

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PENNSYLVANIA 17120**

Application of NextEra Energy Transmission MidAtlantic, Inc., 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

**Public Meeting June 4, 2026
3060856-OSA
Docket Nos. A-2026-3060856;
A-2026-3060921;
G-2026-3060941;
G-2026-3060942**

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 County and Fayette County, Pennsylvania; (2) for certain Affiliated Interest Agreements; and (3) for any other approvals necessary to complete the contemplated transactions

STATEMENT OF COMMISSIONER JOHN F. COLEMAN, JR.

Before the Commission is the Petition for Interlocutory Review and Answer to Material Question of the Office of Consumer Advocate. The Petition poses two questions involving the extent of the preemption of the Commission’s authority over the siting and construction of transmission lines based on a recent decision of the United States Court of Appeals for the Third Circuit and whether, despite such preemption, the Commission may consider evidence of the costs and benefits of a project when deciding on an application that is before the Commission.

Generally, Petitions for Interlocutory Review are not favored, as the preferred approach is to permit proceedings to move forward in the normal course to provide all parties, the presiding officer, and the Commission with a full opportunity to develop the record, brief issues, and present arguments at each stage. Under case law construing Section 5.302(a) of the Commission’s Regulations, 52 Pa. Code § 5.302(a), the “compelling reasons” for interlocutory review are the reasons establishing that such review is necessary to either prevent substantial prejudice or to expedite the conduct of the proceeding. In other words, a petition under Section 5.302(a) must allege compelling reasons why any alleged prejudice flowing therefrom could not be rectified during the normal Commission review process.

I agree that the Commission should deny the OCA's requested relief. However, I conclude that it would be more appropriate to decline to answer the questions as opposed to finding that the Petition is improper and reaching certain other conclusions in the proposed Opinion and Order. I am not persuaded by the OCA that granting its requested relief would expedite the proceeding or prevent substantial prejudice. Even if we addressed the merits of the Material Questions, many issues remain contested and pending before the Office of Administrative Law Judge.¹ For example, the Applicant must still obtain Commission approval for a Certificate of Public Convenience to operate as a public utility and must still separately satisfy all the requirements of Section 57.76(a) of our regulations² before the Commission could grant the siting application. Therefore, I will be concurring in result only.



Date: June 4, 2026

JOHN F. COLEMAN, JR.
COMMISSIONER

¹ *Saucon Creek Associates v. Borough of Hellertown*, Docket C-882119 (Opinion and Order entered April 28, 1989); *Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Westover Property Management Company, L.P.*, Docket C-2022-3030251, P-2021-3030002 (Opinion and Order entered November 22, 2022).

² Even, *assuming arguendo*, that need is not to be considered as part of the siting Application, the Applicant must still demonstrate the following to obtain siting approval: (1) that the HV line will not create an unreasonable risk of danger to the health and safety of the public, (2) that the HV line is in compliance with applicable statutes and regulations providing for the protection of the natural resources in Pennsylvania, and (3) that the HV line will have a minimum adverse impact on the environment. 52 Pa. Code § 57.76(a)(2)-(4).