

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

**Interconnection of Large Loads to
the Interstate Transmission System**

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)

Docket No. RM26-4-000

**REPLY COMMENTS OF
THE NATIONAL ASSOCIATION OF STATE UTILITY CONSUMER ADVOCATES**

Pursuant to the Federal Energy Regulatory Commission’s (“FERC”) November 7, 2025 Notice Granting Extension of Time, the National Association of State Utility Consumer Advocates (“NASUCA”) respectfully submits these Reply Comments in response to various initial comments submitted by interested stakeholders that address the October 27, 2025 Notice Inviting Comments regarding the Advanced Notice of Proposed Rulemaking (“ANOPR”) proposed by the Secretary of Energy on October 23, 2025.

NASUCA appreciates the ANOPR for focusing the industry’s attention on the grid’s current ability to accommodate the unprecedented levels of current and anticipated load growth from data centers.¹ In response to the ANOPR, many developers of data centers submitted initial comments that: (1) detailed the issues they have experienced or are currently experiencing as they development and interconnect large loads to the grid;² (2) provided their perspectives on future challenges they will face as the development of new data centers outpaces the development of

¹ See, e.g., ANOPR at 2 (“United States electricity demand is expected to grow at an extraordinary pace, due, in large part, to the rapid growth of large loads ... [T]he size and speed with which data centers can be connected to the grid present unique challenges for demand forecasting and system planning.”).

² See, e.g., Vantage Data Centers Initial Comments at 5-6 (providing its perspective on the impact that speculative proposals have on the administration of interconnection processes); Microsoft, Inc. Initial Comments at 3 (“Timely access to electric power supplies has been and continues to be the biggest obstacle industrywide to the deployment of advanced computing technology in the United States.”).

infrastructure needed to reliably serve the new loads;³ and (3) identified regulatory reforms they deem necessary to enable data centers to achieve their objectives in terms of advancing the nation's security interests and producing economic benefits and opportunities.⁴ Stakeholders engaged in the generation and transmission of electricity also submitted initial comments that provided perspectives on the impacts that large loads have on the electric system and the appropriate scope of any reforms.⁵

NASUCA acknowledges that the initial comments submitted by industry participants provide important information that will assist FERC as it considers what reforms, if any, to adopt to address growth from large loads. NASUCA also appreciates the extent to which industry participants identified and addressed the need to ensure that interconnecting large loads does not “jeopardize reliability or affordability.”⁶ However, it is critical that FERC understand that the interests of industry participants differ from the interests of end-use customers. In some circumstances, the interests of industry participants may be contrary to the interests of end-use customers. Consequently, NASUCA's primary interest in this proceeding is in ensuring that end-

³ See, e.g., American Terawatt, Inc. Initial Comments at 2-3 (“Growth in electricity demand from AI data centers is outpacing the capacity of the U.S. electric grid ... Our ability to bring compute for AI online is severely constrained by the availability of power. If it continues to take this long to bring new compute capacity online, the United States will lose its competitive edge in AI.”).

⁴ See, e.g., Microsoft, Inc. Initial Comments at 9 (“Microsoft supports standardizing study requirements to provide greater regulatory certainty, deter speculation, and enhance transparency so businesses can plan with more predictability.”); Amazon Energy Initial Comments at 3 (“Amazon Energy supports efforts to establish a clear process for efficiently interconnecting large loads to the interstate transmission system.”); Vantage Data Centers Initial Comments at 4 (“Vantage supports many of the fourteen principles set forth in the proposed ANOPR.”).

⁵ See, e.g., MISO Transmission Owners Initial Comments at 2 (“[T]he MISO Transmission Owners respectfully submit that some of the reforms proposed in this ANOPR, depending on how they are shaped into a final rule, could in fact hinder progress being made across the industry to address the unique issues arising from individual large load interconnections.”); Edison Electric Institute Initial Comments at 12 (“[T]here is also a risk that such large loads may not fully materialize as initially assumed.”); *id.* at 13 (“[P]roviding large load customers with the option to build [network upgrades] raises significant reliability concerns that must be addressed.”).

⁶ See Edison Electric Institute Initial Comments at 8; *see also* Microsoft, Inc. Initial Comments at 2 (recognizing the need to “ensure energy affordability and reliability for all Americans.”); Amazon Energy Initial Comments at 1 (“support[ing] reforms that ... strengthen[] grid reliability and affordability for all customers.”).

use customers' interests in reliable and affordable service are the lodestars that guide FERC's consideration of the ANOPR and potential reforms regarding the interconnection of large loads. To that end, NASUCA urges FERC to afford great weight to comments from entities like NASUCA's members,⁷ NASUCA,⁸ and other consumer groups that are directly charged with advocating on behalf of end-use customers.

I. REPLY COMMENTS

A. FERC Should Meaningfully Consider the Perspectives of Consumer Advocates that Advocate on Behalf of the End-Use Customers that Rely on Reliable and Affordable Utility Service.

In its Initial Comments, NASUCA explained that its full members are designated by the laws of their respective jurisdictions to represent the interests of utility consumers before state and federal utility regulators and in the courts.⁹ Given their work at the state level and regional processes on behalf of retail customers, NASUCA's members have a thumb on the pulse of the key issues implicated by the ANOPR. Below, NASUCA highlights comments submitted by NASUCA members. In recognition of the unique and important roles that consumer advocates play on behalf of end-use retail customers, NASUCA urges FERC to meaningfully consider those comments and afford them great weight when evaluating what reforms, if any, are appropriate.

⁷ NASUCA identifies specific comments that FERC should consider and meaningfully address in Section I.A below.

⁸ In Section I.B below, NASUCA responds to discrete comments that address the principal issues NASUCA addressed in its Initial Comments. *See* NASUCA Initial Comments at 1 (explaining that the ANOPR lacks specificity and detail necessary to properly and fully analyze the proposal for an unprecedented extension of federal jurisdiction over retail loads); *id.* (explaining that the details of any proposed reforms "are critically important because, without them, there can be no guarantee that traditional retail customers will be protected from costs caused by the interconnection of large loads"); *see also id.* at 2 fn.2 (expressing concern that the deadline for action proposed in the ANOPR would create and expedited process that benefits proponents of ANOPR to the detriment of end-use retail customers).

⁹ NASUCA Initial Comments at 3.

1. Consumer Advocates Offer Unique Insight into the Jurisdictional Issues Raised by the ANOPR Because They Represent End-Use Customers in Regions With/Without Organized Markets and States With/Without Retail Choice.

The *ad hoc* group identified as the State Entities consists of NASUCA members as well as state Attorney General offices.¹⁰ Like most commenters, the State Entities recognize the need to address issues caused by the interconnection of large loads in order to avoid unnecessary system disruption and potential ratepayer harms.¹¹ But the State Entities address these issues from a unique perspective. In addition to the fact that many of these offices advocate directly on behalf of end-use customers, their constituents are located in regions with organized markets, regions without organized markets, states with retail choice, and vertically integrated states that do not allow retail choice. In response to the ANOPR's proposal for FERC to assert jurisdictions, the State Entities explain that "there does not appear to be legal precedent directly granting this jurisdiction, even when limited to transmission interconnections."¹² In evaluating the jurisdictional issues raised by the ANOPR, the State Entities submit that FERC must address two interrelated issues. First, FERC should address whether and how it has jurisdiction over "interconnections directly to transmission facilities."¹³ If FERC finds that it has jurisdiction, the second issue is how to define "transmission facilities" to avoid infringing on state authority over the distribution system.¹⁴

¹⁰ The State Entities are the Massachusetts Attorney General's Office, the Arizona Attorney General's Office, the Colorado Attorney General's Office, the Connecticut Office of Consumer Counsel, the Maryland Office of People's Counsel, the Minnesota Attorney General's Office, the Office of the Nevada Attorney General, Bureau of Consumer Protection, the New Hampshire Office of the Consumer Advocate, the Oregon Attorney General, and the Rhode Island Division of Public Utilities and Carriers.

¹¹ State Entities Initial Comments at 2-3.

¹² *Id.* at 4-5.

¹³ *Id.* at 5.

¹⁴ *Id.* at 5-6.

While the Joint Consumer Advocates¹⁵ support jurisdictional federal avenues for regulating the interstate transmission and wholesale market aspects of large load interconnection, they submit that the ANOPR does not provide sufficient support for preempting state police power.¹⁶ They also stress the need to respect states' existing authority, including the authority to interconnect large loads at the distribution level.¹⁷ Similar to the position taken by the State Entities, the Joint Consumer Advocates also explain the need to define what it means to “directly” interconnect to transmission facilities.¹⁸

The Maine Office of Public Advocate explains that large load customers are engaged in retail transactions. As such, any extension of federal jurisdiction should ensure that large loads are currently and remain subject to state jurisdiction regarding the recovery and allocation of retail costs.¹⁹

The North Carolina Utilities Commission Public Staff explains that the Federal Power Act limits the extent to which FERC can assert jurisdiction over interconnections of large loads.²⁰ As such, any federal “rule prescribing the methods, timing, and transmission pricing for interconnecting load to the transmission system could not, at the end of the day, provide any right for that load to be actually served as a retail customer, a matter unquestionably reserved to the

¹⁵ The Joint Consumer Advocates are the Pennsylvania Office of Consumer Advocate and the Delaware Division of the Public Advocate.

¹⁶ Joint Consumer Advocates Initial Comments at 13-16.

¹⁷ See *id.* at 7 (“FERC’s goals can be accomplished without impermissibly interfering with existing state jurisdiction over end user interconnections to utility distribution service.”).

¹⁸ *Id.* at 3, 5-6.

¹⁹ Maine Office of Public Advocate Initial Comments at 2. These costs include billing and metering costs, administrative and general costs, and public policy costs. *Id.*

²⁰ North Carolina Utilities Commission Public Staff Initial Comments at 2-3.

states alone.”²¹ The North Carolina Utilities Commission Public Staff also questions the basis for any FERC action, arguing that there has been no showing that the lack of reforms results in unjust, unreasonable, or unduly preferential rates.²² Speaking specifically about vertically integrated states, it asserts that “[b]undled retail rates that include transmission should be preserved.”²³

Though state commissions and the National Association of Regulatory Utility Commissioners (“NARUC”) serve different roles than consumer advocate offices and NASUCA, all of these entities are part of state constructs for regulating public utilities. Consequently, it is also important that FERC consider the public-interest perspectives offered in initial comments by NARUC and its members. Specifically, NASUCA notes the emphasis on respecting state jurisdiction and honoring the principle of cooperative federalism. In its initial comments, NARUC expressed the view that “[w]orking together, under the concept of cooperative federalism, will lead to optimal solutions.”²⁴ Demonstrating its commitment to this important jurisdictional concept, “NARUC pledge[d] to engage with regulated entities and other stakeholders to explore consensus solutions for FERC’s consideration that will help meet national goals for large load interconnection, while avoiding disputes over jurisdiction that would impede achieving our shared goals.”²⁵ NARUC also asked FERC to “bring federal and state regulators together for a detailed examination of the challenges and goals.”²⁶ Citing the specific charges under state statutes and authority granted under the Federal Power Act, individual states—both vertically integrated states and states

²¹ *Id.* at 3; *see also id.* (“[A]ny final rule should place no constraints, express or implied, on the authority of states to set the terms and rates for retail customers over generation facilities, or over the siting of transmission.”).

²² *Id.* at 4-5.

²³ *Id.* at 7.

²⁴ NARUC Initial Comments at 6.

²⁵ *Id.*

²⁶ *Id.* at 7.

with retail choice—also urged FERC to honor the principles of cooperative federalism.²⁷ Over the past few years, FERC has demonstrated a substantial commitment to working cooperatively with states.²⁸ States’ comments on cooperative federalism advance that work, and FERC should avoid taking any action in this proceeding that undermines the important progress that states and FERC have been able to make by coordinating their efforts and maximizing their respective abilities to effectively regulate within their jurisdictional bounds.

Following directly from principles of cooperative federalism, the ANOPR’s proposed reform should confirm the emerging policy development embodied in state-level large load retail electric tariffs and rules. These tariffs contribute to better management and pacing of large load interconnections, the weeding out of speculative large load interconnection requests and avoiding and mitigating cost shifting to existing electric consumers resulting from large load interconnections.²⁹ FERC’s implementation of the ANOPR should not preempt these salutary efforts underway at the State level directed at resolving many of the problems targeted by the

²⁷ See Missouri Public Service Commission Initial Comments at 3 (“FERC should narrowly tailor its final rule in conformity with legal precedent and record evidence. FERC should exercise its rulemaking authority under the cooperative framework of the Federal Power Act.”); Organization of PJM States Initial Comments at 7-8 (“Because of the long-standing role of states and state-jurisdictional entities in regulating the pace and service levels of retail loads that by necessity are interconnecting through a local load-serving utility, a durable solution may very well warrant joint state-federal regulation of this important issue as allowed by the FPA’s cooperative mechanisms, rather than a unilateral federal assertion of control via rulemaking.”); Kansas Corporation Commission Initial Comments at 9 (asking FERC to honor “the important interests of cooperative federalism”); California Public Utilities Commission Initial Comments at 2 (“[T]he U.S. Congress has ensured a system of cooperative federalism and given complementary jurisdictional powers to federal agencies and the states.”).

²⁸ See generally *Federal-State Current Issues Collaborative*, Docket No. AD24-7.

²⁹ See, e.g., Maryland Public Service Commission (“Maryland PSC”) Initial Comments at 2 (“Achievement of the ANOPR’s intended objective need not require [FERC] to attempt to assert jurisdiction over entities and processes that otherwise fall under state jurisdiction. Rather, the Maryland PSC believes that pairing state-developed initiatives, including large load-specific tariffs... to facilitate large load entrants presents the optimal path forward. Such a cooperative approach would align with the precepts in the Federal Power Act ... and, importantly, would ensure resource adequacy, reliability and affordability”); and Maryland Energy Administration Comments at 3-4 (similar) (each citing to Maryland’s newly enacted Next Generation Energy Act (“NGEA”), 2025 Md. Laws ch. 625, which, among other matters, directs the establishment in Maryland of a large load retail electric tariff. As authorized by the NGEA, the PSC convened a proceeding currently in progress (PC 72) to implement the Act’s directive).

ANOPR if they exceed a minimum level of standards that may emanate from FERC's implementation of the fourth principle of the ANOPR.

2. FERC Should Ensure that Meaningful Consumer Protections are in Place to Advance the Interests of Affordability and Mitigate or Avoid Threats to Reliability.

In addition to establishing clear jurisdictional standards that respect state authority, the State Entities also urge FERC to meaningfully prioritize ratepayer protections during this rulemaking process. At a high level, the State Entities “stress that this rulemaking must include provisions that mitigate the risk of ratepayer subsidization of large load interconnection[.]”³⁰ Specifically, the State Entities support: (1) a directive that study processes allow for efficient siting of loads and generating facilities in order to minimize the need for costly network upgrades;³¹ (2) making data centers responsible for 100% of the costs of network upgrades they are assigned;³² and (3) incentivizing large load customers to participate in curtailment, load flexibility, and other demand response programs.³³

The Illinois Attorney General offers a nuanced view of curtailment programs, which emphasizes the need to consider the ability to curtail as part of the need to protect customers.³⁴ The Illinois Attorney General submits that curtailment should not be considered as a potential option unless and until the mechanisms to implement curtailment are developed—i.e., system

³⁰ State Entities Initial Comments at 7.

³¹ *Id.*

³² *Id.*

³³ *Id.* at 8.

³⁴ See Illinois Attorney General Initial Comments at 10 (“The preliminary question is whether curtailment of large loads is feasible and will protect other customers.”).

protections, the costs as well as penalties resulting from curtailment, and the risks to other customers.³⁵

The Maine Office of Public Advocate supports the same customer protections identified by the State Entities. Its position is based on concerns about increased costs and the degradation in reliability as data center development outpaces the development of transmission and generation resources.³⁶ With respect to the proposal to make data centers responsible for 100% of the costs of network upgrades they are assigned, the Maine Office of Public Advocate explains that a crediting mechanism is directly contrary to this protective mechanism because it relieves large loads from a portion of the costs of network upgrades.³⁷ Likewise, the Illinois Attorney General and the Ohio Consumers' Counsel also oppose credits as being inconsistent with the principle that 100% of network costs should be assigned to the large loads that cause those costs to be incurred.³⁸

The Joint Consumer Advocates share NASUCA's principal interest in protecting the interests of residential consumers in a reliable and affordable regional electricity grid.³⁹ Due to the resource adequacy and affordability crises that residential consumers face within the PJM footprint, the Joint Consumer Advocates support all efforts to effectuate the Federal Power Act's "plain text and core purposes as well as cost causation principles."⁴⁰ Specifically, they support creation of an expedited large load interconnection queue that includes the large load through its

³⁵ *Id.* at 11. The Illinois Attorney General also identifies a general lack of clarity on how curtailment requirements would be enforced. *Id.*

³⁶ Maine Office of Public Advocate Initial Comments at 4-5.

³⁷ *Id.* at 2.

³⁸ Illinois Attorney General Initial Comments at 11-12; Ohio Consumers' Counsel Initial Comments at 2.

³⁹ Joint Consumer Advocates Initial Comments at 2.

⁴⁰ *Id.* at 4-5. Similarly, the Illinois Attorney General's comments on jurisdiction are influenced heavily by the fact that large loads pose significant risks to "states like Illinois that rely on federal electricity markets to provide electricity supply at a reasonable cost." Illinois Attorney General Initial Comments at 3-4.

interconnecting utility or electric distribution company. They also explain that such an interconnection process should include terms and conditions necessary to ensure resource adequacy, system reliability, and just and reasonable rates.⁴¹

The Ohio Consumers' Counsel also supports making large loads responsible for 100% of the costs of network upgrades they are assigned, with a contingency that limits any divergence to situations where the large load customer demonstrates a net public benefit.⁴² In addition, the Ohio Consumers' Counsel advocates for enhancements to interconnection study processes to protect consumers. Specifically, it supports: (1) strong readiness and financial requirements to deter speculative large-load interconnection requests that can distort transmission planning and increase costs for consumers;⁴³ (2) including mechanisms in any expedited connection process that protect consumers from inequitable queue treatment, hidden reliability costs, or cost shifting;⁴⁴ and (3) making expedited processing contingent on enforceable curtailment and dispatchability commitment verified through telemetry and subject to penalties for non-performance.⁴⁵ The Illinois Attorney General expresses support for these same protective mechanisms.⁴⁶

As noted in Section I.A.1, *supra*, consumer advocates and state commissions have distinct but related roles with state regulatory constructs. Consequently, NASUCA asks FERC to afford considerable weight to comments by states about the actions that are needed to protect end-use customers from impacts of interconnecting large loads to the grid. Of note, the Kansas Corporation Commission explains actions it has taken to protect retail customers from improper cost shifts

⁴¹ Joint Consumer Advocates Initial Comments at 5.

⁴² Ohio Consumers' Counsel at Initial Comments at 1.

⁴³ *Id.* at 7.

⁴⁴ *Id.* at 8.

⁴⁵ *Id.* at 9.

⁴⁶ Illinois Attorney General Initial Comments at 9-10.

relating to investments in generation and local distribution facilities needed to serve large load customers. The KCC notes that it does not have authority to establish protections that would shield end-use customers from excessive costs related to network upgrades and other new transmission infrastructure necessary to facilitate interconnection of large loads to the FERC-regulated grid. The KCC concludes that the ANOPR misses the mark by assuming that an unprecedented expansion of federal jurisdiction is the appropriate response to load growth from large loads. Instead, the KCC asks FERC to (i) avoid taking actions that undermine the actions that states are taken at the retail level regarding increased costs of generation and local distribution facilities, and (ii) afford regional stakeholders the opportunity to work together to craft and present to FERC proposed revisions to Transmission Providers' tariffs that will protect traditional load from bearing excessive costs related to network upgrades and other new transmission infrastructure necessary to facilitate interconnection of large loads.⁴⁷ Other state commissions expressed similar views about the need for FERC to focus on mechanisms that protect customers from the costs of transmission investments that are being driven by projections of load growth by data centers.⁴⁸

3. Consumer Advocates Urge FERC Not to Attempt to Adopt Sweeping Reforms on the Expedited Scheduled Proposed By the ANOPR.

On behalf of the broad cross section of customers they represent, the State Entities express concern with the ANOPR's request for final agency action by April 30, 2026. The State Entities explain that "establishing unprecedented federal jurisdiction and new large load interconnection

⁴⁷ See Kansas Corporation Commission Initial Comments at 2, 9-13.

⁴⁸ See, e.g., California Public Utilities Commission Initial Comments at 16 ("support[ing] ratepayer protections and efforts to mitigate risks associated with stranded or mis-sized transmission assets"); Organization of MISO States Initial Comments at 8 (expressing the concern that "the cost to procure sufficient capacity to serve the new system load would likely be socialized and may increase the potential for stranded costs if load does not materialize as expected"); Organization of PJM States Initial Comments at 10 ("It is imperative that large loads looking to interconnect bear their fair share of transmission costs and that [FERC] deter harmful speculation as these loads seek to interconnect.").

rules is likely to have sweeping impacts on the nation’s ratepayers and electric grids.”⁴⁹ As such, they are concerned that “[r]ushing this rulemaking process could substantially curtail meaningful public participation opportunities and detract from the legal durability of any final rules established as a result of this rulemaking process.”⁵⁰ They encourage FERC “to provide reasonable time periods for stakeholders to provide comment and otherwise participate in this proceeding.”⁵¹ The Maine Office of Public Advocate expresses the same view.⁵²

B. The Positions Taken in NASUCA’s Initial Comments are Supported By a Broad Cross Section of Commenters.

As noted above, NASUCA’s principal interest in this proceeding is ensuring that any reforms do not negatively impact reliability of service or increase costs for end-use customers. In its Initial Comments, NASUCA focused on aspects of the ANOPR that appear to be inconsistent with NASUCA’s consumer-protection interest or require clarification to ensure that consumers are not subject to potential harm. One key issue involved areas where the ANOPR lacks clarity or invites uncertainty.⁵³ Specifically, before proposing or adopting any reforms, NASUCA urged FERC to define the proposals under consideration with specificity in order to avoid unintended consequences.⁵⁴ Initial comments submitted by other stakeholders corroborated NASUCA’s concern. Notably, commenters identified: (1) areas where the ANOPR did not present sufficient

⁴⁹ Joint Consumer Advocates Initial Comments at 3.

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² Maine Office of Public Advocate Initial Comments at 2.

⁵³ See NASUCA’s Initial Comments at 2 (“[T]he ANOPR lacks key details, fails to precisely articulate the scope of principles that are critically important to all stakeholders, and relies on inaccurate claims and unsupported statements.”); see also *id.* at 5-7 (explaining that the ANOPR’s legal analysis appears to focus on states with retail choice and does not fully analyze jurisdictional issues in states that do not have retail choice); *id.* at 7-10 (identifying unsupported statements and Principles for Reform that lack clarity).

⁵⁴ See *id.* at 6 fn.8 (quoting NASUCA Policy 2022-01).

detail to explain the nature of material aspects of the proposal;⁵⁵ and (2) difficult issues that would need further analysis before they could be considered or implemented.⁵⁶

A second area of concern NASUCA identified in its Initial Comments involves the ANOPR's request for expedited consideration and final agency action by April 30, 2026. Specifically, NASUCA is concerned that acting on such an expedited timeline may unnecessarily subject traditional load to avoidable risks in terms of improper cost allocation and reliability.⁵⁷ As explained in Section I.A.3, *supra*, the State Entities expressed similar concerns. Beyond consumer advocates, commenters representing a broad range of interests also identified the proposed action date as a material concern. For example, the Southeast Public Interest Organizations explained that “[r]ushing this rulemaking without fulsome consideration of the many issues involved could have devastating impacts on costs to customers and grid reliability.”⁵⁸ The Transmission Access Policy Group asserted that a technical conference could help clarify the scope of this proceeding.⁵⁹

Meta Platforms, Inc. commented that FERC “should not rush to impose a one-size-fits-all regulatory solution nationwide.”⁶⁰ The *ad hoc* group of consumer advocates referred to as the

⁵⁵ See, e.g., MISO Transmission Owners Initial Comments at 26 (“It is unclear under what circumstances large loads would be allowed to be curtailable or hybrid facilities would be curtailable/dispatchable. Is this an alternative when there is insufficient generation to serve such loads? Or is it related to insufficient transmission? Would the arrangement be temporary or permanent? The ANOPR does not provide an explanation.”); R Street Institute Initial Comments at 2 (explaining that “DOE’s Proposal Needs More Support”); ISO New England Inc. Initial Comments at 4-5 (explaining that clarity is needed because the ANOPR does not specify the scope or limit the purpose of an assertion of federal jurisdiction).

⁵⁶ See, e.g., MISO Transmission Owners Initial Comments at 27 (identifying the lack of clarity regarding a crediting mechanism for network upgrades); The Office of the Illinois Attorney General Initial Comments at 11 (“[C]larity is needed on how curtailment requirements would be enforced.”).

⁵⁷ See NASUCA Initial Comments at 10-11 (“Given the magnitude of the request and the importance of the issues implicated by that request, it would be patently unreasonable and bad public policy for FERC to use an expedited process to expand its jurisdiction.”).

⁵⁸ Southeast Public Interest Organizations Initial Comments at 54; see also *id.* at 3-4 (urging FERC “to give this proceeding the time and attention it deserves and not rush to meet an unreasonable deadline for final action”).

⁵⁹ Transmission Access Policy Group Initial Comments at 9.

⁶⁰ Meta Platforms, Inc. Initial Comments at 3.

State Entities explained that “[r]ushing this rulemaking process could substantially curtail meaningful public participation opportunities and detract from the legal durability of any final rules established as a result of this rulemaking process.”⁶¹ Likewise, in discussing the need to ensure that any reforms are “legally defensible and practically implementable,” American Clean Power asserted that any “final action [that] adds uncertainty to large load interconnection (such as an unclear transition period)” is likely to result in “an interconnection process that is more difficult to manage.”⁶² As a final example, the R Street Institute explained that “rushing this undertaking could ... delay[] customers from connecting to the grid due to unprecedented uncertainty over the legal and regulatory regime.”⁶³

FERC should give considerable weight to comments in opposition to the ANOPR’s request for final agency action by April 30, 2026. After properly analyzing those comments, FERC should make clear to stakeholders that it will not attempt to enact any reforms by the date proposed in the ANOPR.

Finally, several commenters identified actions being undertaken by states to support their calls for an approach that adheres to the principles of cooperative federalism and avoids unnecessary overreach by the federal government. As explained in Section I.A, *supra*, several of these calls came from consumer advocates and state regulators.⁶⁴ But many commenters that support cooperative federalism represented a broad cross section of interests. For example, the Public Interest Organizations “urge[d] FERC to work cooperatively with its state colleagues to

⁶¹ State Entities Initial Comments at 3.

⁶² American Clean Power Initial Comments at 4.

⁶³ R Street Institute Initial Comments at 2.

⁶⁴ See NARUC Initial Comments at 6; see also Kansas Corporation Commission Initial Comments at 2-5, 9 (promoting the interests of cooperative federalism); Pennsylvania Public Utility Commission Initial Comments at 10 (same).

ensure that federal and state rules work seamlessly to interconnect these loads in a manner that prioritizes the protection of other consumers from unjust, unreasonable, and unduly discriminatory rates and reliability issues.”⁶⁵ The Electric Consumers Alliance also urged FERC “not [to] inadvertently disrupt states or regions that are experimenting with new approaches or successfully interconnecting new large loads quickly.” Vistra Corp. asserted that the ANOPR “will present myriad opportunities for [FERC] to exercise its jurisdiction in a manner that minimizes jurisdictional friction with the states in pursuit of the end goal: ‘timely, orderly, and non-discriminatory’ interconnection of large loads, including data centers, to the transmission system.”⁶⁶ Talen Energy Corporation offered a similar assessment.⁶⁷

At a minimum, the comments highlight the tension NASUCA identified in its Initial Comments regarding the manner in which the ANOPR addressed (or did not address) states with retail choice versus vertically integrated states. This tension militates against an attempt to resolve all issues implicated by the ANOPR on the expedited schedule discussed above.

II. CONCLUSION

WHEREFORE, the National Association of State Utility Consumer Advocates respectfully asks the Federal Energy Regulatory Commission to:

- (1) Consider the NASUCA’s Initial Comments and Reply Comments when considering what action, if any, is necessary in response to the Secretary of the Department of Energy’s proposed Advanced Notice of Proposed Rulemaking; and
- (2) Grant such other relief as may be necessary and appropriate.

Respectfully submitted,

/s/ David Springe

⁶⁵ Public Interest Organizations Initial Comments at 10-11.

⁶⁶ Vistra Corp. Initial Comments at 20.

⁶⁷ Talen Energy Corporation Initial Comments at 4 (“FERC Should Not Infringe Upon the States’ Jurisdiction in Regulating Retail Customer Interconnections.”) (bold omitted).

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For the National Association of State Utility
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Dated: December 5, 2025

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated at this 5th day of December, 2025

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