



17 North Second Street
12th Floor
Harrisburg, PA 17101-1601
717-731-1970 Main
717-731-1985 Main Fax
www.postschell.com

Christopher T. Wright

cwright@postschell.com
717-612-6013 Direct
717-731-1985 Direct Fax
File #: 166570

October 2, 2017

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: James E. Quesenberry, Jr. v. Transource Pennsylvania, LLC
Docket No. C-2017-2623495

Dear Secretary Chiavetta:

Enclosed please find the Preliminary Objections of Transource Pennsylvania, LLC to the Complaint in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,

Christopher T. Wright

CTW/skr
Enclosure

cc: Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

VIA FIRST CLASS MAIL

James E. Quesenberry, Jr.
6544 Anderson Road
Stewartstown, PA 17363

Jody Leighty, Esquire
D. Reed Anderson, Esquire
221 W. Philadelphia Street
York, PA 17401

Date: October 2, 2017



Christopher T. Wright


**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

| | | |
|-------------------------------|---|---------------------------|
| James E. Quesenberry, Jr., | : | |
| | : | |
| Complainant, | : | |
| | : | |
| v. | : | Docket No. C-2017-2623495 |
| | : | |
| Transource Pennsylvania, LLC, | : | |
| | : | |
| Respondent. | : | |

NOTICE TO PLEAD

YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.101(f), YOU MAY ANSWER THE ENCLOSED MOTION WITHIN **TEN (10) DAYS** AFTER THE DATE OF SERVICE. YOUR ANSWER SHOULD BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL.

Amanda Riggs Conner (District of
Columbia ID # 481740)
Hector Garcia (VA ID # 48304)
American Electric Power Service
Corporation
1 Riverside Plaza, 29th Floor
Columbus, OH 43215
Phone: 614-716-3410
Fax: 614-716-1613
E-mail: arconner@aep.com
E-mail: hgarcia1@aep.com


David B. MacGregor (PA ID # 28804)
Anthony D Kanagy (PA ID # 85522)
Christopher T. Wright (PA ID # 203412)
Post & Schell, P.C.
17 North Second Street
12th Floor
Harrisburg, PA 17101-1601
Phone: 717-731-1970
Fax: 717-731-1985
E-mail: dmacgregor@postschell.com
E-mail: akanagy@postschell.com
E-mail: cwright@postschell.com

Date: October 2, 2017

Attorneys for Transource Pennsylvania, LLC

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

| | | |
|-------------------------------|---|---------------------------|
| James E. Quesenberry, Jr., | : | |
| | : | |
| Complainant, | : | |
| | : | |
| v. | : | Docket No. C-2017-2623495 |
| | : | |
| Transource Pennsylvania, LLC, | : | |
| | : | |
| Respondent. | : | |

**PRELIMINARY OBJECTIONS
TRANSOURCE PENNSYLVANIA, LLC**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Transource Pennsylvania, LLC (“Transource PA”), by and through its attorneys, files its Preliminary Objections to the Complaint of James E. Quesenberry, Jr. (“Complainant”), pursuant to the regulations of the Pennsylvania Public Utility Commission (“Commission”) at 52 Pa. Code § 5.101, and respectfully requests that the Commission dismiss the above-captioned Complaint in its entirety but without prejudice. In support thereof, Transource PA states as follows:

I. BACKGROUND

1. Transource PA is a limited liability company organized and existing under the laws of Delaware.

2. Transource PA was formed to construct, own, operate, and maintain electric transmission facilities and equipment within the Commonwealth of Pennsylvania.

3. Transource PA is planning to build two new overhead double-circuit 230 kV interstate transmission lines, the Rice-Ringgold 230 kV Transmission Line and the Furnace Run-Conastone 230 kV Transmission Line, in Franklin and York Counties, Pennsylvania.

4. On February 7, 2017, Transource PA filed an Application with the Commission requesting approval, pursuant to Sections 1101 and 2102 of the Public Utility Code, 66 Pa. C.S. §§ 1101 and 2102, authorizing Transource PA to begin to furnish and supply electric transmission service within two corridors to be located in Franklin and York Counties, Pennsylvania. Transource PA's Application was docket with the Commission at A-2017-2587821 and G-2017-2587822. If approved by the Commission, Transource PA will become a Pennsylvania public utility regulated by the Commission.

5. On July 10, 2017, the parties to the above-referenced Application proceeding submitted a Joint Petition for Stipulation and Settlement of All Issues ("Settlement") and respectfully requested that Commission grant Transource PA's Application, subject to the terms and conditions of the Settlement.

6. As of the date of these Preliminary Objections, the Settlement and Transource PA's request to begin to furnish and supply electric transmission service within two corridors to be located in Franklin and York Counties remain pending for approval by the Commission.

7. The Complainant is located at 6544 Anderson Road, Stewartstown, York County, Pennsylvania 17363.

8. Transource PA was served with the above-captioned Formal Complaint by a Secretarial Letter dated September 11, 2017. The Complaint raises issues related to the siting and route selection of the two new transmission lines that Transource PA proposes to construct in the future.

9. Transource PA herein files these Preliminary Objections and respectfully requests that the Complaint be dismissed in its entirety and without prejudice because the Complainant's claims and request for relief are premature and not ripe for review.

II. STANDARD OF REVIEW

10. Pursuant to the Commission's regulations, preliminary objections in response to a pleading may be filed on several grounds, including:

- (1) Lack of Commission jurisdiction or improper service of the pleading initiating the proceeding.
- (2) Failure of a pleading to conform to this chapter or the inclusion of scandalous or impertinent matter.
- (3) Insufficient specificity of a pleading.
- (4) Legal insufficiency of a pleading.
- (5) Lack of capacity to sue, nonjoinder of a necessary party or misjoinder of a cause of action.
- (6) Pendency of a prior proceeding or agreement for alternative dispute resolution.
- (7) Standing of a party to participate in the proceeding.

52 Pa. Code § 5.101(a).

11. In ruling on preliminary objections, the Presiding Officer must accept as true all well-pled allegations of material facts as well as all inferences reasonably deducible therefrom. *Stilp v. Cmwlth.*, 910 A.2d 775, 781 (Pa. Cmwlth. 2006) (citing *Dep't of Gen. Serv. v. Bd. of Claims*, 881 A.2d 14 (Pa. Cmwlth. 2005); accord *Complaint of Nat'l Fuel Gas Distrib. Corp. and Petition for an Order to Show Cause*, Docket No. P-00072343 (December 26, 2007). However, the Presiding Officer need not accept as true conclusions of law, unwarranted inferences from facts, argumentative allegations, or expressions of opinion. *Stanton-Negley*

Drug Co. v. Dep't of Pub. Welfare, 927 A.2d 671, 673 (Pa. Cmwlth. 2007). For preliminary objections to be sustained, it must appear with certainty that the law will permit no recovery, and any doubt must be resolved in favor of the non-moving party. *Stilp*, at 781.

III. ARGUMENT

12. Transource PA incorporates by reference Paragraphs 1 through 11 as if fully set forth herein.

13. Transource PA is planning to build two new overhead double-circuit 230 kV interstate transmission lines, the Rice-Ringgold 230 kV Transmission Line and the Furnace Run-Conastone 230 kV Transmission Line, in Franklin and York Counties, Pennsylvania. Upon receipt of all necessary approvals, the new Rice-Ringgold 230 kV Transmission Line will be sited to extend approximately 27 miles, connecting the existing Ringgold Substation located near Smithsburg, Washington County, Maryland, and the new Rice Substation to be located in Franklin County, Pennsylvania. Upon receipt of all necessary approvals, the new Furnace Run-Conastone 230 kV Transmission Line will be sited to extend approximately 15 miles, connecting the existing Conastone Substation located near Norrisville, Hartford County, Maryland, and the new Furnace Run Substation to be located in York County, Pennsylvania.

14. These two new transmission lines are part of the Independence Energy Connection Project designed to reduce the cost to transmit electricity across the Pennsylvania and Maryland borders, enhance the electrical strength and reliability of the area's electric transmission grid, and provide additional and alternative paths to electricity in case of transmission line outages.

15. The Complaint raises issues related to the siting and route selection of the proposed transmission line project, including the alleged adverse effect on real estate values, the

alleged risk of danger to the health and safety of the public, and alleged adverse effect on the Complainant's property. The Complaint requests that the Commission deny the future transmission line project.

16. The future transmission line project referenced in the Complaint is still in the planning stage and has not yet been submitted to the Commission for review and approval. The proposed routes for the future transmission line project will be selected after a detailed siting analysis, which will appropriately consider and balance the functional requirements of the project, the environmental impacts, the social impacts, costs of the viable alternative line routes, and other factors identified in the Commission's siting regulations. However, the future transmission line project is still in the planning stage and no final decision regarding the routes for the project has been made.

17. Once the planning has been completed, Transource PA will submit appropriate filings with Commission requesting approval of the siting and construction of the proposed transmission line project. Transource PA will provide the public notices for this project as required by Section 69.3102 of the Commission's Interim Siting Guidelines, 52 Pa. Code § 69.3102, and Section 57.74 of the Commission's Transmission Siting Regulations, 52 Pa. Code Subchapter G, §§ 57.71 - .77.

18. Transource PA currently plans to submit appropriate filings with Commission requesting approval of the siting and construction of the proposed transmission line project later this year.

19. The Complainant's claims and request for relief are premature and not ripe for review because the future transmission line project is still in the planning stage and no final decision regarding the routes for the project has been made.

20. Further, depending upon the routes ultimately chosen for the project, the Complainant's concerns may become moot, *i.e.*, the routes ultimately selected for the future transmission line project may not traverse the Complainant's property.

21. To the extent the Complainant seeks to raise issues related to the siting and route selection of the proposed transmission line project, the Complainant's remedy is to participate in the Commission proceeding after Transource PA files and serves its filing for approval for the siting and construction of the transmission line project.


22. Accordingly, the Complaint should be dismissed in its entirety but without prejudice to intervene and participate in the Commission proceeding after Transource PA files and serves its filing for approval for the siting and construction of the transmission line project.

IV. CONCLUSION

WHEREFORE, Transource Pennsylvania, LLC respectfully requests that the above-captioned Complaint of James E. Quesenberry, Jr. be dismissed without prejudice as further described above.

Respectfully submitted,

Amanda Riggs Conner (District of
Columbia ID # 481740)
Hector Garcia (VA ID # 48304)
American Electric Power Service
Corporation
1 Riverside Plaza, 29th Floor
Columbus, OH 43215
Phone: 614-716-3410
Fax: 614-716-1613
E-mail: arconner@aep.com
E-mail: hgarcia1@aep.com


David B. MacGregor (PA ID # 28804)
Anthony D Kanagy (PA ID # 85522)
Christopher T. Wright (PA ID # 203412)
Post & Schell, P.C.
17 North Second Street
12th Floor
Harrisburg, PA 17101-1601
Phone: 717-731-1970
Fax: 717-731-1985
E-mail: dmacgregor@postschell.com
E-mail: akanagy@postschell.com
E-mail: cwright@postschell.com

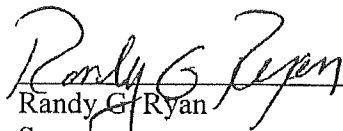
Date: October 2, 2017

Attorneys for Transource Pennsylvania, LLC

VERIFICATION

I, Randy G. Ryan, being the Secretary of Transource Pennsylvania, LLC, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that Transource Pennsylvania, LLC 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. § 4904 relating to unsworn falsification to authorities.

Date: October 2, 2017



Randy G. Ryan
Secretary