

# Buchanan

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May 21, 2026

**Via E-filing**

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

Re: Petition of Transource Pennsylvania, LLC for Confirmation of an Exemption from Local Zoning Regulation and for the Construction of Buildings in connection with the Construction of a Proposed Electric Substation in Greene Township, Franklin County, Pennsylvania  
Docket No. P-2026-\_\_\_\_\_

Dear Secretary Homsher:

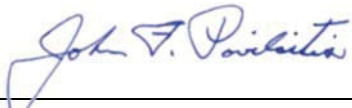
Enclosed for filing please find the Petition of Transource Pennsylvania, LLC (“Transource PA”) for Confirmation of a Zoning Exemption. Filings related to this Petition are also being made by Transource PA at an A-Docket (Application for Certificate of Public Convenience) and Application for Siting of High Voltage Electric Transmission Line at an A-Docket. Transource PA is requesting in each of these filings that the Pennsylvania Public Utility Commission (“Commission”) consolidate these three interrelated matters for hearing and disposition.

Copies of the filing are being served on the Public Advocates, the Commission’s Bureau of Technical Utility Services, and affected parties in the manner indicated on the attached Certificate of Service. Please advise Transource PA if service on any other parties is required by the Commission.

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Please contact the undersigned if you have any questions regarding this filing. Thank you for your attention to this matter.

Sincerely,  
BUCHANAN INGERSOLL & ROONEY PC

By:   
\_\_\_\_\_  
John F. Povilaitis, Esquire

JFP/psm  
Enclosure  
cc: Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Transource Pennsylvania, LLC for :  
Confirmation of an Exemption from Local Zoning :  
Regulation and for the Construction of Buildings : Docket No. P-2026-\_\_\_\_\_  
in connection with the Construction of a Proposed :  
Electric Substation in Greene Township, Franklin :  
County, Pennsylvania

**PETITION OF TRANSOURCE PENNSYLVANIA, LLC**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Transource Pennsylvania, LLC (“Transource PA”) hereby files, in accordance with the Pennsylvania Public Utility Commission (“Commission” or “PaPUC”) regulations at 52 Pa. Code Section 5.41 and Article VI of the Pennsylvania Municipalities Planning Code (as reenacted and amended December 21, 1988, P.L. 1329, 53 P.S. §§ 10601-10619.1) (“MPC”), the following Petition for Confirmation of an Exemption from Local Zoning Regulation and for the Construction of Buildings in connection with the construction of a proposed electric substation in Greene Township, Franklin County, Pennsylvania (“Petition”).

This Petition is one of four separate but inter-related filings being made simultaneously by Transource PA at the PaPUC in connection with the 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 a portion of Franklin County, Pennsylvania (collectively, “9A West Project”). In addition to this Petition, Transource PA is filing with the Commission (i) an application for a Certificate of Public Convenience (“CPC”) under Chapter 11 of the Public Utility Code, 66 Pa. C.S. §101 *et seq.* (“Code”) to commence

service as an electric transmission-only public utility in Franklin County, Pennsylvania Commonwealth (“CPC Application”), (ii) an application under 52 Pa. Code § 57.72 for approval to site the aerial transmission line component of the 9A West Project (“Siting Application”), and (iii) a Motion to Consolidate all of the interrelated filings with the Commission in connection with the 9A West Project. Given the interrelationship among this Petition, the CPC Application, and the Siting Application, Transource PA is seeking to consolidate all Project 9A West-related Commission filings for review, hearing if necessary, and final disposition through the Motion to Consolidate.

In connection with this Petition, Transource PA specifically avers and represents as follows:

## **I. INTRODUCTION**

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

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

3. 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. and Evergy, Inc., formed to develop and invest in competitive electric transmission projects across the United States.

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

5. Upon receipt of all necessary approvals requested in the CPC Application and the Siting Application, Transource PA will site, construct, own, operate and maintain the 9A West Project.

6. The circumstances leading to Transource PA being directed to construct, own and operate the 9A West Project are discussed in detail in the CPC and Siting Applications, which are incorporated by reference herein.

## **II. REQUEST FOR EXEMPTION FROM LOCAL ZONING AND OTHER LAND USE REGULATION**

7. As noted above, Transource PA intends to design, site, construct, operate and maintain the 9A West Project, including the Rice Substation in Greene Township, Franklin County, Pennsylvania. The Rice Substation is expected to have a control building/module to house substation electric controls, metering and communications equipment.

8. The proposed Rice Substation control building/module will be located in Greene Township, Franklin County, Pennsylvania. Greene Township has enacted the following land use ordinances: (i) a Zoning Ordinance pursuant to Article VI of the MPC; and (ii) a Subdivision and Land Development Ordinance (“SALDO”) under Article V of the MPC. Because Greene Township has adopted its own Zoning Ordinance and SALDO under the MPC, Franklin County’s land use ordinances are not applicable to development in Greene Township.

9. The Pennsylvania General Assembly intended the Commission to have statewide jurisdiction over public utilities and to foreclose local public utility regulations, including zoning and land development. The lack of authority for a local municipality to regulate the design,

location, or construction of public utility facilities is consistent with a long line of cases holding that public utilities are exempt from local ordinances.<sup>1</sup>

10. Notwithstanding the broad common law exemption from the regulation of public utilities by municipalities, the MPC expressly provides that a municipality may regulate and/or zone for a public utility *building* unless the Commission determines that the building is reasonably necessary for the convenience or welfare of the public. If the Commission finds that the building is reasonably necessary, the building is exempt from local zoning ordinances under the MPC.

11. More specifically, Section 619 of the MPC, 53 P.S. § 10619, provides an exemption from municipal zoning regulation for “any existing or proposed building, or extension thereof” of a public utility (*i.e.*, the limited extent to which municipal zoning regulation by law applies to the placement of public utility facilities), upon a finding and determination by the Commission “that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.”<sup>2</sup>

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<sup>1</sup> See *Duquesne Light Company v. Monroeville Borough*, 449 Pa. 573, 580, 298 A.2d 252, 256 (1972) (“This Court has consistently held, however, that the Public Utility Commission has exclusive regulatory jurisdiction over the implementation of public utility facilities”) (citations omitted). See, e.g., *County of Chester v. Philadelphia Elec. Co.*, 420 Pa. 422, 218 A.2d 331 (1966) (holding that regulation by a multitude of jurisdictions would result in “twisted and knotted” public utilities with consequent harm to the general welfare); *Newtown Twp. v. Philadelphia Elec. Co.*, 594 A.2d 834, 837 (Pa. Cmwlth. 1991) (noting that “it is clear that no ‘implied’ power exists in the MPC which would allow the Township to regulate [the Philadelphia Electric Company] through its subdivision and land development ordinance”); *Heintzel v. Zoning Hearing Bd. of Millcreek Twp.*, 533 A.2d 832 (Pa. Cmwlth. 1987) (holding that township had no power to regulate, under its zoning ordinance, city’s erection of water tower because that power was under the exclusive jurisdiction of the PUC); *South Coventry Twp. v. Philadelphia Elec. Co.*, 504 A.2d 368 (Pa. Cmwlth. 1986) (noting that to possibly subject [the Philadelphia Electric Company] to a miscellaneous collection of regulations upon its system would clearly burden and indeed disable it from successfully functioning as a utility); *Commonwealth v. Delaware and Hudson Railway Co.*, 339 A.2d 155 (Pa. Cmwlth. 1975) (holding that the MPC did not authorize local governments to regulate public utilities in any manner which infringes upon the power of the PUC to so regulate).

<sup>2</sup> Section 619 of the MPC, although contained in the MPC’s Article VI relating to zoning regulations, also permits the PUC to exempt public utility buildings from the requirement of obtaining land development approval under a municipality’s SALDO, which are adopted pursuant to Article V of the MPC. See *Newtown Twp. v. Philadelphia Elec. Co.*, 594 A.2d 834, 837 (Pa. Cmwlth. 1991) (“We believe, however, that in this case any distinction [in the MPC’s utility building exemption provisions] between zoning and subdivision regulations is one without a difference.”).

12. The proposed control building/module at the Rice Substation will be integral to the operation of the substation and is therefore reasonably necessary for the convenience and/or welfare of the public since it will assist in the safe operation of the substation and related equipment for the benefit of the public.

13. Transource PA has served this Petition upon all municipalities in which the Rice Substation and related “building” are intended to be constructed so they have direct notice of Transource PA’s request for confirmation of an exemption from such local zoning and land development regulation for the construction at the Rice Substation of the proposed substation control building/module.

14. Transource PA requests that the Commission, if it grants Transource PA’s request for a CPC as described in the CPC Application, (i) confirm that Transource PA shall be exempt from all local zoning, land development, and any other land use regulation under Pennsylvania law; and (ii) grant Transource PA an exemption specifically from local zoning, land development, and any other land use regulations for the control building/module to be constructed at the Rice Substation in Greene Township, Franklin County, Pennsylvania in accordance with Section 619 of the MPC, 53 P.S. § 10619.

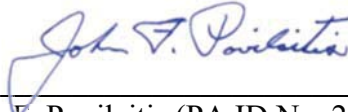
### **III. CONSOLIDATION**

15. For the reasons specified above and more fully in the Motion to Consolidate, Transource PA specifically requests that this Petition be consolidated, under the Commission regulations at 52 Pa. Code § 5.81, for hearings and disposition with the CPC Application and Siting Application since all of these pleadings relate to the same subject matter (i.e., the 9A West Project) and are otherwise interrelated.

**IV. CONCLUSION AND SUMMARY OF REQUESTED COMMISSION APPROVALS**

WHEREFORE, for all the foregoing reasons, Transource Pennsylvania, LLC respectfully requests that the Pennsylvania Public Utility Commission (i) confirm that Transource PA shall be exempt from all local zoning, land development and any other land use regulation under Pennsylvania law; (ii) grant Transource PA an exemption specifically from local zoning, land development, and any other local land use regulations for any control buildings/modules to be constructed at the Rice Substation in Greene Township, Franklin County, Pennsylvania in accordance with Section 619 of the MPC, 53 P.S. § 10619; and (iii) grant Transource PA any and all other approvals necessary to carry out the relief requested in and transactions contemplated by this Petition.

Respectfully submitted,



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Alan M. Seltzer (PA ID No. 27890)  
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Jessica A. Cano (FL ID. No. 37372)  
American Electric Power Service Corporation  
1 Riverside Plaza, 29<sup>th</sup> Floor  
Columbus, OH 43215  
Phone: 614-716-2921  
Fax: 614-716-1613  
E-mail: [jacano@aep.com](mailto:jacano@aep.com)


Attorneys for Transource Pennsylvania, LLC

Dated: May 21, 2026

## 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**

Petition of Transource Pennsylvania, LLC for :  
Confirmation of an Exemption from Local Zoning :  
Regulation and for the Construction of Buildings in : Docket No. P-2026-\_\_\_\_\_  
connection with the Construction of a Proposed :  
Electric Substation in Greene Township, Franklin :  
County, Pennsylvania :  
:  
:  
:

**CERTIFICATE OF SERVICE**

I hereby certify and affirm that I have this day served a copy of the Petition of Transource Pennsylvania, LLC for Confirmation of an Exemption from Local Zoning Regulation and for the Construction of Buildings in connection with the Construction of a Proposed Electric Substation in Greene Township, Franklin County, Pennsylvania 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 Small  
Business Advocate  
555 Walnut Street, 1st Floor Forum Place  
Harrisburg, Pennsylvania 17101  
Attn: NazArah Sabree

Pennsylvania Department of Environmental  
Protection  
P.O. Box 2063  
Market Street State Office Building  
Harrisburg, PA 17105-2063  
Attn: Office of Field Operations

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

Pennsylvania Department of  
Transportation Secretary  
Room 1200  
Transportation and Safety Building  
Harrisburg, Pennsylvania 17120

Pennsylvania Historical & Museum  
Commission  
Chairman  
300 North Street  
Harrisburg, PA 17120

Franklin County Planning Department  
272 North Second Street  
Chambersburg, PA 17201  
Contact: Quentin Clapper, Planning Director

Greene Township Supervisors  
Attn: Todd E. Burns, Chairman  
1145 Garver Lane  
Chambersburg, PA 17202

Guildford Township Supervisors  
Attn: Don Clapper, Chairman  
115 Spring Valley Road  
Chambersburg, PA 17202

Quincy Township Supervisors  
Attn: Alan Peck, Chairman  
7575 Mentzer Gap Road  
Waynesboro, PA 17268

Borough of Waynesboro  
Attn: Jason Stains, Borough Manager  
55 East Main Street  
Waynesboro, PA 17268

Washington Township Supervisors  
Attn: Scott Stine, Chairman  
11798 Buchanan Trail East  
Waynesboro, PA 17268

West Penn Power Company  
341 White Pond Drive  
Akron, OH 44320

Potomac Edison Co.  
341 White Pond Drive  
Akron, OH 44320

Pennsylvania Electric Company (PENELC)  
341 White Pond Drive  
Akron, OH 44320

Rockies Express Pipeline, LLC  
4200 West 115th Street  
Suite 350  
Leawood, KS 66211

Texas Eastern Transmission, L.P.  
5400 Westheimer Court  
Houston, TX 77056

Columbia Gas Transmission Corp.  
700 Louisiana Street  
Houston, TX 77002

Dominion Energy  
5000 Dominion Boulevard  
Glen Allen, VA 23060

Date: May 21, 2026



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