



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

Anthony D. Kanagy

akanagy@postschell.com
717-612-6034 Direct
717-720-5387 Direct Fax
File #: 166570

February 1, 2019

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 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 and West Projects in Portions of Franklin and York Counties, Pennsylvania Docket No. A-2017-2640195 & A-2017-2640200

Petitions of Transource Pennsylvania, LLC for a finding that a building to shelter control equipment at the Rice Substation in Franklin County, Pennsylvania and the Furnace Run Substation in York County, Pennsylvania are reasonably necessary for the convenience or welfare of the public Docket Nos. P-2018-3001878 & 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 Lines 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:

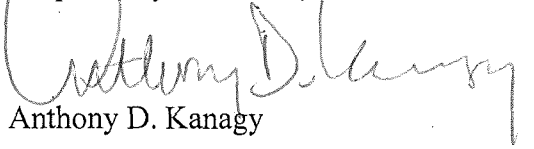
Enclosed for filing is the Petition of Transource Pennsylvania, LLC for Interlocutory Review and Answer to a Material Question in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Rosemary Chiavetta, Secretary

February 1, 2019

Page 2

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Anthony D. Kanagy". The signature is written in dark ink and is positioned above the printed name.

Anthony D. Kanagy

ADK/jl

Enclosures

cc: Honorable Elizabeth Barnes
Honorable Andrew M. Calvelli
Honorable Gladys M. Brown (*via Hand Delivery*)
Honorable David W. Sweet (*via Hand Delivery*)
Honorable Norman J. Kennard (*via Hand Delivery*)
Honorable Andrew G. Place (*via Hand Delivery*)
Honorable John F. Coleman, Jr. (*via Hand Delivery*)
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).

VIA E-MAIL & FIRST CLASS MAIL

Dianne E. Dusman, Esquire
Darryl Lawrence, Esquire
Phillip D. Demanchick, Esquire
David T. Evrard, Esquire
Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101-1923

Sharon E. Webb, Esquire
Office of Small Business Advocate
300 North Second Street, Suite 202
Harrisburg, PA 17101

Romulo L. Diaz, Jr., Esquire
Jack R. Garfinkle, Esquire
Jennedy S. Johnson, Esquire
PECO Energy Company
2301 Market Street
Philadelphia, PA 19103
PECO

Jordan B. Yeager, Esquire
Mark L. Freed, Esquire
Joanna A. Waldron, Esquire
Curtin & Heefner LLP
2005 S. Easton Road, Suite 100
Doylestown, PA 18901
Stop Transource Franklin County

Teresa K. Harrold, Esquire
FirstEnergy Service Company
2800 Pottsville Pike
PO Box 16001
Reading, PA 19612-6001
MAIT

Kimberly A. Klock, Esquire
PPL Services Corporation
Two North Ninth Street
Allentown, PA 18101
PPL Electric Utilities Corporation

Karen O. Moury, Esquire
Eckert Seamans Cherin & Mellott, LLC
213 Market Street, 8th Floor
Harrisburg, PA 17101
*Maple Lawn Farms, Inc., Rose Tree-Blue
Mountain Hunt Club, Inc. &
Citizens to STOP Transource*

Thomas J. Sniscak, Esquire
Whitney E. Snyder, Esquire
100 North Tenth Street
Harrisburg, PA 17101
York County Planning Commission

Linus E. Fenicle, Esquire
Reager & Adler, PC
2331 Market Street
Camp Hill, PA 17011
Quincy Township

Barron Shaw
Jana Shaw
445 Salt Lake Rd
Fawn Grove, PA 17321

John L. Munsch, Esquire
800 Cabin Hill Drive
Greensburg, PA 15601
MAIT & West Penn Power

VIA FIRST CLASS MAIL

Byron Jess Boyd
831 New Park Road
New Park, PA 17352

Hugh McPherson
2885 New Park Road
New Park, PA 17352

J Ross McGinnis, Esquire
41 West Main Street
Fawn Grove, PA 17321

Fred Byers
1863 Coldsmith Rd
Shippensburg, PA 17257

Michael Cordell
4219 Altenwald Rd
Waynesboro, PA 17268

Roy Cordell
Emma Cordell
4690 Fetterhoff Chapel Road
Chambersburg, PA 17202

Aaron Kauffman
Melinda Kauffman
4220 Old Scotland Rd
Chambersburg, PA 17202

Colt Martin
Kristyn Martin
8020 Hidden Valley Rd
Waynesboro, PA 17268

Leonard Kauffman
Mary Kauffman
4297 Olde Scotland Rd
Chambersburg, PA 17202

Allen Rice
Lori Rice
1430 Henry Lane
Chambersburg, PA 17202

Lois White
1406 Walker Road
Chambersburg, PA 17202

Willa Weller Kaal
67 Summer Breeze Lane
Chambersburg, PA 17202

Allan Stine
Heather Stine
867 Cider Press Road
Chambersburg, PA 17202

Karen Benedict
Rodney Myer
5413 Manheim Rd
Waynesboro, PA 17268

Lantz Sourbier
Laura Sourbier
64 Edgewood Cir
Chambersburg, PA 17202

Ashley Hospelhorn
8010 Hidden Valley Ln
Waynesboro, PA 17268

Ashley Hospelhorn
116 West 3rd Street
Waynesboro, PA 17268

Danielle Bernecker
1827 Wood Duck Dr E
Chambersburg, PA 17202

Courtney & Derek Dettinger
24 Chanceford Rd
Brogue Pa 17309

James McGinnis, Jr.
290 Woolen Mill Road
New Park, PA 17352

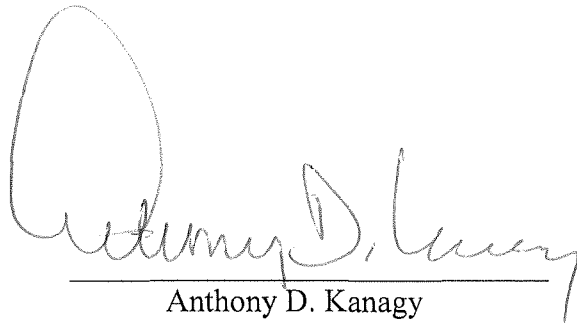
Jan & Georgiana Horst
826 New Franklin Road
Chambersburg, PA 17201

Darwyn Benedict
410 N. Grant Street
Waynesboro, PA 17268

Delores Krick
Muddy Creek Meadows Riding Stable
699 Frosty Hill Road
Airville, PA 17302

Clint Barkdoll
Owls Club, Inc.
87 West Main Street
Waynesboro, PA 17268

Date: February 1, 2019



Anthony D. Kanagy

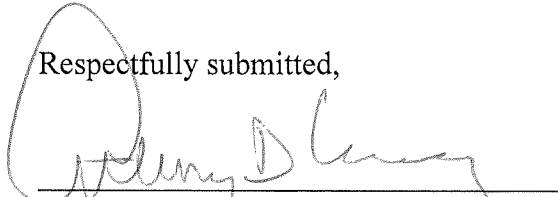
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Transource Pennsylvania, LLC	:	
for approval of the Siting and Construction of	:	Docket No. A-2017-2640195
the 230 kV Transmission Lines Associated	:	Docket No. A-2017-2640200
with the Independence Energy Connection –	:	
East and West Projects in portions of Franklin	:	
and York Counties, Pennsylvania	:	
	:	
Petitions 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	:	Docket No. P-2018-3001883
County, Pennsylvania and 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	:	Docket No. A-2018-3001881, <i>et al.</i>
lands of various landowners in York and	:	
Franklin Counties, Pennsylvania	:	

NOTICE TO PLEAD

YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.302(b), YOU MAY FILE A BRIEF SUPPORTING OR OPPOSING THE ENCLOSED PETITION WITHIN TEN (10) DAYS AFTER THE DATE OF SERVICE. YOUR BRIEF SHOULD BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY OF YOUR BRIEF SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL

Respectfully submitted,



Amanda Riggs Conner (D.C. 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
Date: February 1, 2019

David B. MacGregor (PA ID # 28804)
Anthony D. Kanagy (PA ID # 85522)
Lindsay A. Berkstresser (PA ID #318370)
Post & Schell, P.C.
17 North Second Street, 12th Floor
Harrisburg, PA 17101-1601
Phone: 717-731-1970
Counsel for Transource Pennsylvania, LLC

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

Petitions 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 : Docket No. P-2018-3001883
County, Pennsylvania and 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 : Docket No. A-2018-3001881, *et al.*
lands of various landowners in York and :
Franklin Counties, Pennsylvania :

**PETITION OF TRANSOURCE PENNSYLVANIA, LLC FOR INTERLOCUTORY
REVIEW AND ANSWER TO A MATERIAL QUESTION**

Transource Pennsylvania, LLC (“Transource PA”) hereby files this Petition for Interlocutory Review and Answer to a Material Question, pursuant to 52 Pa. Code § 5.302, and states as follows:

1. On November 27, 2018, Transource PA submitted its rebuttal testimony, which responded to other parties’ direct testimony, including opposition arguments that the proposed transmission line (the “Project”) is not needed because it does not provide reliability benefits. Transource PA’s rebuttal testimony, which was based upon the most recent PJM evaluation, demonstrates that the Project provides significant reliability benefits in Pennsylvania. Other parties were aware of this information when they filed their Direct Testimony and had over four months to address it in their Surrebuttal testimony.

2. On December 13, 2018, Stop Transource Franklin County (“STFC”) filed a

Motion to Amend the Procedural Schedule and requested that certain portions of Transource PA's rebuttal testimony be stricken.

3. On January 24, 2019, the ALJs issued the Seventh Prehearing Order ("Order") striking the Company's rebuttal testimony regarding the reliability benefits of the Project.

I. MATERIAL QUESTIONS

4. Whether the ALJs erred by striking Transource PA's rebuttal testimony regarding the Project's reliability benefits, thereby violating 66 Pa. C.S. § 332(c) and denying Transource PA due process of law. *Suggested answer in the affirmative.*

5. Whether the ALJs' error unreasonably prevents the development of a full and complete record and denies the PUC access to the most recent available information in determining the need for this transmission line Project. *Suggested answer in the affirmative.*

II. COMPELLING REASONS FOR INTERLOCUTORY REVIEW

6. The Order strikes Transource PA's rebuttal testimony that addresses the reliability benefits of the Project on the basis that the information regarding reliability benefits should have been set forth in the Siting Applications and direct testimony. Order, p. 2. The Order violates 66 Pa. C.S. § 332(c) and Transource PA's due process rights and deprives the Commission access to a complete and accurate record because: (1) it is uncontestable that the specific reliability violations at issue did not exist when Transource PA filed its Siting Applications and direct testimony; (2) Transource PA stated in its Applications and direct testimony that the Project would provide reliability benefits and that PJM would continue to reevaluate the Project and update for any substantive changes to costs and/or benefits; (3) Transource PA's rebuttal testimony is directly responsive to other parties' testimony arguing that the Project does not provide reliability benefits; and (4) other parties have had over four months to seek discovery regarding the specific reliability violations that will be resolved by the Project.

7. The PUC should review transmission line cases based on the most up-to-date information as it has done in prior cases. By striking the Company's rebuttal testimony as it relates to reliability benefits, the PUC would be deprived of relevant updated information related to the overall benefits of the Project. If the ALJs' error is not remedied, the PUC's decision will be based on a factually incorrect and incomplete evidentiary record.

8. Substantial prejudice will result if the material questions are not answered expeditiously. It would cause substantial delay to remand this proceeding to address the Project's reliability benefits after the PUC reviews a Recommended Decision. The delay could cause irreparable harm to Transource PA by jeopardizing its ability to meet its contractual obligations regarding the Project's in-service date also and delays benefit to customers.

9. Given that hearings are scheduled to begin on February 21, 2019, Transource PA requests that the hearing dates remain as scheduled for all issues except for reliability and that a separate hearing be scheduled by March 31, 2019 on the narrow issues regarding reliability.

III. RELIEF REQUESTED

WHEREFORE, Transource PA respectfully requests that the PUC answer the material question in the affirmative as expeditiously as possible and reverse the ALJs' Seventh Prehearing Order striking Transource PA's rebuttal testimony regarding the Project's reliability benefits.

Respectfully submitted,



Amanda Riggs Conner (D.C. 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

David B. MacGregor (PA ID # 28804)
Anthony D. Kanagy (PA ID # 85522)
Lindsay A. Berkstresser (PA ID #318370)
Post & Schell, P.C.
17 North Second Street, 12th Floor
Harrisburg, PA 17101-1601
Phone: 717-731-1970

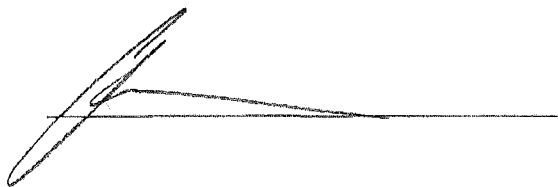
Date: February 1, 2019

Counsel for Transource Pennsylvania, LLC

VERIFICATION

I, Brian D. Weber, being Vice President, Transource Pennsylvania, 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: 2/1/2019



A handwritten signature in black ink, appearing to read "Brian D. Weber", is written over a horizontal line.