


Curtin & Heefner LLP
ATTORNEYS AT LAW

2005 S. EASTON ROAD • SUITE 100 • DOYLESTOWN, PA 18901
(267) 898.0570 • (800) 773.0680 • FAX (215) 340.3929
WWW.CURTINHEEFNER.COM
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JOANNA A. WALDRON
JAW@curtinheefner.com

March 12, 2020

VIA EFILING

Rosemary Chiavetta, Secretary
PA Public Utility Commission
Commonwealth Keystone Bldg.
400 North Street
Harrisburg, PA 17120

**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**

**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
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 reasonably and necessary for the convenience or welfare of the public
Docket No. P-2018-3001883**

**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**

**Application of Transource Pennsylvania, LLC for approval to acquire a certain portion of 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 No. A-2018-3001881, et al.**

Rosemary Chiavetta, Secretary
PA Public Utility Commission
March 12, 2020
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Dear Secretary Chiavetta:

Enclosed for filing on behalf of Stop Transource Franklin County, please find Prehearing Memorandum. Copies will be served as indicated on the Certificate of Service.

Thank you for your help in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joanna A. Waldron', with a long horizontal flourish extending to the right.

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

JAW:bya
Enclosure
cc: The Honorable Elizabeth Barnes
Certificate of Service

**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.

**STOP TRANSOURCE FRANKLIN COUNTY'S
PREHEARING MEMORANDUM IN THE JOINT
AMENDED APPLICATION AND CONSOLIDATED
PROCEEDINGS**

Pursuant to 52 Pa. Code § 5.71, *et seq.*, the Fourteenth Prehearing Order and the
Pennsylvania Public Utility Commission (“PUC” or “Commission”) notice published on February
8, 2020, regarding the January 29, 2020 Joint Amended Application of Transource Pennsylvania
LLC (“Transource”) and PPL Electric Utilities (“PPL”) STFC hereby files the following

prehearing memorandum. In support thereof, STFC submits as follows:

Administrative Law Judge (“ALJ”) Elizabeth Barnes and ALJ Calvelli issued the Fourteenth Prehearing Order and directed that the parties submit a prehearing memorandum.

In summary, STFC will examine the issues related to the remaining evidentiary hearings that have been postponed due to certain settlement discussions, and whether the proposed Joint Amended Application meets the requirements set forth under 52 Pa. Code §57.71 et seq., including whether there is a need for the project and whether other reasonable alternatives projects and routes exists, and whether the project complies with Article I, Section 27 of the Pennsylvania Constitution. STFC will also examine how the Amended Application and redefined expanded IEC project impacts its members in Franklin County.

As set forth below as to issues and witnesses, STFC maintains that all parties be permitted to develop a full and complete record on not only the formerly-stricken testimony, but also on the Joint Amended Application.

I. INTRODUCTION AND HISTORY OF THE PROCEEDINGS

On December 27, 2017, Transource filed two Applications for siting electric transmission lines, one proposed line for Franklin County, which is the subject of Transource’s Application 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, docketed at A-2018-2640200 and one proposed line in York County, which is the subject of the Application 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 Project in Portions of York County,

Pennsylvania, docketed at A-2018-2640195 (hereinafter, collectively, “Siting Applications”).

On May 15, 2018, Transource Pennsylvania, LLC (“Transource” or “Company”) filed 133 eminent domain applications (“Eminent Domain Applications”), and two Petitions for findings that building to shelter control equipment at the proposed Rice Substation in Franklin County (Docket No. 2018-3001878, hereinafter “Franklin County Shelter Petition”), and for the Furnace Run Substation in York County (Docket No. 2018-3001883, hereinafter “York County Shelter Petition”) (collectively, “Shelter Petitions”).

Prior to Transource filing its Siting Applications, on December 23, 2017, the Commission approved a settlement of Transource’s application for certification under Docket Nos. A-2017-2587821 and G-2017-2587822. Transource alleged that it sought approval of the settlement and certification prior to filing the Siting Applications so that it could “avoid potential environmental and engineering/constructability issues, to the extent possible, when developing and evaluating alternative transmission line routes.” *See* Transource Pennsylvania LLC Statement in Support of Joint Petition for Stipulation and Settlement of All Issues at 6; *see also*, Initial Decision on Application of Transource Pennsylvania, LLC for all of the Necessary Authority, Approval and Certificates of Public Convenience: (1) to Begin to Furnish and Supply Electric Transmission Service in Franklin and York Counties, Pennsylvania; (2) for Approval of Certain Affiliated Interest Agreements; and (3) for Any Other Approvals Necessary to Complete the Contemplated Transactions, (Docket No. A-2017-2587821 and G-2017-2587822) (August 3, 2017) at p. 16.

On January 23, 2018, the Commission issued an order on the settlement it had approved at the December 2017 meeting. *See* PUC Opinion and Order, Docket A-2017-2587821, Jan. 23, 2018 (“Settlement Order”). The Settlement Order approved a settlement agreement for issuance

of the certificate of public convenience to Transource, but specifically did not find that there was need for the IEC Project. *See* Settlement Order at 8. The Commission specifically removed language from the Initial Order and Recommendation on Transource’s Application for Certificate of Public Convenience, to avoid any “predetermination of need.” *Id.*

On February 20, 2018, STFC filed its Petition to Intervene and Protest opposing the Company’s above-referenced Application in Franklin County, after which the proceeding was consolidated. STFC’s Petition to Intervene was granted on March 28, 2018. *See* Procedural Order, Docket Nos. 2017-2640195, 2017-2640200, March 28, 2018.

In 2018 multiple days of public input hearings were conducted in Franklin County and in York County, along with two days of site view throughout Franklin County and one day in York County. In September and October, intervenors and STFC submitted their direct testimony, with Transource submitting rebuttal testimony in November 2018.

On December 28, 2018, the ALJs granted STFC’s Motion Striking rebuttal testimony regarding reliability benefits.

On February 1, 2019, Transource filed a Petition for Interlocutory Review and Answer to Material Questions requesting that the Commission grant interlocutory review of the ALJs’ Order striking Transource testimony. On February 14, 2019, the STFC and OCA filed Motions to Strike specific portions of Transource rejoinder testimony. Citizens York County filed a letter in support of the Motions to Strike. On February 11, 2019, Transource served its rejoinder testimony.

Evidentiary hearings were held on February 21-22, and 25-27, 2019. After the initial evidentiary hearings occurred, on March 20, 2019, the Commission granted Transource Petition for Interlocutory Review, answering in the affirmative, and returning the matter to the ALJs for further

proceedings consistent with the Commission's Order.

Further evidentiary hearings were then scheduled for June 27-28, 2019. On June 21, 2019, the ALJs issued an Order granting Transource Motion to Suspend the Procedural Schedule and rescheduling the further evidentiary hearings regarding reliability for August 7 and 8, 2019. Prior to the intended hearing dates, the ALJs canceled to allow settlement discussions.

On October 17, 2019, Transource filed the settlement agreements with the Commission, representing settlements with York County Planning Commission, Citizens to Stop (York) and PPL.

On January 29, 2020, Transource and PPL filed the Joint Amended Application. STFC opposes the Joint Amended Application because it does not benefit and will be destructive to the people of Franklin County. On February 19, 2020 Transource filed its Answer to Joint Amended Application.

STFC's attorneys in this matter, and all documents should be served upon:

Mark L. Freed, Esq.
Joanna A. Waldron, Esq.
Curtin & Heefner LLP
2005 S. Easton Road, Suite 100
Doylestown, PA 18901
267-898-0570
mlf@curtinheefner.com
jaw@curtinheefner.com

Please note that Mr. Yeager should be removed from any service lists.

II. ISSUES

The siting and construction of the original IEC Project and the expanded project in the Joint Amended Application, as well as the taking of property through eminent domain threatens STFC's members' property rights, consumer rights, and environmental rights, and the County's

other local natural, scenic, and historic resources. STFC intends to continue to litigate the issues, including:

The Need for the Project, including the Project As Described in the Joint Amended Application

STFC is investigating whether there is any continuing need for the IEC Project, or the newly expanded project, based on new information from Transource, PPL and PJM. STFC will review the cost/benefit studies produced from PJM and updates on the alleged congestion resolution and the specific question of costs savings or lack thereof and economic benefits of the expanded project.

STFC is determining whether the Joint Amended Application represents the minimum adverse environmental impact on land use, soil and sedimentation, plant and wildlife habitats, terrain, hydrology, landscape, archeologic areas, historic areas, and scenic areas.

STFC will pursue whether the Joint Amended Application complies with the Constitutionally-protected environmental rights under Article 1, Section 27 of the Pennsylvania Constitutional. STFC will investigate the environmental and land use impacts of the IEC Project, and of the expanded project described in the Joint Amended Application. This include analysis of the environmental impacts of all aspects of the expanded project including alternative routes, use of existing facilities, and rights of way.

Evidentiary Hearings and Cross Examination of Witnesses on Stricken Testimony

STFC anticipates cross examination of the witnesses whose testimony was stricken. STFC notes that with respect to Transource witnesses, with the exception of Ms. Chang, witnesses Messrs. Weber, Herling, Horger, and Baker have also submitted additional testimony to support

the Joint Amended Application. STFC reserves the right to cross examine of them and PPL witnesses as necessary, such as Mr. Baranoski. Further, STFC reserves the right to call Dr. Sasowsky, or other witnesses it may determine are necessary, including to address certain aspects of the Application incomplete at the time of the evidentiary hearings, and will inform ALJ Barnes and parties of record, if it so determines that such testimony is necessary.

Settlement Agreement

STFC is reviewing the Joint Amended Application to determine whether the Settlement Agreements are in the public interest, including whether they meet any of the time and cost savings identified in support of 52 Pa. Code § 5.231.

III. DISCOVERY AND PROCEDURAL SCHEDULE

STFC anticipates that the existing discovery modifications in this case are sufficient. STFC supports additional public input hearings if requested by landowners or citizens impacted by the Joint Amended Application, or by new intervening parties. Pursuant to earlier status updates, STFC and the Office of Consumer Advocate (“OCA”) suggested the dates of May 19 and 20 for the evidentiary hearings and STFC is also available on May 26, 27 and June 23-26, 2020.

Respectfully submitted,
CURTIN & HEEFNER LLP



By: _____
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: March 12, 2020

CERTIFICATE OF SERVICE

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

I hereby certify that a true and correct copy of the Prehearing Memorandum 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

Anthony D. Kanagy, Esq.
Lindsay A. Berkstresser, Esq.
David MacGregor, Esq.
Post & Schell PC
17 North Second Street, 12th Floor
Harrisburg, PA 17101-1601
Transource Pennsylvania LLC
akanagy@postschell.com
LBerkstresser@PostSchell.com
dmacgregor@postschell.com

Teresa K. Harrold, Esquire
Tori L. Giesler, Esquire
FirstEnergy Service Company
2800 Pottsville Pike, PO Box 16001
Reading, PA 19612-600
*Mid-Atlantic Interstate Transmission
& West Penn Power Company*
tharrold@firstenergycorp.com

Darryl A. Lawrence, Esq.
Philip David Demanchick, Jr., Esq.
David T. Evrard, Esquire
Dianne E. Dusman, Esquire
Office of Consumer Advocate
555 Walnut Street, Forum Place 5th Floor
Harrisburg, PA 17101-1923
dlawrence@paoca.org
PDemanchick@paoca.org
devrard@paoca.org
DDusman@paoca.org
Transource@paoca.org

Kimberly A. Klock, Esquire
Michael J. Shafer, Esquire
PPL Services Corporation
Two North Ninth Street
Allentown, PA 18101
PPL Electric Utilities Corporation
kklock@pplweb.com
mshafer@pplweb.com

Jack R. Garfinkle, Esquire
Jennedy S. Johnson, Esquire
PECO Energy Company
2301 Market Street
Philadelphia, PA 19103
PECO
jack.garfinkle@exeloncorp.com
jennedy.johnson@exeloncorp.com

Thomas J. Sniscak, Esquire
Kevin J. McKeon, Esquire
Whitney E. Snyder, Esquire
100 North Tenth Street
Harrisburg, PA 17101
York County Planning Commission
TJSniscak@hmslegal.com
kjmckeon@hmslegal.com
wesnyder@hmslegal.com

Sharon E. Webb, Esquire
Commonwealth of Pennsylvania
Office of Small Business Advocate
Forum Place
555 Walnut Street, 1st Floor
Harrisburg, PA 17101
swebb@pa.gov

Karen O. Moury, Esquire
Eckert Seamans Cherin & Mellot, LLC
213 Market Street, 8th Floor
Harrisburg, PA 17101
Citizens to Stop Transource
kmoury@eckertseamans.com

Linus E. Fenicle, Esquire
Reager & Adler PC
2331 Market St.
Camp Hill, PA 17011
Quincy Township
Lfenicle@reageradlerpc.com

Amanda Riggs Conner, Esquire
Hector Garcia, Esquire
American Electric Power Service Corp
1 Riverside Plaza
29th Floor
Columbus, OH 43215
Transource PA, LLC
arconner@aep.com
hgarcia1@aep.com

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

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

Scott T. Wyland, Esquire
Salzmann Hughes, P.C.
112 Market Street, 8th Floor
Harrisburg, PA 17101
swyland@salzmannhughes.com

Curtin & Heefner LLP



By: _____
JOANNA A. WALDRON

Date: March 12, 2020