

Formal Comment Draft

Before the Pennsylvania Public Utility Commission

In re: Electric Load Interconnection Questions

Docket No. L-2025-3059032

Comments of Stephen Conklin, Jr.

Stephen Conklin, Jr. respectfully submits these comments urging the Commission to adopt a large-load interconnection framework that protects rural, agricultural and conservation areas, farmland, established communities, township and municipal planning authority, electric reliability, and ratepayers from speculative industrial development, while remaining focused on matters within the Commission's utility jurisdiction.

The Commission should ensure that load interconnection does not become a mechanism for allowing speculative or duplicative large-load proposals to reserve scarce distribution or transmission capacity, distort load forecasts, or shift applicant-triggered costs and stranded-investment risks to existing customers.

Large-load requests should be treated as exceptional, not routine. The burden should rest on the applicant to demonstrate that the project is real, financeable, sited responsibly, supported by verified site control and accurate gross-load, operational, and ramping data; fully disclosed as to alternate or duplicative requests; and fully responsible for all direct and indirect costs it causes, with financial security sufficient to protect existing customers if the project is delayed, reduced, transferred, or abandoned.

Question-by-question responses

1. Issues that should be regulated

The Commission should regulate speculative queue submissions; study standards; deposits, cost allocation; milestone enforcement, site-control verification, disclosure of on-site generation plans, treatment of co-located resources, and restrictions on duplicative filings across multiple utilities or states; definitions; calculation of gross requested load without deducting onsite generation; aggregation of related phases, affiliates, sites, or common infrastructure; load-ramp and sudden-load-loss impacts; power quality; project transfers and material changes; public queue reporting; municipal notice; and complaint and appeal procedures. Regulation is beneficial because it prevents ratepayers from

subsidizing private industrial load, reduces unnecessary studies, and prevents serious utility planning and infrastructure commitments from being based on inactive, duplicative, or inadequately documented proposals.

The regulations should also state that acceptance of an application, queue position, completion of an electric study, or execution of an interconnection agreement is not land-use approval, does not create a vested zoning or development right, and does not authorize construction or operation without all required governmental approvals.

2. Basis for applicability

Regulations should apply primarily by load size, then by voltage and service characteristics where relevant, due to the magnitude of grid impacts - not the applicant's preferred tariff label - should drive scrutiny. Customer class should not be the controlling factor if a project's physical impacts are the same, and the Commission should apply the same requirements to similarly situated loads without discrimination based solely on industry label. A data center should not escape appropriate review merely by being characterized as a warehouse or another use, but it also should not be subjected to a different electric standard when another load presents the same grid impacts.

3. Review levels by load size

Yes. A tiered review structure is necessary to prevent large speculative projects from consuming utility time and queue capacity. A preservation-oriented framework could be based on gross maximum requested load, before any assumed reduction for onsite generation or storage, and should allow an EDC to elevate a project when its location or operating characteristics create disproportionate system impacts:

- Level 1: up to 500 kW, ordinary service screening unless unusual local constraints or operating characteristics require a higher review.
- Level 2: more than 500 kW through 5 MW, feeder, transformer, protection, voltage, metering, and power-quality review, with an appropriate study deposit.
- Level 3: more than 5 MW through 20 MW, detailed distribution review and screening for cumulative and transmission impacts.
- Level 4: more than 20 MW through 50 MW, comprehensive distribution and transmission coordination, enhanced financial security, municipal

notice, public queue reporting, and detailed system-impact and facilities studies.

- Level 5: 50 MW and above individually, or 100 MW in the aggregate, full large-load tariff protections, including the Commission's biannual Network Open Season/cluster-study process, full planning studies, strict milestones, public queue reporting, and financial protections.

- Pennsylvania's 50 MW individual and 100 MW aggregate large-load thresholds provide a defensible benchmark for the highest level of review, but they should not prevent enhanced review of smaller loads that are significant to a particular EDC, feeder, substation, or rural system.

Related phases and facilities should be aggregated when they share common ownership, control, financing, development, end use, site, or electrical infrastructure. Applicants should not divide a single development among phases, parcels, or affiliates to obtain a lower review level.

4. Collocated generation

If generation is collocated with load, the Commission should require a synchronized review only where the generation is real, committed, and sufficient to materially reduce system impacts. The rule should not reward conceptual generation, unenforceable future commitments, or backup arrangements that have not been permitted, financed, technically qualified, and contractually committed. Any expedited treatment should require simultaneous filing, proof of site control, enforceable financing, and binding operational commitments.

The EDC should study at least six conditions: the full gross load without onsite generation; the generation separately; normal combined operation; loss or outage of the generation; sudden loss of the load; and startup, shutdown, islanding, reconnection, and emergency conditions. Collocation should permit concurrent review, not automatic approval or automatic queue priority.

5. Online portal

Yes, but the portal should be designed for regulatory control, not convenience alone. The benefit is that it centralizes filing, reduces administrative error, and creates a reliable record for review and enforcement. The drawback is that a permissive portal may facilitate speculative filings unless paired with completeness screening, identity verification, and meaningful deposits. The portal should provide date and time stamps, version control, milestone notices, invoices, study status,

downloadable records, secure public and confidential layers, cybersecurity protections, and an alternate filing method during outages.

6. Discouraging duplicative projects

The Commission should require sworn disclosure of all substantially similar filings, proof of site control, nonrefundable filing fees, escalating deposits, and a statewide project identifier that allows EDCs and PJM to match related requests. Legitimate alternate-site applications may be submitted if they are fully disclosed and identified as mutually exclusive alternatives, but only one should be treated as a firm commitment at a time. Knowing concealment, false certification, or failure to identify related requests should permit queue removal, loss of priority, recovery of incurred costs, and proportionate penalties, because queue shopping imposes real costs on utilities and other customers.

7. Fee to establish queue position

Yes. A queue-position fee should be required and should rise with project size and review complexity. A fee alone, however, will not deter a well-funded speculative applicant. It should be combined with verified site control, duplicate-request disclosure, study deposits, escalating financial security, milestone deadlines, and responsibility for documented costs caused by withdrawal. Nonrefundable amounts should be tied to reasonable costs actually incurred rather than used as an arbitrary penalty.

8. Queue movement by milestones

Yes, but only for objective, verifiable milestones that show a project is real and ready to proceed. Relevant criteria should include site control, final financing, signed engineering agreements, permitting progress, deposit posting, and demonstrated readiness to build; irrelevant criteria should include media announcements, political pressure, or speculative economic forecasts, promised job or tax benefits, tax incentives, applicant identity, or willingness to pay an unofficial premium. The Commission should use a first-ready, first-served approach, but only when advancement will not delay another ready project, shift costs, or create an adverse reliability impact.

9. Protocols for queue jumping

Any queue advancement should require utility verification, public notice to affected parties, a short protest period, and a written finding explaining why the milestone justifies advancement. If queue jumping is allowed at all, it should be narrowly limited to prevent abuse and should never be based on mere applicant preference or inter-utility competition. The EDC should identify any missed

milestone, provide an opportunity to cure where appropriate, confirm that the change will not adversely affect other projects or existing customers, update the public queue, preserve an audit record, and provide a prompt Commission complaint process.

10. Application fees

Yes. The Commission should require application fees for non-routine load requests requiring engineering review, scaled to size and complexity, and should require applicants to bear the administrative burden they create. Payment should be accepted electronically and by other standard methods, but the Commission should prevent hidden convenience charges and ensure fees reflect actual processing costs rather than arbitrary markups.

10(a) Threshold and scaling

The fee should begin at 500 kW, or at any lower level that requires engineering beyond ordinary service design. Fees and study deposits should increase at meaningful thresholds such as 5 MW, 20 MW, and 50 MW and should reflect review complexity, voltage, location, and system impact. Deposits should be reconciled to documented actual costs, with unused funds returned.

10(b) Payment methods

Accept ACH, wire transfer, check, and electronic payments. The process should be standardized statewide so applicants cannot manipulate timing or evade financial scrutiny.

10(c) Electronic payments without fees

Yes, ACH and electronic-check payments should be accepted without an administrative fee. Any optional card-processing charge should be limited to the actual third-party pass-through cost and disclosed before payment.

10(d) Cost alignment

Yes. Application fees should track the utility's real processing costs and expected study burden so existing customers are not forced to subsidize private industrial expansion. Cost causation should be the governing principle, subject to transparent accounting, reconciliation of deposits, and refund of unused funds.

10(e) Oversight of fees

Yes. The Commission should review fee schedules for reasonableness, require tariff publication, and prohibit arbitrary or discriminatory charges. Oversight is necessary to prevent utilities from using fees as a barrier for ordinary customers while still preserving strict large-load accountability. EDCs should use

standardized accounting categories, remain subject to audit, and provide an expedited complaint process for disputed charges.

11. Information after submission

The EDC should provide queue position, completeness status, study stage, expected timeline, deficiencies, next required actions, and notice of any requested supplemental data. This information should be provided through a secure online portal with automatic updates at each status change and at least monthly while the application is active. The portal should also show the applicable review level, study costs incurred, remaining deposit, material dependencies on other projects, preliminary upgrade needs, PJM coordination status, milestone deadlines, changes to estimated completion dates, and the reason for any delay or queue-position change.

When a material request is accepted as complete, the EDC should notify the host county and municipality within five business days. The notice should provide the requested gross load, general project category, proposed service voltage, anticipated energization year, and whether new substations or transmission facilities may be required, while protecting legitimately confidential details.

12. Timelines

Yes. The Commission should require enforceable deadlines because predictable deadlines improve accountability, prevent inactive projects from indefinitely occupying queue capacity, and allow applicants, utilities, municipalities, and other customers to plan responsibly.

12(a) Steps and timeframes

- Completeness review: 10 business days.
- Deficiency notice and applicant cure period: 15 business days, with the clock paused only for the applicant's response.
- Scoping meeting: within 15 business days after the application is complete.
- Initial technical screening: 20 business days.
- Feasibility and system-impact studies: ordinarily 60 to 90 calendar days, performed concurrently where practicable.
- Facilities and cost study: ordinarily 45 to 60 calendar days, coordinated with prior studies rather than automatically added sequentially.

- Draft interconnection agreement and final security requirements: within 30 calendar days after the final study.

These steps should be nested or performed concurrently where practicable so that they fit within the applicable overall review deadline. The original time ranges, if treated as sequential, could total approximately 315 to 600 days and would conflict with the proposed six-month overall deadline.

12(b) Overall review time

A complete large-load application should ordinarily be resolved within 6 months, with tolling only for applicant-caused delay or extraordinary system issues. Pennsylvania's model tariff expressly uses a six-month study completion framework, with a refund mechanism if the utility is late. Recommended targets are: Level 1, 15 business days; Level 2, 30 business days; Level 3, 60 calendar days; Level 4, 120 calendar days; and Level 5, 180 calendar days.

12(c) Collocated load and generation

Collocated load and generation should be reviewed on a synchronized basis only when both components are complete and the generation is enforceable in fact, not just in concept. The Commission should not allow incomplete generation promises to delay load review indefinitely or to mask the true infrastructure burden. The EDC should issue a combined study plan within 15 business days after both applications are complete and ordinarily complete the combined review within the same 180-day maximum, rather than using consecutive load and generation review periods.

12(d) If the EDC is late

The EDC should be required to file a written explanation, revised dates, outstanding data requests, and a status report to the Commission and applicant. Late review should not result in automatic service approval, because reliability and public cost protection must remain paramount. The applicant should not lose queue position because of an EDC-caused delay. Consistent with the existing large-load model tariff, the EDC should refund 50% of the study fee for each 90-day period beyond the six-month deadline, and those refund costs should not be recovered from other customers. A delay exceeding 30 days should be reported to the Commission with a corrective plan.

13. Separate queues for load and generation

Yes. Separate queues are appropriate because large-load requests and generation interconnections raise different technical, legal, and cost questions. They should

remain administratively separate but be coordinated whenever projects share a site, owner, substation, transmission constraint, common upgrade, or operational dependency. The EDC should maintain a dependency record showing how delay, withdrawal, or modification of one request affects the other, and no linked load should advance faster than the utility can confirm reliable service.

14. Exigent circumstances

The Commission should allow narrowly tailored extensions only on a documented showing of necessity, with notice to affected parties and a revised milestone schedule. Examples include discovery of system constraints, changes in governing standards, need for additional studies, or missing applicant information, but not generalized developer impatience or speculative schedule pressures. Extensions should ordinarily be limited to 90 days at a time. Repeated extensions, or aggregate extensions exceeding 180 additional days, should require Commission approval. Queue position should continue only while the applicant maintains site control, financial security, and all applicable milestones.

15. Hosting capacity maps

Yes, but only if they are conservative, frequently updated, and not treated as a commitment that service is available. Such maps can help prevent overbuilding and can direct development away from constrained territory, improving utility and municipal planning and reducing studies for clearly infeasible locations.

15(a) Benefits

Hosting capacity maps can expose constrained feeders, substations, and transformer areas before applications are filed, which helps protect land-use planning and avoids wasted utility resources. They also improve public understanding of where development pressure is concentrated and where additional utility infrastructure or coordinated planning may be required.

15(b) Concerns

The main concerns are security, data misuse, and the risk that developers will use the maps to fuel land speculation or rely on preliminary capacity estimates as if they were guaranteed service. The Commission should avoid publishing sensitive asset-level details that could compromise reliability or invite strategic speculation.

15(c) Considerations

Maps should include update frequency, confidence limits, aggregated queued load, clear filters, a correction process, and explicit disclaimers that the map is informational only. They should also show identified constraints and be designed

to support local planning rather than industrial overreach. Public maps should use generalized capacity ranges, show the date and methodology of the last update, and be updated at least monthly with quarterly EDC certification. More detailed protected information may be provided to the Commission and affected municipalities under appropriate security safeguards.

16. Public queue list

Yes, the Commission should require a public list of load-interconnection projects, but it should protect owner identity and precise location where necessary. Public queue disclosure helps expose speculative demand, supports accountability, and allows municipalities and residents to understand what is being proposed in their territory. Regulations should standardize and expand upon the public queue already included in the Commission's large-load model tariff.

16(a) Benefits

A public queue list showing queue position, size, and circuit identifier would help prevent hidden speculation and make clear how much capacity has already been claimed. It would also support local governments and ratepayers who need visibility into the scale of pending industrialization. The list should show an anonymous project number, date accepted, requested gross maximum MW, initial and full-build MW, expected load-ramp schedule, voltage class, broad project category, study stage, expected completion and energization year, milestone status, and any queue-position change.

16(b) Concerns

The concern is that too much detail could reveal confidential business plans or exact siting information that encourages land speculation or creates security risks. The list should therefore be transparent enough for oversight but not so detailed that it becomes a map for aggressive development. Exact parcel and owner information may be withheld when legally justified, but the host county and municipality should be public and should receive direct notice.

16(c) Timing and format

The list should be updated within five business days after a material status change and no less frequently than monthly, and the Commission should require a complaint/correction process for errors. It should include filters by utility, size, and status, while preserving confidentiality where necessary. Historical records of withdrawn, transferred, reduced, completed, and superseded requests should remain available so capacity claims and queue movements can be audited.

Requested policy additions

The Commission should go further than the current questions and require the following:

- Large loads should disclose all onsite generation, storage, demand response, backup generation, and proposed operating limits. The EDC should initially study the full gross load without assuming those resources will reduce demand, and should recognize reductions only when they are permitted, technically qualified, enforceable, meter-verifiable, and available under the studied conditions.
- The Commission may allow faster review of verifiable flexible or curtailable service and qualified collocated generation when the arrangement demonstrably reduces system impacts, preserves reliability, and shifts no cost or risk to existing customers. Backup diesel or gas generation should not be treated as a firm offset merely because it is proposed.
- The Commission should establish a rebuttable presumption that dedicated facilities and upgrades triggered primarily by a large load are the applicant's responsibility. Any allocation to other customers should require quantified, Commission-reviewable evidence of actual system benefits rather than generalized or speculative claims.
- The Commission should require sufficient contributions in aid of construction, collateral, and exit fees or equivalent financial security to protect existing customers from stranded costs.
- The Commission should require that large-load projects not undermine Pennsylvania land preservation, municipal planning, or corridor integrity by forcing unnecessary new lines where existing routes can be reused or upgraded instead; require direct municipal notice; and make clear that electric interconnection approval neither preempts local land-use authority nor authorizes construction.
- Applicants should certify all parent companies, affiliates, developers, financiers, end users, related parcels, common infrastructure, and alternate locations. Related loads should be aggregated, and changes in ownership,

scope, requested MW, project category, or site should be disclosed and reviewed before queue rights are transferred.

- Queue position should confer no property right, guarantee of service, priority over valid governmental approvals, or vested right to proceed under a particular zoning ordinance.

For the foregoing reasons, the Commission should adopt the most protective large-load interconnection framework permitted by law, with strict thresholds, mandatory applicant-funded studies and upgrades, meaningful queue controls, public transparency, and gross-load planning, enforceable flexibility where it genuinely reduces system impacts, municipal notice, preservation of local land-use authority, and ratepayer protection against speculative or abandoned projects.

Thank you for your time and considerations along with anything you can contribute towards helping ensure we have responsible and sensible protections in place for future generations and the environment that are not so corporation and developer friendly.

Please direct your responses either to my email steve@conklingroupllc.com or via mail to the address below.

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