

**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	:	A-2026-3060856
and construct a 500 kV transmission line	:	
associated with the MidAtlantic Resiliency Link	:	
Project located in portions of Greene County and	:	
Fayette County, Pennsylvania	:	
Application of NextEra Energy Transmission	:	
MidAtlantic, Inc., for all of the necessary	:	
authority, approvals, and certificates of public	:	A-2026-3060921
convenience (1) to begin to furnish and supply	:	G-2026-3060941
electric transmission service in Greene County	:	G-2026-3060942
and Fayette County, Pennsylvania; (2) for certain	:	
Affiliated Interest Agreements; and (3) for any	:	
Other approvals necessary to complete the	:	
contemplated transactions	:	

PREHEARING ORDER #3
Denying Krupa Petition for Stay

This Order addresses the Petition of Proposed Intervenor Charity Grimm Krupa for Stay of Proceedings Pending Final Resolution of Transource Litigation and Resolution of All Petitions to Intervene (Petition for Stay), filed on May 14, 2026 in these proceedings. For the reasons stated below, the Petition for Stay will be denied.

A fuller procedural history is provided in Prehearing Order #1 issued in this consolidated proceeding on July 1, 2026.

Relevant to the instant Order, on March 3, 2026, NextEra Energy Transmission MidAtlantic, Inc. (NEET MA or Applicant) filed an application pursuant to Chapter 57,

Subchapter G of the Commission's regulations (Siting Application).¹ 52 Pa. Code §§ 57.71-57.77.

Also on March 3, 2026, NEET MA filed a separate application under Sections 1102 and 1103 of the Public Utility Code, 66 Pa.C.S. §§ 1102, 1103, requesting Commission approval of the necessary authority, approvals, and certificates of public convenience for NEET MA to become a public utility that can furnish and supply electric transmission service for the portions of the MARL Project in Pennsylvania (CPC Application).² The CPC Application includes requests for approval, pursuant to 66 Pa.C.S. § 2101, of certain NEET MA affiliated interest agreements related to the MARL Project.

On May 1, 2026, the Office of Consumer Advocate (OCA) filed a Protest.

On May 4, 2026, the Office of Consumer Advocate filed a Corrected Petition for Interlocutory Review and Answer to Material Questions (OCA Petition).³

On May 7, 2026, the OCA filed a letter asking the Commission to treat the OCA Petition as inclusive of its brief in support of its petition. On May 11, 2026, NEET MA filed a brief in opposition to the OCA Petition. On May 14, 2026, the Center for Coalfield Justice filed an answer and brief in response to the OCA Petition.

Also on May 14, 2026, Charity Grimm Krupa (Petitioner or Ms. Krupa) filed both the Petition for Stay and a response to the OCA Petition.

On May 18, 2026, we issued a Procedural Order, which, among other things, memorialized consolidation of the above-captioned proceedings, and set June 12, 2026 as the

¹ The Siting Application was assigned PUC docket number A-2026-3060856.

² The CPC Application and affiliated interest agreements were assigned PUC docket numbers A-2026-3060921, G-2026-3060941, and G-2026-3060942.

³ The OCA asked that its original petition for interlocutory review, filed on May 1, 2026, be rejected.

due date for filing pleadings in response to protests and petitions to intervene filed with the Commission by May 29, 2026.

Including the OCA's Protest, fifty protests and/or petitions to intervene were filed by May 29, 2026.

On June 1, 2026, the Commission entered an Opinion and Order, ordering that the OCA Petition was improper, and returning the consolidated proceeding to the Office of Administrative Law Judge (June 2026 Order).

On June 3, 2026, NEET MA filed an answer to the Petition for Stay.

On June 8, 2026, Susan Hager filed a Protest.

On June 11, 2026, notice was issued that a further telephonic prehearing conference would be held on July 29, 2026.

On June 12, 2026, NEET MA filed answers and preliminary objections to 40 parties' petitions to intervene and/or protests.

On June 16, 2026, Linda Maust-Jacobs filed a response to NEET MA's preliminary objection.

Also on June 16, 2026, NEET MA filed motions for leave to late-file preliminary objections and answers to three more parties' protests or petitions to intervene.

On June 23, 2026, Charity Grimm Krupa and Thomas Bozek III filed responses to NEET MA's preliminary objections.

On June 26, 2026, we issued a Second Prehearing Conference Order regarding requirements for participation in the second Prehearing Conference scheduled for July 29, 2026.

On June 29, 2026, NEET MA filed preliminary objections to Susan Hagar’s protest.

On July 1, 2026, we issued Prehearing Order #1, which addressed the status of all entities who filed petitions to intervene and protests by May 29, 2026. On July 14, 2026, we issued Prehearing Order #2, which addressed the Protest filed by Susan Hager on June 8, 2026. Within those orders, we granted all but two of the petitions to intervene and denied NEET MA’s preliminary objections which sought to dismiss 23 protests.

For the reasons stated below, the Krupa Petition for Stay will be denied.

DISCUSSION

Legal Standards

Section 5.483(a) of the Commission’s regulations provides Presiding Officers the authority to regulate the course of a proceeding. 52 Pa. Code § 5.483(a). Section 1.2 provides that the Commission’s rules shall be “liberally construed to secure the just, speedy and inexpensive determination of every action or proceeding.” 52 Pa. Code § 1.2(a).

In reviewing petitions for stay of a Commission proceeding while the same or similar matters are pending before the courts, the Commission has applied the standard set forth in the Pennsylvania Supreme Court’s decision in *Pennsylvania Public Utility Commission v. Process Gas Consumers Group*, 502 Pa. 545, 467 A.2d 805 (1983) (*Process Gas*).⁴ Under *Process Gas*, the party seeking a stay must establish:

- (1) there is a strong likelihood of success on the merits,
- (2) the petitioner will suffer irreparable harm absent the stay,

⁴ See, e.g., *Pa. Coalition Against Domestic Violence v. Pa. Pub. Util. Comm’n.*, 568 A.2d 726 (1989); *Holder v. PPL Elec. Utils. Corp.*, Docket No. F-2019-3008809 (Opinion and Order entered Oct. 10, 2024); *Smart Meter Procurement and Installation*, Docket No. M-2009-2092655 (Order entered Nov. 4, 2020) (*Smart Meter Stay Order*).

- (3) the stay will not substantially harm other parties, and
- (4) the stay will not adversely affect the public interest.

Id. at 808-09.

As noted by NEET MA, the Petition for Stay also appears akin to a motion for continuance or a more informal abeyance of the proceedings. The standard for continuance is set forth in Section 1.15(b) of the Commission’s regulations and provides as follows:

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...

52 Pa. Code § 1.15(b). Only for good cause shown will requests for continuance be considered. *Id.* The Commission has recognized the Pennsylvania Supreme Court’s definition of good cause as “conduct which is reasonable under all the circumstances, thereby justifying the [c]laimant’s actions.” *Smart Meter Stay Order* at 3.

Analysis

In the Petition for Stay, Ms. Krupa seeks a stay of all proceedings in these matters, in the interests of judicial economy and procedural fairness. The Petitioner asserts that federal preemption questions central to the instant proceeding are unresolved in that they (1) remain pending before the courts⁵ and (2) there are questions about the breadth and applicability of the *Transource* holdings. Petition for Stay at 3-5. As such, Ms. Krupa contends that a temporary stay pending final resolution of *Transource* “would materially conserve Commission resources and avoid the prospect of extensive relitigation after controlling appellate

⁵ *Transource Pa., LLC v. DeFrank*, 156 F.4th 351 (3rd Cir. 2025), *affirming Transource Pa., LLC v. DeFrank*, 705 F. Supp 3d 266 (M.D. Pa. 2023) (*Transource*); *see also Petition for a Writ of Certiorari, Sunday v. Transource Pa., LLC*, No. 25-1095 (U.S. Mar. 16, 2026).

guidance is issued.” *Id.* at 4-5. The Petitioner also bases her request for stay on the uncertainty regarding the party status of entities who filed protests and petitions to intervene in the instant proceedings. Petition for Stay at 5-7.

As relief, Ms. Krupa asks the Commission for a temporary 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 United States Supreme Court, and (2) disposition of all pending Petitions to Intervene. Petition for Stay at 8. She also requests that all litigation deadlines be suspended pending disposition of her petition and seeks any other relief deemed proper. *Id.*

In its answer, NEET MA argues that the Petitioner has failed to satisfy the legal standards applicable to obtaining a stay, continuance or abeyance. NEET MA asserts that immediate relief in the form of a stay is not necessary at this point, where no procedural schedule has been set, and issues regarding admissibility, relevance, and scope of evidence can be decided through ordinary procedural orders. The Applicant argues that the Third Circuit’s substantive holding in *Transource* is the current law of the land, and there is no guarantee that subsequent decision by the United States Supreme Court will control some or all of the issues in the instant proceedings. Moreover, while it opposes any stay, NEET MA contends that the Commission’s June 2026 Order suggested an abeyance of only the Siting Application rather than both proceedings.

As a threshold matter, since the Petition for Stay was filed, there have been several procedural developments bearing on the relief requested. On June 8, 2026, the United States Supreme Court denied the petition for certiorari. *Sunday v. Transource PA, LLC*, No. 25-1095, 2026 WL 1640864 (U.S. June 8, 2026). On July 1, 2026 and July 14, 2026, in Prehearing Order #1 and Prehearing Order #2, respectively, we ruled on the party status of all entities who have sought to participate in this matter to date.

Additionally, as noted above, the Commission entered its Order denying the OCA’s petition for interlocutory review on June 1, 2026. Therein, the Commission found that

NEET MA must first seek and obtain permission to operate in the Commonwealth in the territory which the project is proposed to reside before seeking approval for a major transmission project.⁶ The Commission stated:

Our determination that NextEra's CPC Application should be disposed of prior to its Siting Application appears to be procedurally incompatible with the ALJs' recent determination to consolidate both Applications for purposes of proceedings. We will defer to the parties and the ALJs to develop a procedural framework that is consistent with this Opinion and Order.

June 2026 Order at 14, n.10 (internal citations omitted).

Accordingly, as set forth in our Second Prehearing Conference Order, at the prehearing conference on July 29, 2026, we intend to address how these proceedings should be structured so that a decision regarding the CPC Application can be finally decided before the Commission considers the merits of the Siting Application. This will include discussion of whether the Siting Application and CPC Application should remain consolidated.

Taken together, we find that these procedural developments have addressed the concerns raised by the Petition for Stay. As such, we will deny the request for stay.

To the extent that any further, relevant appellate proceedings conclude while these proceedings are pending, the results will be considered. Likewise, we will address any issues regarding the admissibility, relevance, and scope of evidence in these proceedings when and if they arise.

⁶ "A decision regarding the CPC should be finally decided before the Commission considers the merits of a NextEra Siting Application." June 2026 Order at 11.

THEREFORE,

IT IS ORDERED:

1. That the Petition of Proposed Intervenor Charity Grimm Krupa for Stay of Proceedings Pending Final Resolution of Transource Litigation and Resolution of All Petitions to Intervene is denied.

Date: July 16, 2026

/s/

John M. Coogan
Administrative Law Judge

/s/

Erin L. Gannon
Administrative Law Judge

A-2026-3060856 - 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

A-2026-3060921, G-2026-3060941 & G-2026-3060942 - APPLICATION OF NEXTERA ENERGY TRANSMISSION MIDATLANTIC, INC., (1) TO BEGIN TO FURNISH AND SUPPLY ELECTRIC TRANSMISSION SERVICE IN GREENE COUNTY AND FAYETTE COUNTY, PENNSYLVANIA; (2) FOR CERTAIN AFFILIATED INTEREST AGREEMENTS

(Revised 07/2/2026)

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