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File #: 205388

June 12, 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 et. al.

**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**

Dear Secretary Homsher:

Enclosed for filing please find the Preliminary Objection of NextEra Energy Transmission MidAtlantic, Inc. to the Protest of Joseph Pennington in the above-referenced proceedings.

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

Matthew L. Homsher, Secretary
June 12, 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/bfc
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).

ACTIVE PARTIES OF RECORD **SERVICE BY EMAIL ONLY**

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SERVICE BY EFILE

Joseph Pennington
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Dated: June 12, 2026

A handwritten signature in black ink, appearing to read "Garrett P. Lent", is written above a horizontal line.

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 :

NOTICE TO PLEAD

YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.101, YOU MAY FILE AN ANSWER TO THE ENCLOSED PRELIMINARY OBJECTION WITHIN TEN (10) DAYS OF THE DATE OF SERVICE HEREOF. YOUR ANSWER TO THE PRELIMINARY OBJECTION MUST BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL FOR NEXTERA ENERGY TRANSMISSION MIDATLANTIC, INC.

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**BEFORE THE
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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 :

**PRELIMINARY OBJECTION OF
NEXTERA ENERGY TRANSMISSION MIDATLANTIC, INC. TO THE
PROTEST OF JOSEPH PENNINGTON**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

AND NOW, comes NextEra Energy Transmission MidAtlantic, Inc. (“NEET MA” or the “Company”) and hereby files this Preliminary Objection, pursuant to the regulations of the Pennsylvania Public Utility Commission (“Commission”) at 52 Pa. Code § 5.101, and respectfully requests that the Protest (“Protest”) filed by Joseph Pennington (“Protestant”) be summarily dismissed in its entirety and with prejudice because the Protestant lacks standing.

In support thereof, NEET MA states as follows:

I. BACKGROUND

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.¹ The ALJs also decided that, for any protests and/or petitions to intervene filed on or before May 29, 2026, NEET MA would be permitted to respond on or before June 12, 2026.²

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.

¹ Tr. 11.

² 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. The Commission declined to answer OCA’s Material Questions, finding the Petition for Interlocutory Review to be improper.³

18. On April 28, 2026, the Protest filed by Joseph Pennington was posted to one or both of the above-captioned dockets in this proceeding.

19. NEET MA herein files this Preliminary Objection to the Protest. For the reasons explained below, NEET MA respectfully requests that the Commission summarily dismiss the Protest of Joseph Pennington because the Protestant lacks standing to participate in the proceeding. In the alternative, NEET MA respectfully requests that the Commission limit the Protestant’s participation in the above-captioned proceedings to the extent that it will limit the unnecessary duplication of discovery requests and testimony submitted in the proceedings.

II. STANDARD OF REVIEW

20. Pursuant to the Commission’s regulations, preliminary objections in response to a pleading may be filed on several grounds, including:

- (1) Lack of Commission jurisdiction or improper service of the pleading initiating the proceeding.

³ Commission’s Order at 3 and Ordering Paragraph No. 1.

- (2) Failure of a pleading to conform to this chapter or the inclusion of scandalous or impertinent matter.
- (3) Insufficient specificity of a pleading.
- (4) Legal insufficiency of a pleading.
- (5) Lack of capacity to sue, nonjoinder of a necessary party or misjoinder of a cause of action.
- (6) Pendency of a prior proceeding or agreement for alternative dispute resolution.
- (7) Standing of a party to participate in the proceeding.

52 Pa. Code § 5.101(a) (emphasis added).

21. In ruling on preliminary objections, the Presiding Officer must accept as true all well-pled allegations of material facts as well as all inferences reasonably deducible therefrom. *Stilp v. Cmwlth.*, 910 A.2d 775, 781 (Pa. Cmwlth. 2006) (citing *Dep't of Gen. Servs. v. Bd. of Claims*, 881 A.2d 14 (Pa. Cmwlth. 2005)). However, the Presiding Officer need not accept as true conclusions of law, unwarranted inferences from facts, argumentative allegations, or expressions of opinion. *Stanton-Negley Drug Co. v. Dep't of Pub. Welfare*, 927 A.2d 671, 673 (Pa. Cmwlth. 2007). Notwithstanding, any doubt must be resolved in favor of the non-moving party. *Stilp*, at 781.

22. In addition, the Presiding Officer must determine whether, based on the factual pleadings, recovery is possible. *See Rok v. Flaherty*, 527 A.2d 211, 214 (Pa. Cmwlth. 1987). Indeed, for preliminary objections to be sustained, it must appear with certainty that the law will permit no recovery. *See Stilp*, at 781; *Milliner v. Enck*, 709 A.2d 417, 418 (Pa. Super. 1998).

III. PRELIMINARY OBJECTIONS

A. THE PROTESTANT LACKS STANDING TO FILE A PROTEST TO THE CPC AND SITING APPLICATIONS

23. NEET MA incorporates by reference Paragraphs 1 through 22 as though fully set forth herein.

24. The Protest should be dismissed because the Protestant's property is not traversed by the Proposed Route of the MARL Project, the Protestant's only interest is general and essentially seeks compliance with the Pennsylvania Public Utility Code and with the Commission's regulations and orders, and because the general interests of ratepayers and consumers within the affected counties are adequately represented by OCA, who has a statutory duty and obligation to participate in proceedings such as these for this very reason. Therefore, the Protestant lacks standing to file a Protest in the above-captioned proceeding.

25. Under Pennsylvania law, "[i]n seeking judicial resolution of a controversy, a party must establish as a threshold matter that he has standing to maintain the action." *Stilp v. Commonwealth*, 940 A.2d 1227, 1233 (Pa. 2007). "[T]he core concept of standing is that a person who is not adversely affected in any way by the matter he seeks to challenge is not aggrieved thereby and has no standing to obtain a judicial resolution of his challenge." *Fumo v. City of Phila.*, 972 A.2d 487, 496 (Pa. 2009) (citing *Wm. Penn Parking Garage, Inc. v. City of Pittsburgh*, 346 A.2d 269, 280-81 (Pa. 1975)).

26. To have standing, a party must establish that its interest is substantial, direct, and immediate. *See Del-Aware Unlimited. v. Commonwealth*, 551 A.2d 1117, 1121 (Pa. Cmwlth. 1988) (citation omitted); *1000 Grandview Ass'n v. Mt. Washington Assocs.*, 434 A.2d 796, 797 (Pa. Super. 1981) (citation omitted); *see also George v. Pa. PUC*, 735 A.2d 1282, 1286 (Pa. Cmwlth. Ct. 1999) (explaining that the three requirements for a party to have standing are: (1) the party must have a substantial interest in the subject matter of the litigation; (2) the interest must be direct; and (3) the interest must be immediate and not a remote consequence).

27. The Pennsylvania Commonwealth Court elaborated on each of the three requirements for standing as follows:

A 'substantial' interest is an interest in the outcome of the litigation which surpasses the common interest of all citizens in procuring obedience to the law. A 'direct' interest requires a showing that the matter complained of caused harm to the party's interest. An 'immediate' interest involves the nature of the causal connection between the action complained of and the injury to the party challenging it and is shown where the interest the party seeks to protect is within the zone of interests sought to be protected by the statute or the constitutional guarantee in question. Both the immediacy and directness requirements primarily depend upon the causal relationship between the claimed injury and the action in question.

George v. Pa. PUC, 735 A.2d 1282, 1286 (Pa. Cmwlth. Ct. 1999) (citations omitted).

28. Further, the Commission has sustained preliminary objections where the Protestant presents mere “unsupported speculation and a general concern regarding the community but makes no particular allegations of direct effects upon Protestant if the Application is granted.” *Application of Artesian Water Pennsylvania, Inc., for approval to begin to offer, render, furnish, or supply water service to the public in additional territory in portions of New Garden Township, Chester County, Pennsylvania*, 2015 Pa. PUC LEXIS 195*, *12 Docket No. A-2014-2451241 (April 29, 2015).

29. Standing should not be conferred upon the Protestant because the Protest does not include averments sufficient to distinguish the interests of the Protestant from those of the general public. Additionally, because of the general nature of the averments contained within the Protest, the Protestant has failed to establish a direct, substantial, and immediate interest in the proceeding.

30. As an initial matter, the Protestant submitted a form Protest.

31. While the Protestant filled out the form Protest to an extent, the averments within the Protest essentially seek general compliance with the Pennsylvania Public Utility Code and the

Commission's regulations and orders. Further, the interests alleged are general interests which are no different than that of the public at large.

32. The Protest raises concerns related to rate impacts, impacts to land, and need. However, each of these elements is included within the Commission's regulations at Ch. 57, Subch. G as a form of evidence that the Commission may consider and/or as a filing requirement of the Siting Application.

33. A general concern that the above-listed elements of the proceedings be investigated and duly considered does not establish that the Complainant themselves will suffer an injury that is substantial.

34. Relatedly, OCA is actively participating in this proceeding and representing the interests of residential ratepayers, like the Protestant.

35. OCA is empowered and obligated to represent general residential and consumer interests like those advanced by the Protestant. The Protestant has not alleged a specific interest in addition to the general interests that OCA is actively representing.

36. Further, Company records indicate that the Protestant does not own property located within the right-of-way ("ROW") corridor for the Proposed Route, nor does the Protestant own property located within the ROW corridors for any of the Alternate Routes of the MARL Project.

37. While the Protest does contain averments on the part of the Protestant, the Protestant has failed to specifically establish the manner in which the MARL Project will cause the Protestant direct, substantial, or immediate harm, as they are not a landowner of property that will be traversed by the Project.

38. The general nature of the information included within the Protest, the fact that the interests of residential ratepayers are already being represented in this proceeding by OCA, and the lack of specificity as to why the Protestant, as a non-owner of land within the Proposed or Alternate ROWs, is altogether insufficient to establish that the Protest is substantial in that it surpasses the common interest of all others in procuring obedience to the law.

39. Indeed, the Protestant fails to provide any facts whatsoever regarding the specific injury that will result to them from the Commission's approval of the CPC Application or Siting Application. The Protest includes unsupported speculation and general concerns, but includes no allegations of the direct or immediate effects that the granting of the CPC Application or Siting Application will specifically have on the Protestant.

40. Therefore, the Protestant has no interest, let alone a substantial, direct, and immediate interest necessary to confer standing to bring the Protest about the CPC and Siting Applications.

41. Finally, approximately 21 other Protests⁴ have been filed in the above-captioned proceedings, all containing very similar, if not duplicative, averments. The submission of these Protests and potential participation in the above-captioned proceedings by these Protestants thus has the potential to create a multitude of duplicative information within the evidentiary record.

42. It would not be within the interests of judicial economy and efficiency to allow twenty-two Protestants with very similar or identical general concerns to submit discovery and testimony into the record to the extent that the information would be redundant.

⁴ Company records indicate that Protests have been filed by 22 total individuals: Barbara Dennis, Wendy Dennis, Dustin Dennis, Perry Dennis, John Dennis, Bailey Jane Dennis, Angela Fox, Eunice Mastronicola, Kristle Krichbaum, Stephanie McCandless, Linda Maust-Jacobs, Lisa Mesich, Michael L. Pupek, Judith D. Pupek, Mary M. Wilson, Thomas John Bozek III, David J. Browne, Allen Ellsworth, Sheila Grimm, Janet Pennington, Joseph Pennington, and Charity Grimm Krupa.

43. Thus, to the extent that the Commission declines to dismiss the Protest of Joseph Pennington in its entirety, NEET MA respectfully requests that the Commission limit the ability of Joseph Pennington to participate to the extent that participation would be duplicative of the participation of other Protestants, Petitioners, and the OCA in the above-captioned proceeding.

IV. CONCLUSION

WHEREFORE, NextEra Energy Transmission MidAtlantic, Inc. respectfully requests that the Protest filed by Joseph Pennington in the above-captioned proceedings be dismissed in its entirety pursuant 52 Pa. Code § 5.101(a)(7), or that the Commission limit the ability of Joseph Pennington to participate to the extent that participation would be duplicative of the participation of other parties to the proceedings.

Respectfully submitted,



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*Counsel for NextEra Energy Transmission
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