UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Post Technical Conference Comments on PJM Governance and Stakeholder Reforms	))	Docket No. AD26-7-000

Post-Technical Conference Joint Comments
Organization of PJM States, Inc. and PJM Governors' Collaborative

The Organization of PJM States, Inc. ("OPSI")[1] and PJM Governors' Collaborative ("Collaborative")[2] unanimously support these joint comments and would like to thank the Commission for convening the July 23 technical conference, soliciting post-conference comments, and announcing the beginning of an alternative dispute resolution ("ADR") process, all aimed at addressing the urgent challenges our region faces by improving PJM's current governance and stakeholder processes. OPSI and the Collaborative submit these brief joint post-conference comments and responses to the Commission's questionnaire to support the ADR process and the Commission's future decision making.

RTOs remain well suited to accomplish their core mission: "to promote efficiency in wholesale electricity markets and to ensure that electricity consumers pay the lowest price possible for reliable service."[3] That is because competitive markets, designed properly, deliver

[1] OPSI is a 501(c)(4) nonprofit corporation whose membership consists of the 14 retail electric regulatory authorities in the PJM Region, with one Commissioner from each jurisdiction serving on OPSI's Board of Directors. The following OPSI members support these comments: the Delaware Public Service Commission, Public Service Commission of the District of Columbia, Illinois Commerce Commission, Indiana Utility Regulatory Commission, Kentucky Public Service Commission, Maryland Public Service Commission, Michigan Public Service Commission, New Jersey Board of Public Utilities, North Carolina Utilities Commission, Public Utilities Commission of Ohio, Pennsylvania Public Utility Commission, Tennessee Public Utility Commission, Virginia State Corporation Commission, and Public Service Commission of West Virginia.
[2] The PJM Governors' Collaborative was constituted by the region's governors in September 2025 at the Summit on the Future of PJM in Philadelphia, PA. The Collaborative members unanimously support these comments: Delaware Governor Matt Meyer, District of Columbia Mayor Muriel Bowser, Illinois Governor JB Pritzker, Indiana Governor Mike Braun, Kentucky Governor Andy Beshear, Maryland Governor Wes Moore, Michigan Governor Gretchen Whitmer, New Jersey Governor Mikie Sherrill, North Carolina Governor Josh Stein, Ohio Governor Mike DeWine, Pennsylvania Governor Josh Shapiro, Tennessee Governor Bill Lee, Virginia Governor Abigail Spanberger, and West Virginia Governor Patrick Morrisey.
[3] *Regional Transmission Orgs.*, Order No. 2000, FERC ¶ 31,089, 30,993 (1999).

real value to customers. But experience in recent years has shown repeatedly that PJM's current governance process is failing to facilitate this mission. Improved governance will not by itself stabilize confidence in PJM's markets, nor will it spontaneously resolve the resource adequacy challenges we must collectively address in short order. But it would be self-defeating to attempt to modify those markets without first addressing the governance shortcomings that led us to this juncture. For that reason, OPSI and the Collaborative strongly support this Commission's focus on governance, not as the end goal, but as a necessary first step to ultimately improve market confidence and functions.

A core component of the PJM governance reforms must be to make it abundantly clear that PJM's duty is to advance the public interest, not the private interests of any individual member. This includes but is not limited to PJM's current mission of ensuring the safety, reliability, and security of the bulk power system, and goes beyond the Board avoiding conflicts that interfere with this public interest duty and dispelling any perception of conflicts as they carry out this duty. Promotion of the public interest requires two integrated categories of reforms: **first**, PJM must be empowered to act more independently from its financially self-interested Members and more decisively, and **second**, the states – who represent the public interest - must have a larger role in reaching decisions of shared importance.

Greater involvement from the states is critical to inform PJM about what is in the public interest. For example, OPSI was specifically formed to "promote the public interest and social welfare" by, among other things, "[m]aintaining an organization" of the PJM States and "[p]roviding a means for the PJM States to act in concert, when deemed to be in the common interest of their affected publics," on matters including "(i) PJM operations; (ii) the electricity generation and transmission system serving the PJM States; (iii) related FERC matters; and (iv) the jurisdiction and role of the PJM States to regulate and promote the electric utilities and systems within their respective boundaries."[4] OPSI's Articles of Incorporation further state that its purpose is "[t]o take or refrain from taking such other actions as are deemed to be in the public interest of the PJM States."[5] Consistent with that purpose, OPSI entered into a Memorandum of Understanding with PJM establishing a structure "to facilitate communication and, when appropriate, cooperative action… to promote and protect the public interest in the provision of reliable and reasonably priced electric service within the PJM Control Area."[6]

The role of OPSI's members is clearly critical to represent the public interest, especially on the highly technical matters regularly debated at PJM. As technologies, public preferences, and power grid needs evolve, the lack of gubernatorial representation of each state in which PJM operates (and the Mayor of D.C.) has become a glaring gap in public interest representation at PJM. Defining what is in the public interest can be challenging, as the definition can change over time, location, and depending on socio-economic circumstances and other factors. There are certain matters that are consistently in the public interest, such as keeping costs low for residential ratepayers, which is why the Consumer Advocates of the PJM States ("CAPS") was established. But on matters of public policy, economic development, and other broader statewide priorities, the public interest may be dynamic over time, differ by location, and challenging to define. Governors, as the publicly elected Chief Executive of each state, represent the prevailing preferences of the public at a given time and location, and are held accountable by the public. Therefore, as PJM grapples with developing proposals that have wide-ranging societal and economic impacts, it must have a governance structure that meaningfully incorporates perspectives from state governors. Otherwise, PJM risks advancing solutions that will face strong public and political backlash - and may eventually be mitigated - all because

[4] OPSI, State of Delaware Certificate of Incorporation: A Non-Stock Corporation (May 18, 2005), available at https://opsi.us/wp-content/uploads/2018/08/OPSI-Articles-of-Incorporation.pdf.

[5] *Id.*

[6] OPSI and PJM Interconnection, L.L.C., Memorandum of Understanding Between PJM Interconnection, L.L.C. and the Organization of PJM States, Inc. (June 8, 2005), available at https://opsi.us/wp-content/uploads/2020/02/OPSI_PJM_MOU_executed_June_8_2005-1-1.pdf.

these solutions did not incorporate early and meaningful involvement from all the types of state voices that were needed.

As the Commission requested, we will not restate our entire package of recommended reforms here, but note the detailed package of reforms endorsed by OPSI are in its pre-conference comments[7] and by the Collaborative as described in the pre-filed statements of both Jacob Finkel (Deputy Secretary of Policy, Commonwealth of Pennsylvania, Office of Josh Shapiro)[8] and Suzanne Jaworowski (Secretary of Energy and Natural Resources, State of Indiana, Office of Governor Mike Braun).[9] Both OPSI and the Governors' Collaborative envision a stronger, more nimble PJM decision-making structure, with more independence for the PJM Board to make tough decisions on behalf of the region and a streamlined process for important input from the Members. Alongside these essential improvements to PJM's own structure, it is necessary for PJM to find ways to more meaningfully include input from the states—aligning authority with accountability as described at the technical conference—bringing PJM's engagement with its states into line with the more collaborative relationships, with real authority for the states, that exists in every other multi-state RTO in the nation.

This includes a substantial increase in funding that will support more specialist and technical expertise to support OPSI's ongoing work and will fund the engagement of the Collaborative: representatives appointed by the governors to reflect the input of the policymakers (including governors, legislators, and other state advocates) whose input is necessary to create durable and successful policy constructs in our multi-state region. In order to give the states a role with "teeth" as Commissioner Rosner described it in his opening remarks at the technical conference, the PJM Board must grant OPSI jump ball 205 filing rights over areas of core shared responsibility, and the PJM Board Nominating Committee must

[7] OPSI, Pre-Conference Comments of the Organization of PJM States, Inc., Docket No. AD26-7-000 (July 20, 2026).
[8] Jacob Finkel, Pre-Filed Statement of Jacob Finkel, Docket No. AD26-7-000 (July 16, 2026).
[9] Suzanne Jaworowski, Pre-Filed Statement of Suzanne Jaworowski, Docket No. AD26-7-000 (July 15, 2026).

include three representatives of the states, appointed by the Collaborative, to balance the private interest of the Members who currently dominate that group.

Post-Technical Conference Questionnaire Responses

PJM Board Independence

	Questions/Comments	**Yes**	**No**
1)	Should Board members' terms be extended to five or more years?	***X***	
	Comments:		
2)	Should there be a maximum number of years that a Board member may serve (e.g., 10 years)?	***X***	
	Comments:		
3)	Should the Board member qualification rules be revised to provide a preference for some Board members that reside in the PJM region?	***X***	
	Comments: In addition, any conflict-of-interest rules perceived to serve as a barrier to in-region Board candidates should be removed or otherwise adjusted.		
4)	Should the conflict-of-interest rules be revised to reduce the cooling off period for Board members from two years to one year?	***X***	
	Comments: Yes, the 1-year cooling off period is in line with, or more stringent than, Board conflict of interest requirements for other RTO/ISOs.[10]		
5)	Should restrictions on Board communications be relaxed to enable more communication between the Board and stakeholders?	***X***	
	Comments: Yes, provided that all communications are appropriately disclosed to the public, and that no Member or class of Members has inequitable access to the Board.		
6)	In order to increase transparency, should Board votes be made public or the Board be required to explain its reasoning?	***X***	
	Comments: Board votes should be made public. When issuing a decision, the board often does explain its decision-making process,[11] and we encourage further expansion of this practice. And further, as described below, hearing the concerns and comments of		

[10] Today, MISO has a 1-year cooling off period for their Board members following employment/directorship of a Member, Affiliate, or other associated company before they can serve on the Board (source link). None of the other RTOs in the country - including SPP (link), ISO-NE (link 1, link 2), NYISO (link 1, link 2), CAISO (link 1, link 2), and ERCOT (link 1, link 2) - have cooling off periods before prospective Board members can serve on the Board.

[11] PJM Board of Managers, Board Decisional Letter on Critical Issue Fast Path – Large Load Additions (Jan. 16, 2026), available at: https://www.pjm.com/-/media/DotCom/about-pjm/who-we-are/public-disclosures/2026/20260116-pjm-board-letter-re-results-of-the-cifp-process-large-load-additions.pdf. PJM Board of Managers, Board Decisional Letter on Critical Issue Fast Path – Reliability Backstop Procurement and Connect and Manage (July 27, 2026), available at: https://www.pjm.com/-/media/DotCom/about-pjm/who-we-are/public-disclosures/2026/20260727-board-decisional-letter-on-cifp-reliability-backstop-procurement-and-connect-and-manage.pdf

	Questions/Comments	Yes	No
	PJM Board Members in open Board meetings as they make their decisions could greatly improve the perception of the PJM Board's independence.		
7)	In order to increase transparency, should some Board meetings be open or available to the public?	***X***	
	Comments: Yes. Board meetings should be open to the greatest extent possible, recognizing exceptions for conversations on sensitive topics like CEII information and personnel decisions, for example.		
8)	Should PJM's governing documents be revised to explicitly state that the responsibility of PJM and its Board is to serve the public interest?	***X***	
	Comments: Yes. PJM and its Board should have an obligation to serve the public interest rather than the private interests of any Member or class of Members. The obligation to serve the public interest should be limited to PJM's core responsibilities to maintain a reliable, secure, and resilient bulk power system and efficient wholesale markets that provide electricity at just, reasonable, and affordable rates. This public interest obligation should not be construed to expand PJM's jurisdiction or authority.		
9)	Should state representatives have at least one voting member on the Nominating Committee?	***X***	
	Comments: To safeguard the public interest, states must have no fewer than three seats on the Nominating Committee. Currently, the nominating committee is dominated by the 5 member-sector votes, with only two independent voting board seats. Adding three state appointee votes to the Nominating Committee would allow the combination of Board and state votes to equal the five member-sector votes. This would put independent and public interest voting influence on equal footing with the influence of financially self-interested members.		
10)	Should PJM adopt public performance metrics and tie management compensation to their achievement?	***X***	
	Comments: Yes. MISO's short-term incentive plan structure is a possible model PJM could adopt.[12]		

Section 205 Filing Rights

	Questions/Comments	Yes	No
11)	Should the stakeholder process be advisory, i.e., stakeholder votes only inform the Board?	***X***	

[12] An example of MISO's 2025 Short-Term Incentive Plan with end of year performance review is included (link). This plan is developed by MISO, then reviewed and approved by the MISO Board of Director's Human Resources Committee, after taking stakeholder input.

	Questions/Comments	**Yes**	**No**
	Comments: If states are given an unencumbered pathway to exercising PJM's 205 rights on certain matters and under certain conditions (e.g., supermajority OPSI vote), we believe PJM Member votes should be advisory-only as they are in every other RTO/ISO.		
12)	Should PJM have section 205 filing rights over the energy market and ancillary services unencumbered by the requirement to obtain approval of two-thirds of the Members Committee?	***X***	
	Comments: Yes, but only if states are given an unencumbered pathway to exercising PJM's 205 rights on certain matters and under certain conditions (e.g., supermajority OPSI vote), we believe PJM Member-stakeholder votes should be advisory-only as they are in every other RTO/ISO. This means providing PJM with 205 rights over all aspects of the Operating Agreement.		
13)	Should PJM have section 205 filing rights over Regional Transmission Expansion Planning (RTEP) unencumbered by the requirement to obtain approval of two-thirds of the Members Committee?	***X***	
	Comments: Yes, but only if states are given an unencumbered pathway to exercising PJM's 205 rights on certain matters and under certain conditions (e.g., supermajority OPSI vote), we believe PJM Member-stakeholder votes should be advisory-only as they are in every other RTO/ISO. This means providing PJM with 205 rights over all aspects of the Operating Agreement.		
14)	Should the Organization of PJM States Inc (OPSI) have "jump ball" rights over resource adequacy and transmission cost allocation filings when a supermajority of OPSI agrees on an alternative proposal?	***X***	
	Comments: Yes. Experience in each of PJM's sister multi-state RTOs has shown that such arrangements are effective in producing more collaborative state/RTO partnerships and that, in practice, alternative filings are rarely necessary because state input is afforded respect as RTO proposals are developed, enabling superior coordination with the states and reducing regulatory uncertainty. These rights and this coordination makes sense given that the States are responsible for assigning the costs associated with PJM's resource adequacy construct and transmission planning process, promoting resource adequacy to enable PJM to maintain reliability in real time and siting much of the transmission the PJM Board approves. The OPSI jump ball 205 filing rights should be informed by the perspectives of Members and the PJM Board but should not be encumbered by or contingent upon the approval of either.		
15)	Should the Members Committee have "jump ball" filing rights over the portions of the tariff where PJM has 205 filing rights when a supermajority of stakeholders approves an alternative proposal?		
	Comments:		

Stakeholder Process

	Questions/Comments	Yes	No
16)	Should the approval threshold in the Members Committee be lowered from two-thirds sector-weighted voting?	***X***	
	Comments:		
17)	Should the voting rules barring affiliate votes, which apply to senior standing committees, also apply to lower-level committees?	***X***	
	Comments: Yes, the current voting framework is misaligned and results in wasted time and resources. The current PJM stakeholder process voting rules at the lower level – where solution proposals are developed - allow for affiliate voting, no sector-weighted voting, and only a simple majority is needed to pass. The result is supply-side members control over 80% of the total lower-level votes. As such, supply-biased solutions pass out of the lower level, but typically fail at the higher-level committees where load is more evenly represented because affiliates aren't allowed to vote, sector-weighted voting is used, and a supermajority is needed to pass. The voting rules should be aligned so that compromise between supply and load is emphasized throughout the process.		

State Participation

	Questions/Comments	Yes	No
18)	In addition to OPSI, should there be a second state representative group consisting of governors' representatives and/or state legislators' representatives?	***X***	
	Comments: Absolutely. The Governors' proper role should be big-picture: working with the Board to establish the long-term strategic direction of the RTO, communicating preferences that serve the public interest, and encouraging action, agreement, and forward progress, not to block ideas. This complements the technical expertise of OPSI's utility regulators — making OPSI the best-suited state entity to exercise jump-ball filing rights—and complements the more narrowly focused residential ratepayer advocacy of the Consumer Advocates of the PJM States. We also welcome expanded engagement from state and local legislative officials to inform debates about policy, siting, and other relevant matters, while also recognizing the challenges associated with organizing and representing the hundreds-to-thousands of state and local legislative officials representing districts across the region.		
19)	Should state representatives have a formal voting role in the stakeholder process (limited to certain topics, such as resource adequacy and regional transmission cost allocation) in addition to the consumer advocate votes?		***X***
	Comments: Enhanced state involvement is critical in several areas that are beyond the standard stakeholder process and rights afforded to Members and stakeholders. Relegating the states to the same voting rights as Members marginalizes the role that		

	Questions/Comments	**Yes**	**No**
	states play in defining and representing the public interest, as implementation partners and as co-regulators.		
20)	Should PJM be required to consult with OPSI prior to making a section 205 filing related to resource adequacy and transmission cost allocation?	***X***	
	Comments: Yes, but this should not be limited to merely a consultation, it must include unencumbered "jump ball" filing rights paired with a consultation.		

Appendix A - Addressing Key Questions from the Technical Conference

OPSI and the Collaborative would like to take this opportunity to address several key questions raised by the Commissioners or other panelists at the technical conference.

1. ***Should FERC grandfather existing PJM board members if there are changes to the Board nomination processes, terms of service, eligibility criteria, etc.?***

FERC should immediately allow PJM to add the three new state seats to the Board Nominating Committee and should ensure that the next Board Nominating Committee action includes the three state-appointed votes. Terms and eligibility criteria for existing Board members should be grandfathered, but new Board members arising from Nominating Committee actions that include the three state-appointed members should incorporate the revised terms and criteria.

2. ***Are there confidentiality concerns with having states on the Nominating Committee?***

Absolutely not. States have significant experience managing protected information, including but not limited to critical energy infrastructure information, personally identifiable information, cybersecurity vulnerabilities, internal deliberative materials, etc.

3. ***Should the Board prioritize the stakeholder process agenda?***

We believe the stakeholder process is cumbersome and takes on too many issues to simultaneously manage at a high level of quality. PJM has developed annual Member's Committee plans that identify priorities, but these do not seem to be monitored, enforced, or adjusted. As such, the PJM executive team should play a greater role in overseeing and directing the stakeholder process agenda, but this should not be the direct responsibility of the Board

4. ***Why is it critical to tackle Governance issues first before addressing resource adequacy concerns?***

PJM needs to identify durable solutions to the resource adequacy crisis and needs to do so quickly to restore confidence in new market solutions that are being developed. Without governance reforms, the essential improvements to the markets cannot occur credibly and successfully. This means a new process that leads to faster and more effective solutions from PJM. It also means a greater role for states as key implementation partners on resource adequacy matters. Today, states are afforded inadequate representation in PJM's governance process when compared with the role of the states in every other multi-state RTO. The PJM states must have a meaningful seat at the table as changes to the resource adequacy construct are developed. Failure to create a more meaningful role for states risks heightened litigation risk, investor uncertainty, and delay realizing new supply development.