**BEFORE THE**

 **PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Transource Pennsylvania, LLC :

Filed Pursuant to 52 Pa. Code Chapter 57 :

Subchapter G, for Approval of the Siting and : A-2017-2640195

Construction of the 230 kV Transmission Line :

Associated with the Independence Energy :

Connection-East Project in Portions of York :

County, Pennsylvania :

Application of Transource Pennsylvania, LLC :

Filed Pursuant to 52 Pa. Code Chapter 57, :

Subchapter G, for Approval of the Siting and : A-2017-2640200

Construction of the 230 kV Transmission Line :

Associated with the Independence Energy :

Connection – West Project in Portions of Franklin :

County, Pennsylvania

 **PREHEARING CONFERENCE ORDER**

A prehearing conference is scheduled for Tuesday, March 13, 2018, at 10:00 a.m. in Hearing Room No. 1, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA. The purpose of this conference is to discuss preliminary matters regarding the Applications of Transource Pennsylvania, LLC for Approval of the Siting and Construction of 230 kV Transmission Lines in Portions of York County at Docket No. A-2017-2640195 and in portions of Franklin County at Docket No. A-2017-2640200. These proposed transmission line sitings are in connection to an Independence Energy Connection Project. The Applications were filed on December 27, 2017. Notice of the Applications appeared in the *Pennsylvania Bulletin* on January 20, 2018. The deadline for protests/petitions to intervene was February 20, 2018. Hundreds of interested persons and entities have filed comments, protests or petitions to intervene.

At this first prehearing conference **no testimony will be taken**. Only attorneys and those individuals representing themselves as parties will be permitted to participate. There will be limited seating for 192 people. Priority seating is given to those individuals who have filed a protest or petition to intervene and wish to participate as a party in either proceeding. You may be required to sign-in, receive a seating pass, and be subject to search for any weapons prior to entry to the hearing room. If attendance exceeds capacity, at the discretion of the presiding officers, this prehearing conference may be divided into two prehearing conferences held consecutively to allow all interested parties to participate. A prehearing conference regarding Docket No. A-2017-2640195 (East Project in York County) would be held first at 10:00 a.m., followed by a prehearing conference regarding Docket No. A-2017-2640200 (West Project in Franklin County).

Your involvement in these proceedings may proceed at one of three different levels: 1) do nothing and monitor the case(s); 2) give testimony at a public input hearing in York or Franklin Counties; or 3) proceed as a litigant party of record.

1. **Do nothing.** If you do nothing after receiving this Prehearing Order, your name will eventually be removed from the service list after a prehearing conference. You will not receive pleadings, filings, discovery requests, written testimony or orders and decisions in this matter. You may still attend and testify at a public input hearing. You may observe hearings and conferences as may be scheduled at a later date and you may monitor the progression of litigation by subscribing at this link: <http://www.puc.pa.gov/Documentation/eFiling_Subscriptions.pdf>.
2. **Attend a public input hearing and testify**. Public input hearings will be scheduled and held in York and Franklin Counties in order to accommodate those individuals wishing to offer testimony without further involvement in the case(s). In order to testify, an individual need only appear at the scheduled public input hearing. No advance registration is required. Notice of a public input hearing will be published in your local newspaper two weeks before it is held.
3. **Become a party of record.** The Office of Consumer Advocate (OCA) has intervened in these proceedings. The OCA is an advocate for Pennsylvania consumers. However, if you filed a proper protest, you have the right to proceed as a party to represent your personal interest. Parties must appear at the prehearing conference. As a party of record, you will be served with all of the pleadings, filings, discovery requests, written testimony and orders and decisions served and issued in the proceeding. These documents may be voluminous. Your rights as a party of record include the ability to present your own testimony, your witnesses’ testimonies, and to cross-examine witnesses of other parties. You may also file exceptions to any recommended decision. Duties as a party are that you must answer discovery requests served upon you in accordance with rules. You will be required to serve a copy of anything you file upon the presiding officers and each party appearing on the service list as modified after the prehearing conference. If you intend to present evidence at the formal evidentiary hearings, you will be required to submit your testimony in writing in advance, in accordance with the schedule to be set after the prehearing conference and to provide a copy of your written testimony to each party on the service list at that time. You will be expected to participate in accordance with the rules of Commission practice appearing in Title 52 of the Pennsylvania Code Chapters 1, 3 and 5. The Code is available on-line at [www.pacode.com](http://www.pacode.com). Although an individual or a sole proprietor may appear on his or her own behalf, if you are any entity other than an individual or a sole proprietor, (i.e. a corporation, limited liability company, municipality, or association) you must have an attorney licensed to practice in Pennsylvania appear on your behalf.

THEREFORE, IT IS ORDERED:

1. That absent a continuance for good cause, all parties must be prepared to participate in the scheduled prehearing conference. Failure of a party to participate in the conference, after being served with notice of the time thereof, without good cause shown, shall constitute a waiver of all objections to the agreements reached and an order or ruling with respect thereto.
2. That all parties shall review the regulations relating to discovery, specifically 52 Pa. Code § 5.331(b), which provides, among other things, that “a party shall initiate discovery as early in the proceedings as reasonably possible,” and 52 Pa. Code § 5.322, which encourages parties to exchange information on an informal basis. All parties are urged to cooperate in discovery. There are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa. Code §§5.361, 5.371 – 5.372.
3. That pursuant to 52 Pa. Code §§1.21 – 1.23, you may represent yourself, if you are an individual, or you may have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *pro hac vice*, represent you. However, if you are a partnership, corporation, trust, association, or governmental agency or subdivision, you must have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *pro hac vice*, represent you in this proceeding. Unless you are an attorney, you may not represent someone else. Attorneys shall insure that their appearance is entered in accordance with the provisions of 52 Pa.Code § 1.24(b).
4. That you must serve the presiding officers directly with copies of any document that you file in this proceeding at the Office of Administrative Law Judge, P.O. Box 3265, Harrisburg, PA 17105-3265. Electronic copies may be mailed to ebarnes@pa.gov and acalvelli@pa.gov. If you send ALJ Elizabeth Barnes and ALJ Andrew Calvelli any correspondence or documents, then you must also provide a copy to the other parties. For your convenience, a copy of the Commission’s current consolidated service list of the parties to these proceedings is enclosed with this Order
5. That the parties shall review the regulation pertaining to prehearing conferences, 52 Pa. Code § 5.222, and in particular, subsection (d) which provides, in part:

(d) Parties and counsel will be expected to attend the conference fully prepared for useful discussion of all problems involved in the proceeding, both procedural and substantive, and fully authorized to make commitments with respect thereto.

1. That the following matters shall be considered at the prehearing conference:
2. Consolidation of cases
3. Any forthcoming eminent domain or shelter applications
4. Petitions to Intervene
5. Service List
6. Issues
7. Statutory deadline and possibility of waiver [[1]](#footnote-1)
8. Witnesses
9. Procedural Schedule including public input hearings, the publication of input hearings, and site views. If no agreement can be reached regarding a procedural schedule, the following will be imposed:

Deadline for requesting a site view[[2]](#footnote-2) March 30, 2018

Public Input Hearings May TBD

Site views TBD

Testimony of parties other than Transource June 27, 2018

Rebuttal Testimony August 3, 2018

Surrebuttal Testimony August 17, 2018

Evidentiary Hearings August 27 - 31, 2018

Main Briefs September 26, 2018

Reply Briefs October 5, 2018

(d) Other matters that may aid in expediting the orderly conduct and disposition of the proceeding and the furtherance of justice, including, but not limited to the following:

 (i) The exchange and acceptance of exhibits proposed to be offered into evidence.

 (ii) The obtaining of admissions as to, or stipulations of, facts not remaining in dispute, or the authenticity of documents which might properly shorten the hearing.

 (iii) Transcript turnaround.

 (iv) Discovery rules modifications.

 (v) A briefing outline.

1. That on or before **Thursday, March 8, 2018,** the parties shall serve ALJ Elizabeth Barnes and ALJ Andrew Calvelli as well as each other with a Prehearing Conference Memorandum addressing each of the subjects included in Paragraph 6 above. An electronic copy of the prehearing memorandum is sufficient.

Date: February 26, 2018 /s/

 Elizabeth H. Barnes

 Administrative Law Judge

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/s/\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Andrew M. Calvelli

 Administrative Law Judge

**A-2017-2640195 & A-2017-2640200 - APPLICATION OF TRANSOURCE PENNSLYVANIA, LLC. FOR APPROVAL OF THE SITING AND CONSTRUCTION OF THE 230KV TRANSMISSION LINE ASSOCIATED WITH THE INDEPENDENCE ENERGY CONNECTION-EAST & WEST PROJECTS IN PORTIONS OF YORK & FRANKLIN COUNTIES.**

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1. Under Section 216(b)(1)(C) of the Federal Power Act, a public utility may file an application with the Federal Energy Regulatory Commission ("FERC") for approval of the need for the siting of certain high voltage transmission lines if a state public utility commission that has authority to approve the siting of high voltage transmission facilities has "withheld approval for more than 1 year after the filing of an application seeking approval pursuant to applicable law . . ." [↑](#footnote-ref-1)
2. The purpose of a site view is to provide the property owner or requesting party an opportunity to point out features on the property which can only be appreciated by observation. The party requesting the view may explain the underlying concern which spurred the request for a view. [↑](#footnote-ref-2)