

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of PECO Energy Company : A-2020-3023332
Under 15 Pa.C.S. § 1511(c) For A Finding :
And Determination That The Service To :
Be Furnished By The Applicant Through :
Its Proposed Exercise Of The Power Of :
Eminent Domain To Acquire A Certain :
Portion Of The Land Of William S. :
Harbold And Sandra A. Harbold In :
Lower Chanceford Township, York :
County, Pennsylvania For The Siting :
And Construction Of Connecting Transmission :
Lines Associated With The Independence :
Energy Connection-East Project Is :
Necessary Or Proper For The Service, :
Accommodation, Convenience Or Safety :
Of The Public :

Application of PECO Energy Company : A-2020-3023335
Under 15 Pa.C.S. § 1511(c) For A Finding :
And Determination That The Service To :
Be Furnished By The Applicant Through :
Its Proposed Exercise Of The Power Of :
Eminent Domain To Acquire A Certain :
Portion Of The Land Of Samuel W. Taylor :
And Kay L. Taylor In Lower Chanceford :
Township, York County, Pennsylvania :
For The Siting And Construction Of :
Connecting Transmission Lines :
Associated With The Independence :
Energy Connection-East Project Is :
Necessary Or Proper For The Service, :
Accommodation, Convenience Or Safety :
Of The Public :

Application of PECO Energy Company : A-2020-3023337
Under 15 Pa.C.S. § 1511(c) For A Finding :
And Determination That The Service To :
Be Furnished By The Applicant Through :
Its Proposed Exercise Of The Power Of :
Eminent Domain To Acquire A Certain :
Portion Of The Land Of Clarence A. Pyle :

In Lower Chanceford Township, York :
County, Pennsylvania For The Siting And :
Construction Of Connecting Transmission :
Lines Associated With The Independence :
Energy Connection-East Project Is Necessary :
Or Proper For The Service, Accommodation, :
Convenience Or Safety Of The Public :

FOURTH INTERIM ORDER
CONTINUING TO HOLD APPLICATIONS IN ABEYANCE AND
ORDERING PARTIES TO SUBMIT STATUS REPORT

On December 16, 2020 PECO Energy Company (PECO or Company) filed the above-captioned Applications to obtain from the Pennsylvania Public Utility Commission (Commission) the finding and determination required by 15 Pa.C.S. § 1511(c) to exercise the power of eminent domain to acquire a right-of-way and easement over land in Chanceford Township, York County, Pennsylvania owned by William S. Harbold and Sandra A. Harbold (the Harbolds), Samuel W. Taylor and Kay L. Taylor (the Taylors), and the heirs of Clarence A. Pyle. The rights-of-way and easements over this property would be used by PECO to site and construct two new 500 kV transmission lines (Project) that would connect PECO’s existing Peach Bottom-TMI 500 kV Transmission Line with the new 500 kV/230 kV Furnace Run Substation that Transource Pennsylvania, LLC (Transource) plans to construct and operate as part of its proposed Independence Energy Connection-East Project (IEC Project).

PECO filed the above-captioned Applications contemporaneous with a Letter of Notification (LON) seeking approval to site and construct 0.5 mile of transmission lines. The LON proceeding is docketed at A-2020-3023303. It has not been assigned to the Office of the Administrative Law Judge and remains assigned to the Commission’s Bureau of Technical Utility Services (TUS).

PECO’s exercise of the power of eminent domain in the above-captioned proceedings is contingent upon the Commission granting Transource the siting and other

authority to construct and operate the proposed IEC Project that Transource has requested in separate Commission proceedings.¹

On December 22, 2020, Administrative Law Judge Elizabeth H. Barnes (ALJ Barnes) issued a Recommended Decision in the Transource Siting Proceeding (Transource R.D.) finding, among other things, that the proposed IEC Project approved by PJM in 2016 does not satisfy the public need requirement for additional transmission service in York and Franklin Counties within the meaning of the Commission’s siting regulations at 52 Pa. Code § 57.76(a). ALJ Barnes recommended that the Commission deny siting approval for the entire IEC Project and dismiss any related eminent domain applications.

The Commission adopted a Final Order in A-2017-2640195 on May 20, 2021, denying the approvals Transource requested that are necessary to construct and operate its proposed IEC Project.

The Commission’s Final Order is currently the subject of federal litigation at MD Pa Civil No 1:21-CV-01101.

On July 3, 2024, the parties provided a status update by email advising that the federal litigation was still pending. They requested that the above-captioned matters continue to be held in abeyance pending resolution of the federal litigation. They requested they be permitted to file an updated status report in 180 days.

The Commission’s regulations at 52 Pa.Code § 5.483(a) provide presiding officers broad authority to “regulate the course of the proceeding.” Under the circumstances, it is appropriate to hold the instant proceedings in abeyance pending resolution of the federal litigation of the Transource Siting applications to ensure a fair, reasonable and efficient disposition of issues related to the need for the Company’s proposed Project.

¹ See 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 Associate with the Independence Energy Connection – East Project in Portions of York County, Pennsylvania, Docket No. A-2017-2640195.

A-2020-3023332 - Application of PECO Energy Company Under 15 Pa.C.S. § 1511(c)
For A Finding And Determination That The Service To Be Furnished By The Applicant
Through Its Proposed Exercise Of The Power Of Eminent Domain To Acquire A Certain
Portion Of The Land Of William S. Harbold and Sandra A. Harbold In Lower Chanceford
Township, York County, Pennsylvania For The Siting And Construction Of Connecting
Transmission Lines Associated With The Independence Energy Connection-East
Project Is Necessary Or Proper For The Service, Accommodation, Convenience Or
Safety Of The Public

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