

**PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON**

At a session of the PUBLIC SERVICE COMMISSION OF WEST VIRGINIA
in the City of Charleston on the 18th day of March 2026.

CASE NO. 26-0075-E-CN

NEXTERA ENERGY TRANSMISSION MIDATLANTIC, INC.

Application for a Certificate of Public Convenience and Necessity
Authorizing the Construction, Financing, Ownership, and Operation
of the West Virginia Portions of the MidAtlantic Resiliency Link Project

COMMISSION ORDER

The Commission 1) approves the revised Notice of Filing, subject to NextEra Energy Transmission MidAtlantic, Inc. (NEET MA) further revising the Notice of Filing and as directed in this Order, 2) grants six petitions to intervene, 3) addresses the motion for a protective order, and 4) establishes the procedural schedule.

BACKGROUND

On January 30, 2026, NEET MA filed an Application seeking a Certificate of Public Convenience and Necessity pursuant to W. Va. Code § 24-2-11a (Application). The Application requests Commission authorization for the construction, financing, ownership, and operation of the West Virginia portions of the MidAtlantic Resiliency Link Project (MARL Project), a new 107.5-mile, 500 kV interstate electric transmission line. The West Virginia components of the MARL Project consist of 58.9 miles of transmission line and related facilities located in Monongalia, Preston, Mineral, and Hampshire Counties. Only the West Virginia portions of the MARL Project are before the Commission.¹

The Application requests several forms of procedural and substantive relief from the Commission, including:

- a. Retention of this case.
- b. Entry of an order, no later than February 10, 2026, directing NEET MA to publish notice of the filing of the Application to be published as requested.

¹ Application at Bates 15.

- c. Waiver of the requirements of Rule 20.1 (Historical Rule 42, hereinafter, Rule 42) of the Commission's Rules for the Construction and Filing of Tariffs 150 C.S.R. 2 (Tariff Rules) in connection with the Application, as requested in Section K.
- d. Entry of a procedural schedule permitting entry of a final order not later than 400 days from the Application filing date pursuant to W. Va. Code § 24-2-11(f) (March 6, 2027).
- e. Issuance of a Certificate for the West Virginia portions of the MARL Project.
- f. Determination that NEET MA is a "public utility" under West Virginia law as requested in Section L of the Application.
- g. Determination of the inapplicability of, or waiver of, W. Va. Code § 24-2-12 with respect to two existing affiliate agreements or, in the alternative, approval of those agreements as of the date of issuance of the Certificate, as requested in Section M of the Application.
- h. Waiver of a hearing on the Application, if no substantial protest is received.
- i. Granting such additional authorizations, waivers, approvals, and other relief as may be necessary to permit NEET MA to begin construction of the West Virginia portions of the MARL Project.²

On February 6, 2026, Commission Staff (Staff) filed its Objection to the proposed Notice of Filing. Staff reviewed NEET MA's proposed Notice of Filing and argued that it does not satisfy the public notice requirements applicable to high-voltage transmission projects under W. Va. Code § 24-2-11a. Staff expressed concerns regarding the initial filing's lack of clarity for the public. Consequently, Staff requested a "more detailed" revised public notice to better illustrate customer impacts.³

On February 6, 2026, West Virginians Against Transmission Injustice (WATI), a grassroots organization composed of residents and landowners in the affected counties, filed a petition to intervene, asserting direct impacts to

² Application at Bates 18-19.

³ Staff's Objection to Proposed Notice at Bates 5-7.

property, community resources, and electric rates resulting from the proposed transmission line.

On February 10, 2026, the Consumer Advocate Division of the Public Service Commission (CAD) filed a petition to intervene on behalf of residential electric customers in West Virginia, citing its statutory duty to represent ratepayer interests and the potential rate impacts of the MARL Project.

On February 12, 2026, a group of individual landowners (Intervenor Group) residing in or near the proposed MARL Project routing corridors filed a motion to intervene based on ownership of real property located within or adjacent to potential project routes in Hampshire County.

On February 18, 2026, NEET MA filed a revised Notice of Filing for Commission review.

On February 19, 2026, NEET MA filed a Motion for Protective Order seeking confidential treatment for certain supporting materials submitted with its Application, consisting of detailed maps identifying the locations of historically significant cultural resources and ecologically sensitive sites associated with the MARL Project.

On February 20, 2026, CAD filed its Response to the Revised Notice of Filing, raising additional concerns regarding the adequacy of the revised Notice of Filing, including the level of detail provided concerning existing transmission facilities and the disclosure of potential rate impacts to affected customers. CAD asserted the Application was prematurely filed because the cost allocations and rate impacts, specifically for Appalachian Power Company and Wheeling Power Company customers, were not fully determined at the time of filing. CAD recommended that the revised Notice of Filing be further revised to address these issues.⁴

On February 27, 2026, Staff filed a Response agreeing with CAD's concerns.

On March 3, 2026, West Virginia Energy Users Group (WVEUG) filed a Petition to Intervene.⁵

⁴ Consumer Advocate Division's Response to the Revised Notice of Filing at pp. 2-4.

⁵ According to WVEUG's Petition to Intervene, the members of WVEUG were listed as Antero Resources Corporation, Argos LLC, The Chemours Company LLC, Marathon Petroleum Company LP (MarkWest), Messer LLC, Quad, Rockwell, Weyerhaeuser Company NR, Zoetis LLC (Phibro Animal Health Corporation).

On March 4, 2026, NEET MA filed a Supplement to the Application. NEET MA stated that the purpose of the Supplement is to revise statements appearing in the Application, Ms. Menhorn's direct testimony, and the second revised Notice of Filing about the cost impact of the MARL Project.⁶

On March 9, 2026, the Hampshire County Commission (HCC) filed a Petition to Intervene.

On March 10, 2026, the Preston County Commission (PCC) filed a Petition to Intervene.

DISCUSSION

Notice of Filing

The Commission determines that the information in the second revised Notice of Filing describing where the Application and its attachments, including maps, may be examined is essential to ensuring public access. Requiring that portion of the second revised Notice of Filing to appear in bold type will enhance clarity and ensure that affected members of the public can readily locate and review the filing.

The Commission further finds that the second revised Notice of Filing must be modified to fully comply with the notice and service requirements set forth in W. Va. Code § 24-2-11a(c). Accordingly, the Commission establishes June 1, 2026, as the deadline for filing petitions to intervene in this proceeding. In addition to publication, W. Va. Code § 24-2-11a(c) requires NEET MA to serve the second revised Notice of Filing by certified mail upon all owners of surface real estate located within the preferred corridor of the proposed transmission line, as identified in the Application. This additional service requirement is necessary to ensure that directly affected property owners receive adequate notice and an opportunity to participate in this proceeding, consistent with the statutory intent of W. Va. Code § 24-2-11a(c).

Rule 42 Waiver

NEET MA asserted that its rates are subject to the Federal Energy Regulatory Commission (FERC) jurisdiction and that it will not have any retail customers in West Virginia. Accordingly, NEET MA requested a waiver of the requirements of Tariff Rule 42 in connection with this filing.⁷

⁶ NEET MA's Supplement to Application at Bates 5.

⁷ Application at Bates 36-37.

The Commission acknowledges that historical financial data is currently unavailable for this newly formed entity. Therefore, the Commission grants NEET MA a waiver of Tariff Rule 42 requirements, finding that strict compliance would result in unusual difficulty.

Petitions to Intervene

Rule 12.6 of the Commission's Rules of Practice and Procedure § 150 C.S.R. 1 (Procedural Rules) permits intervention by any person or entity demonstrating an interest that may be directly and substantially affected by the Commission's decision, provided that intervention will not unduly delay the proceeding or prejudice existing parties.

The CAD satisfies Procedural Rule 12.6 as a matter of course. CAD is expressly authorized by statute to represent the interests of residential ratepayers in utility proceedings and asserts that the MARL Project could result in adverse impacts to West Virginia customers.⁸ CAD's participation will assist the Commission in evaluating ratepayer impacts, cost allocation, and prudence issues, and its intervention is consistent with longstanding Commission precedent. No prejudice or delay results from CAD's participation.

WATI is a grassroots organization consisting of West Virginia residents and landowners from Preston, Monongalia, Mineral, and Hampshire Counties who assert a direct and individualized interest in the proceeding through ownership of property and residences within or adjacent to the proposed routing corridors. WATI alleges potential impacts to land use, environmental resources, property values, and electric rates, and contends that existing parties do not adequately represent these interests.⁹ Such allegations establish a sufficient interest under Procedural Rule 12.6, particularly in a transmission proceeding where routing, siting, and local impacts are at issue. WATI's participation may assist the Commission in developing a complete record of community-level impacts, and there is no indication that the intervention would prejudice other parties.

The Intervenor Group similarly asserts a direct property interest, identifying specific land ownership within or adjacent to potential MARL Project routes in Hampshire County.¹⁰ The Intervenor Group's motion demonstrates a nexus between the proposed project and its members' property rights, satisfying Procedural Rule 12.6. As with WATI, no party would be prejudiced by granting intervention, and the Intervenor Group's participation may aid the Commission in evaluating routing alternatives and localized impacts.

⁸ Petition to Intervene of the Consumer Advocate Division at ¶¶ 4-5.

⁹ Petition to Intervene of West Virginians Against Transmission Injustice at ¶ 2.

¹⁰ See generally, Intervenor Group's Motion to Intervene.

WVEUG is an association of energy-intensive customers receiving electric service from MonPower and Potomac Edison. According to WVEUG, the cost of electric utility service is a significant element of its members' operating costs.¹¹

WVEUG has demonstrated a direct economic interest in the outcome of the proceeding, given the potential impact of transmission investment decisions on the electric costs its members pay. Its participation may assist the Commission in evaluating the economic and ratepayer implications of the proposed transmission project.

The HCC asserts that the proposed project would traverse Hampshire County and would affect county residents, landowners, scenic and historic resources, and local communities. The HCC states that, as the governing body of the county, it has governmental responsibilities related to the protection of public health and safety, coordination with emergency services, preservation of community character and scenic resources, and oversight of impacts to county-owned facilities and properties. The HCC further asserts that large infrastructure development, such as the proposed transmission line, could affect the county's tax base, economic development, and the overall quality of life of its residents.¹²

The HCC has demonstrated a direct governmental interest in the proposed project, and its participation may assist the Commission in evaluating local impacts associated with the proposed transmission facilities.

The PCC argued that it is the governing body responsible for representing the interests of the residents and property owners of Preston County. The PCC asserts that the proposed MARL Project could affect residents, landowners, natural resources, and local communities within Preston County. The PCC further states that the proposed transmission facilities may affect privately owned property, agricultural lands and working farms, scenic and natural resources, and the county's long-term economic vitality.¹³

The PCC has demonstrated a direct governmental interest in the proposed project, and its participation may assist the Commission in evaluating local impacts associated with the proposed transmission facilities.

The Commission reminds intervenors that are corporations or limited liability companies that, pursuant to Procedural Rule 4.1.4, such entities must be represented by an attorney when making filings that are not preliminary in nature. Corporations and limited liability companies may not appear pro se through

¹¹ West Virginia Energy Users Group's Petition to Intervene ¶¶ 3-4.

¹² Petition of the Hampshire County Commission for Leave to Intervene at ¶¶ 2-3.

¹³ Petition for Leave to Intervene of the Preston County Commission at ¶¶ 2-3.

officers, employees, or other representatives for substantive filings in this proceeding. Accordingly, any corporate or limited liability company intervenors intending to participate beyond preliminary filings must ensure that future filings are submitted through counsel.

Procedural Order

NEET MA provided the Commission with a proposed procedural schedule. NEET MA also suggested that the intervention deadline would be 30 days following the last of the publications of the notice of filing and that the Commission conduct public comment hearings in May and/or June 2026.

The Commission appreciates the efforts of the entities that worked to provide the proposed procedural schedule. The Commission will incorporate portions of the proposed procedural schedule and modify others as discussed herein.

As stated above, the Commission will set the intervention deadline for June 1, 2026, so that NEET MA shall have the required thirty (30) business days to serve notice by certified mail to all owners of surface real estate that lie within the preferred corridor of the MARL Project pursuant to W. Va. Code § 24-2-11a(c). The Commission will also modify the “Initial Briefs/Proposed Orders” and “Reply Briefs” deadlines so that the Commission has additional time for careful review of the record.

As a procedural matter, the Commission notes that NEET MA has requested that the Commission establish a procedural schedule, including a hearing date, that will permit the Commission to enter an order granting all relief requested in the Application not later than 400 days from the Application filing date pursuant to W. Va. Code § 24-2-11(f). The Commission appreciates that NEET MA recognizes the 400-day deadline under West Virginia law. However, under federal law, NEET MA could circumvent Commission authority and proceed directly to FERC for a permit for the construction of electric transmission facilities (FERC Backstop).¹⁴ The FERC Backstop authority can be exercised only for facilities in a designated national interest electric transmission corridor and only if a state has denied a certificate or has not made a determination on an application seeking approval pursuant to applicable law by the date that is one year after the later of: (i) the date on which the application was filed; and (ii) the date on which the relevant national interest electric transmission corridor was designated by the Secretary.¹⁵ The Commission requires that NEET MA file a verified statement indicating that:

¹⁴ 16 U.S. Code § 824p(a).

¹⁵ 16 U.S. Code § 824p(b)(1)(c)(i).

1. There are no designated national interest electric transmission corridors currently established, or if there are, the MARL Project is not located in such a corridor; and
2. If the project is located in a national electric transmission corridor, either now or if a corridor is established in the future, NEET MA waives its right to seek FERC Backstop authority until the end of the West Virginia statutory review period or a denial of the Certificate by the Commission, whichever occurs first.

NEET MA's Motion for Protective Order

It is not necessary to rule on NEET MA's Motion for Protective Order at this time. No entity has requested that the Commission provide copies of any information subject to a confidential treatment request. Any documents filed under seal are in the custody of the Executive Secretary, and the Commission will continue to maintain their confidentiality. On the filing of a Freedom of Information Act request, pursuant to W. Va. Code § 29B-1-1, *et seq.*, for the sealed information, the Commission will notify the parties and will provide them with an opportunity to present arguments regarding continued confidential treatment.

FINDINGS OF FACT

1. NEET MA filed an Application seeking a Certificate of Public Convenience and Necessity pursuant to W. Va. Code § 24-2-11a for the construction, financing, ownership, and operation of the West Virginia portions of the MARL Project.
2. NEET MA provided the Commission with a proposed Notice of Filing.¹⁶
3. On February 18, 2026, NEET MA filed a revised Notice of Filing.
4. Staff and CAD objected to NEET MA's revised Notice of Filing.¹⁷
5. On March 4, 2026, NEET MA provided a second revised Notice of Filing.
6. NEET MA provided a proposed procedural schedule.

¹⁶ Application at Bates 1453-1466.

¹⁷ See generally, CAD's Response to the Revised Notice of Filing; see also, Staff's Response to CAD's Response to the Revised Notice of Filing.

7. WATI, CAD, the Intervenor Group, WVEUG, the HCC, and the PCC filed petitions to intervene.

8. NEET MA requested a waiver of the requirements of Tariff Rule 42 in connection with this filing because its rates are subject to FERC jurisdiction and it will not have any retail customers in West Virginia.¹⁸

CONCLUSIONS OF LAW

1. West Virginia Code § 24-2-11a(c) requires publication of notice of the filing in each county in which any portion of the proposed transmission line is to be constructed.

2. The second revised Notice of Filing should be approved, with a modification that the references describing where the Application and its attachments, including maps, may be examined, and the link to the website containing the project description and interactive map are located, should appear in bold type font.

3. NEET MA shall comply with the notice and service requirements of W. Va. Code § 24-2-11a(c), including certified-mail service of the notice upon all owners of surface real estate located within the preferred corridor of the proposed transmission line to afford affected landowners a meaningful opportunity to participate in this proceeding.

4. A strict procedural schedule is necessary, and time is of the essence in processing an electric transmission line certificate application due not only to the West Virginia statutory requirement for a 400-day review period by the Commission, but also because the potential applicability of the FERC Backstop authority that can bypass state authority if a decision is not rendered within one year for projects that are located within a national electric transmission corridor, or follow a route which may in the future be designated a national electric transmission corridor.¹⁹

5. The Commission should establish a procedural schedule.

6. WATI, CAD, the Intervenor Group, WVEUG, the HCC, and the PCC have legal interests in this matter, and their requests to intervene should be granted.

¹⁸ Application at Bates 36-37.

¹⁹ 16 U.S. Code § 824p

7. Under Procedural Rule 2.2, the Commission has the authority to waive the requirements of its Rules and Regulations for good cause shown where strict compliance would impose an unusual difficulty or unreasonable hardship upon the applicant. The non-existence of historical financial data for this project constitutes an unusual difficulty, as NEET MA cannot produce data that does not exist.

8. Procedural Rule 4.1.4. requires a party that is a corporation or limited liability company to make filings by an attorney when those filings are not preliminary.

ORDER

IT IS THEREFORE ORDERED that NextEra Energy Transmission MidAtlantic, Inc. shall further amend the second revised Notice of Filing so that it includes the references describing where the Application and its attachments, including maps, may be examined, and the link to the website where the interactive map is located, appear in bold type font as discussed herein.

IT IS FURTHER ORDERED that NextEra Energy Transmission MidAtlantic, Inc. shall publish the second revised Notice of Filing, with the modifications noted in this Order, in compliance with W. Va. Code § 24-2-11a(c) in each of the affected counties identified in the Application, and shall file proof of such publication with the Commission within ten (10) days of the date of last publication.

IT IS FURTHER ORDERED that NextEra Energy Transmission MidAtlantic, Inc. shall further amend the second revised Notice of Filing to comply with W. Va. Code § 24-2-11a(c). The revised Notice of Filing shall establish June 1, 2026, as the deadline for filing petitions to intervene in this proceeding, and shall be served by certified mail upon all owners of surface real estate located within the preferred corridor of the proposed transmission line at least thirty business days before the intervention deadline. Proof of such service shall be filed with the Commission within ten (10) days of completion of service.

IT IS FURTHER ORDERED that NextEra Energy Transmission MidAtlantic, Inc. shall file a verified statement to inform the Commission of the status of the MidAtlantic Resiliency Link Project in relation to the Federal Energy Regulatory Commission FERC Backstop authority as described herein within five (5) business days of this Order including (a) whether any national interest electric transmission corridor has been designated that encompasses the MARL Project, and (b) whether NEET MA waives its right to seek FERC Backstop authority until the conclusion of the West Virginia statutory review period or a denial of the Certificate, whichever occurs first.

IT IS FURTHER ORDERED that the following procedural schedule is adopted for this case:

Event	Date
Intervenor Deadline	June 1, 2026
Discovery Deadline for preparation of Staff/Intervenor Direct Testimony	August 14, 2026
Staff/Intervenor Direct Testimony	September 8, 2026
Discovery Deadline for preparation of Rebuttal Testimony in response to Staff/Intervenor Direct Testimony	September 15, 2026.
Rebuttal Testimony	October 7, 2026
Discovery Deadline in response to Rebuttal Testimony	October 19, 2026
Evidentiary Hearing	9:30 a.m., October 26 to October 30 and November 2, 2026 Howard M. Cunningham Hearing Room Public Service Commission Building 201 Brooks Street Charleston, West Virginia
Initial Briefs/Proposed Orders	November 23, 2026
Reply Briefs	December 4, 2026
Decision Due Date	March 6, 2027

IT IS FURTHER ORDERED that the Consumer Advocate Division of the Public Service Commission's Petition to Intervene is granted.

IT IS FURTHER ORDERED that the Intervenor Group's Motion to Intervene is granted.

IT IS FURTHER ORDERED that the Petition to Intervene filed by the West Virginians Against Transmission Injustice is granted.

IT IS FURTHER ORDERED that the Petition to Intervene filed by West Virginia Energy Users Group is granted.

IT IS FURTHER ORDERED that the Petition to Intervene filed by the Hampshire County Commission is granted.

IT IS FURTHER ORDERED that the Petition to Intervene filed by the Preston County Commission is granted.

IT IS FURTHER ORDERED that the request of NextEra Energy Transmission MidAtlantic, Inc. for a waiver of the requirement to submit a Tariff Rule 42 Exhibit is hereby granted. The Commission reserves the right to require production of additional financial testimony, projections, or specific Tariff Rule 42-style exhibits if, during the course of these proceedings, it determines that such information is necessary for a complete evaluation of the reasonableness of the proposed project and its direct or indirect rate impact on West Virginia ratepayers.

IT IS FURTHER ORDERED that the Executive Secretary of the Commission serve a copy of this Order by electronic service on all parties of record who have filed an e-service agreement and by United States First Class Mail on all parties of record who have not filed an e-service agreement, and on Commission Staff by hand delivery.

A True Copy, Teste,

A handwritten signature in cursive script that reads "Karen Buckley".

Karen Buckley, Executive Secretary

RAB/bj
260075c

Public Service Commission of West Virginia

201 Brooks Street, P.O. Box 812
Charleston, West Virginia 25323

Phone: (304) 340-0300
Fax: (304) 340-0325



March 18, 2026

Jamie L. Martines, Esq.
Counsel, WVEUG
Spilman Thomas & Battle, PLLC
301 Grant Street, Suite 3440
Pittsburg, PA 15219

Hunter Thomas President
Preston County Commission
106 West Main Street
Kingwood, WV 26537

Eric W. Strite Hampshire County Clerk
Hampshire County Commission
PO Box 806, 19 E. Main Street
Romney, WV 26757

Bryan Albin Hockman
1449 Zion Church Road
Augusta, WV 26704

RE: Case No. 26-0075-E-CN
NextEra Energy Transmission MidAtlantic, Inc.

Gentlemen:

Enclosed is a copy of a Commission order issued today in the above-styled proceeding. **All other parties of record have signed an email agreement.**

Documents submitted to the Public Service Commission of West Virginia may be 1) uploaded to its public website, 2) subject to public disclosure under the West Virginia Freedom of Information Act, and/or 3) subject to disclosure under the West Virginia Open Governmental Proceedings Act. Do not submit personal information with your filings. The Commission is not responsible for confidential or personal information included with your submission. A list of personal information is available here: http://www.psc.state.wv.us/Privacy_Policy/WhatisPII.htm

If you have provided an email address you will automatically receive notifications as documents are filed in this proceeding. The email notifications allow recipients to view a document within an hour from the time the filing is processed. If you have not provided your email address, please send an email to caseinfo@psc.state.wv.us and state the case number in the email subject field. **You are encouraged to file an Electronic Mail Agreement which allows the commission to serve all orders issued in this matter via electronic notification.**

Sincerely,

A handwritten signature in blue ink that reads "Karen Buckley". The signature is fluid and cursive.

Karen Buckley
Executive Secretary

KB/jn
Enc.