

Karen O. Moury  
717.237.6036  
kmoury@eckertseamans.com

July 3, 2018

**Via Electronic Filing**

Rosemary Chiavetta, Secretary  
PA Public Utility Commission  
PO Box 3265  
Harrisburg, PA 17105-3265

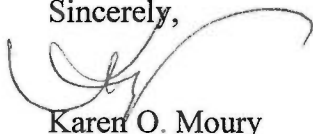
Re: Applications of Transource Pennsylvania, LLC, *et al.*; Docket Nos. A-2017-2640195 and A-2017-2640200, *et al.*

Application of Transource Pennsylvania, LLC filed Pursuant To 15 Pa.C.S. §1511(c) for a Finding and Determination that the Service to be Furnished by the Applicant through its Proposed Exercise of the Power of Eminent Domain to Acquire a Certain Portion of the Lands of Maple Lawn Farms, Inc. in Fawn Township, York County, Pennsylvania for the Siting and Construction of the 230 kV Transmission Line Associated with the Independence Energy Connection-East Project is Necessary or Proper for the Service, Accommodation, Convenience or Safety of the Public, Docket No. A-2018-3001985

Dear Secretary Chiavetta:

Enclosed for filing is the Protest of Maple Lawn Farms, Inc. to the above-referenced Application of Transource Pennsylvania, LLC for Power of Eminent Domain, which has been consolidated with the above-captioned Applications of Transource filed in 2017. Copies have been served on the applicant, per the Notice in the *Pennsylvania Bulletin* published on June 16, 2018. Courtesy copies have also been provided to the presiding Administrative Law Judges.

Sincerely,



Karen O. Moury

KOM/lww  
Enclosure

cc: Cert. of Service  
Elizabeth Barnes, Administrative Law Judge  
Andrew Calvelli, Administrative Law Judge

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Transource Pennsylvania, LLC :  
for approval of the Siting and Construction of the : Docket No. A-2017-2640195  
230 kV Transmission Line Associated with the : Docket No. A-2017-2640200  
Independence Energy Connection - East and West :  
Projects in portions of York and Franklin Counties, :  
Pennsylvania. :

Petition of Transource Pennsylvania, LLC :  
for a finding that a building to shelter control : Docket No. P-2018-3001878  
equipment at the Rice Substation in Franklin :  
County, Pennsylvania is reasonably necessary for :  
the convenience or welfare of the public. :

Petition of Transource Pennsylvania, LLC :  
for a finding that a building to shelter control : Docket No. P-2018-3001883  
equipment at the Furnace Run Substation in York :  
County, Pennsylvania is reasonably necessary for :  
the convenience or welfare of the public. :

Application of Transource Pennsylvania, LLC :  
for approval to acquire a certain portion of the lands : Docket No. A-2018-3001881, *et al.*  
of various landowners in York and Franklin :  
Counties, Pennsylvania for the siting and :  
construction of the 230 kV Transmission Line :  
associated with the Independence Energy :  
Connection – East and West Projects as necessary or :  
proper for the service, accommodation, convenience :  
or safety of the public. :

and

Application of Transource Pennsylvania, LLC :  
filed Pursuant To 15 Pa.C.S. § 1511(c) for a :  
Finding and Determination that the Service to be : Docket No. A-2018-3001985  
Furnished by the Applicant through its Proposed :  
Exercise of the Power of Eminent Domain to :  
Acquire a Certain Portion of Maple Lawn Farms, :  
Inc. in Fawn Township, York County for the Siting :  
And Construction of the 230 kV Transmission Line :  
Associated with the Independence Energy :  
Connection-East Project is Necessary or Proper :  
For the Service, Accommodation, Convenience :  
or Safety of the Public :

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**PROTEST OF MAPLE LAWN FARMS, INC. TO  
APPLICATION OF TRANSOURCE PENNSYLVANIA, LLC**

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**TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:**

Maple Lawn Farms, Inc. (“Maple Lawn Farms”) herein files this Protest, pursuant to 52 Pa. Code § 5.51 and the notification published in the *Pennsylvania Bulletin* on June 16, 2018 (48 Pa.B. 3679), to the Application filed by Transource Pennsylvania, LLC (“Transource PA”). By its filing, Transource PA seeks a finding and determination by the Pennsylvania Public Utility Commission (“Commission”) that the service to be furnished through the proposed exercise of the power of eminent domain to acquire a right-of-way and easement over a certain portion of the lands of Maple Lawn Farms in Fawn Township, York County, Pennsylvania for the siting and construction of the 230 kV transmission lines associated with the proposed Independence Energy Connection-East Project (“IEC-East Project”) is necessary or proper for the service, accommodation, convenience, or safety of the public (“Eminent Domain Application”). Maple Lawn Farms files this Protest in opposition to the Eminent Domain Application on the basis that: A) the proposed IEC-East Project is not necessary or proper for the service, accommodation, convenience, or safety of the public; and B) the proposed exercise of eminent domain is capricious and would be wantonly injurious to the property and interests of Maple Lawn Farms. Pursuant to 52 Pa. Code § 57.91, Maple Lawn Farms hereby requests the opportunity for a public hearing on the Eminent Domain Application. In further support of this Protest, Maple Lawn Farms states as follows:

1. This Protest is filed by Maple Lawn Farms, which owns the land located in parts of New Park, York County that are identified in Paragraph 31 of the Eminent Domain Application.

The name and mailing address of the owners of record of said tracts of land is Maple Lawn Farms, Inc., 251 E. Maple Lawn Road, New Park, Pennsylvania 17352.

2. The attorney for Maple Lawn Farms, Inc. is:

Karen O. Moury  
PA Attorney ID #36879  
Eckert, Seamans, Cherin & Mellott LLC  
213 Market Street, 8<sup>th</sup> Floor  
Harrisburg, PA 17101  
717.237.6036.  
komoury@eckertseamans.com

Service of documents on Maple Lawn Farms, Inc. may be accomplished through service on its attorney.

3. As acknowledged by Transource PA, the Commission may not approve the Eminent Domain Application unless it finds that the exercise of eminent domain for the proposed IEC-East Project is “necessary or proper for the service, accommodation, convenience or safety of the public.” 15 Pa. C.S. § 1511(c).

4. Further, in *Application of Trans-Allegheny Interstate Line Company*, Docket No. A-110172 (Order entered December 12, 2008) (“*TrAILCo Order*”), the Commission noted that an exercise of eminent domain will not be authorized if the determination of the location of the land was not made in good faith, was capricious or would be wantonly injurious to the landowner. *TrAILCo Order* at 54.

5. By this Protest, Maple Lawn Farms opposes the Eminent Domain Application on the grounds that: A) the proposed IEC-East Project is not necessary or proper for the service, accommodation, convenience, or safety of the public; and B) the proposed exercise of eminent domain is capricious and would be wantonly injurious to the property and interests of Maple Lawn Farms.

6. The Furnace Run-Conastone 230 kV Transmission Line associated with the proposed IEC-East Project will be a 230 kV double-circuit transmission line. The Pennsylvania portion of the proposed IEC-East Project will consist of tubular steel monopoles, multi-pole structures and steel lattice structures.

7. In granting Transource PA a certificate of public convenience, the Commission expressly declined to find a public need for the additional electric transmission services in Franklin and York Counties. Specifically, “[i]n order to prevent any possible predetermination of need,” the Commission modified the Initial Decision of the Administrative Law Judge by striking a discussion of public need for the IEC-East Project. *Application of Transource Pennsylvania, LLC*, Docket No. A-2017-2587821 (Order entered January 23, 2018), at 8-9.

8. The proposed IEC-East Project is not necessary or proper for the service, accommodation, convenience, or safety of the public because: (A) other reasonable alternatives exist, including the use of nearby existing transmission lines (and accompanying rights-of-way that are underutilized); (B) the proposed project is not designed to address reliability concerns but is rather described by Transource PA as a market efficiency project that will reduce congestion costs, primarily in the District of Columbia metropolitan area; and (C) the cost-benefit ratio of the proposed IEC-East Project does not justify the construction of the transmission line.

9. Notably, the original benefit-cost ratio for the proposed IEC-East Project of 1.32 barely met the standards of PJM Interconnection LLC (“PJM”), which will not approve a project that has a benefit-cost ratio less than 1.25. A re-evaluation of the proposed IEC-East Project is expected to be presented to PJM during the October 2018 TEAC. Due to rising costs of steel and aluminum since the original evaluation, it is anticipated that the benefit-cost ratio will be less favorable. Further, the benefit-cost ratio does not consider all of the costs of the proposed IEC-

East Project, including the costs to the affected landowners in terms of property values and loss of business revenues, or factor in the possibility of the construction costs exceeding their estimates.

10. By failing to consider other reasonable alternatives that exist and proposing a project that is not needed for reliability reasons and for which the costs are likely to exceed the benefits, Transource's proposal to exercise eminent domain was not made in good faith and is capricious. The proposed route selection would also be wantonly injurious to Maple Lawn Farms as further described below.

11. The Transource PA proposal to traverse significant portions of the lands owned by Maple Lawn Farms would adversely affect these properties in several key ways, including but not limited to: A) the destruction and permanent scarring of its aesthetic qualities and breathtaking view shed; B) the devastating impact on the use of my land for farming and agribusiness; C) the disruption to the environment, including natural wildlife; and D) the negative financial impact on my land and business. Additionally, allowing Transource to exercise eminent domain over the properties of Maple Lawn Farms would be completely at odds with the Century Farm Program that recognizes the farms and families that contribute so much to Pennsylvania's heritage and who foster and preserve its agricultural legacy.

12. The current view shed of Maple Lawn Farms is unobstructed and is a critical feature and key draw for tourists and customers to Maple Lawn Farms, which attracts many visitors from suburban areas and cities who come to enjoy the beauty and serenity of the scenic farm. Allowing Transource PA to exercise the proposed eminent domain over this land would destroy the aesthetic and physical environment, resulting in a decline of tourism, a loss of revenues to Maple Lawn Farms and the loss of jobs for many of its 85 employees. Once the view shed is marred by massive transmission line towers and wires, the aesthetic culture and heritage is lost forever.

13. While Maple Lawn Farms is aware that eminent domain has long been a tool to public utilities to gain access to property that is needed for projects that would benefit the greater good, the IEC-East Project is being proposed by an out-of-state entity that only recently obtained public utility status and is actually not currently providing utility services to the public. Indeed, the Commonwealth Court has recognized that the reason that a public utility has eminent domain power is because of its statutory obligation to provide safe and reliable service to its customers. *Hess v. Pa. P.U.C.*, 107 A.3d 246 (2014) at \*249. Here, no such rationale or logic exists.

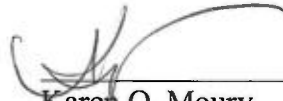
14. Finally, it is noteworthy that on June 24, 2018, Governor Wolf signed into law Act No. 45 of 2018 (Senate Bill 2468), which places limitations on the use of eminent domain when necessary to protect natural resources, farmlands, scenic areas, historic sites and open spaces. While public utility facilities or other projects that are subject to approval by a federal agency are exempt from the protections afforded by Act No. 45, it is not clear whether Commission approval alone exempts such projects or if the projects also need to be subject to federal approval. In any event, the General Assembly's commitment to the protection of natural resources, farmlands, scenic areas, historic sites and open spaces supports a denial of the Eminent Domain Application.

15. Pursuant to 52 Pa. Code § 57.91, a public hearing is requested so that additional information can be provided regarding the Eminent Domain Application.

WHEREFORE, Maple Lawn Farms, Inc. respectfully requests that the Pennsylvania Public Utility Commission deny the Eminent Domain Application filed by Transource Pennsylvania LLC.

Respectfully submitted,

July 3, 2018



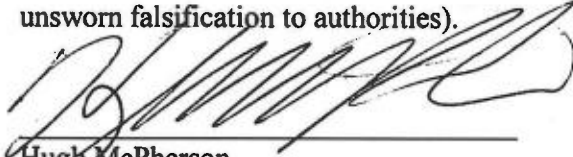
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Karen O. Moury  
PA Attorney ID #36879  
Eckert, Seamans, Cherin & Mellott LLC  
213 Market Street, 8<sup>th</sup> Floor  
Harrisburg, PA 17101  
717.237.6036.  
komoury@eckertseamans.com



## VERIFICATION

I, Hugh McPherson, Corporate Secretary, Maple Lawn Farms, Inc. hereby state that the facts set forth in this document 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).



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Hugh McPherson

June 29, 2018