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March 8, 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 Project in Portions of Franklin County, Pennsylvania
Docket No. A-2017-2640200**

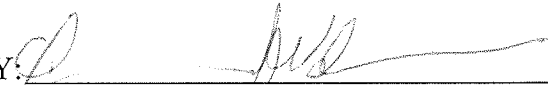
Dear Secretary Chiavetta:

Attached for electronic filing please find the Prehearing Memorandum of Stop Transource Franklin County in connection with the above-referenced proceeding.

Copies have been served per the attached Certificate of Service.

Respectfully Submitted,

CURTIN & HEEFNER LLP

BY: 

Jordan B. Yeager (Pa. I.D. No. 72947)
Mark L. Freed (Pa. I.D. No. 63860)
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Counsel for:
Stop Transource Franklin County

Enclosure

cc: Honorable Elizabeth H. Barnes
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 Pre-Hearing Memorandum 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:

Respectfully submitted,

CURTIN & HEEFNER LLP

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**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-2017-2640200
Construction of the 230 kV Transmission Line :
Associated with the Independence Energy :
Connection – West Project in Portions of Franklin :
County, Pennsylvania :

PREHEARING MEMORANDUM

Pursuant to the Prehearing Conference Order dated February 26, 2018, and Section 333 of the Public Utility Code, Stop Transource Franklin County (“Stop Transource” or “STFC”), by counsel, respectfully submits this Prehearing Memorandum.

I. BACKGROUND

On December 27, 2017, Transource Pennsylvania, LLC (“Transource” or “Company”) filed two applications to construct and operate the Pennsylvania portions of proposed new extra high-voltage (“EHV”) transmission lines and two new substations, including one in Franklin County. On February 20, 2018, Stop Transource Franklin County filed its Petition to Intervene and Protest opposing the Company’s above-referenced Application in Franklin County.

Stop Transource Franklin County is an association of Franklin County residents and business owners whose purpose is to stop the Transource Independence Energy Connection Project (“Project”) in Franklin County. Stop Transource Franklin County represents its members’ property rights, consumer rights, and environmental rights, and seeks to preserve the agricultural character of Franklin County, and the County’s other local natural, scenic, and historic resources. The siting and construction of the proposed extra-high voltage (“EHV”) transmission lines and substations threatens these interests. A description of Stop Transource

Franklin County is found at Paragraphs 8-20 of the Petition to Intervene. Stop Transource Franklin County's Petition to Intervene in Docket No. A-2017-2640200 is pending and awaiting disposition. Stop Transource supports the consolidation of the docket with Docket No. A-2017-2640195.

As set forth in STFC's Petition to Intervene and Protest, if the Commission approves the proposed Project, it will violate the members' individual environmental rights, including the "right to clean air, pure water, and to the preservation of the natural, scenic, historic and aesthetic values of the environment." Pa. Const. art. 1, § 27. Further, the Company has not shown – and cannot show – that there is a need for this Project in Franklin County. The Company has failed to show – and cannot show -- that construction of the Company's proposed 28-mile long, 130 foot wide, right-of-way with 135 foot tall support towers, transmission lines, and a new substation, does not create an unreasonable risk of danger to the health and safety of the public. Further, the Application fails to reflect an adequate investigation of the adverse environmental impact that construction of the proposed Project will have in Franklin County. Rather, the Application reflects that the Project will violate the Pennsylvania constitution and environmental statutes and regulations designed to prevent degradation in the quality of the air, water and other natural resources.

II. SERVICE

STFC will be represented in this proceeding by Curtin & Heefner attorneys, Jordan B. Yeager, Mark L. Freed, and Joanna A. Waldron. Service of all papers upon Stop Transource Franklin County shall be made by making service upon the undersigned counsel. Copies of all documents should be served on Curtin & Heefner as follows,

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III. PROCEDURAL SCHEDULE

Stop Transource Franklin County respectfully requests that the schedule for this matter be altered to allow more time for discovery and public participation. While informal discussion suggested that the Company would offer a proposed schedule in response to a schedule proposed by the Office of Consumer Advocate (“OCA”), as of the date of this memorandum, the Company has not done so. The Franklin County Application alone has already generated 76 Protests and several petitions to intervene, indicating substantial public opposition. The Commission’s ultimate decisions on both applications will significantly affect the public. The possible impact of this proceeding and the East Application for York County on the substantial rights, including constitutional environmental rights of the residents of this Commonwealth, demands that the Commission afford the highest level of due process to the public.

Approximately 8 miles of transmission lines out of a proposed total of 60 miles is pending before the Public Service Commission of Maryland (“PSC”). The PSC has already adopted a longer schedule to make a determination on the relatively small portion of the Project. On February 22, 2018, the PSC adopted a schedule for the proceedings, with evidentiary hearings to be held between February 5 and February 20, 2019. Because the PSC will not make a decision on the applications until well into 2019, extending the Commission’s schedule to

accommodate the public interest in this Application and the East Application, will not delay the Project.¹ Moreover, the Company indicated that it did not anticipate a decision before June of 2019. Transource PA. St. 1 (Simmons) at 14-15. STFC proposes the schedule attached hereto as Exhibit 1 for consideration. To accommodate the upcoming requests for site views, STFC is willing to participate in any required additional informal conferences to finalize the schedule of public input hearings and locations.

IV. WITNESSES

STFC intends to present direct, rebuttal and surrebuttal testimony of expert witnesses as may be necessary. STFC's witnesses will present testimony and necessary documents and explanatory exhibits that will assist in the presentation of STFC's case. STFC may present expert witnesses to provide testimony in this matter, including on the following issues:

- Need for the proposed Project, including the PJM transmission planning process and alternatives;
- Geologic impacts of proposed construction and operation of transmission lines and substations, including the risks of tower and substation siting in karst geology;
- Hydrologic impacts of proposed construction and operation of transmission lines and substations, including local impact on well water, businesses operations and property values, as well as impacts on water quality and wildlife; and
- Land Use impacts, including impact on existing agricultural environmental easements and environmental scenic area and historic area impacts.

STFC specifically reserves the right to call additional witnesses, as necessary.

¹ There is no statutory deadline applicable to the proceedings. Piedmont Environmental Council v. FERC, 558 F.3d 304 (4th Cir. 2009) (denial by state agency is not "withholding approval" and removes backstop siting authority).

V. ISSUES

STFC identifies the following potential issues, including those areas that must be addressed by the Company in order for the Commission to make a determination that the Project complies with the residents' constitutionally protected environmental rights and all statutory and regulatory requirements, including those under 52 Pa. Code § 57.76:

1. Each of the issues identified in STFC's Petition to Intervene and Protest.
2. Whether the Company has adequately demonstrated a present or future need for the proposed Project.
3. The unreasonable risk of danger to the health and safety of the public presented by the proposed Project, including the building of substations and transmission line structures in an area of karst topography with prevalent sinkholes.
4. The PUC's duties as trustee of Pennsylvania's public natural resources as set forth in Pennsylvania Env'tl Def. Found. v. Com., 161 A.3d 911, 916 (Pa. 2017).
5. Whether the Company's application complies with the Pennsylvania Constitution, statutes and regulations providing for the protection of the natural resources of this Commonwealth, including water quality and protected animal species and plant life.
6. Whether the Company has sufficiently identified and addressed the adverse environmental impacts of the proposed Project, and whether the Company has shown that the Project will have a minimum adverse environmental impact on the following:
 - i. water quality.
 - ii. soil and sedimentation;

- iii. plant and wildlife habitats, including Pennsylvania endangered species, and impacts of ROW management practices with herbicides;
7. The adverse land use impacts of the proposed Project, including construction of the substation facility in Franklin County on prime farmland, and the effects on members' individual rights to the existing rural, agricultural aesthetic of Franklin County, and the preservation of Franklin County's archeologic, historic, natural, and scenic areas, and its scenic rivers.

STFC respectfully reserves the right to supplement this Prehearing Memorandum as additional issues are identified during the course of this process, including during discovery. STFC also respectfully reserves the right to challenge the constitutionality of the Commission's regulations, to the extent that they are interpreted in a manner that is inconsistent with the Commission's duties and limitations under Article I, Section 27 of the Pennsylvania Constitution.

VI. PUBLIC INPUT AND SITE VIEWS

In light of the demonstrated significant public interest, STFC respectfully requests that several public input hearings be held in all areas affected by the proposed EHV transmission lines and new substations, , and that these hearings include the opportunity to present evidence in the evening. STFC will work with the ALJ and the Company to identify appropriate areas for public input hearings within the dates indicated by the proposed schedule.

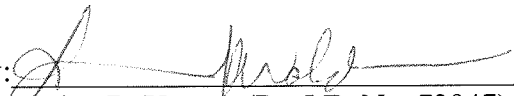
VII. SERVICE LIST

Because of the volume of protests, STFC respectfully requests, pursuant to Section 154.(c) of Chapter 52, that the Presiding Officers authorize only those parties who state on the

record or request in writing that they wish to be served need to be included on the Service List to be used by the participating parties.

Respectfully submitted,

CURTIN & HEEFNER LLP

By: 
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Dated: 3/8/18

EXHIBIT 1

Proposed Procedural Schedule

Prehearing Conference	March 13, 2018
Public Input Hearings and Site Visits, York County	May 14-18, 2018 May 21-25, 2018
Public Input Hearings and Site Visits Franklin County	June 4-8, 2018 June 11-15, 2018
Additional PIHs or Rain Dates for Site Visits (if needed)	June 18-22, 2018
Intervenor Direct Testimony	September 12, 2018
Rebuttal Testimony	December 12, 2018
Surrebuttal Testimony	January 10, 2019
Written Rejoinder	January 31, 2019
Evidentiary Hearings	February 11-15, 2019
Overflow Hearing Days (if needed)	February 18-22, 2019
Main Brief	April 1, 2019
Reply Brief	May 6, 2019
Recommended Decision	July 8, 2019
PUC Order	August 2019