

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, Pennsylvania 17120

Jill Troutman and Tracy Troutman, et al.
vs.
Metropolitan Edison Company and
Mid-Atlantic Interstate Transmission LLC

Public Meeting of November 9, 2023
3028464-OSA
Docket No. C-2021-3028464, et al.

STATEMENT OF VICE CHAIR KIMBERLY BARROW

Today we dispose of several Complaints against Metropolitan Edison Company and Mid-Atlantic Interstate Transmission LLC because the Complainants failed to meet their burden that the proposed facilities are in violation of the Public Utility Code, or Commission regulation or order. At issue was whether the transmission facilities harmed property values, harmed the environment, and harmed personal health. I agree with the Administrative Law Judge (ALJ) that the Complainants presented inconclusive evidence to support their assertions and therefore did not meet their burden of proof.

However, I wish to highlight the standard for exceptions is not whether parties showed that the ALJ made an error of law or of fact. We do not sit as a reviewing court of ALJ decisions, but rather the Commission itself is the ultimate fact-finder.¹ Therefore, while the Commission *typically* will not disturb an ALJ's evidentiary rulings or findings of fact unless it is determined to be an abuse of discretion or lacking substantial evidence,² and pointing to a specific error of law or fact made by an ALJ is helpful for the Commission's independent review of a case, the Commission is free to reweigh evidence or reassess credibility. Exceptions are an appropriate vehicle to request the Commission to do so.³

The instant Exceptions should be denied because the evidentiary record does not support the Complainants' claims.

November 9, 2023
Date



Kimberly Barrow, Vice Chair

¹ *Milkie v. Pennsylvania Public Utility Com'n*, 768 A.2d 1217, 1220 n.7 (Pa.Cmwlt. 2001).

² *Baker v. Sunoco Pipeline, L.P.*, Docket No. C-2018-3004294 (Order entered September 23, 2020).

³ See e.g. *Hess v. Pennsylvania Public Utility Com'n*, 107 A.3d 246 (Pa.Cmwlt. 2014) (reweighing an ALJ's valuation of different pieces of evidence).