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July 16, 2018

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: Application of Transource Pennsylvania, LLC for approval of the Siting and Construction of the 230 kV Transmission Line Associated with the Independence Energy Connection - East and West Projects in portions of York and Franklin Counties, Pennsylvania - Docket Nos. A-2017-2640195 & A-2017-2640200

**Petition of Transource Pennsylvania, LLC for a Finding that a Building to Shelter Control Equipment at the Rice Substation in Franklin County, Pennsylvania is reasonable necessary for the convenience or welfare of the public
Docket No. P-2018-3001878**

**Petition of Transource Pennsylvania, LLC for a Finding that a Building to Shelter Control Equipment at the Furnace Run Substation in York County, Pennsylvania is reasonable necessary for the convenience or welfare of the public
Docket No. P-2018-3001883**

Application of Transource Pennsylvania, LLC for approval to acquire a certain portion of the lands 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 - Docket Nos. A-2018-3001881, et al.

Dear Secretary Chiavetta:

Rosemary Chiavetta, Secretary
July 16, 2018
Page 2

Enclosed for filing is the Answer of Transource Pennsylvania, LLC to the Motion to Compel of the Office of Consumer Advocate (Set XX) in the above-referenced proceedings. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,



Anthony D. Kanagy

ADK/jl
Enclosures

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

CERTIFICATE OF SERVICE

Docket Nos. A-2017-2640195 & A-2017-2640200, et al.

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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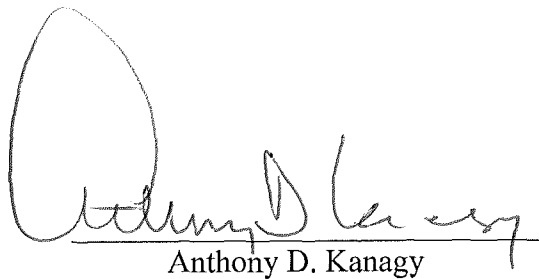
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Date: July 16, 2018



Anthony D. Kanagy

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Transource Pennsylvania, LLC :
for approval of the Siting and Construction of :
the 230 kV transmission Line Associated with : Docket Nos. A-2017-2640195
the Independence Energy Connection-East & : A-2017-2640200
West Projects in Portions of Franklin and York :
Counties, Pennsylvania :

Petition of Transource Pennsylvania, LLC for a :
finding that a building to shelter control :
equipment at the Rice Substation in Franklin : Docket No. P-2018-3001878
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 :
equipment at the Furnace Run Substation in : Docket No. P-2018-3001833
York County, Pennsylvania is reasonably and :
necessary for the convenience or welfare of the :
public :

Application of Transource Pennsylvania, LLC :
for approval to acquire a certain portion of :
lands of various landowners in York and : Docket Nos. A-2018-3001881, *et al.*
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 :

**ANSWER OF TRANSOURCE PENNSYLVANIA, LLC
TO MOTION TO COMPEL OF
THE OFFICE OF CONSUMER ADVOCATE (SET XX)**

Transource Pennsylvania, LLC (“Transource PA”) hereby submits this Answer to The Office of Consumer Advocate (“OCA”)’s Motion to Compel Responses to Set XX at Docket Nos. A-2017-2640195 and Docket No. A-2017-2640200, pursuant to 52 Pa. Code § 5.342(g)(1). As explained below, the OCA’s Motion to Compel should be dismissed because Set XX,

Questions 3(a) and 4(a) are overly broad and unduly burdensome and request information that is irrelevant to this proceeding and unlikely to lead to the discovery of admissible evidence. In addition, Transource PA and PJM have provided the information to OCA so that OCA can perform the analysis it is asking Transource PA and PJM to perform. Parties providing discovery responses are not required to perform analyses for other parties, especially when the party asking for the analysis can perform it themselves.

I. BACKGROUND

On June 12, 2018, the OCA issued Set XX following a technical conference that was held on June 8, 2018.

On June 22, 2018, Transource PA served written objections to certain questions in Set XX, including Questions 3(a) and 4(a), which are the subject of this Motion to Compel, explaining why the information requested in these Questions is overly broad, unduly burdensome and request information that is irrelevant to this proceeding and unlikely to lead to the discovery of admissible evidence.

However, while maintaining its objections, Transource PA provided timely answers to all of the responses in Set XX on July 2, 2018.

Counsel for the OCA and Counsel for Transource PA agreed to extend the due date for the OCA to file a Motion to Compel with respect to Set XX until July 9, 2018. The OCA filed its Motion to Compel accordingly.

Transource PA hereby submits this Answer to the OCA's Motion to Compel.

II. LEGAL STANDARD

Pursuant to Section 5.321(c), a party may obtain discovery of any matter not privileged that is relevant to a pending proceeding and that is reasonably calculated to lead to the discovery

of admissible evidence. 52 Pa. Code § 5.321(c). The Commission’s regulations prohibit discovery that would cause unreasonable burden, expense, or delay, or that would cause the answering party to undertake an unreasonable investigation. 52 Pa. Code § 5.361(a)(2), (4).

Under the Commission’s discovery rules, parties are not required to perform analysis for other parties except in rate proceedings. 52 Pa. Code § 5.361. Even in a rate proceeding, parties are not required to perform analyses for other parties when the asking party can perform the analysis itself. As explained below, the cases cited by OCA to support its Motion are distinguishable because they do not require the producing party to perform a new analysis that has not been performed or were in the context of a rate proceeding.

III. CEII MATERIAL

Some of the material provided in response to Questions 1 and 2 of OCA Set XX was designated as *Critical Energy Infrastructure Information* (“CEII”), based on the fact that the information that those documents contain was derived from sources designated as CEII. OCA’s Motion challenges the CEII designation of this material. Upon further review, PJM has determined that the specific information provided in the responses, by itself, does not constitute CEII and that a “Confidential” designation will be sufficient to protect this information. Counsel for Transource PA communicated the same to counsel for the OCA on July 12, 2018. Transource PA plans to reserve the material with the CEII designation removed and replaced with a “Confidential” designation. In its Motion, the OCA indicated that it was not challenging a confidential designation at this juncture. OCA Motion, p. 3, fn. 17. Thus, this issue is moot.

IV. MOTION TO COMPEL RESPONSES TO QUESTIONS 3(A) AND 4(A)

The Questions that are the subject of the OCA’s Motion to Compel are as follows:

3. Please compare the UNT files with and without Project 9A, and for each hour, provide:

a. The actual name of each unit whose output increased with the inclusion of Project 9A.

4. Please compare the UNT files with and without Project 9A, and for each hour, provide:

a. The actual name of each unit whose output decreased with the inclusion of Project 9A.

While maintaining its objections, Transource PA responded to Questions 3(a) and 4(a) by referring the OCA to the Confidential material provided in response to Question 1 of Set XX, which contains responsive information requested. The information provided relates to the analysis presented during PJM's February 8, 2018 TEAC meeting. While these files provide only underlying data supporting the analysis, these files themselves do not contain the benefit to cost ratio calculations that are the core of PJM's market efficiency analysis. In fact, even though Transource PA has provided the .UNT files with and without Project 9A to OCA, Transource PA has also highlighted to OCA that the data requested provides no meaningful information about the congested facilities and why generation units are dispatched. All that the analysis requested by OCA would demonstrate would be the dispatch patterns of individual generating units, but would provide no meaningful information about the benefits of the Project to load customers.

With the information that Transource PA has provided to the OCA, OCA can compare the hourly files to determine which units output increased in each hour and which units output decreased in each hour. A correlation of PROMOD long names to PROMOD short names of the units has also been provided to OCA in response to OCA-VI-1d, which enables OCA to identify each of the thousands of generating units included in PROMOD and provided in the .UNT files. The information provided in these files sufficiently answers Questions 3(a) and 4(a). Therefore,

the OCA can determine the information it is requesting in Questions 3(a) and 4(a) from the data that has already been provided by performing its own analysis.

The Company has advised OCA that it has the information to perform its analysis in its response to Set XX. The Company also reiterates its willingness to provide technical information both about the .UNT files and PROMOD. However, it appears that OCA is moving to Compel Transource PA and/or PJM to perform this analysis for OCA. This is an unreasonable request.

Responding to Questions 3(a) and 4(a) would require a new analysis that has not been performed by PJM or Transource PA. More importantly, the analyses requested are irrelevant to the issues raised in this case. The OCA maintains that the information is necessary to evaluate congestion issues, including the extent, duration and frequency of congestion. (OCA Motion p. 17). Again, Transource has already provided the information necessary for OCA to perform the analysis requested in Questions 3(a) and 4(a). Moreover, even if that analysis was performed it would still not provide meaningful information about the congested facilities or the benefits of Project 9A. However, the analysis requested was not part of the evaluation of Project 9A, nor is it informative regarding the need for Project 9A.

OCA cites *Pa. PUC v. PECO Energy Company – Gas Division*, Docket No. R-2008-2028394, Prehearing Order #1 at 5 (June 16, 2008) and *Order Disposing of the Motions to Compel Filed by the Office of Consumer Advocate and Verizon Against the Pennsylvania Telephone Association and Embarq*, Docket No. I-00040105, at 7-8 (Aug. 20, 2008) as support for its argument that the analysis requested is relevant to its examination of congestion and alternatives related to Project 9A and would not rise to the level of undue burden. Those cases are distinguishable from the OCA's request here. In *Pa. PUC v. PECO Energy Company*, the

OCA's request was limited to providing existing data and inputs, not conducting a new extensive analysis. The *Order Disposing of the Motions to Compel Filed by the Office of Consumer Advocate and Verizon Against the Pennsylvania Telephone Association and Embarq* was issued in a rate proceeding. Here, the OCA is requesting that Transource PA perform a new analysis using the data in a non-rate proceeding.

Moreover, whether a particular generating unit's output increases or decreases in the model with or without Project 9A in a particular hour, or even month or year, provides no meaningful information about the benefits that result from bringing in service Project 9A. The model used by PJM to perform its market efficiency analysis contains thousands of individual units, and each unit may increase output in some of the hours modeled and decrease output in some other hours as a result of including or excluding Project 9A from the modeled scenarios.

Given the lack of probative value of this information, and that the OCA has the information needed to perform the analysis requested on its own, it would be unduly burdensome and unreasonable to require Transource PA to perform the analysis. Moreover, while the PROMOD tool performs hourly simulations, the analysis conducted by PJM to determine the benefits of a proposal to relieve congestion is performed on data which is aggregated to an annual basis, and without comparison of individual generating units output. Comparison of the output of individual generating units serves no purpose in evaluating the benefits of proposals, and was therefore not performed.

OCA states in its motion that the Company has access to the PROMOD model to perform this analysis (motion page 20). OCA's statement is incorrect. The PROMOD software does not perform comparison but rather it runs simulations of the studied scenarios. As a result, the PROMOD software cannot be used to perform the analysis requested by OCA. The only way to

determine which individual units increased or decreased on an hourly basis would be to perform this comparison for all units for each hour- a task that either would need to be manual or require the development of new software code (including testing and validation) for that particular purpose.

There are roughly 2,300 generating units represented in the .UNT files. There are at least 8,760 hourly data points (8,784 for one of the years on account of it being a leap year) for each unit in each .UNT file. There are four .UNT files (one for each modeled year) for each of the “with 9A” and “without 9A” scenarios. To illustrate, 2,300 units x 8,760 hours x 4 modeled years = 80,592,000 data points for each scenario which would need to be compared in order to respond to OCA’s request. Performing this analysis manually is not a practical alternative. Therefore, it would require the writing of new software code, as explained above, separate from the PROMOD software. Transource PA explained this to OCA in its Objection.

The OCA claims in its Motion to compel that “[i]t is critical, therefore, that Transource respond fully to these questions” arguing that “[d]oing so will allow the OCA to better determine the nature of the AP South congestion, including where the congestion is occurring, the extent of the congestion, the frequency of congestion, and the duration of congestion” and that “the OCA will be able to determine, based on the hourly changes in dispatch, the hours that the congestion occurs such that OCA witnesses will be able to assess whether and what type of alternatives to the IEC Project may exist.” (OCA Motion to Compel, p. 17). This is simply not the case.

The error in OCA’s argument is rooted in a misunderstanding of transmission congestion resulting in increased transmission congestion costs, and of the market efficiency analysis necessary to evaluate whether particular projects are needed and beneficial (i.e., whether the project reduces transmission congestion costs on a net basis). Unlike transmission reliability

analysis, in which predictable and narrow scenarios are considered for one specific time (such as summer peak load conditions), market efficiency analysis requires consideration of the complex interactions of very many factors (many of which are economic) over a whole simulated time period, for example one year. This market efficiency analysis is performed by PJM following a state of the art process that is subject to regulation by FERC and tested extensively by stakeholders among the generation, load, regulatory, and competing developer sectors. Given the burden of performing the analysis requested by OCA and the limited probative value, it is not reasonable to require Transource PA and/or PJM to perform this analysis.

In Footnote 24 of the Motion, OCA states that OCA and PJM agreed that it was not reasonably possible to provide OCA access to PROMOD. Transource PA and PJM disagree with any suggestion that the terms offered by ABB to OCA were unreasonable. It was the OCA's decision not to accept the terms offered by ABB, which although OCA determined were not acceptable for their purposes, represented commercial terms that are typical for customized software such as PROMOD.

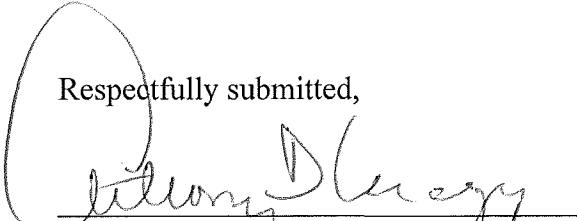
As explained above, parties are not required to perform analyses for other parties outside of a rate proceeding. Even in a rate proceeding, the filing party is not required to perform an analysis for other party when that party can perform the analysis itself. 52 Pa. Code § 5.361.

The information requested in Questions 3(a) and 4(a), even if OCA were to perform the required analysis on its own, is irrelevant to the need for Project 9A and related congestion issues. Transource PA should not be required to undertake a burdensome, irrelevant analysis, especially when OCA has the information needed to perform the analysis itself.

V. CONCLUSION

WHEREFORE, Transource Pennsylvania, LLC respectfully requests that the Commission deny The Office of Consumer Advocate's Motion to Compel.

Respectfully submitted,



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Date: July 16, 2018

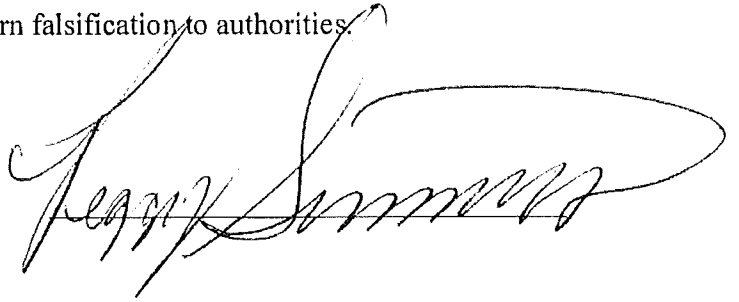
Attorneys for Transource Pennsylvania, LLC

VERIFICATION

I, Peggy I. Simmons, being the Managing Director, Transmission Asset Strategy at American Electric Power 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:

7/16/18

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