF TRANSOURCE
LITIGATION AND RESOLUTION OF ALL PETITIONS TO INTERVENE**

Proposed Intervenor Charity Grimm Krupa (“Petitioner” or “Proposed
Intervenor”), hereby petitions the Pennsylvania Public Utility Commission
 (“Commission” or “PUC”) for a stay of the above-captioned proceedings pending: (1)
 final resolution of the federal *Transource* litigation, including the pending Petition for
 Writ of Certiorari before the Supreme Court of the United States; and (2) disposition of
 all pending Petitions to Intervene. In support thereof, Petitioner respectfully avers as
 follows:

I. INTRODUCTION

These proceedings present substantial and unresolved constitutional,
 jurisdictional, federalism, eminent domain, and federal preemption questions that directly

implicate the scope of Pennsylvania’s historic sovereign authority over electric transmission siting and public necessity determinations.

At the center of those disputes lies the ongoing federal litigation in *Transource Pa., LLC v. DeFrank*, 156 F.4th 351 (3d Cir. 2025), affirming *Transource Pa., LLC v. DeFrank*, 705 F. Supp. 3d 266 (M.D. Pa. 2023), which addressed whether portions of the Commission’s independent “public need” analysis under Pennsylvania law were allegedly preempted by federal transmission planning authority. Critically, the *Transource* litigation remains unresolved as a Petition for Writ of Certiorari remains pending before the Supreme Court of the United States at Docket No. 25-1095, *Sunday v. Transource Pennsylvania, LLC*.

The legal questions raised in *Transource* are central to the instant proceeding and directly affect:

1. the scope of the Commission’s authority;
2. the admissibility and relevance of evidence;
3. the extent of Pennsylvania’s independent siting authority;
4. the Commission’s authority to evaluate “public need” under Pennsylvania law;

and the permissible scope of eminent domain authority associated with the MARL Project.

At the same time, the Commission has not yet ruled upon all pending Petitions to Intervene filed in this matter. During the May 6, 2026 Prehearing Conference, the Administrative Law Judge indicated that NEET MA would be permitted to respond to protests and/or Petitions to Intervene filed on or before May 29, 2026 on or before June 12, 2026.

Accordingly, numerous proposed intervenors presently remain uncertain as to:

1. whether they will ultimately be granted party status;
2. the scope of their participatory rights;
3. their ability to conduct discovery;
4. their ability to respond to OCA's Petition for Interlocutory Review;
- and
5. their ability to protect their constitutional, property, environmental, and due process interests in these proceedings.

Under these circumstances, permitting the proceedings to continue while party status remains unresolved, and while the controlling federal preemption litigation remains actively pending before the Supreme Court, would be fundamentally inequitable, procedurally inefficient, and prejudicial to affected participants and landowners. A stay is therefore warranted in the interests of justice, judicial economy, procedural fairness, and orderly adjudication.

II. THE TRANSOURCE LITIGATION RAISES CONTROLLING AND UNRESOLVED PREEMPTION QUESTIONS CENTRAL TO THIS PROCEEDING

The federal preemption questions raised in *Transource* are neither collateral nor academic. They are central to virtually every disputed issue presently before the Commission in this proceeding. Indeed, OCA's pending Petition for Interlocutory Review expressly asks the Commission to determine whether, "Pursuant to *Transource*," the Commission is preempted from modifying or denying the Pennsylvania portions of

the MARL Project on the basis of insufficient need because PJM has identified a reliability-based need and selected the MARL Project.

Thus, the parties themselves recognize that *Transource* is being asserted as controlling authority concerning:

1. the Commission's statutory authority;
2. the permissible scope of evidentiary development;
3. the Commission's ability to evaluate "need" under Pennsylvania law; and
4. the relationship between federal transmission planning and Pennsylvania siting authority.

Yet the legal foundation and ultimate scope of *Transource* remain unresolved. The Petition for Writ of Certiorari pending in *Sunday v. Transource Pennsylvania, LLC*, Docket No. 25-1095, directly challenges the legal conclusions underlying the federal preemption analysis adopted below.

Moreover, even apart from Supreme Court review, substantial unresolved questions remain regarding the breadth and applicability of the *Transource* holdings themselves.

Among other things:

1. the *Transource* project involved a market-efficiency transmission project designed to reduce congestion;
2. the MARL Project involves a reliability-based transmission project;
3. the federal courts in *Transource* did not clearly eliminate all independent state authority concerning transmission siting; and
4. the continuing validity of Pennsylvania's historic "public need" requirements under 66 Pa.C.S. § 1501 and 52 Pa. Code § 57.76(a) remains heavily disputed.

The uncertainty surrounding these issues creates a serious risk that the Commission and parties may expend enormous resources litigating issues, conducting discovery, briefing evidentiary disputes, and developing records under legal standards that may ultimately be altered, clarified, narrowed, or rejected by subsequent appellate review. Proceeding under such uncertainty is contrary to judicial economy and risks substantial duplication of proceedings, inconsistent rulings, prejudice to parties, and unnecessary expenditure of private and governmental resources.

A temporary stay pending final resolution of *Transource* would materially conserve Commission resources and avoid the prospect of extensive relitigation after controlling appellate guidance is issued.

III. PROCEEDING BEFORE ALL PETITIONS TO INTERVENE ARE RESOLVED IS FUNDAMENTALLY INEQUITABLE

A stay is independently warranted because the Commission has not yet ruled upon all pending Petitions to Intervene. At the May 6, 2026 Prehearing Conference, the Administrative Law Judge indicated that NEET MA would be permitted to respond to protests and/or Petitions to Intervene filed on or before May 29, 2026 on or before June 12, 2026.

Accordingly, proposed intervenors presently remain in procedural limbo while critical jurisdictional and preemption issues are actively being litigated. This creates obvious due process and fairness concerns. Individuals and entities whose constitutional rights, private property interests, environmental concerns, ratepayer interests, and eminent domain exposures are directly implicated by these proceedings should not be forced to monitor or attempt to respond to significant interlocutory motions while

uncertain whether they will even be recognized as parties entitled to participate. Nor should existing parties be permitted to seek sweeping evidentiary rulings or preemption determinations before the Commission has fully determined who may participate in the proceedings and develop the record.

Permitting the litigation to move forward while intervention status remains unresolved is adverse to principles of equity, orderly adjudication, and procedural fairness. At minimum, fundamental fairness requires that all intervention petitions first be resolved before the Commission entertains dispositive or quasi-dispositive rulings concerning the scope of Pennsylvania's authority and the permissible evidentiary framework governing the proceeding.

IV. THE INTERESTS OF JUSTICE, JUDICIAL ECONOMY, AND ORDERLY ADMINISTRATION FAVOR A STAY

The Commission possesses broad authority to manage its docket and control the orderly administration of proceedings before it. Here, the balance of equities overwhelmingly favors a temporary stay.

Absent a stay:

1. the parties may engage in extensive litigation under unsettled legal standards;
2. proposed intervenors may be prejudiced before party status is resolved;
3. the Commission may issue rulings that are later undermined by subsequent appellate decisions;
4. and substantial party and Commission resources may be unnecessarily expended.

By contrast, a temporary stay would:

1. preserve party resources;
2. promote consistent adjudication;
3. allow the Supreme Court and federal appellate process to provide clarity regarding the scope of *Transource*;
4. ensure that all interested participants have an opportunity to meaningfully participate; and
5. promote the orderly and equitable administration of these proceedings.

The requested stay would therefore materially advance the interests of justice, fairness, judicial efficiency, and administrative economy.

V. CONCLUSION

The unresolved federal preemption questions raised in *Transource*, the pending Supreme Court proceedings in *Sunday v. Transource Pennsylvania, LLC*, and the unresolved status of multiple pending Petitions to Intervene collectively warrant a temporary stay of these proceedings.

Proceeding further before those issues are resolved risks substantial prejudice, duplication of proceedings, inconsistent rulings, unnecessary expenditure of resources, and procedural unfairness to affected participants and landowners.

WHEREFORE, Proposed Intervenor Charity Grimm Krupa respectfully requests that the Commission:

1. Stay all proceedings in this matter pending final resolution of the *Transource* litigation, including Supreme Court review in *Sunday v. Transource Pennsylvania, LLC*, Docket No. 25-1095;
2. Stay all proceedings until all pending Petitions to Intervene have been fully resolved;
3. Suspend all litigation deadlines pending disposition of this Petition; and
4. Grant such other relief as may be just and proper.

Respectfully submitted,



Charity Grimm Krupa,
Individually and as
State Representative for the
51st House District

Date: 5/14/26