

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

Interconnection of Large Loads to the Interstate
Transmission System

Docket No. RM26-4

Independent Market Monitor for PJM
v.
PJM Interconnection, L.L.C.

Docket No. EL26-30

Comments of Public Citizen, Inc.

On March 23, 2026, the Commission denied a complaint by PJM’s Independent Market Monitor requesting confirmation that PJM has the authority to impose a temporary moratorium on new grid-connected data centers until the region demonstrates that it has adequate transmission and generation capacity to serve such disruptive large loads.¹

Just three days earlier, the North American Electric Reliability Corporation (NERC) announced it would issue a Level 3 Alert in May because of significant reliability concerns stemming from the rapid growth of data centers that are straining FERC-jurisdictional power grids.²

The Commission’s March 23 order dismissing the IMM’s request for a temporary moratorium on new data center interconnections is directly at odds with NERC’s Level 3 Alert. NERC’s warning makes clear that existing FERC standards and orders are inadequate to address the significant reliability issues posed by large loads. We urge FERC to support a temporary moratorium on new data center interconnections until the issues raised in NERC’s Level 3 Alert have been resolved.

Last year, in both Congressional testimony³ and in a Section 203 proceeding, Public Citizen raised concerns about the disruptive impact large loads were having on grid reliability, particularly the manner in which data centers feature sudden and

¹ 194 FERC ¶ 61,227, https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20260323-3096

² www.nerc.com/globalassets/who-we-are/legal--regulatory/filings--orders/nerc-filings-to-ferc/2026/nerc_accelerated-ll-action-plan_rm26-4_signed.pdf

³ www.citizen.org/wp-content/uploads/tysontestimony0331.pdf

unpredictable surges of hundreds or thousands of megawatts coming on- or offline at once.⁴

Not only should the Commission accept IMM’s prudent call for a large load moratorium, it should clarify that NERC has the clear authority to subject large loads to federal electric reliability standards. Requiring data centers to register with NERC would ensure accountability, improve oversight, and help prevent future threats to grid stability. Subjecting data centers to federal reliability standards should include a requirement for RTOs to impose forced curtailment requirements on large loads as a tool to ensure grid reliability.

Section 201 of the Federal Power Act declares “that the business of transmitting and selling electric energy for ultimate distribution to the public is affected with a public interest.”⁵ Courts have consistently determined that the primary aim of the Federal Power Act is to uphold the public interest⁶ and protect consumers from harm.⁷ There is no federal law—Federal Power Act or otherwise—touting that data centers producing Artificial Intelligence are in the public interest.

The U.S. Secretary of Energy’s October 2025 order directing FERC to initiate an Advance Notice of Proposed Rulemaking claims that prioritizing timely interconnection of large loads “is in the public’s interest”:

*large loads, including AI data centers, served by public utilities must be able to connect to the transmission system in a timely, orderly, and non-discriminatory manner. This is an urgent issue that requires prompt attention ... Asserting Commission jurisdiction is in the public's interest. This Administration is committed to revitalizing domestic manufacturing and driving American AI innovation, both of which will require unprecedented and extraordinary quantities of electricity and substantial investment in the Nation's interstate transmission system.*⁸

⁴ www.citizen.org/article/may-blackstone-potomac-energy-center-data-center/

⁵ 16 USC § 824(a).

⁶ *NAACP v. FPC*, 425 U.S. 662.

⁷ *Pennsylvania Power Co. v. FPC*, 343 U.S. 414 (1952).

⁸ https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20251027-4001

The Secretary’s directive makes no distinction between AI data center loads that host the data and large language models (LLMs) that generate AI-slop, or predatory and exploitative pornography, versus those utilized in the public interest, such as assisting researchers seeking to cure cancer. In fact, analyses of use cases for generative AI demonstrate that non-consensual pornography is its largest application of AI models.⁹

AI developers, including the CEOs of some of the largest firms in the world, consistently warn that widespread deployment of artificial intelligence pose systemic risks to humanity.¹⁰ OpenAI was founded explicitly on the premise that AI could be the most dangerous invention in history.¹¹ Anthropic CEO’s cautioned that society is not ready for advanced AI and requires significant guardrails—none of which are in place.¹²

Americans have not consented to the draconian takeover of our society, culture or economy threatened by AI. Across America—red states, blue states, it does not matter—citizens are increasingly saying “no” to data centers and the threats they pose not only to their communities, but to society.¹³ Just because a handful of the world’s wealthiest corporations say we need more data centers to hasten their commodification of and control over artificial intelligence does not mean that it is in the public interest.

Neither the Commission nor the Secretary of Energy have demonstrated any public interest mandate for encouraging greater interconnection for data centers under the Federal Power Act, as no distinction has been made between AI data centers commodified to produce predatory, non-consensual pornography, and those producing public interest uses. It is not in the public interest to allow billionaire-controlled companies to operate data centers that are used to produce predatory pornography and other nefarious outputs. Nothing in the Federal Power Act statutory language, or in its legislative history, justify the Commission’s attempt to seize jurisdictional control over data centers that interconnect to the grid. Across the country, states are initiating proactive legislative and regulatory reforms in response to the numerous challenges

⁹ Emanuel Maiberg, *404 Media Generative AI Market Analysis*, <https://tinyurl.com/3k37af75>; *Prevalence of generative artificial intelligence sexualized image usage by adolescents in the United States*, <https://pmc.ncbi.nlm.nih.gov/articles/PMC12998796/>; *Grok and the A.I. Porn Problem*, www.newyorker.com/culture/infinite-scroll/grok-and-the-ai-porn-problem

¹⁰ <https://aistatement.com/>

¹¹ <https://x.com/RonanFarrow/status/2041213917611856067>

¹² <https://darioamodei.com/essay/the-adolescence-of-technology>

¹³ www.citriniresearch.com/p/2028gic

data centers pose, and the Commission's proposed rule unlawfully interferes with those efforts.

While the Commission and the Secretary have failed to demonstrate their proposals are in the public interest, NERC has clearly established that AI data centers are having profound, negative impacts on grid reliability that require Commission confirmation that such facilities must be subject to federal electric reliability standards, including the authority for RTOs to impose forced curtailment of data center loads.

Respectfully submitted,

Tyson Slocum, Energy Program Director
Public Citizen, Inc.
215 Pennsylvania Ave SE
Washington, DC 20003
(202) 454-5191
tslocum@citizen.org

Filed April 7, 2026