

**ORDER NO. 92178**

Application of PSEG Renewable \*  
Transmission LLC for a Certificate of \*  
Public Convenience and Necessity to \*  
Construct a New 500 kV Transmission \*  
Line in Portion of Baltimore, Carroll, and \*  
Frederick Counties, Maryland \*  
\_\_\_\_\_ \*

BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF MARYLAND

\_\_\_\_\_  
CASE NO. 9773  
\_\_\_\_\_

Issue Date: February 6, 2026

**ORDER DENYING MOTION TO DISMISS<sup>1, 2</sup>**

**The Movants’ October 28, 2025 Motion to Dismiss<sup>3</sup>**

On October 28, 2025, the Movants filed a motion to dismiss PSEG Renewable Transmission LLC’s (“PSEG” or the “Company”) Application based upon the scheduling

\_\_\_\_\_   
<sup>1</sup> Additionally, the Commission will use this opportunity to address the five pending intervention requests. PSEG proposes that the landowners on or adjacent to the right-of-way be granted intervention. PSEG December 15, 2025 Letter to the Commission, Docket Item No. 737. One of the pending intervenor requests (Maria Klusewitz) is not associated with a parcel of land either on or adjacent to the right-of-way, and PSEG proposes that she be admitted as an interested party. Consistent with the Commission’s prior order related to intervention requests (Order No. 91645), the Commission agrees with PSEG’s proposal. Therefore, the requests to intervene filed by Derek and Laura Seibel (Maillog No. 324872), Annie L. Martin (Maillog No. 324968), Town of New Windsor, MD (Maillog No. 325010) and Trudy Snader (Maillog No. 324499) are hereby granted. Ms. Klusewitz’s request to intervene (Maillog No. 324408) is granted to the extent that she shall be deemed an interested party.

<sup>2</sup> The Commission notes PSEG’s ongoing objection to the scheduling order and also notes that no formal request to alter the procedural schedule has been filed at this time. *See* PSEG October 7, 2025 Letter to the Commission, Docket Item No. 639 at 2-3.

<sup>3</sup> The October 28 Motion to Dismiss was filed by the Maryland Farm Bureau; Arnold Developer Associates Inc. and Jesse Smith LLP; Dwight Baugher and Baugher Enterprises, Inc.; Michael and Lisa Gaver and Gaver Farm, LLC; John and Robin Kable, Wakefield Farm, LLC, John Alder Kable Trust, and Robin Smith Kable Trust; John and Donna Reese and Broadview Farm, LLC; Jane Shaw, Rockland Farms, Inc., and Jane Shaw Revocable Living Trust; Stop MPRP, Inc.; Dells Generation Farms, LLC, Matthew Dell, and Francis and Marian Dell; and Lippy Brothers Farms, ST and Sunnyside Poultry Farms, ST. *See* Maillog No. 323746. On October 31, Baltimore County filed a joinder to the October 28 Motion to Dismiss (Maillog No. 323879), and on November 6, the Frederick County Board of Commissioners filed a separate motion to dismiss incorporating by reference the October 28 Motion to Dismiss (Maillog No. 324052). Several other intervenors have also filed comments supporting or joining the October 28 Motion. For simplicity, the Commission will jointly reference all movants as the “Farm Bureau” or “the Movants.”

order adopted by the Commission.<sup>4</sup> In its motion, the Movants make several arguments as to why the Commission should dismiss this case at this time.

First, the Movants note that PSEG has repeatedly emphasized its June 2027 contractual deadline with PJM as an important justification for the Maryland Piedmont Reliability Project (the “MPRP” or the “Project”).<sup>5</sup> They argue that meeting this June 2027 deadline was a material fact in its contract with PJM. Because PSEG now admits it is unable to satisfy the contract’s essential purpose, the Movants contend that PSEG should not be allowed to monopolize limited government resources in reviewing what they argue is a meritless project proposal.<sup>6</sup> Additionally, the Movants argue that the Commission’s dismissal of this case would help PJM select an alternative workable project more quickly.<sup>7</sup> They contend that if PSEG’s claims about the serious risks to grid stability are true, the urgent need for a workable project dictates that PSEG’s Application should be rejected so that another project may be submitted for the Commission’s consideration.<sup>8</sup>

The Movants accuse PSEG of pursuing its certificate of public convenience and necessity (“CPCN”) at a slow pace that belies the supposed urgency related to the instability of the power grid. Essentially, they urge the Commission to dismiss this case because PSEG has made multiple prior filings in this case related to the urgency of the June 2027 deadline, and there is no factual dispute that this Application will not meet that deadline.<sup>9</sup>

---

<sup>4</sup> The Farm Bureau’s Motion to Dismiss, Docket Item No. 643.

<sup>5</sup> *Id.* at 4.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.* at 5.

<sup>9</sup> *Id.* at 5-13. The Farm Bureau repeatedly criticizes PSEG for these delays and essentially urges PSEG to simply give up on this particular Project.

The Movants argue that PSEG is assuming that its CPCN approval is a foregone conclusion and that PSEG seeks to burden Marylanders twice: “first, with the construction of a massive ‘extension cord’ stretched across our beautiful state to power Virginia data centers, destroying numerous family farms and businesses, and second, by passing a substantial portion of the enormous costs of this transmission line to those same Marylander farmers and homeowners.”<sup>10</sup>

The Movants indicate that extensive expenditures of time and resources have already occurred even though the process of evaluating PSEG’s Application is still in the early stages. They argue that a dismissal by the Commission would save monetary and human resources going forward.<sup>11</sup>

Finally, the Movants argue that the irrevocable harm that they contend this Project will cause Marylanders will occur solely to benefit Virginia data centers.<sup>12</sup> The Movants argue that property rights are valuable and should not be taken lightly in service to a project that cannot possibly meet its supposedly essential construction deadline.<sup>13</sup>

### **PSEG’s November 14, 2025 Response to Motion to Dismiss**

On November 14, 2025, PSEG filed its Response to the Motion to Dismiss.<sup>14</sup> PSEG states that the Movants have spent the last year advocating for a procedural schedule that they knew would not permit the completion of construction by the June 2027 deadline. Having received what the Movants claimed they wanted for purposes of a thorough review

---

<sup>10</sup> *Id.* at 13.

<sup>11</sup> *Id.* at 14.

<sup>12</sup> *Id.* at 15.

<sup>13</sup> *Id.*

<sup>14</sup> Docket Item No. 675.

of PSEG’s Application, they now use that very schedule to urge dismissal of the Application entirely.<sup>15</sup>

PSEG contends that Movants can only justify early dismissal of a complaint or application by demonstrating legal inadequacy on the face of the Application, and they have not done so here.<sup>16</sup> PSEG contends that neither Public Utilities Article (“PUA”) § 7-207 nor any relevant provisions of the Code of Maryland Regulations (“COMAR”) require a CPCN applicant to meet a PJM-mandated in-service date or risk dismissal of its application. The Company argues that the adopted procedural schedule may delay the Project, but the need for the Project remains unchanged.<sup>17</sup>

The Company argues that the motion’s extensive factual discussions reveal that the motion is really a preview of the Movants’ ultimate argument on the merits in this case.<sup>18</sup> PSEG argues that a dismissal of its Application at this point would be arbitrary and without legal support and would only result in more delay and the loss of all the work the parties and the Commission have already invested.<sup>19</sup>

PSEG argues that Movants fail to meet the legal standard for a tribunal to grant a motion to dismiss.<sup>20</sup> PSEG contends that the motion contains allegations that go well beyond the four corners of the Application. The Company states that “[t]he Commission has consistently held that when a movant includes in its motion to dismiss materials ‘outside the borders of the pleadings,’ the Commission will deny the motion to afford the

---

<sup>15</sup> *Id.* at 3.

<sup>16</sup> *Id.* at 4.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.* at 4-5.

<sup>19</sup> *Id.* at 5.

<sup>20</sup> *Id.* at 6-11.

non-moving party and the Commission the opportunity to develop and consider a full record of the issues.”<sup>21</sup>

PSEG indicates that the Movants cite the standard and rule for summary judgment (at pages 6-7 of their motion), rather than the rule for preliminary dismissal, the remedy their motion seeks.<sup>22</sup> PSEG then sets forth multiple examples of factual allegations within the pending motion that cannot be resolved by the Commission at this stage of the proceedings.<sup>23</sup>

Finally, PSEG argues that the motion is predicated on an unworkable policy. The Company argues that the reliability concerns that gave rise to the Application remain and rejecting the Application with an already robust record and beginning anew wastes more state resources than building upon the existing record.<sup>24</sup>

### **Staff’s Response to Motion to Dismiss**

On November 14, 2025, Staff filed its response to the motion to dismiss. Staff argues that the projections made by PJM support PSEG's assertions regarding reliability concerns facing the grid. Although these projections do not suggest the electric system will not operate after June 2027, PJM cannot assure the ongoing reliability of the system after that date.<sup>25</sup> Additionally, Staff notes PJM’s claim that, as time passes after June 2027, the risk of reliability violations increases.<sup>26</sup> Staff argues that dismissing the Application would not prevent the projected reliability violations that the MPRP was designed to prevent.

---

<sup>21</sup> *Id.* at 12.

<sup>22</sup> *Id.*

<sup>23</sup> *Id.* at 12-14.

<sup>24</sup> *Id.* at 15.

<sup>25</sup> Staff Response, Docket Item No. 676 at 4-5.

<sup>26</sup> *Id.* at 5.

Beginning the process anew could even increase reliability risks.<sup>27</sup> Based upon PUA § 2-113(a)(1), which sets forth the Commission’s obligation to “promote adequate, economical, and efficient delivery of utility services in the State,” Staff recommends that the Commission deny the Motion to Dismiss.<sup>28</sup>

**Stop MPRP’s Reply in Support of Motion to Dismiss**

On December 4, 2025, Stop MPRP filed a separate Reply regarding the Movants’ Motion to Dismiss. Stop MPRP argues that PSEG’s “need analysis” no longer satisfies PUA § 7-207(f), which requires that the Commission give “due consideration” to “the need to meet existing and future demand for electric service.”<sup>29</sup> Stop MPRP argues that the June 2027 deadline forms the entire basis for the need for this Project. If that deadline cannot be met, Stop MPRP contends that the whole reason for this Application collapses.

Stop MPRP argues that *Transource* is inapposite and PSEG’s reliance upon that case in opposing this motion fails to distinguish between delaying a case intentionally and dismissing a case, which the Movants seek here.<sup>30</sup> Stop MPRP contends that the Movants do not seek Summary Judgment on the merits, but rather addresses whether the Commission should continue devoting resources to an Application PSEG admits cannot fulfill its stated purpose.<sup>31</sup> Stop MPRP argues that a dismissal at this stage would conserve resources and expedite viable solutions, rather than cause additional delays as alleged by PSEG.<sup>32</sup>

---

<sup>27</sup> *Id.*

<sup>28</sup> *Id.* Staff further recommends that the Commission do so without prejudice, should the Movants repeat their arguments in the context of a post-hearing brief. *Id.* at 6.

<sup>29</sup> Stop MPRP Reply, Docket Item No. 733 at 2.

<sup>30</sup> *Id.* at 3-4, citing *In the Matter of the Application of Transource Maryland, LLC*, Case No. 9471, Order No. 88999 (Jan. 15, 2019) (“*Transource*”).

<sup>31</sup> *Id.* at 4.

<sup>32</sup> *Id.* at 5.

Finally, Stop MPRP contends that certain statements by PJM support the Movants' motion to dismiss. First, Stop MPRP argues, if the reliability situation is as dire as PJM claims, this supports dismissing this case and allowing the development of an expedited viable solution.<sup>33</sup> Second, Stop MPRP refers to PJM statements regarding an August 11, 2025 load shed event, noting the event was successfully managed through PJM's coordination with BGE, the load shed was minimal, and the MPRP did not exist in August 2025 regardless of the scheduling order.<sup>34</sup> Finally, Stop MPRP argues that PJM has other options it should explore, rather than pursuing the MPRP Project, which cannot meet its deadline.<sup>35</sup>

### **Movants' Reply regarding Motion to Dismiss**

On December 4, 2025, the Movants replied to PSEG's opposition to their motion.<sup>36</sup> The Movants argue that the Commission has full authority over its own docket, and PSEG's suggestion that the Movants are acting in bad faith is unsupported by the record. The Movants note that PSEG has not complied with its own proposed schedule, so blaming the Movants for a schedule that makes the June 2027 deadline impossible to meet lacks any evidentiary support.<sup>37</sup>

The Movants argue that PSEG should never have promised PJM that it would complete the MPRP by June 2027, a promise the Movants suggest was motivated by landing its "lucrative contract."<sup>38</sup> The Movants list all the various requirements before this transmission line can be built and contend that PSEG significantly under-estimated the time

---

<sup>33</sup> *Id.*

<sup>34</sup> *Id.* at 6.

<sup>35</sup> *Id.* at 6-7.

<sup>36</sup> Movants' Dec. 4, 2025 Reply, Docket Item No. 735.

<sup>37</sup> *Id.* at 7-9.

<sup>38</sup> *Id.* at 9.

necessary to complete this necessary work.<sup>39</sup> Based on PSEG’s slow progress to date, the Movants state that “were PSEG to make an honest proffer, completing the MPRP could take PSEG at least twice or even three times as long as promised to PJM.”<sup>40</sup> Given that PSEG has only completed one-third of the property surveys required and may change the proffered route again in the future, the Movants argue that this case has no “momentum” to lose should the Commission dismiss this matter and require PJM to start over.<sup>41</sup>

Finally, the Movants argue that “PJM is not an independent authority and should not be the final decision maker.”<sup>42</sup> The Movants argue that PSEG has the burden of proof that this Project is necessary and chose to place the June 2027 deadline at the center of its proof.<sup>43</sup> Given that no one disputes that PSEG cannot meet this deadline, the Commission should consider whether the “fatally flawed” Application should continue.<sup>44</sup> The Movants contend that “...PSEG's most outlandish argument is that solely because PJM has selected this Project, the incomplete Application may never be dismissed for any reason.”<sup>45</sup> PJM’s testimony or comments are entitled to be evaluated by the Commission, just like any other witness.<sup>46</sup>

### **Commission Decision**

The Commission denies the Motion to Dismiss.

Although styled as a motion to dismiss, the Movants neither contend that the Application is legally deficient on its face nor do the Movants seek summary disposition

---

<sup>39</sup> *Id.* at 9-11.

<sup>40</sup> *Id.* at 11.

<sup>41</sup> *Id.* at 11-12.

<sup>42</sup> *Id.* at 12.

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

<sup>45</sup> *Id.* at 13.

<sup>46</sup> *Id.*

under the standards applicable to summary judgment, as such relief would be inappropriate at this stage of the proceeding. The record has not yet been developed through discovery, written testimony, or hearing.

Instead, the Motion seeks dismissal based on asserted practical considerations, including scheduling concerns and the Applicant's ability to meet previously proposed milestones. These arguments go to the merits and feasibility of the Project and are appropriately addressed through the evidentiary process, not through a preliminary dispositive motion.

As PSEG notes, the issuance of a procedural schedule that hinders a Project's ability to meet the PJM deadline has never been grounds for dismissal. To the contrary, PJM's response to the Power Plant Research Program's (PPRP) Data Request 2-2 explicitly confirms that PJM understands that "[p]lanned transmission infrastructure projects can experience delays." However, PJM argues, these delays "do not change the date by which they are needed. Rather, they impact the expected in-service date and increase reliability risk to customers." Both PSEG and PJM continue to emphasize the need for construction of the MPRP Project as close to June 1, 2027 as possible precisely because they contend that the need for the Project is so great.<sup>47</sup>

Additionally, the PUA specifies that the Commission may only take final action on a CPCN application after "due consideration" of the record evidence submitted by the parties to address the statute's several factors.<sup>48</sup> Similarly, the Commission must rule on the merits of the Project "based on consideration of the record" after a hearing in which "testimony and exhibits...[are] offered and made part of the record."<sup>49</sup>

---

<sup>47</sup> PSEG Response at 2 and PJM October 30, 2025 Comments at 2-3 (Maillog No. 323827).

<sup>48</sup> PUA §§ 7-207(e) and (f).

<sup>49</sup> PUA §§ 3-111 and 3-113.

PUA § 7-207 does not require that an application meet a specific in-service date, only that the Commission give due consideration to many factors including “the need to meet existing and future demand for electric service.”<sup>50</sup> In issuing our scheduling order, the Commission ultimately concluded that it could not allow “the deadline specified in the Applicant’s proposal to dictate the procedural schedule” because doing so “would accept the broad outlines of this case, as presented by the Applicant, without any real inquiry or the input of PPRP and the other parties.”<sup>51</sup> PSEG’s continuing pursuit of a CPCN despite the Commission’s procedural schedule indicates that the Commission accurately allowed PPRP and all parties sufficient time to fully litigate this case and develop a sufficient record without being bound by an imposed, unreasonable deadline.

As long as the Applicant continues to pursue a CPCN, the Commission will permit the Application to proceed in accordance with the established procedural schedule. The Commission finds no procedural or legal basis to dismiss the Application prior to the development of a full evidentiary record. Accordingly, the Motion to Dismiss is denied.

**IT IS, THEREFORE**, this 6<sup>th</sup> day of February, in the year Two Thousand Twenty-Six, by the Public Service Commission of Maryland, **ORDERED** that all pending Motions to Dismiss are denied.

By Direction of the Commission,

*/s/ Andrew S. Johnston*

Andrew S. Johnston  
Executive Secretary

---

<sup>50</sup> PUA § 7-207(f)(i).

<sup>51</sup> Procedural Scheduling Order at 6.