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June 6, 2018

VIA ELECTRONIC FILING

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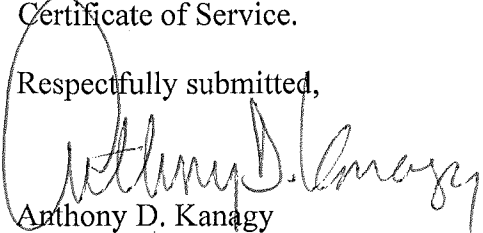
**Re: Application of Transource Pennsylvania, LLC Filed Pursuant to 52 Pa. Code Chapter 57, Subchapter G, for Approval of the Siting and Construction of the 230 kV Transmission Line Associated with the Independence Energy Connection - East Project in Portions of York County, Pennsylvania
Docket No. A-2017-2640195**

**Application of Transource Pennsylvania, LLC 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
Docket No. A-2017-2640200**

Dear Secretary Chiavetta:

Enclosed for filing is the Answer of Transource Pennsylvania, LLC to the Motion of the Office of Consumer Advocate to Amend the Procedural Schedule Pursuant to 52 Pa. Code Sections 5.371 & 5.372, in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,


Anthony D. Kanagy

ADK/jl

ALLENTOWN HARRISBURG LANCASTER PHILADELPHIA PITTSBURGH PRINCETON WASHINGTON, D.C.

A PENNSYLVANIA PROFESSIONAL CORPORATION

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Rosemary Chiavetta, Secretary

June 6, 2018

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Enclosures

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

CERTIFICATE OF SERVICE
Docket Nos. A-2017-2640195 & A-2017-2640200

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).

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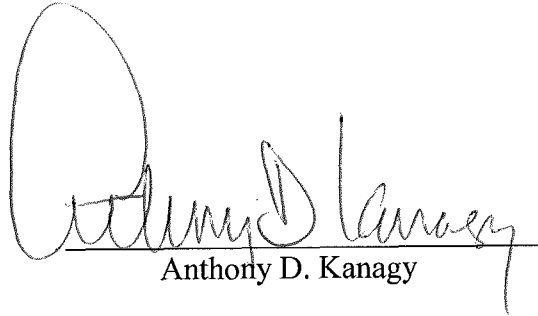
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Date: June 6, 2018



Anthony D. Kanagy

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Transource Pennsylvania, LLC :
filed Pursuant to 52 Pa. Code Chapter 57, : Docket No. A-2017-2640195
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 :

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

**ANSWER OF TRANSOURCE PENNSYLVANIA, LLC.
TO THE MOTION OF THE OFFICE OF CONSUMER ADVOCATE
TO AMEND THE PROCEDURAL SCHEDULE PURSUANT
TO 52 PA. CODE SECTIONS 5.371, 5.372**

Transource Pennsylvania, LLC (“Transource PA”), hereby submits this Answer to the Motion of The Office of Consumer Advocate (“OCA”) to Amend the Procedural Schedule (“Motion”). As explained herein, the OCA’s request to amend the procedural schedule by allowing 60 additional days for the preparation of its direct testimony is unnecessary, unreasonable and should be denied.

I. INTRODUCTION

On December 27, 2017, Transource PA filed the “Application of Transource Pennsylvania, LLC 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-East Project in Portions of York County, Pennsylvania.” Also on December

27, 2017, Transource PA filed the “Application of Transource Pennsylvania, LLC 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,” (collectively, the “IEC Project”).

The IEC Project will have two components—the IEC-West Project, which consists of the siting and construction of the Rice-Ringgold 230 kV Transmission Line in portions of Franklin County, Pennsylvania, and the IEC-East Project, which consists of the siting and construction of the Pennsylvania portion of the Furnace Run-Conastone 230 kV Transmission Line in portions of York County, Pennsylvania. As part of the IEC Project, Transource PA proposes to construct two new substations: the Furnace Run Substation to be located in York County, Pennsylvania and the Rice Substation to be located in Franklin County, Pennsylvania.

The IEC Project was approved by PJM Interconnection, L.L.C. (“PJM”) to alleviate transmission congestion constraints in Pennsylvania, Maryland, West Virginia, and Virginia. PJM evaluated forty-one (41) different competitive proposals as part of its Regional Transmission Expansion Plan (“RTEP”) and selected the IEC Project (as part of Project 9A, which as a whole also includes certain upgrades to existing transmission facilities, to be carried out by the incumbent utilities that own those existing facilities) as the best overall solution after an extensive review over a sixteen month period. Although the primary benefits from the IEC Project relate to market efficiency and the reduction of congestion costs, the new transmission facilities associated with the IEC Project will also enhance the electrical strength and reliability of the transmission system by virtue of the new transmission facilities in the area that will be part of the interconnected transmission grid. The IEC Project will provide additional and alternative paths for electricity in the event of outages on other Pennsylvania transmission facilities. The

IEC Project will also allow the interconnection of future reliability, generation, and load projects in the area.

In its Motion, OCA requests more time to file its direct testimony because discovery responses have been delayed. However, as of the date of this Answer, Transource PA is up-to-date with all outstanding discovery questions propounded by the OCA.

Many of the questions asked by OCA relate to PJM's analysis of congestion constraints and the need for the IEC Project. The substance of these questions relate to matters that were thoroughly reviewed and discussed in the context of the open competitive process that resulted in the selection of Project 9A and the IEC Project as the best proposal addressing recurring and persistent transmission congestion problems that have a significant economic impact regionally. OCA has had (and continues to have) ample opportunity to participate in that process, which is open to interested stakeholders, and in the context of which the information sought by OCA could have been obtained at a much earlier date and in a much more efficient manner. However, Transource PA has not objected to these questions being presented in discovery as data requests in this case, and has worked with PJM to provide answers, even though responding to many of the questions requires substantial time and effort.

Further delay of this proceeding is neither necessary nor reasonable. Approximately seven (7) weeks remain until the due date for OCA's Direct Testimony. The OCA has not offered sufficient justification as to why the time remaining in the existing procedural schedule is inadequate to prepare its Direct Testimony. The schedule already provides for a much longer timeframe for the submission of Other Parties' Direct Testimony (approximately seven (7) months since the date Transource PA filed its Applications) than procedural schedules that have been adopted in prior transmission line siting cases before the Pennsylvania Public Utility

Commission (“Commission”). The OCA’s request for additional time to prepare its Direct Testimony when it still has approximately seven (7) weeks is unreasonable, unnecessary and should be denied.

II. ARGUMENT

A. Transource PA Has Acted In A Reasonable Manner In Responding To Discovery Throughout This Proceeding.

The OCA’s characterization of Transource PA’s responsiveness to discovery does not consider all of the facts and is therefore improper. The OCA’s discovery requests to Transource PA have been extensive. Transource PA and PJM have expended substantial effort in responding to these requests, many of which required the production of voluminous material that could only be obtained through a manual pull of information from the analytical software and data tools used by PJM to evaluate the proposed Project (the “PROMOD models” or simply “PROMOD”). PROMOD is a fundamental electric market simulation solution that incorporates extensive details in generating unit operating characteristics, transmission grid topology and constraints, and market system operations to support economic transmission planning.¹ Providing this information in the format requested by the OCA has taken days and weeks of dedicated work. As explained in Section C below, OCA’s discovery requests appear to be directed to the underlying transmission congestion problem addressed by Project 9A, and to isolated elements of the very considerable data taken into consideration by PJM in the context of the analysis that determined that Project 9A is needed as a market efficiency project in PJM’s RTEP. Both of these areas were, and continue to be, a focus of the open stakeholder process conducted by PJM that resulted in the first instance in the selection of Project 9A, and which has confirmed the

¹ Additional information about PROMOD can be obtained from ABB (the unaffiliated third-party that licenses the software and the bulk of the data used by the model) at the following website: [<https://new.abb.com/enterprise-software/energy-portfolio-management/market-analysis/promod.>]

project is beneficial upon additional analysis in 2017 and 2018. OCA had, and continues to have, the opportunity to participate in this process, a process in which the information OCA now seeks has been available since well-before the filing of Transource PA's applications.

Further, Transource has objected to a very limited number of discovery requests from the OCA. Only four out of approximately 170 data requests (many of which had several subparts) were objected to by Transource PA. Transource PA's objections to certain questions in OCA Set IX were served on April 2, 2018, and explained the issues with pulling information from the PROMOD model. Moreover, not all responses were delayed and many were responded to in a timely manner despite the significant work involved to provide a response.

The OCA also notes that Transource PA and PJM have agreed to have a Technical Conference with OCA to discuss certain issues. This Technical Conference has been scheduled for Friday, June 8, 2018. At the Technical Conference, PJM and Transource PA will answer additional questions posed by the OCA to assist them in the evaluation of the IEC Project.

OCA also notes that Transource PA and PJM agreed to provide OCA with access to the PROMOD Model to assist the OCA in its review of this case. Notably, the PROMOD Models contain information which is proprietary and is not owned by PJM or by Transource PA. PJM cannot simply allow OCA access to PROMOD, either the software or the models, without the software vendor's consent. PJM has made a significant investment and considerable effort to allow OCA access to the PROMOD Models. Transource PA and the OCA are currently attempting to reach a resolution regarding the terms of the license that will govern OCA's access to the Model. Transource PA has presented a proposal to OCA; however, OCA has not responded to this proposal to date. This further demonstrates the reasonableness of Transource PA's and PJM's actions in responding to OCA's discovery questions.

B. OCA's Requested Extension Of The Schedule Is Not Necessary Or Warranted Under The Circumstances.

With approximately seven weeks remaining until the due date for Other Parties' Direct Testimony, Transource PA is currently up-to-date in responding to the OCA's discovery requests. Further, Transource PA has attempted to address the OCA's concerns regarding the PROMOD license terms and offered what it believes to be a reasonable compromise. Transource PA is currently awaiting a response from the OCA regarding the license terms and has not received a response as of the time of this filing.

The OCA has not offered sufficient justification for why additional time is needed to prepare its Direct Testimony. Given the current status of discovery, there is no need for OCA to be allowed additional time, beyond the approximate seven (7) weeks that exist under the current schedule, to prepare its Direct Testimony. This is especially true given the lengthy procedural schedule that was adopted at the request of the OCA in this proceeding.

The schedule that was adopted provides for a Reply Brief date that is approximately fourteen (14) months after the filing. In a base rate proceeding, the Reply Brief date is approximately six (6) months after the filing. In addition, the proceedings for the approval of both the Susquehanna Roseland and Northeast Pocono transmission projects had Reply Brief dates approximately nine (9) months after the filing. *See Application of PPL Electric Utilities Corporation filed Pursuant to 52 Pa. Code Chapter 57, Subchapter G, for approval of the siting and construction of transmission lines associated with the Northeast-Pocono Reliability Project in Portions of Luzerne, Lackawanna, Monroe, and Wayne Counties, Pennsylvania*, Docket No. A-2012-2340872 (Order entered January 9, 2014); *Application of PPL Electric Utilities Corporation Filed Pursuant to 52 Pa. Code Chapter 57, Subchapter G, for Approval of the*

Siting and Construction of the Pennsylvania Portion of The Proposed Susquehanna-Roseland 500 kV Transmission Line in Portions of Lackawanna, Luzerne, Monroe, Pike and Wayne Counties, Pennsylvania, Docket No. A-2009-2082653 (Order entered February 12, 2010).

Given the time that remains for OCA to file its testimony and the length of the schedule as compared to schedules in other proceedings, OCA's request to extend the schedule is not necessary or reasonable.

C. The Information OCA Seeks Has Been Available Through The PJM RTEP Stakeholder Process.

OCA's Motion focuses on discovery questions that relate to PJM transmission and congestion and the need for the proposed Project. The OCA, along with a broad spectrum of stakeholders including not only consumer counsel in various states, but significantly the competitors of Transource whose bids were not selected, already had ample opportunity to seek additional information and question the need for the IEC Project during PJM's 2014-15 RTEP window and the evaluation of the resulting proposed solutions. This process started approximately three years ago, with the opening of PJM's window to call for proposal to address the congestion problem that Project 9A is needed to resolve. It continued with an extensive review process open to stakeholders, in which OCA could have participated. If OCA had availed itself of this opportunity, it could have gained extensive information (in fact, if it so desired, much more extensive information than what it has sought in discovery so far in the present case) about the need for the IEC Project and Project 9A as a whole as determined by PJM, as well as about any other alternatives. OCA had an opportunity to participate in the PJM RTEP process in 2015, when PJM called for solutions to the stated need, in 2016 when PJM selected in a competitive process Project 9A from forty-one (41) proposals as the best solution for the transmission congestion problem sought to be addressed, and in 2017 and 2018, when PJM

confirmed based on updated assumptions that Project 9A and the IEC Project continue to meet the need Project 9A is designed to meet.

In fact, OCA did not even need to go as far as being an active participant in PJM's RTEP process in order to obtain material and significant information about the selection of Project 9A, or about the other alternatives that were eliminated from further consideration once it was determined that Project 9A was the best of the proposals submitted by competitors in the industry. OCA has had access to the publicly-disseminated information made available by PJM in its website throughout this period. For example, as described in PJM's Board Whitepaper of August 2016 (publicly available at [<http://www.pjm.com/-/media/committees-groups/committees/teac/20160811/20160811-board-whitepaper-august-2016.ashx>]), this information includes the results of the analyses summarized in reports reviewed with the Transmission Expansion Advisory Committee ("TEAC")² and Subregional RTEP committees over several meetings throughout 2016. The most recent analyses at the time, along with recommended solutions, were reviewed during the June 23, 2016 TEAC webcast. Written comments were requested to be submitted to PJM communicating any concerns with the recommendation and any alternative transmission solutions for consideration.

The openness, accessibility, and broad spectrum of the process, by which PJM selected Project 9A (including the IEC Project) above other competitors seeking to address the recurring

²The Transmission Expansion Advisory Committee ("TEAC") is a robust stakeholder group, established under PJM's Operating Agreement, and open to "...(i) all Transmission Customers, as that term is defined in the PJM Tariff, and applicants for transmission service; (ii) any other entity proposing to provide Transmission Facilities to be integrated into the PJM Region; (iii) all Members [of PJM]; (iv) the agencies and offices of consumer advocates of the States in the PJM Region exercising regulatory authority over the rates, terms or conditions of electric service or the planning, siting, construction or operation of electric facilities and (v) any other interested entities or persons." (See PJM Operating Agreement Schedule 6, Section 1.3(b)). The TEAC advises the PJM Office of the Interconnection on the preparation of the PJM Regional Transmission Expansion Plan for review and approval by the PJM Board of Managers, as described in the TEAC Charter, available at: [<https://www.pjm.com/-/media/committees-groups/committees/teac/postings/teac-charter.ashx?la=en>]. PJM's website provides publicly a wealth of information related to the TEAC's work. This information can be accessed through the following link: [<http://www.pjm.com/committees-and-groups/committees/teac.aspx>]

congestion problems the IEC Project is designed to address, is important, and quite relevant to the question of whether OCA is entitled to additional time to obtain information to which it has had access since before Transource PA filed its applications. As described by the Federal Energy Regulatory Commission in its ground-breaking Order No. 1000:

In the absence of the reforms implemented [in FERC's Order No. 1000], we are concerned that public utility transmission providers may not adequately assess the potential benefits of alternative transmission solutions at the regional level that may meet the needs of a transmission planning region more efficiently or cost-effectively than solutions identified by individual public utility transmission providers in their local transmission planning process.[...]

Similarly, the development of transmission facilities that span the service territories of multiple public utility transmission providers may obviate the need for transmission facilities identified in multiple local transmission plans while simultaneously reducing congestion across the region. Under the existing requirements of [FERC's] Order No. 890, however, there is no affirmative obligation placed on public utility transmission providers to explore such alternatives in the absence of a stakeholder request to do so. We correct that deficiency in this Final Rule.³

PJM is the FERC-approved Regional Transmission Organization charged with ensuring the reliable and efficient operation of the electric transmission system under its functional control, and coordinating the transmission of electricity in all or parts of thirteen states, including Pennsylvania, and the District of Columbia. In order to ensure reliable transmission service, PJM prepares an annual Regional Transmission Expansion Plan (the "RTEP"). PJM's RTEP is required to comply with the mandates of FERC's Order No. 1000.

³ Order 1000 136 FERC ¶ 61,051 (Issued July 21, 2011) at 66-67.

The RTEP is an annual planning process that encompasses a comprehensive series of detailed analyses to ensure electric power continues to flow reliably to customers under stringent reliability planning criteria. In addition to the reliability analysis, PJM's RTEP includes a Market Efficiency Analysis to identify congestion on electric transmission facilities that has economic or wholesale market effects, as well as potential improvements to electric transmission economic efficiencies. The electric transmission needs identified in this analysis stem from the fact that the PJM transmission grid provides the means for generators to participate in a competitive wholesale market to supply electricity, both capacity and energy, to customers in PJM's geographic footprint no matter where in this area the electrical load is located. The electric transmission infrastructure needs identified by the PJM Market Efficiency Analysis are addressed by market efficiency transmission projects, which are aimed specifically at improving electric transmission economic efficiencies and alleviating electric transmission constraints that have an economic impact on PJM's wholesale energy or capacity markets.

When PJM's Market Efficiency Analysis identifies a need to relieve congestion on electric transmission facilities, PJM opens a Long Term Proposal Window to solicit the submittal of potential solutions (i.e., market efficiency projects) to address those needs. PJM's solicitation of market efficiency project submittals through its Long Term Proposal Window is a competitive process consistent with FERC Order No. 1000 (paragraph 81). Potential solutions are evaluated using two criteria: first, the project must address the congestion identified in the Market Efficiency Analysis; and, second, the project benefits must exceed the costs by at least 25 percent. In addition, the project must meet PJM's congestion criteria and not create additional unacceptable congestion elsewhere on the system.

Market efficiency projects that are selected through PJM's Long Term Proposal Window are presented to stakeholders and recommended to the PJM Board of Managers ("PJM Board") for approval. If approved, such market efficiency projects are included in the RTEP as Baseline Projects. Importantly, pursuant to Schedule 6 of PJM's Amended and Restated Operating Agreement, after the PJM Board approves a proposed market efficiency project, the successful project proponent is obligated to complete the project once PJM and the successful entity execute a Designated Entity Agreement, which specifically designates the entity or entities having construction responsibility for the project.

In October 2014, PJM opened a Long Term Proposal Window ("2014/15 RTEP Long Term Proposal Window") to solicit proposals to address, among other things, transmission congestion constraints in Pennsylvania, Maryland, Virginia, and West Virginia. In response, Transource Energy, the parent of Transource PA, submitted "Project 9A." The IEC Project is a major component of Project 9A. After extensive evaluation over a sixteen month period and review with stakeholders at numerous RTEP/TEAC meetings, PJM selected Project 9A to address the needs identified in PJM's 2014/15 RTEP Long Term Proposal Window because it provided the highest benefit-to-cost ratio, the most total congestion savings, and the most production cost savings. On August 2, 2016, the PJM Board approved Project 9A as Baseline Upgrade Numbers b2743 and b2752, which includes the IEC Project.

As explained by Mr. McGlynn, Senior Director, System Planning of PJM, in his Direct Testimony in this proceeding, TEAC participation is open to all transmission customers, all entities proposing to provide transmission facilities to be integrated into PJM, all PJM members, representatives of State Commissions, the agencies and offices of State Consumer Advocates

(including the OCA) and other interested parties. (Transource PA St. No. 3, p. 13) All parties can provide comments that are provided to the PJM Board for consideration.

Regional coordination requires the approach that gave OCA such access and opportunity to participate. As explained by FERC in Order No. 1000:

Through the reforms to regional planning required in [FERC's Order No. 1000], the Commission is seeking to ensure that a robust process is in place to identify and consider regional solutions to regional needs, whether initially identified through "top down" or "bottom up" transmission planning processes. (...) [I]mplementation of this framework to remove federal rights of first refusal will address disincentives that may be impeding participation by nonincumbent transmission developers in the regional transmission planning process. (...)

For example, this Final Rule permits a region to use or retain an existing mechanism that relies on a competitive solicitation to identify preferred solutions to regional transmission needs, and such an existing process may require little or no modification to comply with the framework adopted in this Final Rule. [fn 302] (...)

For example, the Commission has found that competitive solicitation processes can provide greater potential opportunities for independent transmission developers to build new transmission facilities. See, e.g., California Indep. Sys. Operator, 133 FERC ¶ 61,224 (2010).⁴ (...)

PJM has thoroughly demonstrated the need for the proposed Project under the RTEP process pursuant to rules and procedures adopted by the Federal Energy Regulatory Commission ("FERC"). Transource PA has not objected to OCA's review of this process in discovery and has provided answers, despite the fact that stakeholders, including OCA, could have obtained this and other information efficiently, effectively, and much earlier through participation in

⁴ Order 1000 at 254-255 (paragraphs 320 and 321).

PJM's open and participatory RTEP process and despite the fact that it has been burdensome on PJM to answer these questions as presented in discovery in this case.

D. OCA Improperly Filed Its Motion Under Section 5.371 and 5.372 Of The Commission's Regulations.

The OCA improperly filed its Motion under 52 Pa. Code § 5.371 and § 5.372. These sections of the Commission's regulations do not provide for the relief that OCA requests in its Motion. Sections 5.371 and 5.372 provide for sanctions. The OCA is not requesting sanctions, but rather an extension of the procedural schedule.

The subpart of Section 5.372 that provides for an extension of the schedule as a remedy applies only to rate proceedings. The relevant portion of the regulation provides as follows:

(b) In addition to the sanctions described in subsection (a), **in rate proceedings**, when a party fails to answer discovery requests on the date due, the presiding officer may issue an order that the hearing schedule be modified, that the deadline for the filing of other parties' written testimony be extended, or that provides other relief that will allow the other parties a sufficient and reasonable opportunity to prepare their cases. (emphasis added)

This is not a rate proceeding; therefore, Section 5.372(b) is inapplicable here. The OCA should have filed its Motion pursuant to 52 Pa. Code § 5.103, relating to motions generally.

E. Transource PA Is Willing To Compromise With OCA.

The schedule adopted in this proceeding is as follows:

Filing	December 27, 2018
Intervenor Direct Testimony	July 25, 2018
Rebuttal Testimony	October 3, 2018
Surrebuttal Testimony	November 7, 2018
Written Rejoinder	November 20, 2018
Hearings	December 4-7 and 10-12, 2018
Main Briefs	February 1, 2019
Reply Briefs	February 28, 2019

Transource PA is willing to modify the procedural schedule as follows:

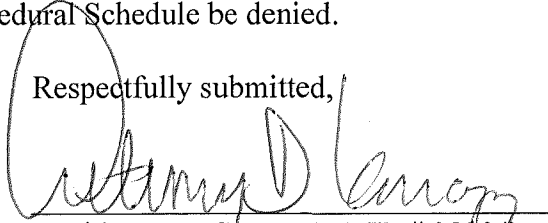
Filing	December 27, 2018
Intervenor Direct Testimony	August 8, 2018
Rebuttal Testimony	October 10, 2018
Surrebuttal Testimony	November 13, 2018
Written Rejoinder	November 27, 2018
Hearings	December 4-7 and 10-12, 2018
Main Briefs	February 1, 2019
Reply Briefs	February 28, 2019

Transource PA notes that its proposed revised schedule would allow intervenors two (2) additional weeks for direct testimony, which is a full nine (9) weeks from the date of OCA's Motion, and still maintain the scheduled hearing dates. Transource PA believes that this is a reasonable compromise and allows the OCA a significant amount of time to finalize its direct testimony.

III. CONCLUSION

WHEREFORE, Transource Pennsylvania, LLC respectfully requests that the Office of Consumer Advocate's Motion to Amend the Procedural Schedule be denied.

Respectfully submitted,



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Date: June 6, 2018

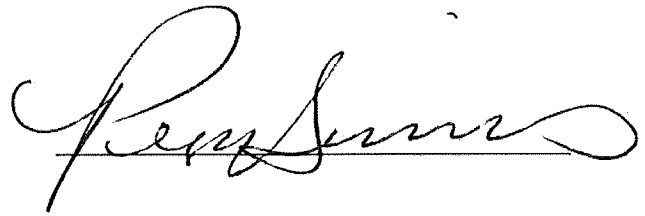
Attorneys for Transource Pennsylvania, LLC

VERIFICATION

I, Peggy Simmons, being the Managing Director with American Electric Power Service Corporation 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 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:

10/10/18

A handwritten signature in cursive script, appearing to read "Peggy Simmons", written over a horizontal line.