

ORDER NO. 91825

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

BEFORE THE
PUBLIC SERVICE COMMISSION
OF MARYLAND

Case No. 9773

Issue Date: September 11, 2025

**ORDER ESTABLISHING A PROCEDURAL SCHEDULE
FOR THE MARYLAND PIEDMONT RELIABILITY PROJECT**

Background

On March 26, 2025, the Department of Natural Resources, Power Plant Research Program (“PPRP”) filed its Report on the Administrative Completeness of PSEG Renewable Transmission LLC’s (“PSEG”) Application for a Certificate of Public Convenience and Necessity (“CPCN”) for authorization to construct a single circuit 500 kilovolt (“kV”) overhead transmission line for the Maryland Piedmont Reliability Project (the “MPRP” or the “Project”) in portions of Baltimore, Frederick, and Carroll Counties, Maryland (the “Application”). PPRP’s Report concluded that the Application lacks the required information set forth in Code of Maryland Regulations (“COMAR”) 20.79.01.06K(2), Information on Alternative Transmission Line Routes (COMAR 20.79.04.03), and Specific Environmental and Socioeconomic Information, including impacts of the Project (COMAR 20.79.04.04).¹

¹ Docket No. 245 at 1. For a more detailed summary of the basis for those COMAR deficiencies, see Docket No. 245 and Order No. 91709 at 2-6.

Also on March 26, 2025, PSEG filed a Motion for a Pre-Hearing Conference and Establishment of Procedural Schedule.² One of the primary purposes behind PSEG's requested procedural schedule was (and remains) to meet PJM Interconnection, LLC's ("PJM") stated June 2027 in-service date for the Project. PSEG's original proposed schedule anticipated the Commission's final order being issued by January 31, 2026. Despite PPRP's conclusion that the Company's Application is incomplete, PSEG stated that it can "work[] with PPRP through the discovery process to provide any relevant additional data it requests to complete its review of the Project prior to the evidentiary hearings."³

PSEG's primary disagreements with PPRP's Report were the assertions that (1) COMAR 20.79.04 (Details of Filing Requirements – Transmission Lines) does not require field studies to support information about the Project be included in the filing, and (2) that PPRP's framing of the issue should be construed as a request for additional information regarding its Routing Study rather than a failure to provide information required by COMAR.⁴

PSEG requested that the Commission deem the Application to be complete and adopt a procedural schedule consistent with Exhibit A attached to its Motion following a Scheduling Conference. PSEG stated that it had some flexibility as to its details of the schedule, provided the final schedule allows PSEG to meet the PJM's June 1, 2027 in-service date for the Project.⁵ Under PSEG's final proposed schedule, the Commission must issue its final order by March 31, 2026.⁶ PSEG claims its proposed schedule is consistent

² Docket No. 246.

³ *Id.* at 2.

⁴ *Id.*

⁵ *Id.* at 10.

⁶ Docket No. 509.

with time periods allocated for “similar milestones and comparable deadlines in other transmission line CPCN cases.”⁷ PSEG also stated that it could provide field studies to PPRP on a rolling basis as the matter otherwise proceeded.⁸

On April 10, 2025, PSEG filed a more detailed response to PPRP's conclusion that the MPRP Application is incomplete, essentially repeating its prior arguments in more detail.

On April 11, 2025, PPRP responded to the Applicant's March 26, 2025 Motion. PPRP also repeats many of its prior arguments in urging the Commission to reject PSEG's proposed schedule. PPRP describes the Company's proposed schedule as “implausible,” and dismisses comparisons to prior CPCN cases involving transmission lines because, unlike the MPRP, those cases did not involve a 67-mile greenfield transmission line, but were instead focused on the rebuild of existing lines.⁹

On April 28, 2025, PSEG responded to the over 225 comments that had been submitted by that date.¹⁰ In addition to repeating its arguments in its response to PPRP, PSEG stated that it will require a “collective effort”—on its part and on the part of the other parties—for the Commission to review and issue a decision in 13 months after filing of the Application. PSEG insists, however, that the “critical reliability issues facing the regional transmission system warrant such an effort.”¹¹ Citing a communication between PJM and PPRP, PSEG claims that if there is a delay beyond June 1, 2027, “system operators may need to implement emergency or temporary mitigation measures,” including “discontinuing

⁷ *Id.* at 10-11.

⁸ *Id.* at 14.

⁹ Docket No. 450, PPRP Response at 4; Tr. at 54.

¹⁰ Docket No. 493.

¹¹ *Id.* at 8.

electric service to certain customers or groups of customers in specific areas to reduce the line loading in order to prevent the consequences of potential transmission line overloads.”¹²

On June 6, 2025, PSEG provided an update to its proposed schedule, providing for a final order date of March 31, 2026, contending that this two-month extension properly balances the Commission's need for review and the urgent nature of the project.¹³

Hundreds of individual comments were filed with the Commission. Commenters overwhelmingly supported PPRP's arguments against PSEG's schedule, both in written comments and in person during the Commission's June 10, 2025 pre-hearing conference.

Order No. 91709

On June 26, 2025, the Commission issued Order No. 91709. In that order, the Commission summarized the parties' positions regarding PSEG's proposed schedule as well as the objections by PPRP and commenters. However, the Commission did not issue a procedural schedule within that order. Rather, the Commission directed PSEG to provide all information required by PPRP regarding its Routing Study and Alternative Transmission Line Routes within 30 days of the date of Order No. 91709.¹⁴

The Commission further directed its Technical Staff (“Staff”) to facilitate discussions between PSEG and PPRP—as well as the Office of People’s Counsel (“OPC”)—regarding the time required to produce PPRP's field studies and the feasibility of proceeding

¹² *Id.*, citing PJM response to PPRP date Request 2-2 (April 18, 2025).

¹³ Docket No. 509 (PSEG's Updated Proposed Procedural Schedule) at 3.

¹⁴ Order No. 91709 at 13. The Commission also noted PSEG's ongoing difficulties obtaining PPRP's requested field surveys, citing the ongoing federal matter of *PSEG Transmission LLC v. Arentz Family, LP et al*, Case No. 25-cv-1235-ABA. At the time of Order No. 91709, Judge Adam Abelson had recently affirmed PSEG's right-of-access and granted PSEG's requested preliminary injunction to allow surveyors to enter the property of landowners in or adjacent to the right of way (“ROW”). That remains an issue as Judge Abelson recently denied PSEG's request for the assistance of U.S. Marshals to accompany the surveyors due to certain threats by landowners. See September 2, 2025 decision in the same case. However, Judge Abelson's decision allows PSEG to re-file its request if the issue arises again.

without them.¹⁵ The Commission directed Staff to submit to the Commission a proposed schedule with recommended dates for the filing of testimony, as well as hearings and post-hearing briefs.¹⁶

The Commission initiated discovery as of the date of Order No. 91709 and set certain discovery rules consistent with prior matters regarding any discovery disputes.¹⁷

Staff Recommendations

In its July 28, 2025 filing, Staff noted that PSEG, PPRP and Staff communicated and held virtual meetings on July 7, 16 and 24, 2025 to discuss the procedural schedule and related issues. Staff observed that all parties engaged in good faith; however, consensus on an appropriate procedural schedule could not be achieved.

Due to PSEG's agreement with PJM, PSEG indicated it was unable to consent to any schedule that would not permit the Project to meet its June 1, 2027 in-service date. Staff's filing specifies a schedule proposed by PPRP which targets a final order date of March 26, 2027. Staff's proposed procedural schedule mirrors PPRP's proposal, with the exception that Staff's proposal includes a status conference and motion hearing between November 30 and December 4, 2026.

COMMISSION DECISION

The issue of the appropriate procedural schedule in this case has been unusually contentious, largely due to the Applicant's adherence to a June 1, 2027 in-service date and PPRP's need to perform its statutorily required evaluation of the Application, which it

¹⁵ The Commission also stated: “[I]n developing Staff's recommendations, it should consider, but not feel bound by, PJM's in-service date of June 1, 2027.” Order No. 91709 at n 34.

¹⁶ *Id.* at 14.

¹⁷ *Id.* at 14-16.

cannot do without the required field studies. At present, the Applicant’s ability to conduct those field studies remains in dispute in federal court. Further, PPRP has stated that it would need a minimum of six months following the reception of these studies to complete its evaluation and recommendations based upon them.

The Commission must perform its required statutory public interest review under *Annotated Code of Maryland*, Public Utilities Article (“PUA”) § 7-207, and the schedule proposed by PSEG does not allow the Commission to do so.¹⁸ While the Commission recognizes that PSEG’s proposed schedule is based upon deadlines set by PJM, the Commission cannot compromise PPRP’s ability to conduct its review of the Application. Allowing the deadline specified in the Applicant’s proposal to dictate the procedural schedule would require the Commission to 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. Put more explicitly, the Commission would be forced to accept the premise that denial of a CPCN will result in electric blackouts for certain Maryland customers without any examination of whether that would actually be the case or whether there are alternatives to the Applicant’s proposal to address any reliability issues. Furthermore, any bifurcation of the CPCN review process would be overly burdensome for all parties and would likely extend, rather than shorten, the procedural schedule. Accordingly, the Commission establishes a procedural schedule in this case that allows PPRP and the Commission to perform the statutory responsibilities prescribed in Maryland law, as reflected below.¹⁹

¹⁸ The Commission notes PSEG did not file its Application until December 31, 2024, leaving the Commission and PPRP in a difficult position regarding our ability to perform our responsibilities.

¹⁹ The Commission agrees with PPRP (see Docket No. 450 at 4-5) that the most comparable prior transmission matter the Commission has previously handled is the Application by Transource in Case No. 9471 (“Transource Case”). That Application also involved a project to be constructed on a new right-of-way and was submitted prior to conducting all field surveys. In the Transource Case, consistent with PPRP’s assertions

Therefore, the Commission adopts the following dates that will govern this proceeding.²⁰

March 2, 2026	PSEG files updated analysis (including ERD, environment mapping, and field study reports for all properties in ROW, except for time-of-year restricted field studies. PSEG may also file any updated analysis from PJM.)
April 2, 2026	Status Update
September 2, 2026	Staff, OPC, PPRP, and Intervenors file Direct Testimony
Weeks of September 21 and 28, 2026	Public hearings in each county
October 16, 2026	Rebuttal Testimony responding to other parties and Supplemental Testimony responding to public comments, and any updated recommended conditions.
November 13, 2026	Surrebuttal Testimony
December 8-18, 2026	Evidentiary Hearings
January 29, 2027	Parties' Post-Hearing Initial Briefs
February 12, 2027	Parties' Post-Hearing Reply Briefs

in this case, a schedule was set prior to all field studies being completed with the understanding that the Applicant would complete and deliver these field studies by a certain date. PPRP stated clearly in the Transource Case's pre-hearing conference that it reserved the right to propose a change in schedule should it not get the necessary information at the predicted time. This is precisely what happened; the Applicant needed extra time to submit the requested information, and the procedural schedule was correspondingly modified.

²⁰ This procedural schedule is subject to amendment should PSEG be unable to provide its field studies to PPRP in time to allow the parties to include them in their Direct Testimony.

IT IS THEREFORE, this 11th day of September, in the year Two Thousand Twenty-Five, by the Public Service Commission of Maryland, **ORDERED** that the Procedural Schedule detailed above shall govern this matter, subject to amendment for good cause.

By Direction of the Commission

/s/ Andrew S. Johnston

Andrew S. Johnston
Executive Secretary