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CELEBRATING OVER 80 YEARS

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February 15, 2019

Via Electronic Filing

Rosemary Chiavetta, Secretary
PA Public Utility Commission
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 230kV Project in Portions of Franklin County, Pennsylvania
Docket No. A-2017-2640200**

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

Dear Secretary Chiavetta:

Attached for filing is a Motion of Stop Transource Franklin County Joining in the Motion of the Office of Consumer Advocate to Strike Portions of the Rejoinder Testimony of Transource Pennsylvania, LLC to be filed in the above-referenced matter. Copies will be provided as indicated on the Certificate of Service.

Thank you.

Very truly yours,



Joanna A. Waldron, Esq.
CURTIN & HEEFNER LLP
Counsel for Stop Transource Franklin County

JAW:jmd

cc: Certificate of Service

CERTIFICATE OF SERVICE

Consolidated Docket Nos. A-2017-2640200 and A-2017-2640195

I hereby certify that a true and correct copy of the Motion of Stop Transource Franklin County Joining in the Motion of the Office of Consumer Advocate to Strike Portions of the Rejoinder Testimony of Transource Pennsylvania, LLC 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

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Respectfully submitted,
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By: _____
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Dated: February 15, 2019

**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-2018-3001883
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 Franklin : Docket Nos. A-2018-3001881, *et al.*
Counties, Pennsylvania for the siting and :
construction of the 230 kV Transmission Line :
associated with the Independence Energy :
Connection – East and West Projects is :
necessary or proper for the service, :
accommodation, convenience or safety of the :
public :

NOTICE TO PLEAD

YOU ARE HEREBY ADVISED THAT, PURSUANT TO THE PROCEDURAL ORDER ENTERED ON MARCH 28, 2018, IN THE ABOVE-CAPTIONED PROCEEDING, YOU MAY FILE A REPLY TO THE ENCLOSED MOTION TO COMPEL WITHIN THREE (3) DAYS AFTER THE DATE OF SERVICE. YOUR REPLY SHOULD BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY OF YOUR REPLY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL.

CURTIN & HEEFNER LLP

A handwritten signature in black ink, appearing to be 'J. Yeager', written over a horizontal line.

By: _____

Jordan B. Yeager (Pa. I.D. No. 72947)

Mark L. Freed (Pa. I.D. No. 63860)

Joanna A. Waldron (Pa. I.D. No. 84768)

2005 South Easton Road, Suite 100

Doylestown, PA 18901

Dated: February 15, 2019

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 the Independence Energy Connection - East and West Projects in portions of York and Franklin Counties, Pennsylvania. 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 reasonably necessary for the convenience or welfare of the public. 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 reasonably necessary for the convenience or welfare of the public. 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. A-2018-3001881,
et al.

MOTION OF STOP TRANSOURCE FRANKLIN COUNTY JOINING IN THE MOTION OF THE OFFICE OF CONSUMER ADVOCATE TO STRIKE PORTIONS OF THE REJOINDER TESTIMONY OF TRANSOURCE PENNSYLVANIA, LLC

Stop Transource Franklin County (“STFC”), by and through its attorneys, respectfully files this Motion in the above-referenced Applications of Transource Pennsylvania, LLC (“Transource”) and related proceedings, joining in the Motion of the Office of Consumer Advocate’s Motion to Strike Rejoinder Testimony that violates the governing Sixth and Seventh Prehearing Order.

STFC agrees with the Office of Consumer Advocate (“OCA”) that Transource has disobeyed the Sixth and Seventh Prehearing Orders in portions of its Rejoinder Testimony. Yours Honors’ Orders struck testimony that “altered the scope and complexity of issues that are to be addressed.” Sixth Prehearing Order at 4. The Seventh Prehearing Order identified the specific page and lines of testimony that Your Honors have determined are outside of the scope of this proceeding. Transource’s rejoinder testimony repeats the reliability violations testimony, in some instances, verbatim, in the Rejoinder Testimony. *See, e.g.,* Witness Herling, Transource St. No. 7-RJ at p. 14-17, and Transource St. No. 7, 21-22.

Consistent with the Sixth Prehearing and Seventh Prehearing Orders governing the evidence in this case, the rejoinder testimony must be stricken as identified in Exhibit A to OCA’s Motion.

A presiding officer is entitled to impose sanctions through an appropriate order, where a “party refuses to obey an order of the presiding officer respecting discovery” See 52 Pa. Code §5.371(a)(2). Furthermore, Pa. R.C.P. 4019 permits the imposition of sanctions, including attorney’s fees in connection with the preparation of a motion. *See, e.g., Richmond Township and Grand Land L.P. v. Pennsylvania Dept. of Env’tl Prot.*, E.H.B. Docket No. 2007-034-MG, (2008)(awarding costs and fees in connection with filing motion for sanctions for delay and to “impress upon [Applicant] the importance of complying with orders”). Transource has caused substantial delay, as well as unnecessary time and expense for the OCA and intervenors by violating the Orders with the prohibited Rejoinder Testimony. OCA and intervenors risk prejudice, if the Rejoinder Testimony is not precluded pursuant to the existing orders. Further, Transource’s actions compounded delay, and required that the OCA and intervenors file this motion. As explained in the OCA Motion, Transource did not attempt to come to mutual

agreement as agreed to on the in the off-the-record call on February 12, 2019, to avoid this motion practice. Therefore, STFC respectfully suggests that Transource's violation warrants sanctions consistent with the failure to obey an order of the presiding officer under 52 Pa. Code §5.371(a), and Pa. R.C.P. 4019. Transource should be precluded from offering the violative rejoinder testimony, and should be responsible for reasonable attorney's fees and expenses of filing this motion.

For the reasons set forth in the OCA Motion and the foregoing reasons, STFC respectfully requests that the Rejoinder Testimony be Stricken for violating the Sixth and Seventh Prehearing Order as set forth in the OCA's Motion to Strike, and that Transource be sanctioned and required to pay costs and fees associated with this Motion, and subject to any other sanctions that Your Honors deem appropriate.

CURTIN & HEEFNER LLP



By: _____
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Dated: February 15, 2019