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File #: 166570

March 19, 2020

***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 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.**

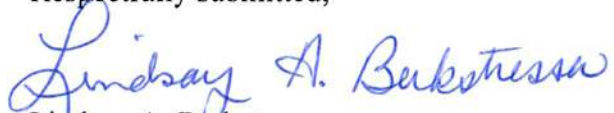
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Dear Secretary Chiavetta:

Enclosed for filing is the Answer of Transource Pennsylvania, LLC to the County of Franklin's Petition to Intervene and Protest, in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Rosemary Chiavetta, Secretary  
March 19, 2020  
Page 2

Respectfully submitted,

  
Lindsay A. Berkstresser

LAB/jl  
Enclosures

cc: Honorable Elizabeth Barnes  
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).

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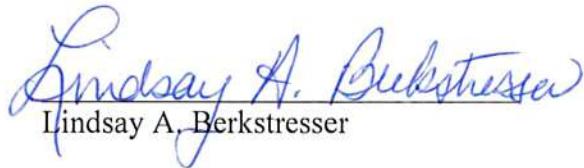
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Date: March 19, 2020

  
Lindsay A. Berkstresser

**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.*

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**ANSWER OF TRANSOURCE PENNSYLVANIA, LLC TO THE COUNTY OF  
FRANKLIN’S PETITION TO INTERVENE AND PROTEST**

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**TO ADMINISTRATIVE LAW JUDGE ELIZABETH H. BARNES:**

Pursuant to 52 Pa. Code §§ 5.61 and 5.66, Transource Pennsylvania, LLC (“Transource PA” or the “Company”), hereby respectfully submits its Answer to the County of Franklin’s (“Franklin County”) Petition to Intervene and Protest (“Petition”). Franklin County states that it files its Petition in response to the Amended Application. Petition ¶ 33. However, Franklin County has no interest in the Amended Application, which amends the siting route for the East Portion of the Independence Energy Connection Project (“IEC East Portion”) in York County.

Franklin County’s Petition substantively relates to the West Portion of the Independence Energy Connection Project (“IEC West Portion”). Franklin County was served with the above-captioned Siting Application over two years ago. Since that time, Franklin County has had numerous opportunities to participate in this proceeding, including through prehearing conferences, public input hearings, site visits, discovery, testimony and evidentiary hearings. If Franklin County is permitted to intervene after failing to act for over two years, it must take the case as it stands and cannot re-litigate issues for which the record is already established. All of the issues pertaining to the siting of the IEC West Portion in Franklin County have already been litigated through discovery, written testimony, live testimony and cross examination at the evidentiary hearing.

Considering that the IEC Project resolves reliability violations that are identified to occur in 2023<sup>1</sup> and the amount of time that is needed to construct the IEC Project after Commission approval, Franklin County’s late intervention must not delay the remainder of this proceeding. Therefore, Transource PA does not oppose Franklin County’s intervention provided that (1) Franklin County is not permitted to litigate any issues except for those issues that (a) pertain to the Amended Application, or (b) are limited to the final briefing of this matter; and (2) that Franklin County under no circumstances be allowed to ask for any delay in the procedural schedule. Transource PA opposes Franklin County’s intervention if it were to allow Franklin County to re-litigate issues concerning the IEC-West Portion of the project, or any matter that would require any delay in the procedural schedule..

In support thereof, Transource PA states as follows:

**I. BACKGROUND**

1. On December 27, 2017, Transource PA filed two Applications for the siting of electric transmission lines related to a project known as the Independence Energy Connection

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<sup>1</sup> See Transource PA St. No. 2-R.

Project (“IEC Project”). The IEC Project consists of two segments—the “East Portion” in portions of York County, Pennsylvania, and the “West Portion” in portions of Franklin County, Pennsylvania. As explained in the December 27, 2017 Siting Applications and testimony of Transource PA witnesses, the East and West Portions of the IEC Project were proposed to alleviate transmission congestion constraints and provide reliability benefits in Pennsylvania, Maryland, West Virginia, and Virginia.

2. Notice of the Applications appeared in the Pennsylvania Bulletin on January 20, 2018.

3. Various parties have intervened in this proceeding, including but not limited to the Office of Consumer Advocate (“OCA”); Stop Transource Franklin County (“STFC”); Citizens to Stop Transource York County, Maple Lawn Farms, Barron Shaw and Shaw Orchards (collectively, “York County Citizens”); West Penn Power & Mid-Atlantic Interstate Transmission, LLC; PECO Energy Company; PPL Electric; and York County Planning Commission (“YCPC”). Numerous other individuals and organizations have filed Protests and Petitions to Intervene. The only two active parties opposing the project as of the time of this filing are the OCA and STFC; all other active parties either support or do not oppose the granting of the Application for the West Portion (which has not been materially modified since its original filing in December 2017), and of the Amended Application for the East Portion (filed approximately five months ago in October 2019).

4. A Notice of Prehearing Conference was issued on January 4, 2018, scheduling the Initial Prehearing Conference in both dockets for March 13, 2018. On February 28, 2018, the ALJs issued a Prehearing Conference Order directing that the parties submit prehearing conference memoranda by March 8, 2018.



5. The ALJs issued a Protective Order on March 14, 2018. The parties have engaged in extensive discovery throughout the course of this proceeding, some of which has been the subject of various motions filed by the parties and discovery orders issued by the ALJs.

6. On March 28, 2018, the ALJs issued a Procedural Order adopting a litigation schedule and consolidating the Applications.

7. On May 15, 2018, Transource PA filed two Petitions for findings that a building to shelter control equipment at the proposed Rice Substation in Franklin County and a building to shelter control equipment at the proposed Furnace Run Substation in York County are reasonably necessary for the convenience or welfare of the public (“Zoning Petitions”).

8. Also on May 15, 2018, Transource PA filed 133 eminent domain applications in connection with both the East and West segments of the IEC Project (“Condemnation Applications”), some of which were later withdrawn due to progressions in the engineering and design of the IEC Project and subsequent agreements with certain landowners.

9. Public input hearings were conducted in Franklin County on May 22 and 23, 2018, and in York County on May 9 and 14, 2018. Additional public input hearings in Franklin County were held on September 18, 2018. Additional public input hearings in York County were held on September 20, 2018. Multiple site views were also held in both Franklin County and York County.

10. A second prehearing conference was held on July 9, 2018.

11. On September 25, 2018, other parties, except STFC, submitted their direct testimony. STFC submitted its direct testimony on October 11, 2018.

12. Transource PA submitted its rebuttal testimony on November 27, 2018.

13. Also on November 27, 2018, Transource PA amended the Siting Application and submitted revised aerial mapbooks to reflect a minor proposed route adjustment, which maintained the original 1,000 foot corridor consisting of 500 feet on each side of the centerline.

14. Following the submission of Transource PA's rebuttal testimony, York County Citizens and Maple Lawn Farms, OCA, and STFC filed motions requesting that the procedural schedule be amended. STFC also requested that certain of Transource PA's rebuttal testimony regarding reliability benefits be stricken.

15. Transource PA filed Answers to the OCA's and York County Citizens' Motions on December 13, 2018. Transource PA filed an Answer to STFC's Motion on December 17, 2018.

16. On December 28, 2018, the ALJs issued an Order striking certain portions of Transource PA's rebuttal testimony regarding reliability benefits and amending the procedural schedule.

17. The OCA, York County Citizens, STFC, Barron Shaw, YCPC, and PPL Electric submitted surrebuttal testimony on January 30, 2019.

18. On February 1, 2019, Transource PA filed a Petition for Interlocutory Review and Answer to Material Question requesting that the Commission grant interlocutory review of the ALJs' Order striking Transource PA's testimony regarding reliability benefits.

19. On February 11, 2019, Transource PA filed a Brief in support of its Petition for Interlocutory Review. Also on February 11, 2019, the OCA, STFC, and York County Citizens filed Briefs in opposition to Transource PA's Petition for Interlocutory Review.

20. On February 11, 2019, Transource PA served its rejoinder testimony.

21. On February 14, 2019, the OCA and STFC filed Motions to Strike portions of Transource PA's rejoinder testimony. Citizens York County filed a letter in support of the Motions to Strike.

22. Evidentiary hearings were held on February 21-22, and 25-27, 2019.

23. On March 20, 2019, the Commission issued an Order granting Transource PA's Petition for Interlocutory Review, answering the material questions in the affirmative, and returning the matter to the ALJs for further proceedings consistent with the Commission's Order.

24. On April 2, 2019, the ALJs issued an Order scheduling further evidentiary hearings for June 27-28, 2019.

25. Transource PA submitted supplemental testimony on May 14, 2019 to provide an update regarding Conceptual Alternative 3A.

26. On May 29, 2019, the OCA served supplemental surrebuttal testimony. On June 3, 2019, STFC served supplemental surrebuttal testimony.

27. On June 17, 2019, Transource PA served supplemental rejoinder testimony.

28. On June 18, 2019, Transource PA filed a Motion to Suspend the Procedural Schedule in order to allow the parties additional time to engage in settlement discussions.

29. On June 21, 2019, the ALJs issued an Order granting Transource PA's Motion to Suspend the Procedural Schedule and rescheduling the further evidentiary hearings regarding reliability for August 7 and 8, 2019.

30. On July 26, 2019, counsel for Transource PA informed the ALJs that the parties are continuing to engage in settlement discussions and requested that the further hearing be rescheduled. The ALJs canceled the further hearing scheduled for August 7 and 8, 2019.

31. The parties continued to engage in settlement discussions, which resulted in Transource PA executing settlement agreements with PPL Electric, YCPC, and York County Citizens. The settlement agreements provided that Transource PA would present the Commission with an alternative route for the East Portion of the IEC Project in York County, the “Alternative IEC East Portion.”

32. On October 17, 2019, Transource filed the settlement agreements with the Commission.

33. On January 29, 2020, Transource PA and PPL Electric filed the Joint Amended Application in accordance with the settlement agreements.

34. Notice of the Amended Application appeared in the Pennsylvania Bulletin on February 8, 2020.

35. On February 19, 2020, STFC filed an Answer to the Amended Application.

36. On February 28, 2020, the OCA filed a Protest to the Amended Application.

37. Also on February 28, 2020, Franklin County filed a Petition to Intervene and Protest.

38. On March 10, 2020, Transource PA and PPL Electric filed a joint reply to STFC’s Answer.

39. A further prehearing conference was scheduled for March 18, 2020 to determine the dates for an evidentiary hearing on reliability issues and the proposed alternative route for the East Portion of the IEC Project as set forth in the Amended Application. Due to public health circumstances beyond the Commission’s and the parties’ control, the March 18 prehearing conference was postponed and has not been rescheduled.

40. Given the increasing urgency in commencing construction of the proposed project to prevent the reliability violations identified to occur in 2023, and in light of the time required to construct the project, it is imperative that no further delay of the procedural schedule be allowed, and that the limited outstanding issues related to the Amended Application, which counts with the overwhelming support of the property owners and government entities in York County where the facilities will be located, be litigated promptly to eliminate uncertainty, enable the proposed facilities to provide the vital service they are needed for, and ensure the reliability of the electric transmission grid.

## **II. STANDARD FOR INTERVENTION**

41. A petition to intervene must set out clearly and concisely: (1) the facts from which the alleged intervention right or interest can be determined, (2) the grounds of the proposed intervention, and (3) the petitioner's position on the issues raised in the proceeding. *See* 52 Pa. Code § 5.73(a).

42. Pursuant to the Commission's regulations, a petition to intervene may be filed by a person claiming, *inter alia*, an interest that may be directly affected and which is not adequately represented by existing participants, and as to which the petitioner may be bound by the action of the Commission in the proceeding. *See* 52 Pa. Code § 5.72(a). Thus, the Commission's regulations require an intervenor to establish that it has standing to participate in the proceeding.

43. Intervention is a matter of discretion for the Commission. *See City of Pittsburgh v. Pa. PUC*, 33 A.2d 641 (Pa. Super 1943); *N.A.A.C.P., Inc. v. Pa. PUC*, 290 A.2d 704 (Pa. Cmwlth. 1972); *PPL Electric Utilities Corporation Universal Service and Energy Conservation*

*Plan for 2011 through 2013*, Docket No. M-2010-2179796, 2011 Pa. PUC LEXIS 1997, at \*20 (May 5, 2011).

44. The Commission may deny a party's request for intervention on the sole basis that the request for intervention is late. *See Re Pa. Gas and Water Co.*, 1980 Pa. PUC LEXIS 54, at \*4 (Order Entered May 29, 1980). This is particularly true when there is no good cause for the late intervention. *See, e.g., Joint Petition of Metro. Edison Co. and Pa. Elec. Co. for Approval of Their Default Service Programs*, Docket Nos. P-2009-2093053, P-2009-2093054, p. 10 (Order Entered Nov. 6, 2009) (“[T]he illness of ARIPPA’s Executive Director simply does not establish good cause for a delay of over three months from having received actual service of the Petition until the filing of its request for intervention.”).

45. In evaluating a request for late intervention, the Commission will consider the following: (1) whether the petition had a reasonable excuse for missing the protest due date; (2) whether the proceeding is contested at the time of the intervention request; (3) whether granting intervention will delay the orderly progress of the case; and (4) whether granting intervention will broaden significantly the issues, or shift the burden. *See S.T.S. Motor Freight*, 54 Pa. P.U.C. 343 (1980); *Re Milton Transp., Inc.*, 56 Pa. P.U.C. 623 (1982).

46. Even if late intervention is granted, the petitioner must take the case as it stands at the time of invention, particularly where the record is already established. *See Com., et al. v. Energy Services Providers, Inc. d/b/a PaG&E*, Docket No. C-2014-2427656 (Order entered April 23, 2015) (intervenors take the record as they find it at the time of intervention): *Final Rulemaking for the Revision of Chapters 1,3, and 5 of Title 52 of the Pennsylvania Code Pertaining to Practice and Procedure Before the Commission*, Docket No. L-00020156 (Order

entered January 4, 2006) (Final Rulemaking Order) at p. 8 and p. 55 (recognizing the need for reasonable intervention limits).

**III. ANSWER TO FRANKLIN COUNTY’S UNTIMELY PETITION TO INTERVENE**

**A. IF INTERVENTION IS GRANTED, FRANKLIN COUNTY MUST TAKE THE CASE AS IT STANDS**

47. If intervention is granted at this late stage of the proceeding, Franklin County must take the case as it stands and cannot broaden the scope of the proceeding or introduce new issues. *See Final Rulemaking for the Revision of Chapters 1, 3, and 5 of Title 52 of the Pennsylvania Code Pertaining to Practice and Procedure Before the Commission*, Docket No. L-00020156 (Order entered January 4, 2006) (Final Rulemaking Order) at p. 8 and p. 55; *Com., et al. v. Energy Services Providers, Inc. d/b/a PaG&E*, Docket No. C-2014-2427656 (Order entered April 23, 2015); *Pa. PUC, Bureau of Investigation and Enforcement v. West Penn Power Company*, 2013 Pa. PUC LEXIS 889 (Order entered August 29, 2013).

48. In its Petition to Intervene, Franklin County states that it is continuing to evaluate its position on Transource PA’s proposal and may refine its position in consideration of testimony and discovery submitted. (Petition to Intervene ¶39) Franklin County should not be permitted to engage in discovery and submit testimony on issues that have already been litigated and importantly are not related to the Amended Application. All issues pertaining to the West Portion of the IEC Project, notably the siting for the West Portion of the IEC Project and the need for the Project, have already been established in the record through several rounds written testimony, live testimony at the evidentiary hearing, and cross examination. The parties and the Commission have expended significant time and resources to develop the record in this case. To prevent further unnecessary delay and waste of administrative resources, if intervention is granted, Franklin County must be ordered to accept the record as it stands and cannot litigate

issues (through discovery, testimony or the presentation of new witnesses) that have already been addressed, including the siting of the IEC West Portion and need for the Project. It is important to note that none of the other parties in this proceeding have requested to submit additional testimony in response to the Amended Application.

49. STFC and the OCA have already represented the interests of Franklin County residents with respect to these issues by actively addressing them in discovery, testimony, and at the evidentiary hearing. Thus, Franklin County would not be prejudiced by not re-litigating issues that pertain to the IEC West Portion.

50. The filing of the Amended Application for the East Portion does not justify Franklin County's request to intervene for the purpose of presenting its position on issues relating to the West Portion. Franklin County has no interest in the East Portion of the IEC Project and should not be able to use the Amended Application, or justify its decision to now participate in the case, to introduce evidence on the West Portion over two years later. A robust record already exists on these issues. Going back and re-litigating issues that have already been fully litigated would be a waste of administrative resources, would substantially delay completion of this proceeding, and is not in the public interest. Given that the IEC Project is needed to resolve reliability violations that are identified to occur in 2023,<sup>2</sup> it is imperative that this proceeding move forward in a timely manner so that the Commission issue a decision.

51. For these reasons, Transource PA respectfully requests that if Franklin County's Petition to Intervene is granted, Franklin County (1) be limited to presenting issues related to the Amended Application, (2) Franklin County not be allowed to further delay the proceedings, and (3) that Franklin County not be permitted to litigate any issues pertaining to the IEC West Portion for which a record has already been established.

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<sup>2</sup> See Transource PA St. No. 2-R.



**B. IF FRANKLIN COUNTY SEEKS TO RE-LITIGATE ISSUES PERTAINING TO THE IEC WEST PORTION, THE UNTIMELY PETITION TO INTERVENE SHOULD BE DENIED**

52. If Franklin County seeks to re-litigate issue pertaining to the IEC West Portion, Transource PA requests that the ALJ deny Franklin County's Petition to Intervene because Franklin County's intervention would substantially delay this proceeding and its lateness is inexcusable. Franklin County's request for intervention is untimely, and there is no good cause for late invention. The original Siting Application was filed on December 27, 2017 and served on Franklin County at that time. Notice of the Siting Application appeared in the *Pennsylvania Bulletin* on January 20, 2018, indicating that the deadline to file protests and petitions to intervene was February 20, 2018. *See* 52 Pa. Code § 5.74 (petitions to intervene must be filed no later than date fixed for filing protests as published in the *Pennsylvania Bulletin* except for good cause shown.) Franklin County filed its Petition to Intervene on February 28, 2020. Thus, Franklin County's Petition to Intervene is *over two years* late. If Franklin County seeks to re-litigate issues that have already been litigated over the past two years, the Petition to Intervene should be denied on the basis that it is extremely and prejudicially untimely. *See Re Pa. Gas and Water Co.*, 1980 Pa. PUC LEXIS 54, at \*4 (Order Entered May 29, 1980).

53. In its Petition to Intervene, Franklin County states that it is filing its Petition to Intervene "as a result of Transource's filing of an Amended Application. . ." (Petition to Intervene ¶ 33) However, the Amended Applications pertains only to a proposed alternative route for the East Portion of the IEC Project in York County and does not modify the West Portion of the IEC Project in Franklin County from what was proposed in the original December 27, 2017 Siting Application. Franklin County has no interest in the modifications to the East

Portion of the IEC Project, none of which is located in Franklin County. Thus, the filing of the Amended Application is not a basis for Franklin County's late intervention.

54. This is not a case where the petitioner simply "missed" the protest deadline. Transource PA served the original Siting Application on Franklin County when it was filed in December 2017. In addition, Transource PA has met with representatives of Franklin County several times throughout the siting process. *See e.g.* Attachments 8 and 12 to the West Siting Application. Yet, Franklin County waited until February 2020, after extensive discovery, numerous public hearings (including public hearings in Franklin County), a robust evidentiary hearing that included extensive cross examination by counsel for Stop Transource Franklin County (STFC), and several rounds of written testimony, to seek intervention. Therefore, Franklin County has been aware of this proceeding for over two years and was on notice that it could intervene in the proceeding before the Commission if it wished to do so.

55. Franklin County does not offer good cause for why its request to intervene comes over two years after this proceeding began. 52 Pa. Code § 5.74(b). Franklin County claims that it has good cause to file its late Petition because the "Twelfth Prehearing Order permits the amendment of the Application as it pertains to Franklin County." Petition ¶ 36. This statement is incorrect. The Twelfth Prehearing Order addresses Amendment of the IEC East Application in York County pursuant to settlements with various parties. It does not address any amendment of the IEC West Application in Franklin County. Moreover, the Amended Application itself does not amend the IEC West Application. *See, e.g., Petition of UGI Utilities, Inc. – Gas Division to Establish a Schedule for the Installation of Daily Metering Facilities on All Rate IS (Interruptible Service) and Rate DS (Delivery Service) Accounts; to Thereafter Transfer All Rate IS and DS Customer Accounts from Intra-Month to Calendar Month Billing and Balancing*

*Pools; and to Recover Associated Costs Pursuant to 66 Pa. C.S. § 2205(c)(7)*, Docket No. P-2017-2607269, Recommended Decision of ALJ Barnes Issued November 9, 2017 (finding that a change in legal strategy is insufficient to establish good cause); *Petition of the Official Unsecured Creditors' Committee for Approval of its Plan of Reorganization of Mercer Gas Co. and Application for Approval to Effectuate the Abandonment of Mercer Gas Company's Gas Service through the Plan of Reorganization*, 71 Pa. PUC 19, 1989 Pa. PUC LEXIS 144, at \*6 (Order Entered Sept. 15, 1989); *Re S.T.S. Motor Freight, Inc.*, 54 Pa. PUC 343, 1980 Pa. PUC LEXIS 44, at \*2-3 (Order Entered June 19, 1980); 52 Pa. Code § 5.74(b)(1)-(2).

56. Since the Siting Application for the IEC-West Portion was filed, there have been numerous rounds of discovery, prehearing conferences, public input hearings, site visits, multiple phases of written testimony, and evidentiary hearings. In addition, STFC and the OCA have been and continue to be active participants in the proceeding, representing the interests of Franklin County residents, which Franklin County claims to also represent. Franklin County chose not to participate for the more than two years that this case has been ongoing. Franklin County should not be permitted to delay this proceeding by going backward and playing catch up when it could have intervened in this proceeding from the start. Franklin County has missed its opportunity to intervene in the proceeding before the Commission to raise issues related to the IEC West Portion.

57. Franklin County's intervention for the purpose of engaging in discovery and submitting testimony on the IEC West Portion at this stage would cause substantial delay and disrupt the efficient resolution of this proceeding. (Petition to Intervene ¶39) For over two years the parties in this case have been engaging in extensive discovery and submitting several rounds of testimony. The parties have also participated in a several days of evidentiary hearings that

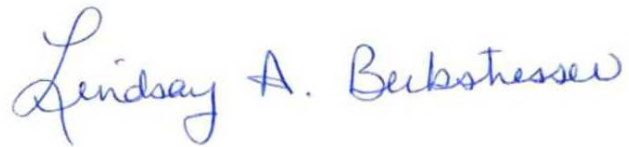
addressed siting issues with respect to the IEC West Portion. To allow this process to start over for Franklin County would cause substantial delay, particularly because no other parties have indicated that they plan to submit additional testimony. If Franklin County wished to engage in discovery and submit testimony, it could have done so before now. A hearing on the Amended Application should not be delayed so that Franklin County can issue discovery and submit testimony when it had ample opportunity to do so before now.

58. Filing the Amended Application does not justify Franklin County's late intervention for the purpose of re-litigating the IEC West Portion, particularly after this case has been ongoing for well over two years. Moreover, intervention at this stage of the proceeding is not in the public interest and should be denied because it invites further delay to concluding this proceeding, receiving a decision from the Commission and moving the IEC Project forward.

**IV. CONCLUSION**

WHEREFORE, Transource Pennsylvania, LLC respectfully requests that Administrative Law Judge Elizabeth H. Barnes (1) direct that Franklin County be limited to raising only those issues that relate to the Amended Application, if Franklin County's Petition to Intervene is granted, or in the alternative (2) deny Franklin County's Petition to Intervene.

Respectfully submitted,



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March 19, 2020

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