



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

Lindsay A. Berkstresser

lberkstresser@postschell.com  
717-612-6021 Direct  
717-731-1977 Direct Fax  
File #: 166570

February 14, 2019

**VIA HAND DELIVERY**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor North  
P.O. Box 3265  
Harrisburg, PA 17105-3265

RECEIVED  
2019 FEB 14 PM 2:15  
PA PUC  
SECRETARY'S BUREAU  
FRONT DESK

**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**

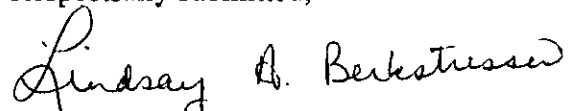
**Application of Transource Pennsylvania, LLC for approval to acquire a certain portion of the lands of various landowners in York and Franklin Counties, Pennsylvania for the siting and construction of the 230 kV Transmission Lines associated with the Independence Energy Connection - East and West Projects 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 Motion to Compel Answers to Interrogatories and Requests for Production of Documents Propounded by Transource Pennsylvania, LLC – Set II to PPL Electric in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Rosemary Chiavetta, Secretary  
February 14, 2019  
Page 2

Respectfully submitted,

  
Lindsay A. Berkstresser

LAB/jl  
Enclosures

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

RECEIVED  
2019 FEB 14 PM 2:15  
PA PUC  
SECRETARY'S BUREAU  
FRONT DESK

**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 : 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 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.

---

Amanda Riggs Conner (DC 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  
E-mail: arconner@aep.com  
E-mail: hgarcia1@aep.com

Date: February 14, 2019

Attorneys for Transource Pennsylvania, LLC

**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 : 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 :

**MOTION TO COMPEL ANSWERS TO INTERROGATORIES AND REQUESTS  
FOR PRODUCTION OF DOCUMENTS PROPOUNDED BY  
TRANSOURCE PENNSYLVANIA, LLC – SET II TO PPL ELECTRIC**

**TO ADMINISTRATIVE LAW JUDGES ELIZABETH H. BARNES AND ANDREW M.  
CALVELLI:**

As explained herein, Transource Pennsylvania, LLC (“Transource PA”) hereby files, pursuant to 52 Pa. Code § 5.342, this Motion to Compel Answers to its Set II Interrogatories, Questions 1, 5, 10 and 11 to PPL Electric Utilities Corporation (“PPL” or “PPL Electric”). The Motion to Compel requests that Administrative Law Judges Elizabeth H. Barnes and Andrew M.

Calvelli direct PPL to provide full and complete responses to the Set II Interrogatories, Questions 1, 5, 10 and 11 as required by 52 Pa. Code § 5.342(a)(4). In support of its Motion, Transource PA states as follows:

**I. INTRODUCTION**

The background relevant to this Motion to Compel is as follows. On March 9, 2018, PPL Electric filed a Nunc Pro Tunc Petition to Intervene in the above-captioned proceeding. In its Petition to Intervene, PPL referenced an existing PPL right-of-way on its Otter Creek-Conastone line, which substantially parallels the proposed IEC-East Line.

On October 2, 2018, Transource PA issued Set I interrogatories to PPL (“Set I”) inquiring into the nature of PPL’s existing facilities and right-of-way and whether PPL viewed its existing facilities as a possible alternative to the IEC Project. PPL’s responses were of the general nature that it had not conducted any analysis to determine whether its existing facilities could serve as an alternative to the IEC Project. See, e.g., PPL Electric response to Set I, Questions 3, 4, 7, 8, 9 and 12.

PPL did not submit any direct testimony in this proceeding even though they had every opportunity to do so and indicated during the second pre-hearing conference that they were considering filing testimony (second pre-hearing transcript, pp. 1608, lines 17-24). Instead, PPL waited until January 30, 2019, the due date for surrebuttal testimony. In its surrebuttal testimony, PPL stated that certain upgrades to PPL’s existing facilities could potentially serve as an alternative to the IEC Project without providing any supporting documentation, studies, or analysis. See, e.g., testimony of PPL Electric Witness Shadab Ali at 3-4. On February 1, 2019, Transource PA served its Set II Interrogatories (“Set II”) on PPL, inquiring into the basis for PPL’s position as set forth in PPL’s surrebuttal testimony.

PPL provided responses to the Set II interrogatories on February 11, 2019. However, certain of the responses were not complete. In response to Questions 1, 5, 10 and 11, PPL did not provide responsive information, instead claiming that the information requested contains confidential Critical Energy Infrastructure Information (“CEII”) and commercially sensitive information. The Protective Order in this proceeding provides for the disclosure of both CEII and commercially sensitive information. These are not legitimate justifications to withhold the requested information as the Protective Order is in place to ensure the appropriate treatment for this information. The information requested is necessary for Transource PA to evaluate PPL’s position. As explained herein, PPL should be required to provide the requested information pursuant to the terms of the Protective Order as soon as possible, especially since these hearings are scheduled to begin on February 21, 2019.

Transource PA notes that PPL did not advise Transource PA that PPL was withholding its information prior to providing the incomplete responses on February 11, 2019. Following the submission of PPL’s rejoinder testimony, counsel for Transource PA asked counsel for PPL to provide updates to existing discovery, including specifically OCA XVI-02. PPL represented that no updates were required as their responses were up to date. Counsel for Transource PA contacted PPL on February 12, 2019 to attempt to resolve this discovery dispute. However, PPL has neither provided the information requested, nor agreed to send to Transource PA pursuant to the terms of the Protective Order the information and documentation PPL is withholding. PPL’s delay in providing this information substantially prejudices Transource PA’s ability to defend its case, especially considering that PPL waited until surrebuttal testimony, approximately 3 weeks before the hearings, to make its very general proposals, which lack foundational support.

## 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 generally provides wide latitude in discovery matters. See *Pa. P.U.C. v. The Peoples Natural Gas Co.*, 62 Pa. P.U.C. 56 (Order Entered Aug. 26, 1986); *Pa. P.U.C. v. Equitable Gas Co.*, 61 Pa. P.U.C. 468 (Order Entered May 16, 1986). Information that is confidential is discoverable pursuant to an appropriate protective order. See 52 Pa. Code § 5.362.

## III. ARGUMENT

### A. PPL ELECTRIC SHOULD BE COMPELLED TO PROVIDE RESPONSES TO THE SET II DISCOVERY, QUESTIONS 1, 5, 10 AND 11.

Questions 1, 5, 10 and 11 provide as follows:

- Q. 1 Please provide all documents and/or analysis either completed or underway pertaining to any project which would supplement, substitute, modify or otherwise affect Project 9A or the IEC Project.
- Q. 5 Please state all facts, and produce all documents, that support the statement in Mr. Shadab Ali's Surrebuttal Testimony at page 2, lines 13-14 that the project described by Mr. Ali "may provide similar economic benefits" as the proposed new Furnace Run substation and a new double circuit line between Furnace Run and Conastone substation.
- Q. 10 Does PPL believe that it is good utility practice to install UHS 1949.6 45/7 ACSS TW Athabaska and UHS 2153.8 60/19 ACSS TW Powder on the existing towers of the Otter Creek to Conastone line without any modification or replacement of the towers (beyond the addition of the insulators and hardware needed to support the additional conductors)?
- Q. 11 Does PPL believe that it is good utility practice to install UHS 1949.6 45/7 ACSS TW Athabaska and UHS 2153.8 60/19 ACSS TW Powder on the existing towers of the Graceton to Manor line without any modification or replacement of the towers (beyond the addition of the insulators and hardware needed to support the additional conductors)?

Questions 1, 5, 10 and 11 seek information regarding any analysis conducted by PPL pertaining to its testimony that PPL's facilities could potentially serve as an alternative to the



IEC Project. This information is highly relevant as it forms the underlying basis for PPL's position as set forth in its surrebuttal testimony. Without this information, Transource PA and other parties are unable to fully evaluate PPL's position. Transource PA also notes that the information sought in Questions 10 and 11 was also requested in the Set I interrogatories, which PPL failed to update. Specifically Set I questions 4 and 8 required PPL provide to Transource PA "any analyses, review, plans, documents, or opinions related to" modifications to PPL Electric's Otter Creek to Conastone and Graceton-Manor transmission lines to add a second circuit in order to provide the equivalent electrical characteristics of the IEC-East Project. PPL Electric responded that it has not conducted those analyses. See, e.g., PPL Electric responses to Set I, Questions 4 and 8.<sup>1</sup>

In response to Transource PA's Set II questions, PPL submitted answers claiming that the information is confidential because it contains CEII and competitively sensitive information. For this reason, PPL claims that the information should not be viewed by any Transource PA representative that is "actively or potentially involved in the development and/or submission of transmission project proposals in response to a Project Proposal Window under Section 1.5.8 of Schedule 6 of the PJM Operating Agreement. . ." (PPL Response to Set II, Question 1).

PPL's claim of confidentiality is not a legitimate basis to withhold the information. The Protective Order in this case, which was entered on March 14, 2018, specifically provides for the disclosure of CEII and competitively sensitive information.

## 1. CEII

With respect to CEII, the Protective Order states that a qualified reviewing representative may view CEII upon execution of the non-disclosure certificate so long as the reviewing

---

<sup>1</sup> Moreover, Transource PA's Set I question 12 required PPL Electric to identify and describe "any future studies" pertaining to the reconductoring of the facilities discussed in PPL Electric's response to OCA XVI-02. Upon information and belief, the documentation and information withheld by PPL Electric in connection with their incomplete response to Questions 10 and 11 in Set II would also have been responsive to Set I question 12.

representative is not a restricted person and the reviewing representative “undertake[s] all other obligations resulting from having access to this confidential information, in accordance with 18 CFR 388.113(h) and PJM’s CEII process, as well as all other applicable federal and state laws and other legal rules.” Protective Order, p. 5. Transource PA’s representatives who view the CEII material have executed the non-disclosure certificate and will comply with the procedure set forth in the Protective Order. In addition, multiple discovery responses have already been served by Transource PA to other parties in the case which contained CEII information. The information requested of PPL is no different. Therefore, PPL’s claim that the information responsive to Questions 1, 5, 10 and 11 contains CEII is not a proper basis to withhold the information, and PPL should be compelled to provide a response.

## **2. Commercially Sensitive Information**

With respect to PPL Electric’s claim that the information requested is commercially sensitive, Transource PA disputes that the information requested contains competitive business information. The data requests seek only information regarding PPL’s position that its existing facilities could be used as an alternative to the proposed Project. PPL has already stated that it has not submitted any of the proposals discussed in Mr. Ali’s surrebuttal testimony in any PJM Long Term Proposal Window. *See* PPL Responses to Transource PA Discovery Request 2-7, 2-8, 2-9, and 2-14. Questions 1, 5, 10 and 11 merely seek to obtain the underlying analysis for PPL’s position in this case that its facilities could serve as an alternative to the IEC Project. PPL has put forth its alternative proposals publicly in its surrebuttal testimony. These proposals cannot be deemed to be commercially sensitive after PPL offered them publicly in its testimony. TPA has a right to seek discovery to test the credibility and shortcomings of the proposals described in PPL’s testimony. Therefore, Transource PA disagrees that the requested

information is of a commercially sensitive nature such that it would put PPL at a competitive disadvantage to disclose the information.

PPL cannot be permitted to claim in sworn testimony that its facilities can be used as an alternative to the IEC Project case but yet refuse to provide information regarding any analysis supporting its position on the basis that the information is proprietary. By claiming that its facilities can be used as an alternative to the IEC Project, PPL has opened the door to inquiry from other parties regarding the underlying basis for its position and has effectively waived their right to claim that the information should not be disclosed. If Transource PA is not permitted to view the information underlying PPL's analysis, it would be impossible for Transource PA to fully evaluate and respond to PPL's position. Depriving Transource PA and other parties in this proceeding of a fair opportunity to evaluate PPL's position on the basis that the underlying information is proprietary would be improper and contrary to Commission precedent. *See, e.g., Application of Brink Trucking Company*, 1991 Pa. PUC LEXIS 57 (June 19, 1991) (ordering disclosure because the Commission's rules on discovery do not preclude the discovery of confidential and proprietary material).

Pursuant to Paragraph 18 of the Protective Order, parties retain the right to challenge the designation of information as proprietary, and "the party providing the information retains the burden of demonstrating that the designation is appropriate." PPL has failed to demonstrate how disclosing the requested information would put PPL at a competitive disadvantage. Thus, PPL has not met its burden of showing that designating the requested information as property is appropriate.

Finally, even if the requested information were deemed commercially sensitive, which Transource PA disputes, the Protective Order provides a procedure for the disclosure of commercially sensitive information. *See* 52 Pa. Code § 5.362 (providing for the issuance of

protective orders for the disclosure of confidential commercial information). Therefore, PPL should be required to immediately provide the information requested in Questions 1, 5, 10 and 11 pursuant to the terms of the Protective Order entered in this proceeding prior to the evidentiary hearings on February 21<sup>st</sup>.

#### IV. CONCLUSION

WHEREFORE, for the foregoing reasons, Transource Pennsylvania, LLC respectfully requests that Administrative Law Judges Elizabeth H. Barnes and Andrew M. Calvelli grant this Motion to Compel and order PPL Electric Utilities Corporation to fully answer Set II Interrogatories, Questions 1, 5, 10, and 11.

Respectfully submitted,

Hector Garcia / LAB

Amanda Riggs Conner (DC 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  
E-mail: arconner@aep.com  
E-mail: hgarcial@aep.com

Date: February 14, 2019

Attorneys for Transource Pennsylvania, LLC

PA PUC  
SECRETARY'S BUREAU  
FRONT DESK

2019 FEB 14 PM 2:16

RECEIVED

**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*

PA PUC  
SECRETARY'S BUREAU  
FRONT DESK

2019 FEB 14 PM 2:16

RECEIVED

**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 3<sup>rd</sup> 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

Darwyn Benedict  
410 N. Grant Street  
Waynesboro, PA 17268

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

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

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

Date: February 14, 2019

Hector Garcia / JTB  
Hector Garcia

RECEIVED  
2019 FEB 14 PM 2:16  
PA PUC  
SECRETARY'S BUREAU  
FRONT DESK