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File #: 166570

September 12, 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

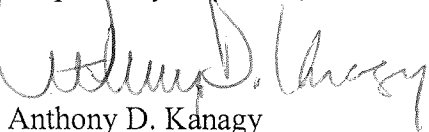
**Re: Application of Transource Pennsylvania, LLC filed Pursuant To 15 Pa.C.S. §1511(c) for a Finding and Determination that the Service to be Furnished by the Applicant through its Proposed Exercise of the Power of Eminent Domain to Acquire a Certain Portion of the Lands of J. Daniel & Elaine J. Eshleman in Washington Township, Franklin County, PA for the Siting and Construction of the 230 kV Transmission Line Associated with the Independence Energy Connection-West Project is Necessary or Proper for the Service, Accommodation, Convenience or Safety of the Public - Docket No. A-2018-3002020**

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Dear Secretary Chiavetta:

Enclosed for filing is the Petition for Leave to Withdraw the Application of Transource Pennsylvania LLC to Exercise the Power of Eminent Domain to Acquire an Easement and Right-of-Way Across the Property of J. Daniel & Elaine J. Eshleman in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,



Anthony D. Kanagy

ADK/jl  
Enclosures

Rosemary Chiavetta, Secretary  
September 12, 2018  
Page 2

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

**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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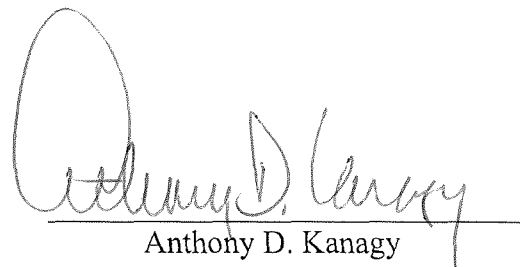
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Date: September 12, 2018

  
Anthony D. Kanagy

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Transource Pennsylvania, LLC :  
filed Pursuant To 15 Pa.C.S. §1511(c) for a : Docket No. A-2018-3002020  
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 the J. Daniel & Elaine J. Eshleman in :  
Washington Township, Franklin County, :  
Pennsylvania for the Siting and Construction :  
of the 230 kV Transmission Line Associated :  
with the **Independence Energy Connection-** :  
**West Project** is Necessary or Proper for the :  
Service, Accommodation, Convenience or :  
Safety of the Public :  
:

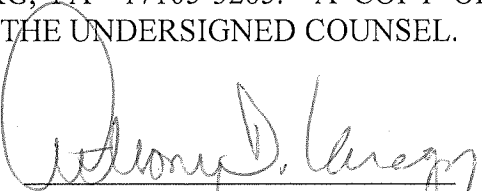
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**NOTICE TO PLEAD**

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YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.94(a), YOU MAY FILE AN OBJECTION TO THE ENCLOSED PETITION FOR LEAVE TO WITHDRAW WITHIN TEN (10) DAYS AFTER THE DATE OF SERVICE. YOUR OBJECTION SHOULD BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY OF YOUR OBJECTION SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL.

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Hector Garcia (VA ID # 48304)  
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Date: September 12, 2018

Attorneys for Transource Pennsylvania, LLC

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Transource Pennsylvania, LLC :  
filed Pursuant To 15 Pa.C.S. §1511(c) for a : Docket No. A-2018-3002020  
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Domain to Acquire a Certain Portion of the :  
Lands of the J. Daniel & Elaine J. Eshleman in :  
Washington Township, Franklin County, :  
Pennsylvania for the Siting and Construction :  
of the 230 kV Transmission Line Associated :  
with the **Independence Energy Connection-** :  
**West Project** is Necessary or Proper for the :  
Service, Accommodation, Convenience or :  
Safety of the Public :  
:

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**PETITION FOR LEAVE TO WITHDRAW THE  
APPLICATION OF TRANSOURCE PENNSYLVANIA, LLC  
TO EXERCISE THE POWER OF EMINENT DOMAIN TO ACQUIRE AN  
EASEMENT AND RIGHT-OF-WAY ACROSS THE PROPERTY OF  
J. DANIEL & ELAINE J. ESHLEMAN**

---

**TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:**

Transource Pennsylvania, LLC (“Transource PA”) hereby petitions to withdraw and terminate the “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 the J. Daniel & Elaine J. Eshleman in Washington Township, Franklin County, Pennsylvania for the Siting and Construction of the 230 kV Transmission Line Associated with the Independence Energy Connection-West Project is Necessary or Proper for the Service, Accommodation, Convenience or Safety of the Public” (“Eshleman Condemnation

Application”), pursuant to 52 Pa. Code § 5.94(a). In support thereof, Transource PA states as follows:

1. Transource PA is a limited liability company organized and existing under the laws of Delaware. Transource PA is a wholly-owned direct subsidiary of Transource Energy, LLC.

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

3. By order issued January 23, 2018, the Commission authorized Transource PA to begin to furnish and supply electric transmission service as a Pennsylvania public utility within two corridors to be located in Franklin and York Counties, Pennsylvania. *See Application of Transource Pennsylvania, LLC for All of the Necessary Authority, Approvals, and Certificates of Public Convenience (1) to Begin to Furnish and Supply Electric Transmission Service in Franklin and York Counties, Pennsylvania; (2) for Certain Affiliated Interest Agreements; and (3) for any Other Approvals Necessary to Complete the Contemplated Transactions*, Docket No. A-2017-2587821 (Order entered January 23, 2018).

4. As such, Transource PA is a Pennsylvania public utility and has the power of eminent domain pursuant to the Pennsylvania Business Corporation Law of 1988, P.L. 1444, No. 177, *as amended*, 15 Pa.C.S. §§ 1101, *et seq.*

5. 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” (“IEC-West Siting Application”), which was docketed at Docket No. A-2017-2640200. Therein, Transource

PA is requesting Commission approval of the siting and construction of the Pennsylvania portion of the IEC-West Project in Franklin County, Pennsylvania.<sup>1</sup>

6. A certain portion of the route selected for the IEC-West Project will traverse a portion of the land owned by J. Daniel & Elaine J. Eshleman in Washington Township, Franklin County, Pennsylvania, Tax Parcel ID Nos. 23-0Q11.-018.-000000, 23-0Q11.-018A-000000 and 23-0Q17.-002.-000000.

7. On May 15, 2018, Transource PA filed the Eshleman Condemnation Application pursuant to 15 Pa.C.S. § 1511 requesting a finding and determination that the service to be furnished through its proposed exercise of the power of eminent domain to acquire a right-of-way and easement over a certain portion of the J. Daniel & Elaine J. Eshleman property for the construction of the transmission lines associated with the IEC-West Project is necessary or proper for the service, accommodation, convenience, or safety of the public.

8. Transource PA filed 133 separate Condemnation Applications pursuant to 15 Pa.C.S. § 1511(c) in connection with the IEC-West and IEC-East Siting Applications. A total of 93 Condemnation Applications were filed referencing properties located in Franklin County. A total of 40 Condemnation Applications were filed referencing properties in York County.

9. Also on May 15, 2018, Transource PA filed Petitions for findings that buildings to shelter control equipment at the Rice Substation in Franklin County and at the Furnace Run Substation in York County were reasonably necessary for the convenience or welfare of the public (“Shelter Petitions”).

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<sup>1</sup> Also on December 27, 2017, Transource filed a related Application 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 at Docket No. A-2017-2640195 (“IEC-East Siting Application”).

10. Certain individuals and/or entities filed timely protests on or before July 6, 2018 specific to Transource PA's Condemnation Applications to acquire portions of their property for the IEC East and IEC West Projects.

11. On June 4, 2018, Administrative Law Judges Elizabeth H. Barnes and Andrew M. Calvelli (the "ALJs") issued a Notice that a Further Prehearing Conference would be held on July 9, 2018.

12. On June 5, 2018, the ALJs issued a Second Prehearing Conference Order in connection with the Further Prehearing Conference scheduled for July 9, 2018.

13. On June 26, 2018, the ALJs issued a Third Prehearing Order consolidating the Condemnation Applications and Shelter Petitions with the Siting Applications.

14. Following the July 9, 2018 Further Prehearing Conference, the ALJs issued a Fourth Prehearing Order.

15. Four additional public input hearings were scheduled for the purpose of giving landowners affected by the Eminent Domain Applications and Shelter Petitions an opportunity to testify. The two additional public input hearings in Franklin County are scheduled for September 18, 2018. The two additional public input hearings in York County are scheduled for September 20, 2018.

16. In the Eshleman Condemnation Application, Transource PA stated that it was attempting to voluntarily negotiate and obtain a right-of-way and easement over a portion of the subject tract of land but, as of the date of the filing, had been unable to reach any agreement with the property owner. Transource PA also noted its willingness to negotiate a reasonable and mutually acceptable right-of-way agreement with J. Daniel & Elaine J. Eshleman and, thereby, avoid the need to condemn a right-of-way across the property. However, given the construction

schedule and in-service date for the proposed IEC-West Project, it was necessary for Transource PA to seek Commission approval to exercise the power of eminent domain in order to ensure that the IEC-West Project is constructed and operational by the in-service date. Finally, Transource PA indicated that in the event that J. Daniel & Elaine J. Eshleman and Transource PA were to reach an agreement for the easement and right-of-way needed, Transource PA would withdraw the Condemnation Application.

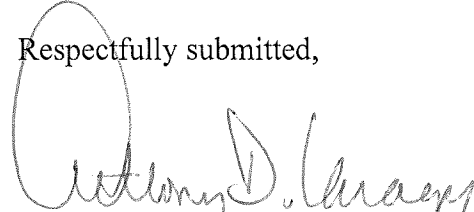
17. Subsequently, Transource PA and J. Daniel & Elaine J. Eshleman properly executed an agreement by which J. Daniel & Elaine J. Eshleman conveyed to Transource PA a right-of-way and easement option over and across the land subject to the Eshleman Condemnation Application.

18. This right-of-way and easement option renders the Eshleman Condemnation Application unnecessary.

19. Pursuant to Section 5.94(a) of the Regulations of the Pennsylvania Public Utility Commission, 52 Pa. Code § 5.94(a), Transource PA seeks to withdraw and terminate the Eshleman Condemnation Application in its entirety.

WHEREFORE, Transource Pennsylvania, LLC respectfully requests that the Pennsylvania Public Utility Commission permit Transource PA to withdraw the Eshleman Condemnation Application and terminate the proceeding docketed at Docket No. A-2018-3002020.

Respectfully submitted,



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Date: September 12, 2018

Attorneys for Transource Pennsylvania, LLC

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Transource Pennsylvania, LLC :  
filed Pursuant To 15 Pa.C.S. §1511(c) for a : Docket No. A-2018-3002020  
Finding and Determination that the Service to :  
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Pennsylvania for the Siting and Construction :  
of the 230 kV Transmission Line Associated :  
with the **Independence Energy Connection-** :  
**West Project** is Necessary or Proper for the :  
Service, Accommodation, Convenience or :  
Safety of the Public :  
:  
:

---

**PROPOSED ORDER**

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On September 12, 2018, Transource Pennsylvania, LLC (“Transource PA”) filed a Petition to withdraw and terminate the “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 the J. Daniel & Elaine J. Eshleman in Washington Township, Franklin County, Pennsylvania for the Siting and Construction of the 230 kV Transmission Line Associated with the Independence Energy Connection-West Project is Necessary or Proper for the Service, Accommodation, Convenience or Safety of the Public” (“Eshleman Condemnation Application”), pursuant to 52 Pa. Code § 5.94(a).

Section 5.94(a) of the Commission’s regulations permit the withdrawal of a pleading in a contested proceeding, but a party may object to the withdrawal within 10 days from service.

After considering the petition, any objection thereto, and the public interesting, the presiding officer or the Commission will determine whether withdrawal will be permitted. *See* 54 Pa. Code § 5.94(a).

In its Petition, Transource PA stated that Transource PA and J. Daniel & Elaine J. Eshleman properly executed an agreement by which J. Daniel & Elaine J. Eshleman conveyed to Transource PA a right-of-way and easement option over and across the land subject to the Eshleman Condemnation Application, and that the Eshleman Condemnation Application is no longer necessary. Under these facts, it is in the public interest to withdraw the Eshleman Condemnation Application and terminate the matter at Docket No. A-2018-3002020. The Petition will therefore be granted.

THEREFORE,

IT IS ORDERED:

1. That the Petition of Transource Pennsylvania, LLC to withdraw its Condemnation Application regarding the property of J. Daniel & Elaine J. Eshleman at Docket No. A-2018-3002020 is granted and the Application shall be terminated.
2. The matter at Docket No. A-2018-3002020 shall be marked closed.

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Date

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The Honorable Elizabeth H. Barnes  
The Honorable Andrew M. Calvelli