

Andrew Johnston, Executive Secretary  
Maryland Public Service Commission  
6 St. Paul Street, 16th Floor  
Baltimore, Maryland 21202

June 29, 2026

By Electronic Filing

**In Re: Mail Log #331106 - Response to Comments filed by Constellation Energy In Re:  
Addressing Maryland's Energy Needs**

Thank you for the opportunity to submit comments regarding the request from Constellation Energy Generation LLC (Constellation) for the Maryland Public Service Commission (PSC) to consider a large load gas transportation tariff.<sup>1</sup> The undersigned organizations submit these comments to express concern about the timeline proposed, and to seek clarification as to the nature and scope of the request by Constellation for the “Commission to prioritize and expedite finalization of large load natural gas tariffs for Maryland’s Utilities not later than the end of July 2026.”<sup>2</sup>

Constellation filed this request in rulemaking docket RM 92. In both its initial comments<sup>3</sup> and in its supplemental comments,<sup>4</sup> Constellation also raised matters relating to electric generation facilities being excluded from any regulations promulgated as relates to line extension allowances - the substantive matter being evaluated in RM 92. As the PSC has specifically removed the question of large load gas tariffs from inclusion in RM 92,<sup>5</sup> the undersigned are limiting our comments to the finalization of large load gas tariffs by the end of July 2026.

*Background and Timeline*

Constellation, in its initial comments, supplemental comments, and letter submitted on June 12, 2026,<sup>6</sup> alleges that such a tariff is needed to facilitate the development of gas generation in Maryland. This request is largely framed in policy considerations tied to reliability and affordability issues in the PJM footprint, and relies on positions taken in 2025 by the Maryland General Assembly through the Next Generation Energy Act,<sup>7</sup> as well as public statements from Congressional representatives. One thing we urge the PSC to consider in this matter is the totality of Maryland’s climate and energy policies—not only its recent legislation, but also the Climate Solutions Now Act of 2022.

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<sup>1</sup> Constellation Energy Generation, LLC, *Re; Addressing Maryland's Energy Needs*. Maillog No. 331106.(June 12, 2026).

<sup>2</sup> Constellation Energy Generation, LLC, *Supplemental Comments*. Docket RM 92.(May 1, 2026)

<sup>3</sup> Constellation Energy Generation, LLC. *Comments*. Case No. 9707 and RM 92. (January 14, 2026)

<sup>4</sup> Constellation Energy Generation, LLC, *Supplemental Comments*. Docket RM 92.(May 1, 2026)

<sup>5</sup> Maryland Public Service Commission, *Revised Notice of Request for Comments*. Maillog No. 331106. (June 17, 2026).

<sup>6</sup> In Re: Addressing Maryland's Energy Needs. Maillog No. 331105 (June 1, 2026).

<sup>7</sup> Constellation Energy Generation, LLC. *Comments*. Case No. 9707 and RM 92. (January 14, 2026) at p.3

Constellation notes that Washington Gas and Light (WGL) submitted a large load gas tariff (contract generation service)<sup>8</sup> in its most recent ratemaking, though no other Maryland utility has thus done so. In the WGL rate case, both the Maryland Office of People's Counsel (OPC) and Earthjustice (representing Chesapeake Climate Action Network) argue that the Commission should not approve WGL's proposed tariff for a variety of reasons. Promulgating a large load gas tariff would represent a substantial policy shift, and would not be appropriate absent, *at minimum*, a rulemaking or standalone docket.

Further, there are multiple other dockets ongoing at the PSC, as well as legislative directives - including the Next Generation Energy Act of 2025 (NGEA), and the Utility RELIEF Act (URA) of 2026, that potentially impact Constellation's request. Perhaps most importantly is the large load tariff for utilities to develop to allocate costs to large load additions (functionally, data centers) in Maryland - this is mandated by both NGEA and URA, with utilities to submit their tariffs to PSC by September 1, 2026, and the PSC developing regulations for load studies, collateral, and other requirements for large load service delivery under RM93 that should be published shortly in the Maryland Register. Similarly, the PSC is currently undertaking rulemaking under RM95 to apply provisions of the NGEA that relate to gas pipeline expenditures, including non-pipeline alternatives and cost-effectiveness tests - as may relate to this matter under PUA 4-214. Finally, Maryland is currently evaluating the future of its gas system in Case No. 9707. All of the above proceedings may have substantial overlap with the issues raised by Constellation's tariff request, and likely may conflict with any large load gas tariff developed in this proceeding. Therefore, the late July deadline Constellation is proposing is insufficient to address the myriad of complicated issues raised in Constellation's filings.

### *Outstanding Questions*

In addition to the concerns related to the timeline submitted in Constellation's proposal, the undersigned organizations submit the following questions that need further clarification about a large load gas tariff.

1. What utilities would be implicated by such a Large Load gas tariff? Constellation has mentioned both WGL and Baltimore Gas and Electric in their comments - would other gas utilities in the state be implicated?
2. Would the development of such a tariff be mandatory for implicated utilities, or is the goal here to promulgate language to guide/direct/support the development of such a tariff by utilities who wish to do so?
3. Constellation mentions a "rate structure, as well as fixed and variable costs over time, and how certain costs will be allocated"<sup>9</sup> in its issue charge to PSC. What is the timeline for the tariff, particularly the period for which fixed and variable costs would be locked in? Similarly, what are the "certain costs" to be allocated? To whom would these costs be allocated?

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<sup>8</sup> See, Case no. 9849

<sup>9</sup> Constellation Energy Generation, LLC, *Re; Addressing Maryland's Energy Needs*. Maillog No. 331106.(June 12, 2026).

4. What are the implications of a large load gas tariff to Maryland's broader clean energy / decarbonization policies, and how would this tariff interact with them? This includes, but is not limited to the Climate Solutions Now Act, and the future of gas docket.
5. What are the implications of a large load gas tariff to Maryland's affordability policies, and how would this tariff interact with them? This includes RM 95's application of certain provisions of the NGEA, as well as large load electric tariffs under RM 93 and directions from the NGEA and URATo ensure cost allocation from large load additions require developers/customers to pay their commensurate share for the energy costs incurred because of the project.
6. More specifically, as relates to electric large load tariffs - the costs contemplated by Constellation here are functionally *energy* costs that a generator must charge based, as is relevant here, on *fuel* costs incurred by a generator. Is a large load gas tariff not then, at least somewhat redundant to the legislatively mandated electric tariff development?
7. Would cost allocation principles under a large load gas tariff subsidize or offset fuel costs for gas generation (either in front of, or behind the meter) in a manner that would make new gas generation more economically viable / cost-competitive with current least cost generation options (e.g. solar or solar + storage)? If so, what is the value to Maryland taking this step as it relates to the clean energy/decarbonization policies enumerated in question 4?
8. Constellation's request is underpinned by policy questions tied to affordability and reliability concerns driven by large load additions across the PJM footprint - do initiatives such as connect and manage, and "bring your own (clean) generation *or* capacity," obviate the need for a large load gas tariff?
9. PJM is developing a reliability back stop auction/procurement. Currently, there is no location requirement for pairing supply with load. Would a large load gas tariff encourage or facilitate the development of in-state generation that is contracted to serve out of state load? If that is the case, what are the implications for cost allocation of necessary transmission build out that would impact Maryland ratepayers?
10. Do other states have a large load gas tariff? If so, how has it been implemented and how have ratepayers been protected?

We thank the Commission for the opportunity to submit these comments and questions.

Sincerely,

Center for Progressive Reform  
Earthjustice