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File #: 205388

June 3, 2026

***VIA ELECTRONIC FILING***

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

**Re: 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  
Docket No. A-2026-3060921**

**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**

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Dear Secretary Homsher:

Enclosed for filing please find the Answer of NextEra Energy Transmission MidAtlantic, Inc. to 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.

Matthew L. Homsher, Secretary  
June 3, 2026  
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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Garrett P. Lent". The signature is written in a cursive style with a large initial "G" and "L".

Garrett P. Lent

GPL/sll  
Enclosure

cc: Certificate of Service

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Application has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 57.72(d)(3).

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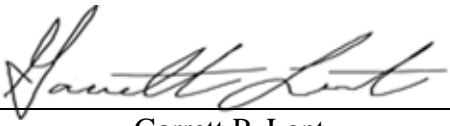
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Dated: June 3, 2026

  
\_\_\_\_\_  
Garrett P. Lent

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of NextEra Energy : Docket Nos. A-2026-3060921  
Transmission MidAtlantic, Inc., for All of : G-2026-3060941  
the Necessary Authority, Approvals, and : G-2026-3060942  
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 :

Application of NextEra Energy : Docket No. A-2026-3060856  
Transmission MidAtlantic, Inc., Filed :  
Pursuant to 52 Pa. Code Chapter 5 :  
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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**ANSWER OF NEXTERA ENERGY TRANSMISSION MIDATLANTIC, INC. TO  
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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**TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:**

Pursuant to Section 5.61 of the Pennsylvania Public Utility Commission’s (“Commission”) regulations,<sup>1</sup> NextEra Energy Transmission MidAtlantic, Inc. (“NEET MA” or the “Company”) hereby files this Answer to the Petition for Stay of Proceedings Pending Final Resolution of Transource Litigation and Resolution of All Petitions to Intervene (“Petition for Stay”) dated May

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<sup>1</sup> 52 Pa. Code § 5.61.

14, 2026, of Charity Grimm Krupa (“Petitioner Krupa”), which seeks a stay of the above-captioned proceedings pending the final resolution of the federal *Transource* litigation,<sup>2</sup> 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.

NEET MA submits that Petitioner Krupa has failed to satisfy the high standard for obtaining a stay and, therefore, the Petition for Stay should be denied

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<sup>2</sup> *Transource Pa., LLC v. DeFrank*, 156 F.4th 351 (3<sup>rd</sup> Cir. 2025), affirming *Transource Pa., LLC v. DeFrank*, 705 F. Supp 3d 266 (M.D. Pa. 2023) (“*Transource*”).

## **I. INTRODUCTION**

1. On March 3, 2026, NEET MA filed, pursuant to the Pennsylvania Public Utility Code at 66 Pa.C.S. §§ 1101, 1103, and 2102, an application requesting all necessary authority, approvals, and certificates of public convenience from the Commission necessary to authorize NEET MA to begin to furnish and supply electric transmission service as a Pennsylvania public utility within Greene County and Fayette County, Pennsylvania (“CPC Application”).

2. Also on March 3, 2026, NEET MA filed, pursuant to 52 Pa. Code § 57.72, an application requesting Commission approval of the siting and construction of the Pennsylvania Portion of a new 500 kV transmission line associated with the MARL Project in Dunkard Township in Greene County and Springhill Township in Fayette County, Pennsylvania (“Siting Application”).

3. Because the facts, evidence, and approvals required in the CPC Application are interrelated with the issues and evidence to be presented and addressed for the Siting Application, NEET MA has requested, pursuant to 52 Pa. Code § 57.75(i)(1), that both of the above-captioned Applications and associated proceedings be consolidated and considered simultaneously for purposes of hearings and decisions.

4. On March 26, 2026, Administrative Law Judge John M. Coogan issued a Prehearing Conference Order providing, among other things, that a Telephonic Prehearing Conference would be held on Wednesday, May 20, 2026 at 10:00 AM for both the CPC Application and Siting Application proceedings.

5. The Prehearing Conference Order also provided that formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before May 1, 2026.

6. On May 1, 2026, the Office of Consumer Advocate (“OCA”) filed its Protest to the CPC Application and Siting Application, along with a Petition for Interlocutory Review and Answer to Material Questions (“Petition for Interlocutory Review”).

7. Also on May 1, 2026, the Protest and Petition to Intervene of Petitioner Krupa was filed.

8. On May 4, 2026, OCA filed a Corrected Petition for Interlocutory Review and Answer to Material Question.

9. At the May 6 prehearing conference, Administrative Law Judges John M. Coogan and Erin L. Gannon (the “ALJs”) consolidated the CPC Application and the Siting Application.<sup>3</sup> They also decided that NEET MA would be permitted to respond to any protests and/or petitions to intervene filed on or before May 29, 2026, on or before June 12, 2026.<sup>4</sup>

10. Numerous protests and petitions to intervene have been filed at the above-captioned dockets before and since the May 6 prehearing conference.

11. On May 11, 2026, NEET MA filed a Brief in Opposition to OCA’s Petition for Interlocutory Review (“Brief in Opposition”).

12. On May 14, 2026, Petitioner Krupa filed the Petition for Stay. Petitioner Krupa did not serve NEET MA with the Petition for Stay.

13. Petitioner Krupa also filed an untimely Response in Both Opposition and in Support of OCA’s Petition for Interlocutory Review and in Support of Full Commission Review of Issues Concerning Public Need, Siting Authority, Costs, Benefits and Eminent Domain on May 14, 2026.

14. Also on May 14, 2026, the Center for Coalfield Justice (“CCJ”) filed an untimely Answer and Brief in Response to OCA’s Petition for Interlocutory Review.

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<sup>3</sup> Tr. 11.

<sup>4</sup> Tr. 47-48.

15. On May 18, 2026, the ALJs issued a Procedural Order which, *inter alia*, provided information on Protests and Petitions to Intervene filed in the above-captioned dockets, active parties of record, and memorializing the agreement from the May 6 prehearing conference that June 12, 2026 is the due date for filing pleadings in response to protests and petition to intervene filed with the Commission by May 29, 2026.

16. The May 18 Procedural Order also ordered that the above-captioned proceedings are consolidated for purposes of further proceedings before the Commission.

17. On June 1, 2026, the Commission issued an Opinion and Order (“Commission’s Order”) disposing of OCA’s Petition for Interlocutory Review.<sup>5</sup> The Commission declined to answer OCA’s Material Questions, finding the Petition for Interlocutory Review to be improper.<sup>6</sup>

18. NEET MA herein submits this Answer to Petitioner Krupa’s Petition for Stay.

## **II. LEGAL STANDARDS**

19. Petitioner Krupa nominally requests a stay of the proceedings, making a wide range of arguments as to why the proceedings should be stayed.<sup>7</sup> However, in her Petition for Stay, Petitioner Krupa has not identified any Pennsylvania statute or Commission regulation or order that entitles her to an indefinite stay of two consolidated, active application proceedings before the Commission, based on separate federal litigation.

20. It is unclear whether Petitioner Krupa is arguing that the proceedings should be stayed pursuant to the standard set forth in 52 Pa. Code § 5.302(b) pertaining to petitions for interlocutory review, or pursuant to precedent set forth in Pennsylvania case law governing

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<sup>5</sup> Although this Answer comes after the issuance of the Commission’s Order, NEET MA is specifically responding to the stay requested by Petitioner Krupa in this Answer, and reserves all rights to respond separately to the Commission’s Order, as necessary.

<sup>6</sup> Commission’s Order at 3 and Ordering Paragraph No. 1.

<sup>7</sup> See Petition for Stay at 1.

applications for stays in Commission proceedings. Further, while Petitioner Krupa nominally requests a stay, her Petition for Stay also appears akin to a motion for continuance or a more informal abeyance of the proceedings. Accordingly, NEET MA addresses each of these potential arguments in its Answer.

**A. STAY OF PROCEEDINGS WHILE INTERLOCUTORY REVIEW IS PENDING**

21. Pursuant to the Commission’s regulations at Section 5.302(b), the standard for issuing a stay of proceedings when a petition for interlocutory review is pending is whether that stay is “required to protect the substantial rights of a party.”<sup>8</sup>

**B. STAY OF PROCEEDINGS UNDER PENNSYLVANIA LAW**

22. Under Pennsylvania law, a stay pending judicial review is only appropriate and necessary when: (a) the moving party is likely to prevail on the merits; (b) the moving party will suffer irreparable injury without the requested relief; (c) the issuance of a stay will not substantially harm interested parties in the proceedings; and (d) the issuance of a stay will not adversely affect the public interest.<sup>9</sup>

**C. CONTINUANCE OF THE PROCEEDINGS**

23. Section 1.15(b) of the Commission’s regulations provides:

“Except as otherwise provided by statute, requests for continuance of hearings or for extension of time in which to perform an act required or allowed to be done at or within a specified time by this title or by order of the Commission or presiding officer, shall be by motion in writing, timely filed with the Commission, stating the facts on which the application rests.”<sup>10</sup>

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<sup>8</sup> 52 Pa. Code § 5.302(b).

<sup>9</sup> *Pa. PUC v. Process Gas Consumers Grp.*, 467 A.2d 805, 808-09 (Pa. 1983) (“*Process Gas*”) (quotation omitted).

<sup>10</sup> 52 Pa. Code § 1.15(b).

24. Requests for continuances will be considered only “for good cause shown.”<sup>11</sup> The Pennsylvania Supreme Court’s definition of good cause, which the Commission has adopted, is “conduct which is reasonable under all the circumstances, thereby justifying the [c]laimant’s actions.”<sup>12</sup>

25. Further, Section 5.483(a) of the Commission’s regulations provides presiding officers with the authority to regulate the course of the proceedings.<sup>13</sup>

26. Finally, Section 1.2 of the Commission’s regulations directs that the Commission’s rules be “liberally construed to secure the just, speedy, and inexpensive determination of every action or proceeding.”<sup>14</sup>

### **III. ARGUMENT**

#### **A. PETITIONER KRUPA HAS NOT SHOWN THAT A STAY OF THE PROCEEDINGS PURSUANT TO 52 Pa. CODE § 5.302(b) WOULD PROTECT THE SUBSTANTIAL RIGHTS OF A PARTY**

27. As an initial matter, Petitioner Krupa’s filing of the Petition for Stay appears to have been prompted by OCA’s Petition for Interlocutory Review.<sup>15</sup> A stay pending a petition for interlocutory review may be granted where there is a showing that it is required to protect the substantial rights of a party.<sup>16</sup>

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<sup>11</sup> *Id.*

<sup>12</sup> *Smart Meter Procurement and Installation*, Docket No. M-2009-2092655 (Order entered November 4, 2020); *In re Application of Penn Access Corporation and Digital Direct of Pittsburgh, Inc.*, 1992 Pa. PUC LEXIS 56 (Pa. P.U.C. 1992) (citations omitted).

<sup>13</sup> 52 Pa. Code § 5.483(a).

<sup>14</sup> 52 Pa. Code § 1.2(a).

<sup>15</sup> See Petition for Stay at 3-4. Petitioner Krupa argues that the stay should remain in place until the *Transource* litigation concludes. See Petition for Stay at 5. However, this argument should be rejected for reasons that will follow.

<sup>16</sup> 52 Pa. Code § 5.302(b).

28. However, Petitioner Krupa has not made a showing in the Petition for Stay that a stay of the above-captioned proceedings will have the effect of protecting the substantial rights of a party or parties to these proceedings.

29. Critically, OCA did not request a stay as a part of its Petition for Interlocutory Review.<sup>17</sup>

30. Indeed, the current procedural posture in the instant proceedings also weigh against a stay. Crucially, there is no procedural schedule in place. The ALJs, during the May 6 prehearing conference, delayed the discussion and setting of a procedural schedule in order to account for the extension of time for petitions to intervene and protests, as well as for the Commission's decision on OCA's Petition for Interlocutory Review, which was issued on June 1, 2026.<sup>18</sup> The absence of a procedural schedule confirms that there is no threat of imminent irreparable injury to any of the current or future parties, and that there is no need for extraordinary relief in the form of a stay of the proceedings.

31. Extensions for petitions to intervene and protests, and the deadlines to respond to the same have been set for May 29 and June 12, 2026, respectively.<sup>19</sup> The process of establishing the full list of parties to this proceeding is still ongoing. In order to determine which parties do have substantial rights which need protecting, that process should be allowed to run its course. Ruling on the pending petitions to intervene and protests in accordance with the process established by the ALJs and by the Commission's regulations to the same is the proper way to protect the interests of potential parties to the proceedings. Pending or future interventions do not justify an indefinite stay of both the CPC Application and Siting Application proceedings.

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<sup>17</sup> See generally Petition for Interlocutory Review. See also Brief in Opposition at 14.

<sup>18</sup> Tr. 36-45.

<sup>19</sup> Tr. 32.

32. In light of these circumstances, a stay is not necessary to protect the rights of any party to this matter.

33. Finally, as previously mentioned, the Commission disposed of OCA's Petition for Interlocutory Review in its June 1, 2026 Order. Thus, as of the filing of this Answer, there is no pending petition for interlocutory review that could justify a stay pursuant to Section 5.302(b).<sup>20</sup>

**B. PETITIONER KRUPA HAS NOT MADE A SHOWING THAT A STAY PENDING JUDICIAL REVIEW IS APPROPRIATE OR NECESSARY**

34. Alternatively, and to the extent that Petitioner Krupa is asserting that the Petition for Stay is related to a resolution of the *Transource* proceedings under Pennsylvania law, she has failed to satisfy the *Process Gas* factors by demonstrating that a stay pending judicial review is appropriate or necessary.<sup>21</sup>

35. As to the first factor in *Process Gas*, Petitioner Krupa is not involved in the ongoing *Transource* litigation which she avers should be resolved before the above-captioned proceeding may continue.<sup>22</sup> Petitioner Krupa also makes no argument in her Petition for Stay as to the likelihood that the Supreme Court will hear the case at all or, even if it does, that appellants in the further *Transource* proceedings will prevail on the merits.

36. As to the second *Process Gas* factor, Petitioner Krupa fails to include an argument in her Petition for Stay regarding the irreparable injury that would result to her as the moving party without a stay of the proceedings.

37. Finally, Petitioner Krupa argues that harm would result to the interested parties in the proceeding and the public interest in the form of procedural inefficiency, fundamental inequity,

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<sup>20</sup> 52 Pa. Code § 5.302(b).

<sup>21</sup> *Process Gas*, 467 A.2d 808-09.

<sup>22</sup> A Petition for Writ of Certiorari was filed on March 16, 2026 before the Supreme Court of the United States by the Pennsylvania Attorney General. *Sunday v. Transource Pennsylvania, LLC*, Docket No. 25-1095 (U.S. 2026).

“unsettled legal proceedings,” prejudice to proposed intervenors, the undermining of subsequent appellate decisions, and resource expense.<sup>23</sup>

38. However, Petitioner Krupa fails to acknowledge that an effort to prevent unnecessary resource expense, procedural inefficiency, and prejudice to proposed intervenors has already been undertaken. As discussed above, an extension for petitions to intervene and protests in the above-captioned proceedings was already granted during the May 6 prehearing conference, and the setting of a procedural schedule was delayed. And, as discussed in Section III.C., *infra*, it would be improper to stay the proceedings to await a decision in *Transource*, at an undetermined date in the future, simply because similar issues are present; the Commission should take the law as it stands.

39. Petitioner Krupa also does not expound on the specific harm that could result from proceeding forward with the CPC and Siting Applications, in light of what she terms the “unsettled legal proceedings” and pending Petition for Writ of Certiorari in *Transource*. Rather, Petitioner Krupa seems to utilize portions of the Petition for Stay as a further opportunity to support OCA’s Petition for Interlocutory Review.<sup>24</sup>

40. In addition, NEET MA notes that the question presented in *Transource* is whether “the Third Circuit’s denial of intervention [was] contrary to [the Supreme Court of the United States’] decisions” in two prior Supreme Court cases.<sup>25</sup> The question of whether the Third Circuit’s denial of an untimely intervention was proper has little bearing on NEET MA’s pending proceedings, and is separate and distinct from the *Transource* holding relevant to the instant proceeding, which is that, “when an RTO has selected [a multi-state transmission line project] for

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<sup>23</sup> See Petition for Stay at 3 and 6.

<sup>24</sup> See Petition for Stay at 3-5.

<sup>25</sup> Petition for a Writ of Certiorari at i, *Sunday v. Transource Pennsylvania, LLC*, Docket No. 25-1095 (U.S. March 16, 2026).

inclusion in a regional transmission plan as part of its federal mandate, a state regulator cannot, consistent with the Supremacy Clause, reject the project based on a lack of ‘need’.”<sup>26</sup> This holding is controlling unless stayed or reversed, and should be found to be relevant to the Commission’s treatment of PJM-selected regional transmission projects, including the MARL Project.

41. The pending Petition for Writ of Certiorari in *Transource* does not justify an indefinite stay. There is no guarantee that the Court’s subsequent decision in *Transource* will control some or all of the issues in this case.<sup>27</sup>

42. Even if the precise application of the Third Circuit’s holding as to the MARL Project remains in dispute, the pendency of a Petition for Writ of Certiorari does not automatically suspend agency proceedings. Additionally, Petitioner Krupa has not shown in her Petition for Stay that the possibility of review by the Supreme Court of the United States would otherwise warrant a stay of the proceedings.

43. The Commission can account for later appellate developments if and when any such developments occur.

44. For these reasons, Petitioner Krupa has failed to satisfy any of the *Process Gas* criteria to obtain a stay.

**C. GOOD CAUSE TO REQUEST A CONTINUANCE HAS NOT BEEN SHOWN, NOR SHOULD THE COMMISSION EXERCISE ITS DISCRETION TO HOLD THE PROCEEDINGS IN ABEYANCE**

45. Finally, to the extent that Petitioner Krupa’s request is more akin to a motion for continuance or request for abeyance of the proceedings, Petitioner Krupa has not shown that good

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<sup>26</sup> *Transource*, 156 F.4th 379.

<sup>27</sup> The Petition for Writ of Certiorari has been distributed for a conference on June 4, 2026. Therefore, it is likely that the disposition of the Petition – i.e., whether the Supreme Court grants or denies review – will be announced by June 8, 2026.

cause to grant a continuance of the proceedings exist, nor should the Commission hold the proceedings in abeyance.

46. The granting of a continuance of the proceedings would not be reasonable under the circumstances. Indeed, as discussed in Sections III.A. and III.B., *supra*, the procedural posture of the proceedings and the interests of judicial economy weigh against a delay of the proceedings in any form. The substantial rights of the parties, who are not yet determined, are not at risk.

47. Alternatively, holding the proceedings in abeyance would also not secure the just, speedy, and inexpensive determination of the instant proceedings. Of particular relevance here is an excerpt from an ALJ's Order in a proceeding involving a dispute over a continuance or abeyance of a proceeding, in light of an ongoing proceeding with similar issues in the Commonwealth Court.

The ALJ wrote:

“The Commission frequently addresses legal issues that are in the process of being appealed. The parties must take the law as they find it. The Commission would not be effective or efficient if it had to delay proceedings until cases with similar legal issues were decided on appeal, especially given the opportunity for any further appeal to the Pennsylvania Supreme Court. To the extent that any appellate proceeding concludes during the pendency of this proceeding, the results will be duly considered. The Commission cannot wait, however, until the appellate proceeding is concluded to adjudicate cases with similar issues.”<sup>28</sup>

48. The law of the land has been established in the *Transource* proceeding, and it must be considered as such by the Commission. The ongoing appeal of whether a party was properly denied intervention into that proceeding does not warrant a stay, continuance, or abeyance of the instant proceedings.

#### **D. EVIDENTIARY DEVELOPMENT IN BOTH PROCEEDINGS**

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<sup>28</sup> *Heidi Fiedler v. Metropolitan Edison Company*, Docket No. C-2018-3003642 (Order entered July 16, 2020) (emphasis added).

49. Petitioner Krupa raises arguments in her Petition for Stay related to the scope of evidentiary development in the proceedings on issues including, *inter alia*, private property interests, environmental impacts, ratepayer interests, eminent-domain implications, and evaluation of public need.<sup>29</sup>

50. However, a denial of the instant Petition for Stay would not have the effect of prejudging the scope of the evidence in the instant proceedings.

51. Petitioner Krupa's arguments for full factual development on public need, reliability, alternatives, routing, environmental impacts, ratepayer burdens, costs and benefits, public interest, and eminent-domain implications do not support a stay. At most, they concern future evidentiary rulings, which should be addressed in the ordinary course. The Commission may deny a stay while separately addressing the admissibility, relevance, and scope of evidence through ordinary procedural orders.

52. NEET MA specifically maintains that all arguments made herein, with respect to Petitioner Krupa's Petition for Stay, are still proper in light of the Commission's Order.

53. In the Commission's Order, the Commission suggested an abeyance of only the Siting Application proceeding. While NEET MA does not believe such an abeyance is warranted and reserves the right to respond accordingly and separately to the Commission's Order, this differs from the request set forth by Petitioner Krupa. Petitioner Krupa has requested an indefinite stay of both proceedings, pending the final resolution of all Protests and Petitions to Intervene and in *Transource*.

54. NEET MA maintains that a stay of both the Siting Application and CPC Application proceedings is not necessary to protect the substantial rights of any party and is not

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<sup>29</sup> Petition at 3-5.

appropriate or necessary under the *Process Gas* factors, that good cause does not exist for the Commission to grant an abeyance or continuance of the proceedings, and that granting such an abeyance or continuance would not promote the interests of judicial economy.

55. In summary, the stay requested by Petitioner Krupa is neither warranted nor necessary. Petitioner Krupa has failed to satisfy the legal standards applicable to obtaining a stay pending resolution of a petition for interlocutory review, or the standard for obtaining a stay set forth in *Process Gas*. Moreover, the procedural posture of these proceedings makes it clear that immediate relief in the form of a stay is not necessary at this point; there is no procedural schedule in place, there is no threat of immediate irreparable injury to the parties, and the parties to the proceeding have not yet been defined.

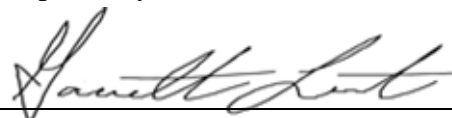
#### IV. CONCLUSION

For the reasons set forth herein, NextEra Energy Transmission MidAtlantic, Inc. respectfully requests that the Commission deny 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,



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Date: June 3, 2026

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