

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

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January 10, 2018

Rosemary Chiavetta, Secretary
PA Public Utility Commission
Commonwealth Keystone Bldg.
400 North Street
Harrisburg, PA 17120

Re: Application of Transource Pennsylvania, LLC Filed Pursuant to 52 Pa. Code Chapter 57 Subchapter G, for Approval of the Siting and Construction of the 230kV Transmission Line Associated with the Independence Energy Connection-West Project in Portions of Franklin County, Pennsylvania
Docket No. A-2017-2640200

Dear Secretary Chiavetta:

Attached for electronic filing please find the Office of Consumer Advocate's Protest and Public Statement in the above-referenced proceeding.

Copies have been served per the attached Certificate of Service.

Respectfully Submitted,

/s/ Darryl A. Lawrence

Darryl A. Lawrence
Senior Assistant Consumer Advocate
PA Attorney I.D. # 93682
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Enclosure

cc: Honorable Elizabeth H. Barnes, ALJ
Honorable Andrew M. Calvelli
Certificate of Service

CERTIFICATE OF SERVICE

Re: Application of Transource Pennsylvania, LLC Filed Pursuant to 52 Pa. Code Chapter 57 Subchapter G, for Approval of the Siting and Construction of the 230kV Transmission Line Associated with the Independence Energy Connection-West Project in Portions of Franklin County, Pennsylvania
Docket No. A-2017-2640200

I hereby certify that I have this day served a true copy of the foregoing document, the Office of Consumer Advocate's Protest and Public Statement to Transource Pennsylvania, LLC, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 10th day of January 2018

SERVICE BY E-MAIL and FIRST CLASS MAIL

The Honorable Elizabeth H. Barnes
The Honorable Andrew M. Calvelli
Administrative Law Judges
PO Box 3265
Harrisburg, PA 17105-3265

David B. MacGregor, Esq.
Christopher T. Wright, Esq.
Anthony D. Kanagy, Esq.
Post & Schell PC
17 North Second Street, 12th Floor
Harrisburg, PA 17101-1601

/s/ Darryl A. Lawrence
Darryl A. Lawrence
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Phillip D. Demanchick
Assistant Consumer Advocate
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Amanda Riggs Conner, Esq.
Hector Garcia, Esq.
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Columbus, OH 43215

Antonio Smyth
Transource Pennsylvania LLC
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Counsel for
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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Transource Pennsylvania, LLC	:	
Filed Pursuant to 52 Pa. Code Chapter 57,	:	Docket No. A-2017-2640200
Subchapter G, for Approval of the Siting and	:	
Construction of the 230 kV Transmission Line	:	
Associated with the Independence Energy	:	
Connection-West Project in Portions of	:	
Franklin County, Pennsylvania	:	

PROTEST OF THE
OFFICE OF CONSUMER ADVOCATE

Pursuant to 52 Pa. Code Sections 5.51, the Office of Consumer Advocate (OCA) files this Protest to the Application of Transource Pennsylvania, LLC (Transource or the Company) Filed Pursuant to 52 Pa. Code Chapter 57, Subchapter G, for Approval of the Siting and Construction of the 230 kV Transmission Line Associated with the Independence Energy Connection-West Project in Portions of Franklin County, Pennsylvania (Siting Application).¹ The OCA files this Protest in order to ensure that the Siting Application is approved only if it meets all legal requirements of the Public Utility Code, applicable Pennsylvania Public Utility Commission (Commission) rules and regulations, and Pennsylvania law and to ensure that the interests of Pennsylvania ratepayers are protected in this proceeding.

In support of this Protest, the OCA avers as follows:

1. The name and contact information of the Protestant are as follows:

¹ On the same date, Transource also filed an Application Pursuant to 52 Pa. Code Chapter 57, Subchapter G, for Approval of the Siting and Construction of the 230 kV Transmission Line Associated with the Independence Energy Connection- East Project in Portions of York County, Pennsylvania at Docket No. A-2017-2640195 (East Project Siting Application). The OCA has also filed a Protest to Transource's East Project Siting Application.

Tanya J. McCloskey, Acting Consumer Advocate
Office of Consumer Advocate
555 Walnut Street, 5th Floor, Forum Place
Harrisburg, PA 17101-1923
Telephone: (717) 783-5048

Throughout this Protest, the Protestant will be referred to as the Office of Consumer Advocate, or OCA.

2. The names and contact information for the OCA's attorneys for the purpose of receiving service of all documents in this proceeding are as follows:

Darryl Lawrence
Senior Assistant Consumer Advocate
Phillip D. Demanchick
Assistant Consumer Advocate
555 Walnut Street, 5th Floor, Forum Place
Harrisburg, PA 17101-1923
Telephone: (717) 783-5048

3. The OCA is authorized by law to represent the interests of Pennsylvania's utility consumers in all matters before the Commission. 71 P.S. §§ 309-1 *et seq.*

4. Transource filed its Siting Application on December 27, 2017. In its Siting Application, Transource seeks Commission approval of the siting and construction of the Pennsylvania portion of the Rice-Ringgold 230 kV Transmission Line in portions of Franklin County, Pennsylvania. Siting Application at 1. The proposed Rice-Ringgold 230 kV Transmission Line is part of the Independence Energy Connection Project, which was approved by PJM Interconnection, L.L.C. to address certain transmission congestion constraints in Pennsylvania, Maryland, West Virginia, and Virginia. Siting Application at 1; see also East Project Siting Application at 1.

5. Pursuant to 66 Pa. C.S. Sections 501 and 1501 and the Commission regulations at 52 Pa. Code Sections 57.71 *et seq.*, the Commission has jurisdiction over the siting of the Pennsylvania

portion of the Independence Project. The Commission must examine the Siting Application pursuant to the Commission's rules and regulations and Pennsylvania law.

6. The Commission's regulations provide that the Commission may not grant the Siting Application to approve the line in question, unless it finds:

- (1) That there is a need for it;
- (2) That it will not create an unreasonable risk of danger to the health and safety of the public;
- (3) That it is in compliance with applicable statutes and regulations providing for the protection of the natural resources of this Commonwealth, and
- (4) That it will have minimum adverse environmental impact, considering the electric power needs of the public, the state of available technology and the available alternatives.

52 Pa. Code § 57.76.

7. Additionally, in making its determination on the Siting Application, the Commission must consider, *inter alia*:

- (1) The present and future necessity of the proposed HV line in furnishing service to the public.
- (2) The safety of the proposed HV line.
- (3) The impact and the efforts which have been and will be made to minimize the impact, if any, of the proposed HV line upon the following:
 - (i) Land use.
 - (ii) Soil and sedimentation.
 - (iii) Plant and wildlife habitats.
 - (iv) Terrain.
 - (v) Hydrology.
 - (vi) Landscape.

- (vii) Archeologic areas.
- (viii) Geologic areas.
- (ix) Historic areas.
- (x) Scenic areas.
- (xi) Wilderness areas.
- (xii) Scenic rivers.

(4) The availability of reasonable alternative routes.

52 Pa. Code § 57.75.

8. The Commission has also issued a Policy Statement providing guidelines for the filing of electric transmission line siting applications. 52 Pa. Code §§ 69.3101, *et seq.* The Commission's Policy Statement provides, *inter alia*, that a Siting Application should include information on reasonable alternative routes and include the following information:

- (i) The environmental, historical, cultural and aesthetic considerations of each route.
- (ii) The proximity of these alternative routes to residential and nonresidential structures.
- (iii) The applicant's consideration of relevant existing rights of way.
- (iv) The comparative construction costs associated with each route.

52 Pa. Code § 69.3105(3).

9. In addition to the Commission's regulations and case law, the Commission is constitutionally obligated to ensure the protection of the environment pursuant to Pa. Const. of 1986, Art. I, § 27 and Pa. Env'tl. Def. Foundation v. Commonwealth, 161 A.3d 911 (Pa. 2017).

10. Based upon a preliminary review of the Siting Application, the OCA has identified the following areas that require further consideration by the Commission and must be resolved prior to Commission decision on this Siting Application:

- (1) Need – The Commission must thoroughly examine the need for the proposed transmission line. Among the issues that must be thoroughly analyzed are the PJM economic analysis for this market efficiency project, the cost/benefit ratio, and any updates to PJM’s analysis. The Commission will also need to analyze the market efficiency concerns alleged in the Siting Application and determine the extent to which the proposed line is the most cost-effective remedy to address those concerns. The Commission must also examine the harms and benefits resulting from this proposal.
- (2) Alternatives to the Line – The Commission will need to analyze both transmission and non-transmission alternatives to the installation of the line as a whole and whether the proposed line is the most cost-effective and least environmentally intrusive alternative pursuant to 52 Pa. Code Sections 57.71, *et seq.* and Pa. Env’tl. Def. Foundation v. Commonwealth, 161 A.3d 911 (Pa. 2017).
- (3) Impacts of the Proposed HV Line – The Commission must analyze the impacts of the proposed HV line in accordance with 52 Pa. Code Section 57.75, and must evaluate the impact of the line on the properties and communities in the proposed right-of-way.
- (4) Safety – The Commission will need to examine whether the proposed transmission line presents any unreasonable risk of danger to the health and safety of the public.
- (5) Cost – The Commission will need to examine the costs of the proposal and whether the cost estimates are up to date and accurate. The Commission must also examine

the potential impact of changing costs on the PJM cost/benefit analysis and on customers since this proposal does not contain a cost cap to protect ratepayers.

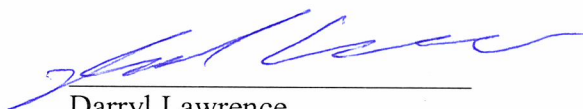
- (6) Transmission Planning – The Commission must consider the transmission planning and selection process for this project and determine whether the project as selected meets all legal requirements in Pennsylvania.

As the proposed transaction is further analyzed, additional issues may arise that warrant review.

11. The OCA submits that the Company's request should be subject to thorough formal investigation and evidentiary hearings, including evidentiary site views of affected properties. The Commission should allow for notice and opportunity to be heard for all affected parties, including public input hearings and evidentiary hearings in the areas affected by this Siting Application.

WHEREFORE, the Office of Consumer Advocate requests that the Pennsylvania Public Utility Commission investigate and hold full hearings regarding the Siting Application and take such actions as are found to be appropriate under the circumstances.

Respectfully submitted,



Darryl Lawrence
Senior Assistant Consumer Advocate
PA Attorney I.D. # 93682
E-Mail: DLawrence@paoca.org

Phillip David Demanchick Jr.
Assistant Consumer Advocate
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Counsel for:
Tanya J. McCloskey
Acting Consumer Advocate

Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101-1923
(717) 783-5048
Dated: January 10, 2018

**PUBLIC STATEMENT OF THE
OFFICE OF CONSUMER ADVOCATE
PURSUANT TO 71 P.S. SECTION 309-4(e)**

Act 161 of the Pennsylvania General Assembly, 71 P.S. Section 309-2, as enacted July 9, 1976, authorizes the Consumer Advocate to represent the interests of consumers before the Pennsylvania Public Utility Commission (Commission). In accordance with Act 161, and for the following reasons, the Acting Consumer Advocate determined to file a Protest and participate in proceedings before the Commission involving the Application of Transource Pennsylvania, LLC (Transource of the Company) Filed Pursuant to 52 Pa. Code Chapter 57, Subchapter G, for Approval of the Siting and Construction of the 230 kV Transmission Line Associated with the Independence Energy Connection-West Project in Portions of Franklin County, Pennsylvania (Siting Application).

On December 27, 2017, Transource filed its Siting Application with the Pennsylvania Public Utility Commission. In its Siting Application, Transource seeks Commission approval of the siting and construction of the Pennsylvania portion of the Rice-Ringgold 230 kV Transmission Line in portions of Franklin County, Pennsylvania. Siting Application at 1. The proposed Rice-Ringgold 230 kV Transmission Line is part of the Independence Energy Connection Project, which was approved by PJM Interconnection, L.L.C. to address certain transmission congestion constraints in Pennsylvania, Maryland, West Virginia, and Virginia. Siting Application at 1.

The OCA has determined to intervene and participate in this proceeding to ensure that the Siting Application is approved only if it meets all legal requirements of the Public Utility Code, applicable Commission rules and regulations, and Pennsylvania law, as well as to ensure that the interests of Pennsylvania ratepayers are protected in this proceeding.

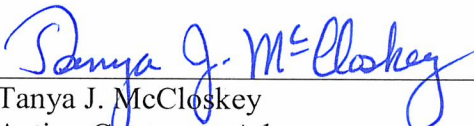
BEFORE THE
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Associated with the Independence Energy	:	
Connection-West Project in Portions of	:	
Franklin County, Pennsylvania	:	

VERIFICATION

I, TANYA J. MCCLOSKEY, hereby state that the facts set forth in the Protest of the Office of Consumer Advocate are true and correct (or are true and correct to the best of my knowledge, information, and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904 (relating to unsworn falsification to authorities).

Signature:



Tanya J. McCloskey
Acting Consumer Advocate

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DATED: January 10, 2018
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