PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held November 5, 2026

Commissioners Present:

Stephen M. DeFrank, Chairman
Kimberly Barrow, Vice Chair
John F. Coleman, Jr.
Ralph V. Yanora
Kathryn L. Zerfuss

Electric Distribution Company Interim Resource Adequacy Service, Pre-Emergency and Emergency Response Provisions	M-2026-3064961

CLARIFICATION ORDER

BY THE COMMISSION:

On October 1, 2026, the Pennsylvania Public Utility Commission (Commission) entered a Tentative Order at the above-captioned docket seeking comments on a proposed requirement that all electric distribution companies (EDCs) update their pre-emergency and emergency load control procedures to incorporate Interim Resource Adequacy Service (IRAS) and to ensure that data centers are not classified as critical load exempt from curtailment during these events. In addition, the PUC sought comments on the implementation of a PJM Interconnection, L.L.C. (PJM) Tariff filing with the Federal Energy Regulatory Commission (FERC) regarding its proposed IRAS to address the rapid energy demand growth imposed by new large load data centers.[1] Due to FERC's recent decision on PJM's proposed IRAS framework and a Bring Your Own New

[1] *Electric Distribution Company Interim Resource Adequacy Service, Pre Emergency and Emergency Response Provisions*, Tentative Order, Docket No. M-2026-3064961 (Order entered October 1, 2026) (*October 1st Tentative Order*).

Capacity (BYONC) pathway for New Large Loads of 50 megawatts (MW) or greater, the Commission is clarifying the scope of its *October 1st Tentative Order* and modifying the previous timeframe for filing initial comments and replies thereto.

BACKGROUND

On July 14, 2026, PJM announced that its most recent Base Residual Auction (BRA) cleared short of its reliability requirements resulting in a 6,831 MW capacity shortfall for the 2028/2029 Delivery Year. Subsequently, on August 13, 2026, PJM submitted to FERC proposed revisions to its Reliability Assurance Agreement Among Load Serving Entities (RAA) and to its Open Access Transmission Tariff (Tariff) to establish an IRAS to address the rapid energy demand growth imposed by new large load data centers.[2] The key components of PJM's August 13th filing included the following:

- Large Load Definition & Registry: Setting a threshold of 50+ MW for New Large Loads (NLLs) to track demand and usage across the grid.
- Bring Your Own New Capacity (BYONC): Requiring load-serving entities or data center developers to procure or designate new generation capacity matching their peak load.
- IRAS Curtailment & Backstop Rules: Placing New Large Loads without dedicated new supply onto an interim service where they could be forcibly curtailed during emergency shortages before traditional customers or demand response.
- Capacity Market Adjustments: Excluding eligible new large loads from PJM's Variable Resource Requirement (VRR) curve beginning with the 2029/2030 delivery year.

See Proposed Tariff Attachment DD-4. In particular, PJM's new IRAS framework would allow new large loads (LL) that did not BYONC onsite or contracted to be curtailed first,

[2] *PJM Interconnection, L.L.C.*, Proposal of PJM Interconnection, L.L.C. to Establish Interim Resource Adequacy Service and a Large Load Registry to Address System Reliability, Docket No. ER26-3515-000 (Aug. 13, 2026) (August 13th Filing).

ahead of Pre-Emergency Load Management, before new LLs that did bring their own capacity will be curtailed. Essentially, in its tariff filing, PJM asserted that the IRAS is a service to be implemented during periods of insufficient resources to reliably meet demand and, when triggered, would allow PJM to prioritize load reductions in areas where New Large Loads have not brought their own new capacity. As a result, the curtailment risk is higher for New LLs that chose not to BYONC and lower for those that do procure new capacity bilaterally. PJM requested that FERC approve its IRAS proposal to become effective on October 12, 2026, in order to ensure its availability by June 1, 2027.

On October 1, 2026, the Commission entered a Tentative Order in which it stated that it was beginning the process of developing guidelines for EDCs, load serving entities (LSE), and large computational load customers to implement curtailment procedures in an open, transparent and timely manner. In accordance with the Commission's regulations at 52 Pa. Code § 57.52(b)(2), the Commission determined that it would propose new curtailment procedures and that all EDCs should update their procedures for controlling load to identify and track large computational load customers and the amount of their available MW.

In particular, in an Appendix accompanying the *October 1st Tentative Order*, the Commission proposed that all jurisdictional EDCs develop and maintain a registry of large loads within their service territory that would consist of all large loads, both existing and new. The Commission also proposed that EDCs provide PJM's Office of the Interconnection (OI) with the information they request regarding large loads within the EDC's registry. The Commission further proposed that EDCs make this information available to the Commission on an annual basis to assist the Commission in meeting the requirements of Act 45 of 2025, 72 P.S. § 1804-B, (relating to Commission oversight of load forecasting).

Additionally, the Commission proposed that the EDCs identify the procedures the EDC will take to shed load from the identified large computational load customers in the amounts requested by the PJM OI during capacity shortfalls. Furthermore, by the Tentative Order, the Commission proposed that all EDCs update their procedures for controlling load during pre-emergency or emergency events as called by PJM's OI such that data centers are not classified as critical load exempt from curtailment during these events. Lastly, the Commission proposed definitions for certain terms that were to be used when interpreting these new proposed curtailment procedures.

With the *October 1st Tentative Order*, the Commission sought comment from all stakeholders on the proposed amendments and modifications that the EDCs must make to their procedures for controlling load to incorporate a pre-emergency provision that implements curtailment protocols whenever PJM issues an IRAS action request for large computational load customers that have not secured incremental electric capacity for the entirety of their demand. The Commission directed that the *October 1st Tentative Order* was to be published in the Pennsylvania Bulletin and instructed that comments were to be submitted to the Commission no later than thirty days from the date of publication of the Tentative Order with replies due no later than 45 days. The *October 1st Tentative Order* and accompanying Appendix were published in the *Pennsylvania Bulletin* on Saturday, October 17, 2026.[3]

On October 9, 2026, FERC issued its order on PJM's IRAS proposal filing.[4] While FERC accepted PJM's 50 MW Large Load definition and its new Large Load Registry, it rejected core parts of PJM's IRAS proposal as filed. Specifically, FERC rejected the following items proposed by PJM in its August 13th filing: (1) IRAS, (2) the requirement for New Large Loads to find new capacity, (3) the BYONC rules that would have allowed large loads to avoid IRAS curtailment and (4) the exclusion of New Large

[3] 56 Pa.B. 6852.
[4] *PJM Interconnection, L.L.C.*, 197 FERC ¶ 61,019 (2026).

Loads from the capacity auction demand curve. In its October 9th Order, FERC explicitly allowed PJM to submit an alternative proposal to address its concerns and also encouraged states to continue their own work on large load policy.

DISCUSSION

With the *October 1st Tentative Order*, the Commission sought comments on a proposed requirement that all electric distribution companies update their pre-emergency and emergency load control procedures to incorporate IRAS and to ensure that data centers are not classified as critical load exempt from curtailment during these events. The Commission notes that FERC has rejected PJM's IRAS, BYONC, and the related capacity market design changes as filed in its October 9th Order. However, in its October 9th Order, FERC also encouraged states to continue their own work on large load policy. As a result, the Commission is moving forward with certain aspects of the new curtailment procedures that were proposed in its *October 1st Tentative Order* and outlined in the accompanying Appendix thereto.

Specifically, we continue to seek comment on the proposed amendments and modifications that the EDCs must make to their emergency load procedures when the demands for power on all or part of the utility's system exceed or threaten to exceed the capacity then actually and lawfully available to supply the demands. Moreover, the Commission is proposing that EDCs do not classify any large load as critical load exempt from curtailment during emergency events. As to any aspects of our previous curtailment proposals involving controlling load to incorporate a pre-emergency provision that implements curtailment protocols whenever PJM issues an IRAS action request for large computational load customers that have not secured incremental electric capacity for the entirety of their demand, we are no longer seeking comments on that since PJM's IRAS proposal has been rejected by FERC. Lastly, the Appendix further modifies the definition of large computational load customer to be more consistent with the large load model

tariff and PJM definitions.

CONCLUSION

With this Clarification Order the Commission again seeks input to its proposed amendments and modifications that the EDCs must make to their procedures for controlling load to incorporate emergency curtailment protocols so that whenever demand from new large loads on all or part of the utility's system exceed or threaten to exceed the capacity then actually and lawfully available to supply the demands to other customers. Essentially, the Commission is seeking input on which retail customers should be curtailed when the system is stressed i.e., non-critical data centers should be curtailed before homes, hospitals, and schools. We look forward to the input received from all stakeholders on the proposals outlined in this Clarification Order and modified Appendix. Comments will be due no later than 20 days after this Tentative Order is published in the Pennsylvania Bulletin, with reply comments due 30 days thereafter; **THEREFORE,**

IT IS ORDERED:

1. That a copy of this Clarification Order shall be served upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Commission's Bureau of Investigation and Enforcement, the Energy Association of Pennsylvania, and all jurisdictional electric distribution companies.

2. That the Secretary shall deposit this Clarification Order with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

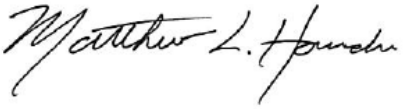
3. That comments filed in response to this Clarification Order are due no later than twenty days from the date this Clarification Order is published in the *Pennsylvania Bulletin*. Reply comments are due no later than 30 days from the date this Clarification

Order is published in the *Pennsylvania Bulletin*. Interested parties may submit comments and reply comments to the Secretary, Pennsylvania Public Utility Commission, Commonwealth Keystone Building, Second Floor, 400 North Street, Harrisburg, PA, 17120. Comments and reply comments may also be filed electronically through the Commission e-File System.

4. That a Word-formatted copy of comments and reply comments shall be electronically mailed to the Bureau of Technical Utility Services at pc-puc-tus-energy@pagov.onmicrosoft.com. Attachments may not exceed three megabytes.

5. That the contact person for technical issues related to this Tentative Order is Clinton McKinley, Bureau of Technical Utility Services, 717-783-6161 or cmckinley@pa.gov. The contact for legal or process issues related to this Tentative Order is Kriss E. Brown, Law Bureau, 717-787-4518 or kribrown@pa.gov.

BY THE COMMISSION,



Matthew L. Homsher
Secretary

(SEAL)

ORDER ADOPTED: November 5, 2026

ORDER ENTERED: November 5, 2026