

Buchanan

John F. Povilaitis
717 237 4825
john.povilaitis@bipc.com

409 North Second Street
Suite 500
Harrisburg, PA 17101-1357
T 717 237 4800
F 717 233 0852

May 21, 2026

Via E-Filing

Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

**Re: Application of Transource Pennsylvania, LLC for All of the Necessary Authority, Approvals and Certificate of Public Convenience to Begin to Offer, Render, Furnish and/or Supply Transmission Service in portions of Franklin County, Pennsylvania Necessary to Operate Transmission Facilities for Project 9A West and for any Other Approvals Necessary
Docket No. A-2026-**

Dear Secretary Homsher:

On behalf of Transource Pennsylvania, LLC (“Transource PA”), please find enclosed for filing the Application of Transource Pennsylvania, LLC for All of the Necessary Authority, Approvals and Certificate of Public Convenience to Begin to Offer, Render, Furnish and/or Supply Transmission Service in portions of Franklin County, Pennsylvania Necessary to Operate Transmission Facilities for Project 9A West, and for any Other Approvals Necessary (“CPC Application”).

A filing fee of \$350.00 for the CPC Application was paid to the Pennsylvania Public Utility Commission (“PaPUC” or “Commission”) at the time of the e-filing. The CPC Application filing consists of the CPC Application and Appendices 1 through 8.

Please note that the CPC Application includes Confidential Appendices 4, 5 and 8. Due to their size, the Public Appendices and the Confidential Appendices are being separately uploaded electronically to the PaPUC’s ShareFile for large filings.

The Confidential Appendices contain confidential, commercially valuable and proprietary information for which Transource PA requests confidential treatment. Transource PA respectfully requests that Confidential Appendices be maintained by PaPUC under seal.

May 21, 2026
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The enclosed CPC Application, and a separate but related Siting Application also filed today requesting approval for Transource PA to site, own and operate a HV transmission line in Franklin County, Pennsylvania, both relate to the same transmission line Project. In addition, Transource PA has filed a Petition for Exemption from Zoning related to the Project. Accordingly, Transource PA has filed with the Commission a separate Motion for Consolidation and Timely Evaluation and Disposition by the Commission of these three filings due to their interrelated nature.

Copies of this CPC Application filing are being served by certified mail, return receipt requested, on the Parties listed in the attached Certificate of Service. Please contact the undersigned if you have any questions or concerns. Thank you for your attention to this matter.

Very truly yours,



John F. Povilaitis

Counsel for Transource Pennsylvania, LLC

JFP/psm

Enclosures

cc: Certificate of Service
Darren Gill, Bureau of Technical Utility Services (via email)
Deb Becker, Bureau of Technical Utility Services (via email)
JordanVan Order, Bureau of Technical Utility Services (via email)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Transource Pennsylvania, LLC for :
All of the Necessary Authority, Approvals and :
Certificate of Public Convenience to Begin to : Docket No. A-2026-_____
Offer, Render, Furnish and/or Supply Transmission :
Service in portions of Franklin County, :
Pennsylvania Necessary to Operate Transmission :
Facilities for Project 9A West; and for any Other :
Approvals Necessary :

APPLICATION OF TRANSOURCE PENNSYLVANIA, LLC

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

V. INTRODUCTION

1. By this Application, Transource Pennsylvania, LLC (“Transource PA” or the “Applicant”) requests all necessary authority, approvals and certificates of public convenience (“CPC”) from the Pennsylvania Public Utility Commission (“PUC” or “Commission”), pursuant to Section 1101 (governing the issuance of certificates of public convenience for public utilities to begin to render service in territory in which they do not possess such authorization) of the Public Utility Code (“Code”), 66 Pa. C.S. §§1101, to commence the provision of transmission electric service as a public utility in portions of Franklin County, Pennsylvania. Collectively, this Application, along with the attachments contained herein, are referred to as the “CPC Application.” This CPC Application satisfies the requirements of 52 Pa. Code §5.12 (Contents of applications).

2. Simultaneously with this CPC Application, Transource PA is filing a separate but related Application (“Siting Application”) seeking the Commission’s approval of the siting and construction of a proposed new electric substation (“Rice Substation”) and double-circuit Rice-

Ringgold 230 kilovolt (“kV”) electric transmission line and related facilities in portions of Franklin County, Pennsylvania (collectively, the “9A West Project”)¹. In addition to this CPC Application and the Siting Application, Transource PA is simultaneously filing with the Commission a Petition for Confirmation of an Exemption from Local Zoning Regulation and for the Construction of Buildings (“Zoning Petition”).

3. The complete name and address of the Applicant is:

Transource Pennsylvania, LLC
1 Riverside Plaza
Columbus, Ohio 43215-2372
Attention: Crystal L. Wood-Hython, Project MGR Staff Sr.

4. The attorneys for the Applicant are:

John F. Povilaitis (PA ID No. 28944)
Alan M. Seltzer (PA ID No. 27890)
409 N. Second Street, Suite 500
Harrisburg, PA 17101
Phone: (717) 237-4800
Fax: (717) 233-0852
E-mail: john.povilaitis@bipc.com
E-mail: alan.seltzer@bipc.com

Jessica A. Cano (FL ID. No. 37372)
American Electric Power Service Corporation
1 Riverside Plaza, 29th Floor
Columbus, OH 43215
Phone: 614-716-2921
Fax: 614-716-1613
E-mail: jacano@aep.com

5. The Applicant's attorneys are authorized to receive all notices and communications regarding the Application.

¹The municipalities impacted by the 9A West Project are described in more detail in Attachment 4 to Transource PA’s Siting Application.

VI. ORGANIZATION OF APPLICATION

6. This Application is organized as follows:

- Section III. provides a description of Transource PA, and other entities related to Transource PA;
- Section IV. provides a description of and the need for the 9A West Project, and the process before PJM that has preceded the filing of the CPC Application;
- Section V. sets forth the legal standards applicable to the granting of a CPC by this Commission;
- Section VI. demonstrates that Transource PA satisfies all legal requirements necessary for the granting of a CPC including that the proposed transmission service will be to or for the public;
- Section VII. confirms that Transource PA will have no retail customers and that no Transource PA rates will be subject to Commission jurisdiction;
- Section VIII. sets forth other required regulatory approvals other than those being requested in this CPC Application;
- Section IX. sets forth Transource PA's request for consolidation of related proceedings and expedited consideration;
- Section X. sets forth the parties to whom notice of the CPC Application is being given; and
- Section XI. sets forth the conclusion and summarizes the relief/approvals requested in the CPC Application.

7. Transource PA submits, as explained in greater detail below, that all legal requirements necessary for granting the required approvals under the Code have been fully satisfied, and the CPC Application should be approved without conditions.

VII. THE APPLICANT AND RELATED ENTITIES

A. Applicant

8. Transource PA is a limited liability company, organized and existing under the laws of Delaware. Transource PA is a wholly owned subsidiary of Transource Energy, LLC ("Transource Energy"), a partnership between two investor-owned utilities, American Electric

Power Company, Inc. (“AEP”) and Evergy, Inc. (“Evergy”), formed to develop and invest in competitive electric transmission projects across the United States.

9. Transource PA was formed to construct, own, operate and maintain transmission facilities within the Commonwealth of Pennsylvania.

10. Transource PA is an existing PUC regulated transmission-only public utility in Peach Bottom Township, York County, Pennsylvania having been issued a CPC by the PUC on December 19, 2024 in the matter *Authorizing approval to Transource Pennsylvania, LLC to begin to offer, render, furnish, or supply electric transmission service to the public in Peach Bottom Township, York County, Pennsylvania*, PUC Docket No. A-2024-3049272.

11. The Commission previously granted Transource PA a provisional CPC and approved various affiliated interest agreements in an order entered on January 23, 2018 at Commission Docket Nos. A-2017-2587821 and G-2017-2587822 in connection with Transource PA’s previous transmission line project in Franklin and York Counties, then known as the “Independence Energy Connection Project,” also called the “IEC Project” or “Project 9A.”² However, the CPC was rescinded when the Commission later denied Transource PA’s separate application for the siting of the proposed IEC Project high voltage transmission line in an order entered May 24, 2021 at Docket Nos. A-2017-2640195 and A-2017-2640200.³

² The Independence Project had two components, the 9A East Project located in York County, Pennsylvania and the 9A West Project located in Franklin County, Pennsylvania. The 9A East Project and 9A West Project siting applications were docketed separately but were addressed in a single Order of the Commission.

³In an order dated December 6, 2023 at Docket No. 1:21-CV-01101, the United States Federal District Court for the Middle District of Pennsylvania ruled against the Commission on a federal question related to the Commission’s scope of authority when reviewing PJM-approved applications to site transmission lines. That ruling was subsequently appealed by the Commission to the U.S. Court of Appeals for the Third Circuit (“Third Circuit”) which, in a decision filed on September 5, 2025 at Docket No. 24-1045, reaffirmed the District Court order and held the PUC’s action disregarding the findings of PJM Interconnection, L.L.C. (“PJM”) with respect to the need for the IEC Project violated the Supremacy Clause of the U.S. Constitution. *Transource Pennsylvania, LLC v. DeFrank*, 156 F.4th 351 (Third Cir. 2025)(“*Transource*”). The PUC has determined not to further challenge the Third Circuit’s decision. Requests for intervention by the Pennsylvania Office of Consumer Advocate, the intervention and appearance as counsel by the Attorney General of the Commonwealth of Pennsylvania, and a request for rehearing *en banc* were filed with the

12. Upon receipt of all necessary approvals requested in this CPC Application and the Siting Application, Transource PA will site, construct, own, operate and maintain the 9A West Project in accordance with applicable law.

B. Related Entities

13. Transource Energy is a limited liability company organized and existing under the laws of Delaware. Transource Energy is headquartered in Columbus, Ohio.

14. Transource Energy is the direct parent of, and wholly owns, Transource PA.

15. Transource Energy participates in three RTOs, including PJM, the Midwest Independent System Operator, and the Southwest Power Pool. Transource Energy is focused on the development and investment in competitive electric transmission projects across the United States.

16. AEP is a corporation organized and existing under the laws of New York.

17. Headquartered in Columbus, Ohio, AEP is an energy and utility holding company that, through its subsidiaries: (i) serves more than 5.6 million customers in eleven states; (ii) owns and operates more than 40,000 transmission miles, and approximately 252,000 distribution miles; and (iii) has nearly 30,000 MW of generating capacity.

18. Evergy, headquartered in Kansas City, Missouri, was formed from the merger of Great Plains Energy Incorporated and Westar Energy, Inc. in 2018. Evergy's regulated utility units operate as Evergy Metro, Inc. (f/k/a Kansas City Power & Light Company ("KCP&L")),

Third Circuit. By Order dated November 6, 2025, the Pennsylvania Attorney General's Motion to withdraw as counsel and intervene in the appeal for purposes of reargument before the Third Circuit, *en banc*, was denied by a three-judge panel of the Third Circuit. The Pennsylvania Attorney General's requests to continue to challenge the Third Circuit's decision, commence representation of the Pennsylvania Office of the Consumer Advocate and be granted reargument before the Third Circuit, *en banc*, were denied by the Third Circuit. The Attorney General is currently seeking a grant of *certiorari* on these issues before the U.S. Supreme Court. This CPC Application seeks approval for a new CPC for Transource PA solely in connection with its proposed service in portions of Franklin County, Pennsylvania associated with the transmission line and substation project described further below as the "9A West Project."

Evergy Missouri West, Inc. (f/k/a KCP&L Greater Missouri Operations, Inc.) and Evergy Kansas Central, Inc. (f/k/a Westar Energy, Inc.). The Evergy operating companies have served customers in Kansas and Missouri for more than 100 years. Evergy's vertically integrated, regulated electric utilities serve approximately 1.7 million customers in Kansas and Missouri with 10,200 circuit miles of transmission lines and about 60,400 circuit miles of distribution lines.

19. Attached as Appendix 1 is an organizational chart showing Transource Energy and its primary current subsidiaries.

VIII. PROJECT 9A WEST

A. Project Background and Description

20. The 9A West Project involves the siting and construction of the new Rice-Ringgold 230 kV Transmission Line that will extend approximately 28.8 miles to connect the existing Ringgold Substation located near Smithsburg, Washington County, Maryland and the new Rice Substation to be located in Franklin County, Pennsylvania. Approximately 24.4 miles of the 9A West Project will be located in Pennsylvania and approximately 4.4 miles will be located in Maryland.

21. The Pennsylvania portion of the 9A West Project will extend approximately 24.4 miles from the new Rice Substation to the Pennsylvania-Maryland border, and the Maryland portion of the 9A West Project will extend approximately 4.4 miles from the Pennsylvania-Maryland border to the existing Ringgold Substation. Transource PA will construct, own, operate, and maintain the Pennsylvania portion of the Rice-Ringgold 230 kV Transmission Line, and Transource MD will construct, own, operate, and maintain the Maryland portion of the line. A map of the proposed 9A West Project is provided in Appendix 2 to this CPC Application.

22. The Rice-Ringgold 230 kV Transmission Line associated with the 9A West Project will be a 230 kV double-circuit transmission line. The 230 kV double-circuit design will utilize twelve power conductors, with two conductors used for each of the six phase positions, and two overhead ground wires.

B. The Need for and the Public Benefits of the 9A West Project

23. As described further below, the 9A West Project was borne out of PJM's planning process known as the Regional Transmission Expansion Plan ("RTEP") and Market Efficiency Analysis, which previously selected and identified the original transmission project known as "Project 9A."

24. RTOs, or regional transmission organizations, supervise interstate transmission and planning of electricity. The Federal Energy Regulatory Commission ("FERC") encouraged the formation of RTOs by requiring utilities to report their progress towards developing and participating in RTOs to FERC.⁴ The purpose of such RTOs is for transmission facilities owned by utilities to be placed under the control of an appropriate RTO.⁵

25. FERC regulations require that each RTO have "operational authority for all transmission facilities under its control"⁶ and "exclusive authority for maintaining the short-term reliability of the grid that it operates."⁷

26. PJM is a FERC-approved RTO charged with ensuring non-discriminatory access and the reliable and efficient operation of the electric transmission system under its functional

⁴See Order No. 2000, Regional Transmission Organizations, 65 Fed. Reg. 810, 811 (Jan. 6, 2000) (codified at 18 C.F.R. pt. 35).

⁵*Id.* at 811.

⁶18 C.F.R. § 35.34(j)(3).

⁷*Id.* § 35.34(j)(4).

control and coordinating the transmission of electricity in all or parts of thirteen states, including Pennsylvania, and the District of Columbia.

27. In order to ensure reliable transmission service, PJM prepares an annual RTEP.⁸ The RTEP is an annual planning process that encompasses a comprehensive series of detailed analyses to ensure electric power continues to flow reliably to customers under stringent reliability planning criteria.⁹

28. In addition to the reliability analysis, PJM's RTEP includes a Market Efficiency Analysis to identify congestion on electric transmission facilities that have economic or wholesale market effects, as well as potential improvements to electric transmission economic efficiencies. The electric transmission needs identified in this analysis stem from the fact that the PJM transmission grid provides the means for generators to participate in a competitive wholesale market to supply electricity, both capacity and energy, to customers in PJM's geographic footprint no matter where in this area the electrical load is located.

29. The electric transmission infrastructure needs identified by the PJM Market Efficiency Analysis are addressed by market efficiency transmission projects, which are aimed specifically at improving electric transmission economic efficiencies and alleviating electric transmission constraints that have an economic impact on PJM's wholesale energy or capacity markets.

⁸ PJM's RTEP process is currently set forth in Schedule 6 of PJM's Amended and Restated Operating Agreement ("Schedule 6"). Schedule 6 governs the process by which PJM's members rely on PJM to prepare an annual regional plan for the enhancement and expansion of the transmission facilities to ensure long-term, reliable electric service consistent with established reliability criteria. In addition, Schedule 6 addresses the procedures used to develop the RTEP, the review and approval process for the RTEP, the obligation of transmission owners to build transmission upgrades included in the RTEP, and the process by which interregional transmission upgrades will be developed.

⁹ PJM Manual 14B outlines the RTEP process and reliability criteria used for this process. PJM Manual 14B is available at: <http://www.pjm.com/~media/docunents/manuals/ml14b.ashx>,

30. When PJM's Market Efficiency Analysis identifies a need to relieve congestion on electric transmission facilities, PJM opens a Long-Term Proposal Window to solicit the submittal of potential solutions (*i.e.*, market efficiency projects) to address those needs. PJM's solicitation of market efficiency project submittals through its Long-Term Proposal Window is a competitive process consistent with FERC Order No. 1000.¹⁰ Potential solutions are evaluated using two criteria: first, the project must address the congestion identified in the Market Efficiency Analysis; and, second, the project benefits must exceed the costs by at least 25 percent.¹¹ In addition, the project must meet PJM's congestion criteria and not create additional unacceptable congestion elsewhere on the system.

31. Market efficiency projects that are selected through PJM's Long Term Proposal Window are presented to stakeholders and recommended to the PJM Board of Managers ("PJM Board") for approval. If approved, such market efficiency projects are included in the RTEP as Baseline Projects.

32. Pursuant to Schedule 6 of PJM's Amended and Restated Operating Agreement, after the PJM Board approves a proposed market efficiency project, the successful project proponent is obligated to complete the project once PJM and the successful entity execute a Designated Entity Agreement, which specifically designates the entity or entities having construction responsibility for the project.

33. After extensive evaluation and review with stakeholders, PJM selected Project 9A to address the needs identified in PJM's 2014/2015 RTEP Long Term Proposal Window because it provided the highest benefit-to-cost ratio, the most total congestion savings, and the most

¹⁰ A summary of FERC Order No. 1000 is available at: <http://www.ferc.gov/industries/electric/indus-act/trans-plan.asp>.

¹¹ Project benefits are measured by comparing the benefits in the form of net load payments and/or production costs with and without the proposed project for a 15-year study period. The economic benefit/cost ratio threshold test is set forth in PJM Manual 14B, Attachment E, available at: <http://www.pjm.com/~media/documents/manuals/ml4b.ashx>.

production cost savings.¹² As part of the 2014/2015 RTEP, PJM estimated that Project 9A (of which the 9A West Project is a part) could lower wholesale electricity costs in congested-constrained regions.

34. On August 2, 2016, the PJM Board approved Project 9A as Baseline Upgrade Numbers b2743 and b2752, which included the 9A West Project.

35. PJM has conducted periodic annual re-evaluations of Project 9A since the project was placed in suspension status in 2021. PJM's 2025 annual re-evaluation showed a 3.85 benefit-to-cost ("B/C") ratio for the 9A West Project – far exceeding the minimum 1.25 B/C ratio.

36. While other RTEP projects have been constructed since 2021 and therefore have obviated the need for what had been the eastern portion of the original Project 9A, PJM's staff recommended to PJM's Board of Managers in May 2025 that the 9A West Project be completed given its positive benefits and favorable B/C ratio.

37. On July 30, 2025, the PJM Board of Managers found that the 9A West Project is needed and supports the prompt construction of needed infrastructure in the region. Such a determination establishes need for a project.¹³

38. Although the primary benefits from the 9A West Project relate to market efficiency and the reduction of congestion costs, the new transmission facilities associated with the 9A West Project will also enhance the electrical strength and reliability of the transmission system in the near term by virtue of the new transmission facilities in the area that will be part of the interconnected transmission grid. The 9A West Project will provide additional and alternative

¹²The recommendation of PJM staff to approve Project 9A is available at: <http://www.pjm.com/~media/committees-groups/committees/teac/20160811/20160811-boardwhitepaper-august-2016.ashx>.

¹³ See *Transource*.

paths for electricity in the event of outages on other transmission facilities. The 9A West Project will also allow the interconnection of potential future reliability and generation projects in the area.

C. Other 9A West Project Reviews and Approvals

39. Transource Pa has identified the general governmental approvals and permits likely to be necessary to construct the 9A West Project, in addition to the authorizations requested in this CPC Application and the Siting Application. The specific approvals, permits, etc. related to the siting, construction and operation of the 9A West Project are described in detail in the Siting Application. Upon approval of this CPC Application and the Siting Application, Transource Pa will provide electric transmission service in Pennsylvania in accordance with the PJM RTEP Process and approvals/directives outlined above.

IX. LEGAL STANDARDS APPLICABLE TO THE GRANTING OF A CPC

A. Service to or for the Public

40. A “public utility is defined in Code Section 102 as follows: Any person or corporation now or hereafter owning or operating in this Commonwealth equipment or facilities for:

- (i) Transmitting, distributing or furnishing ... electricity ... for the production of light, heat, or power to or for the public for compensation.

66 Pa. C.S. §102.

41. The Pennsylvania Supreme Court has concluded that “the public or private character of the enterprise does not depend upon the numbers of persons by whom it is used, but upon whether or not it is open to the use and service of all members of the public who may require it.”¹⁴ The Commonwealth Court found a gas company provided service “to or for the public”

¹⁴ *Drexelbrook Associates v. Pa. PUC*, 418 Pa. 430, 435, 212 A.2d 237, 239 (1965) (citations omitted).

when it placed no restrictions upon whom it served and provided service to the extent that capacity was available on its facilities.¹⁵

42. Further, the Commission has also held that FERC-regulated transmission companies are “public utilities” under Pennsylvania law if they: (1) own, maintain, or operate in the Commonwealth equipment or facilities used for the transmission of electricity, and (2) directly or indirectly serve Pennsylvania customers for compensation.¹⁶

43. The electric transmission service to be furnished by Transource PA will be to or for the public for compensation.

B. Code Section 1101 Certificate of Public Convenience

44. Code Section 1101 provides that “[u]pon the application of any proposed public utility and the approval of such application by the [C]ommission evidenced by its certificate of public convenience first had and obtained, it shall be lawful for any such proposed public utility to begin to offer, render, furnish, or supply service within this Commonwealth.” 66 Pa.C.S § 1101. Thus, before an entity may lawfully begin to furnish electric transmission service within the Commonwealth, it must first submit an application with the Commission requesting a certificate of public convenience.

45. Code Section 1103 sets forth the procedure to obtain a CPC. Under Code Section 1103, a CPC will be issued if the Commission “shall find and determine that the granting of such

¹⁵ *Dunmire Gas Company v. Pa. PUC*, 413 A.2d 473, 474 (Pa. Cmwlth. 1980); see also *Waltman v. Pa. PUC*, 596 A.2d 1221 (Pa. Cmwlth. 1991), *aff’d*, 533 Pa. 304, 621 A.2d 994 (Pa. 1993) (holding that the public nature of the services were not changed by the fact that the only entities that would desire them were those engaged in high volume business).

¹⁶ See *Petition of American Transmission Systems, Incorporated for a Declaratory Order that it is not a Public Utility as Defined in 66 Pa. C.S. § 102 and is not Required to Obtain a Certificate of Public Convenience under 66 Pa. C.S. § 1102(A) to Own and Operate Equipment and Facilities in Pennsylvania Used Only to Furnish Interstate Electric Transmission Service Subject to the Jurisdiction of the Federal Energy Regulatory Commission*, Docket No. P-2013-2388149 (Pa. PUC Order entered Aug. 11, 2016) (“*Petition of ATSP*”).

certificate is *necessary or proper* for the service, accommodation, convenience or safety of the public.”¹⁷ 66 Pa.C.S. § 1103. The Commission has interpreted this section to require the applicant to demonstrate a public need for the service and the applicant’s fitness to provide the service.¹⁸

46. In addition to public need and the applicant’s fitness, an applicant for a CPC must demonstrate that the proposed service will “affirmatively promote the service, accommodation, convenience, or safety of the public in some substantial way.”¹⁹

47. As explained in Section IV.B above and VI.B below, the electric transmission service to be furnished by Transource PA is reasonably necessary for the accommodation or convenience of the public.

48. Demonstrating the applicant’s “fitness” involves three factors: (i) the technical capacity to meet the need in a satisfactory fashion; (ii) the financial ability to provide reliable and responsible service to the public; and (iii) legal fitness -- the ability to operate safely and legally.²⁰

¹⁷ The Commonwealth Court has stated that “necessity and need are corollaries” and, for purposes of high voltage transmission lines, “necessity can be established by showing an improvement in the reliability of services or lower prices.” Moreover, the “necessary or proper” standard is to be read in the disjunctive. *Transource Pennsylvania, LLC v. Pa. Pub. Util. Comm’n*, 278 A.3d 942 (Pa. Cmwlth. 2022).

¹⁸ See *Chester Water Authority v. Pa. PUC*, 581 Pa. 640, 868 A.2d 384 (2005); Application of Newtown Artesian Water Company, 2003 Pa. PUC LEXIS 40 (July 1, 2003); See also *Transource* at 378-380. While the Company describes the need for Project 9A West in this CPC Application and supporting testimony, it also notes that the U.S. Third Circuit Court of Appeals recently held that, “when an RTO has selected [a multi-state transmission line project] for inclusion in a regional transmission plan as part of its federal mandate, a state regulator cannot, consistent with the Supremacy Clause, reject the project based on a lack of ‘need.’” *Transource Pa., LLC v. DeFrank*, 156 F.4th 351, 379 (3rd Cir. 2025), affirming *Transource Pa., LLC v. DeFrank*, 705 F. Supp. 3d 266 (M.D. Pa. 2023) (“*Transource*”). Thus, while the Commission holds authority over siting and construction of a project, it may not deny a project based on FERC’s determination of need. *Id.* at 378. While this case law did not interpret a determination of whether there is a public need for the service contemplated by a new utility for purposes of obtaining a CPC under Code Sections 1101 and 1103(a), Transource PA submits that PJM’s determination that there is a need for transmission service over Project 9A WAest and that Transource PA should construct, own, and operate the transmission facilities required to address this need demonstrates that there is a need for the electric transmission service contemplated by this CPC Application. Thus, Transource PA is submitting information regarding the benefits of and need for Project 9A West without prejudice to the decision in *Transource* and with a full reservation of rights both before the Commission and in the appellate courts.

¹⁹ *City of York v. Pa. PUC*, 449 Pa. 136, 151, 295 A.2d 825, 828 (1972).

²⁰ See *Warminster Twp. Mun. Auth. v. Pa. P.U.C.*, 138 A.2d 240 (Pa. Super. 1958).

49. Under Code Chapter 11, Transource PA must demonstrate that it is legally, technically and financially fit.²¹ While, as noted above, Transource PA holds a CPC as a public utility to serve in Peach Bottom Township, York County, Pennsylvania and may be entitled to a “presumption” of fitness under Pennsylvania law,²² this CPC Application independently supports Transource PA’s “fitness” to serve as a transmission-only utility in portions of Franklin County, Pennsylvania in connection with the 9A West Project.

50. As explained in Section VIII.C. below, Transource PA is technically, financially, and legally fit to provide electric transmission service in Franklin County, Pennsylvania. Further, such service will be to or for the public for compensation, and the service it will provide is necessary or proper for the service, accommodation, convenience or safety of the public.

X. TRANSOURCE PA SATISFIES ALL LEGAL REQUIREMENTS FOR THE GRANT OF A CPC

A. Transource PA Will Provide Service to or for the Public

51. As explained above, upon receipt of all necessary approvals and the completion of the 9A West Project, Transource PA will own, operate and maintain electric transmission facilities that will transmit high voltage electricity to various Pennsylvania electric transmission substations in support of the PJM RTEP process and directive described above.

52. The 9A West Project will be part of the interconnected wholesale electric grid that provides electric service to customers throughout the PJM 13-state footprint. The 9A West Project will be located in Pennsylvania and will be interconnected with existing and newly

²¹ *Seaboard Tank Lines v. Pa. Pub. Util. Comm’n*, 502 A.2d 762, 764 (Pa. Cmwlth. 1985); *Warminster Township Mun. Auth. v. Pa. Pub. Util. Comm’n*, 138 A.2d 240, 243 (Pa. Super. 1958).

²² See, *South Hills Movers, Inc. v. Pa. Pub. Util. Comm’n*, 601 A.2d 1308, 1310 (Pa. Cmwlth. 1992).

upgraded or constructed electric transmission facilities in Pennsylvania that will benefit customers in the region.

53. The Pennsylvania General Assembly has specifically directed the Commission to work with the Federal Government, interstate power pools such as PJM and other states in the region to ensure adequate, safe and reliable electric service to the citizens and businesses of the Commonwealth:

The commission, Pennsylvania electric utilities and all electricity suppliers shall work with the Federal Government, other states in the region, the North American Electric Reliability Council and its regional coordinating councils or their successors, interstate power pools, and with the independent system operator or its functional equivalent to ensure the continued provision of adequate, safe and reliable electric service to the citizens and businesses of this Commonwealth.

66 Pa.C.S. § 2805(a).

54. As a PJM Transmission Owner, Transource PA will be required by federal law to provide open access to its facilities.²³ Thus, Transource PA will hold itself out and may be required to directly serve interconnection transmission customers, electric generators, independent power producers, and suppliers through the facilities and equipment to be located within Pennsylvania.

²³FERC Order Nos. 888 and 889 require all public utilities owning and/or controlling transmission facilities to offer non-discriminatory open access transmission service. *See Promoting Wholesale Competition Through Open Access Non-discriminatory Transmission Services by Public Utilities; Recovery of Stranded Costs by Public Utilities and Transmitting Utilities*, Order No. 888, FERC Stats. & Regs. P 31,036, 61 Fed. Reg. 21,540 (1996), clarified, 76 F.E.R.C. 61,009 and 76 F.E.R.C. 61,347 (1996), *on reh'g*, Order No. 888-A, FERC Stats. and Regs. P 31,048, 62 Fed. Reg. 12,274, *clarified*, 79 F.E.R.C. 61,182 (1997), *on reh'g*, Order No. 888-B, 81 F.E.R.C. 61,248, 62 Fed. Reg. 64,688 (1997), *on reh'g*, Order No. 888-C, 82 F.E.R.C. 61,046 (1998); *Open Access Same-Time Information System and Standards of Conduct*, Order No. 889, FERC Stats. & Regs. P 31,035, 61 Fed. Reg. 21,737 (1996), *on reh'g*, Order No. 889-A, FERC Stats. & Regs. P 31,049, 62 Fed. Reg. 12,484 (1997), *on reh'g*, Order No. 889-B, 81 F.E.R.C. 61,253 (1997).

55. Although Transource PA will be compensated through FERC-regulated interstate rates for the electric transmission services it will provide,²⁴ the Commission will have jurisdiction over the siting, reliability, and safety of the overhead high voltage electric transmission line associated with the 9A West Project, as well as any future affiliated interest agreements.²⁵

56. Under these facts, Transource PA submits that it will provide electric transmission service to or for the public for compensation.

B. The Proposed Electric Transmission Service to be Furnished by Transource PA is Reasonably Necessary for the Accommodation or Convenience of the Public.

57. As described above, the 9A West Project (i) was borne out of PJM's RTEP process (which has been directed and approved by FERC), (ii) has been authorized and approved by the PJM Board to address specific reliability and/or congestion needs in the transmission system, and (iii) is required to be completed in accordance with PJM's Operating Agreement.

58. As stated above, the 9A West Project will also enhance the area's electric transmission grid, allow for additional and alternative paths for electricity and facilitate the

²⁴FERC Orders No. 888 and 889 require all public utilities owning and/or controlling transmission facilities to offer non-discriminatory open access transmission service. See *Promoting Wholesale Competition Through Open Access Non-discriminatory Transmission Services by Public Utilities; Recovery of Stranded Costs by Public Utilities and Transmitting Utilities*, Order No. 888, FERC Stats. & Regs. P 31,036, 61 Fed. Reg. 21,540 (1996), clarified, 76 F.E.R.C. 61,009 and 76 F.E.R.C. 61,347 (1996), on reh'g, Order No. 888-A, FERC Stats. and Regs. P 31,048, 62 Fed. Reg. 12,274, clarified, 79 F.E.R.C. 61,182 (1997), on reh'g, Order No. 888-B, 81 F.E.R.C. 61,248, 62 Fed. Reg. 64,688 (1997), on reh'g, Order No. 888-C, 82 F.E.R.C. 61,046 (1998); Open Access Same-Time Information System and Standards of Conduct, Order No. 889, FERC Stats. & Regs. P 31,035, 61 Fed. Reg. 21,737 (1996), on reh'g, Order No. 889-A, FERC Stats. & Regs. P 31,049, 62 Fed. Reg. 12,484 (1997), on reh'g, Order No. 889-B, 81 F.E.R.C. 61,253 (1997).

²⁵See *Piedmont Environmental Council v. FERC*, 558 F.3d 304, 310 (4th Cir. 2009) (the siting of electric transmission lines is reserved for the states); 16 U.S.C. § 824(o)(i)(3) (“[n]othing in this section shall be construed to preempt any authority of any State to take action to ensure the safety, adequacy, and reliability of electric service within that State, as long as such action is not inconsistent with any reliability standard”); *Application of TrAILCo For Approval For A Certificate Of Public Convenience To Offer, Render, Furnish Or Supply Transmission Service In The Commonwealth Of Pennsylvania*, Docket Nos. A-110172, et al., 2008 Pa. PUC LEXIS 1034 (Order entered Dec. 12, 2008) (states can exercise their authority to review certain affiliated interest agreements relating to transmission service and facilities without intruding on FERC's rate jurisdiction).

interconnection of potential future reliability and generation projects in the area as part of the area's transmission grid interconnected network.

59. There is no doubt that the 9A West Project is reasonably necessary for the service or accommodation of the public.²⁶ The 9A West Project is part of a recommended RTEP that has been submitted to, and approved by, the PJM Board. Therefore, it has been determined to be needed and ordered to be constructed by the PJM Board.

C. Transource PA is Technically, Financially and Legally Fit to Provide Electric Transmission Service in Pennsylvania

1. Technical Fitness

60. Transource PA and its parent Transource Energy have the required managerial and technical experience to own and operate the 9A West Project and all related equipment and facilities to render electric transmission service in Pennsylvania and beyond.

61. As explained above, Transource PA is the direct subsidiary of Transource Energy, which is indirectly owned by a partnership between AEP and Evergy. Transource Energy and Transource PA do currently and will continue to be able to draw on the significant resources and experience of AEP's and Evergy's rigorous and proven project management practices.

62. AEP and Evergy currently employ approximately 645 total employees in transmission project management and construction management functions. Combined, AEP and Evergy annually manage more than \$5.95 billion in projects and have extensive experience in transmission projects of a magnitude comparable to the 9A West Project.

²⁶For example, Pennsylvania for decades has held that regional integration is a direct intrastate benefit that can support the necessity requirement for exercising eminent domain authority. See, *Stone v. Pennsylvania Utility Commission*, 162 A.2d 18 (Pa. Super 1960).

63. Transource Energy operates its transmission assets with the highest standards of reliability, safety, and North American Electric Reliability Corporation (“NERC”)²⁷ compliance. Both AEP and Evergy operate multiple, fully functional control centers and employ more than 1,000 personnel in field operations to maintain, operate and restore transmission systems. Further, AEP and Evergy have developed best-in-industry skills through over a 100+ year history of siting, designing, constructing, and operating transmission grids consisting of approximately 50,000 miles of transmission lines and related substations.

64. In addition, as part of its current business practice, AEP has established partnerships with third-party engineering consultants who are trained in the appropriate application of AEP specifications and standards. Additionally, AEP has extensive experience in providing oversight to external consultants and third-party contractors, with industry-leading capabilities to effectively oversee all types of transmission and substation siting, permitting, design and construction completed by outside firms.²⁸

65. By combining the unique capabilities of AEP and Evergy, Transource Energy and Transource PA have currently and will continue to have the necessary experience and expertise to successfully construct, own, operate, and maintain the 9A West Project within Pennsylvania.

2. Legal Fitness

66. Transource PA is fully authorized to conduct business in the Commonwealth of Pennsylvania and is not the subject of any civil or criminal investigations or enforcement

²⁷ On February 3, 2006, FERC certified NERC as the organization required to establish and enforce reliability standards for the bulk electric system.

²⁸ *Transource Pennsylvania*, LLC, Docket No. ER23-1407-001, 184 FERC ¶61,091 (issued August 11, 2023), p. 12. (Omitting internal footnotes).

proceedings. Upon receipt of Commission approval, Transource PA will continue to be legally fit to own and operate electric transmission facilities within the Commonwealth of Pennsylvania.

67. Transource PA is a direct subsidiary of Transource Energy, which is indirectly owned by a partnership between AEP and Evergy. Transource Energy and its affiliates are in compliance in all material respects with federal and state laws in the jurisdictions in which they operate.

3. Financial Fitness

68. Transource Energy and Transource PA have the financial fitness to construct, own, maintain, and operate the 9A West Project and all related electric transmission facilities to be constructed, owned, operated and maintained in portions of Franklin County, Pennsylvania.

69. Attached to this Application as Appendix 3 is Transource PA's FERC Form No. 1. Through its own financial resources, along with financial support from its parent/affiliate, Transource Energy, Transource PA has the financial fitness and resources necessary to construct, own and operate the 9A West Project. Further, the borrowing capacity of Transource Energy through an existing credit agreement ("Transource Energy Credit Agreement") can be sized as needed, and the existing credit facility is more than sufficient to accommodate the anticipated debt financing needs for the construction of the 9A West Project. The Transource Energy Credit Agreement, called the "Third Amended and Restated Credit Agreement" dated as of February 20, 2025, is attached as Confidential Appendix 4. The current borrowing capacity for the Transource Energy Credit Agreement is \$200 million. The terms of that agreement allow for an increase in total borrowing capacity up to \$300 million. This opens an additional \$100 million of available credit, which creates additional assurance that Transource

Energy can quickly and adequately finance additional projects under the current agreement. Presently, Transource Energy has immediate access to \$111 million from the existing \$200 million available, along with the \$100 million accordion (i.e., expansion). Additionally, Transource Energy can leverage its diversified banking relationships and manage credit facility utilization through accessing private placement capital markets and opportunistically securing long-term debt at favorable terms. This option will allow Transource Energy to ensure that the 9A West Project capital needs are met. As Transource PA needs funds to support the construction, ownership and/or operation of the 9A West Project, it will effectively incur indebtedness to Transource Energy.

70. Transource PA's financial fitness is demonstrated by the credit rating of its direct parent, Transource Energy, whose Moody's credit rating is A2. A copy of Transource Energy's most recent Moody's credit opinion is attached as Confidential Appendix 5.

71. The financing terms and lower debt costs available to Transource Energy as a result of its strong A2 Moody's credit rating will ultimately benefit Transource PA by reducing the cost of financing the 9A West Project. Moody's A2 credit rating reflects the financial strength and credit metrics of Transource Energy, and in this context evidences Transource PA's access to debt financing and its financial fitness to construct, own, operate, and maintain the Pennsylvania transmission facilities described in this CPC Application.

72. Transource PA's financial fitness is further evidenced by the most recent financial statements of its ultimate parent companies, AEP and Evergy. Transource PA's ultimate parents have combined available liquidity of approximately \$4.3 billion, which far exceeds any equity contribution or inter-company debt amount that might be needed to support Transource PA's present transmission projects. AEP's and Evergy's most recent 10-Ks, are provided in Appendix 6 and Appendix 7, respectively.

73. In addition to the strong balance sheets, both ultimate parents of Transource PA have investment grade credit ratings. The most recent Moody's credit ratings reports for AEP and Evergy, as well as the past five years of credit ratings history, are attached as Confidential Appendix 8. Through Transource Energy, Transource PA will have ready access to debt and equity capital as needed to fulfill its funding requirements to construct, own, operate, and maintain the 9A West Project and any related future electric transmission facilities. AEP and Evergy have a track record of working with a significant number of banks worldwide in raising tens of billions of dollars for energy infrastructure, including over \$5 billion of long-term debt financing specifically for transmission-only businesses. Transource Energy, as an affiliate of AEP and Evergy, benefits from these relationships and experience in the capital markets.

XI. RATES AND COST RECOVERY

74. The costs required to construct, place in service and operate and maintain the Transource PA transmission grid upgrades, such as the 9A West Project, are recovered exclusively through FERC-regulated transmission wholesale rates. The costs associated with each of Transource PA's transmission grid upgrades are allocated under FERC-regulated cost allocation principles, which may vary from project to project, and are subject to modification by FERC under federal law. Transource PA will not recover any costs or receive any revenue through retail rates because it will not have retail customers in Pennsylvania.²⁹

75. Transource PA will have no retail customers and therefore no rates set by the Commission.

²⁹ Transource PA is currently recovering costs and receiving revenue through its FERC-regulated transmission formula rates in connection with all of its projects included in the PJM RTEP, and consistent with FERC's incentive orders for each project. See, e.g., *Transource Pennsylvania, LLC*, Docket No. ER23-1407-001, 184 FERC ¶61,091 (issued August 11, 2023).

XII. OTHER REQUIRED REGULATORY APPROVALS AND ADDITIONAL SUPPORTING DATA

76. The 9A West Project involves a multi-state interstate transmission line that traverses Pennsylvania and Maryland, and will require regulatory approvals from each of these jurisdictions.

77. In Pennsylvania, the 9A West Project will require Commission approval of this CPC Application and the Siting Application that will be filed contemporaneously herewith.

78. Transource PA will also seek Commission approval of the Zoning Petition.

79. Additional supporting information is provided in the testimony and exhibits submitted with the Siting Application for the 9A West Project, which is being filed contemporaneously herewith.

XIII. REQUEST FOR CONSOLIDATION OF RELATED PROCEEDINGS AND EXPEDITED CONSIDERATION

80. As noted above, this CPC Application and the Siting Application are being filed simultaneously with the Commission. The transmission line that is the subject of the Siting Application is directly related to the public utility service to be provided by Transource PA as a Pennsylvania electric transmission-only public utility in Franklin County, Pennsylvania if this CPC Application is approved.

81. Because the facts, evidence, and approvals required for the above-referenced proceedings are interrelated with the issues and evidence to be presented and addressed for this CPC Application, Transource PA requests, pursuant to 52 Pa. Code § 57.75(i)(1), that these Applications and the Zoning Petition be consolidated and considered simultaneously for purposes of hearings and decision

82. In consideration of the fact that: (i) Transource PA is the current holder of a CPC to provide transmission service in Pennsylvania, (ii) Transource PA has held provisional authority

to render transmission service in the same portions of Franklin County as is requested herein, and (iii) public utility status will assist Transource PA in developing the 9A West Project as directed by PJM, Transource PA respectfully requests that the PUC approve this Application as expeditiously as possible.³⁰

XIV. NOTICE

83. Transource PA is serving copies of this filing on the Commission's Bureau of Investigation and Enforcement, the Office of Consumer Advocate, and the Office of Small Business Advocate. A service list is attached to the cover letter that accompanies this CPC Application. Transource PA respectfully requests that the Commission publish notice of this filing in the Pennsylvania Bulletin with a reasonable deadline for intervention in this proceeding. Transource PA will provide any additional documents that may be required by the Commission.

XV. CONCLUSION AND SUMMARY OF REQUESTED COMMISSION APPROVAL

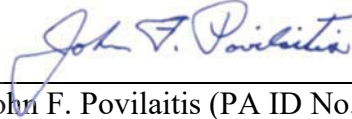
WHEREFORE, for all the foregoing reasons, Transource Pennsylvania, LLC respectfully requests that the Pennsylvania Public Utility Commission grant and issue all necessary and customary approvals and orders, and issue it the necessary certificate(s) of public convenience under the Public Utility Code to:

1. Begin to furnish and supply electric transmission service to or for the public within portions of Franklin County, Pennsylvania specified herein as a transmission-only public utility;
2. Carry out the transactions contemplated by this CPC Application; and

³⁰ Expedited review by the PUC will not limit the scope of the review, foreclose parties from raising relevant issues or limit or modify Transource PA's burden of proof. *Re Philadelphia Gas Works*, Docket No. P-00001829, 2000 WL 1511059 (Entered August 17, 2000).

3. Consolidate this CPC Application with the Siting Application and Zoning Petition contemporaneously filed herewith.

Respectfully submitted,



John F. Povilaitis (PA ID No. 28944)

Alan M. Seltzer (PA ID No. 27890)

409 N. Second Street, Suite 500

Harrisburg, PA 17101

Phone: (717) 237-4800

Fax: (717) 233-0852

Email: john.povilaitis@bipc.com

E-mail: alan.seltzer@bipc.com

Jessica A. Cano (FL ID. No. 37372)

American Electric Power Service Corporation

1 Riverside Plaza, 29th Floor

Columbus, OH 43215

Phone: 614-716-2921

Fax: 614-716-1613

E-mail: jacano@aep.com

Attorneys for Transource Pennsylvania, LLC

Dated: May 21, 2026

APPENDIX 1

APPENDIX 2

APPENDIX 3

APPENDIX 4

APPENDIX 5

APPENDIX 6


APPENDIX 7

APPENDIX 8

VERIFICATION

I, Evan K. Dean, Managing Director, Transmission Joint Ventures Governance and Operations, hereby state that the facts set forth above are true and correct to the best of my knowledge, information and belief, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Date: May 21, 2026

By: 
Evan K. Dean, Managing Director
Transmission Joint Ventures Governance
and Operations

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Transource Pennsylvania, LLC for :
All of the Necessary Authority, Approvals and :
Certificate of Public Convenience to Begin to Offer, : Docket No. A-2026-_____
Render, Furnish and/or Supply Transmission :
Service in portions of Franklin County, :
Pennsylvania Necessary to Operate Transmission :
Facilities for Project 9A West; and for any Other :
Approvals Necessary :

CERTIFICATE OF SERVICE

I hereby certify and affirm that I have this day served a copy of the Application of Transource Pennsylvania, LLC for All of the Necessary Authority, Approvals and Certificate of Public Convenience to Begin to Offer, Render, Furnish and/or Supply Transmission Service in portions of Franklin County, Pennsylvania Necessary to Operate Transmission Facilities for Project 9A West; and for any Other Approvals Necessary on the following persons in the manner specified in accordance with the requirements of 52 Pa. Code §1.54:

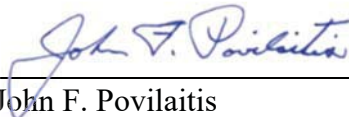
Via Certified Mail, Return Receipt Requested:

Pennsylvania Bureau of Investigation
and Enforcement
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
2nd Floor, Room-N201
Harrisburg, Pennsylvania 17120
Attn: Allison Kaster

Pennsylvania Office of Consumer Advocate
555 Walnut Street 5th Floor Forum Place
Harrisburg, Pennsylvania 17101-1923
Attn: Darryl A. Lawrence, Consumer
Advocate

Pennsylvania Office of Small
Business Advocate
555 Walnut Street, 1st Floor Forum Place
Harrisburg, Pennsylvania 17101
Attn: NazArah Sabree

Date: May 21, 2026



John F. Povilaitis
Buchanan Ingersoll & Rooney PC
400 North 2nd Street
Harrisburg, PA 17101
(717) 237-4825
John.povilaitis@bipc.com