

COMMONWEALTH OF PENNSYLVANIA



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June 25, 2026

Via Electronic Filing

Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Re: Transource PA's Certificate of Public
Convenience Application for Franklin
County; Docket No. A-2026-3062675;

Transource PA's Siting Application for
Franklin County; Docket No. A-2026-
3062686; and,

Transource PA's Zoning Exemption
Petition in Greene Township, Franklin
County; Docket No. P-2026-3062687

Dear Secretary Homsher:

For electronic filing, enclosed please find the Answer of the Office of Consumer Advocate
Opposing Transource PA's Motion to Consolidate and for Timely Disposition.

Respectfully submitted,

/s/ Jacob Guthrie
Jacob Guthrie, PA Attorney I.D. # 334367
Assistant Consumer Advocate

Enclosures

cc: Administrative Law Judge Steven K. Haas (Via Email Only: sthaas@pa.gov)
Administrative Law Judge Emily A. Farren (Via Email Only: efarren@pa.gov)
Certificate of Service

CERTIFICATE OF SERVICE

Application of Transource Pennsylvania, :
LLC for All of the Necessary Authority, :
Approvals and Certificate of Public :
Convenience to Begin to Offer, Render, : Docket No. A-2026-3062675
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 filed Pursuant to 52 Pa. Code Chapter :
57, Subchapter G, for Approval of the Siting :
and Construction of the 230 kV : Docket No. A-2026-3062686
Transmission Line known as Project 9A :
West in a Portion of Franklin County, :
Pennsylvania :

Petition of Transource Pennsylvania, LLC :
for Confirmation of an Exemption from :
Local Zoning Regulation and for the :
Construction of Buildings in connection with : Docket No. P-2026-3062687
the Construction of a Proposed Electric :
Substation in Greene Township, Franklin :
County, Pennsylvania :

I hereby certify that I have this day filed electronically on the Commission’s electronic filing system and served a true copy of the following document, the Answer of the Office of Consumer Advocate Opposing Transource PA’s Motion to Consolidate and for Timely Disposition, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code Section 1.54 (relating to service by a participant), in the manner and upon the persons listed below.

Dated this 25th day of June 2026.

SERVICE BY E-MAIL ONLY

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Dated: June 25, 2026

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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, Render, : Docket No. A-2026-3062675
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 filed Pursuant to 52 Pa. Code Chapter :
57, Subchapter G, for Approval of the Siting :
and Construction of the 230 kV Transmission : Docket No. A-2026-3062686
Line known as Project 9A West in a Portion :
of Franklin County, Pennsylvania :

Petition of Transource Pennsylvania, LLC for :
Confirmation of an Exemption from Local :
Zoning Regulation and for the Construction :
of Buildings in connection with the : Docket No. P-2026-3062687
Construction of a Proposed Electric :
Substation in Greene Township, Franklin :
County, Pennsylvania :

ANSWER OF THE OFFICE OF CONSUMER ADVOCATE
OPPOSING TRANSOURCE PA'S
MOTION TO CONSOLIDATE AND FOR TIMELY DISPOSITION

AND NOW, before Administrative Law Judges (ALJs) Emily A. Farren and Steven K. Haas, the Pennsylvania Office of Consumer Advocate (OCA) files this Answer, pursuant to 52 Pa. Code Sections 5.61 and 5.103, to the Motion of Transource Pennsylvania, LLC (Transource PA or Company) to Consolidate Proceedings and for Timely Disposition (Motion)¹ of the above-captioned proceedings.

¹ 52 Pa. Code §§ 5.61, 5.103.

Transource PA requests that the following three proceedings be consolidated for purposes of record development, the ALJs' recommended decision, and a final Commission decision:

- (1) 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-2026-3062675 (CPC Application);
- (2) 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 known as Project 9A West in a Portion of Franklin County, Pennsylvania, Docket No. A-2026-3062686 (Siting Application); and
- (3) 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-2026-3062687 (Zoning Exemption Petition).

The ALJs should deny Transource PA's request to consolidate the CPC Application, Siting Application, and Zoning Exemption Petition. Further, the ALJs should hold the Siting Application and Zoning Emption Petition in abeyance until the CPC Application is finally decided by the Commission.

This case presents nearly identical factual and procedural circumstances as was present in the *MARL* case.² In the *MARL Interlocutory Order*, the Commission clearly stated that an entity's

² *Application of NextEra Energy Transmission MidAtlantic, Inc., filed pursuant to 52 Pa. Code Chapter 57 Subchapter G, for approval to site and construct a 500 kV transmission line associated with the MidAtlantic Resiliency Link Project located in portions of Greene County and Fayette County, Pennsylvania, Docket No. A-2026-3060856, Interlocutory Order (June 1, 2026) (MARL Interlocutory Order).*

application for a certificate of public convenience must be decided by the Commission before the same entity's application to site transmission line facilities for the protection of due process for all affected parties.³ Therefore, consistent with the decision of the Commission in the *MARL Interlocutory Order*, Transource PA's CPC Application should come first before the Commission and be finally decided by the Commission before the Siting Application and Zoning Exemption Petition are litigated. The Siting Application and Zoning Exemption Petition should be held in abeyance until the CPC Application is finally determined by the Commission.

In support thereof, the OCA avers as follows:

I. INTRODUCTION

On May 21, 2026, Transource PA filed the CPC Application, pursuant to Sections 1101 and 1103 of the Public Utility Code, seeking approval and authority to furnish and supply electric transmission service and operate transmission facilities in Franklin County.

Also on May 21, 2026, Transource PA filed the Siting Application, pursuant to 52 Pa. Code Section 57.72,⁴ seeking approval and authority for the siting and construction of the new Rice-Ringgold 230 kV transmission line that would extend approximately 28.8 miles to connect the existing Ringgold Substation located near Smithsburg, Washington County, MD and the new Rice Substation to be located in Franklin County, PA. The proposed transmission line, inclusive of both the Pennsylvania and Maryland portions, is referred to as "Project 9A West" or the "9A West Project." Approximately 24.4 miles of the 9A West Project will be located in PA and 4.4 miles will be located in MD. The PA portion will extend from the New Rice Substation to the PA-MD border.⁵

³ *MARL Interlocutory Order* at 11-14.

⁴ 52 Pa. Code § 57.72.

⁵ Transource PA CPC Application at 6.

Also on May 21, 2026, Transource PA filed the Zoning Exemption Petition, pursuant to Section 619 of the Municipal Planning Code,⁶ in connection with the proposed construction of a proposed above-ground electric substation in Greene Township, Franklin County.

Simultaneously, on May 21, 2026, Transource PA filed a Motion, requesting that the CPC Application, Siting Application, and the Zoning Exemption Petition be consolidated for all purposes.⁷

On May 26, 2026, the Commission's Secretary's Bureau issued a Letter acknowledging receipt of the CPC Application, Siting Application, and the Zoning Exemption Petition and indicating that the filings would be published in the Pennsylvania Bulletin on June 13, 2026, and setting the deadline for responses to the CPC Application, Siting Application, and the Zoning Exemption Petition to be filed no later than August 12, 2026.

On June 3, 2026, a Notice of Telephonic Prehearing Conference was issued, scheduling a Prehearing Conference for August 19, 2026.

On June 13, 2026, the Siting Application and Zoning Exemption Petition⁸ and the CPC Application⁹ were published in the *Pennsylvania Bulletin*.

On June 25, 2026, the OCA filed Protests to the CPC Application and the Siting Application and an Answer to the Zoning Exemption Petition.

II. LEGAL STANDARDS

While Transource PA correctly articulated in its Motion the law governing consolidation in matters before the Commission at the time that the Motion was filed, the Commission issued the *MARL Interlocutory Order* after the Motion was filed. In the *MARL Interlocutory Order*, the

⁶ 53 P.S. § 10619.

⁷ Motion ¶ 9.

⁸ 56 Pa.B. 3592 (including notice of both the Siting Application and Zoning Exemption Petition).

⁹ 56 Pa.B. 3593.

Commission stated that consolidation of certificate of public convenience and transmission line siting applications should not be granted in order to protect due process for affected parties.¹⁰

Pursuant to Section 5.81 of the Commission's regulations, "[t]he Commission or presiding officer, with or without motion, may order proceedings involving a common question of law or fact to be consolidated. The Commission or presiding officer may make orders concerning the conduct of the proceeding as may avoid unnecessary costs or delay."¹¹ Consolidation is subject to the discretion of the Commission or presiding officers.¹² Proceedings can be consolidated for purposes of adjudication, hearing, and briefing.¹³ The Commission has previously declined to grant consolidation where there is no clear relationship between the two matters, the parties and burdens of proof involved are different, and where consolidation "would detrimentally prejudice the [initiating party] and would confuse and obscure the issues" involved.¹⁴ Transource PA, as the party moving for consolidation, bears the burden of proof to establish that the instant matters satisfy the requirements for consolidation.¹⁵

While consolidation requires only that a common question of law or fact exists, the Commission has also enunciated additional considerations that are evaluated in ruling on a motion for consolidation:

¹⁰ *MARL Interlocutory Order* at 12 (citing *In Re: Application of Trans Allegheny Interstate Line Company (TrAILCo) For approval: 1) for a certificate of public convenience to offer, render, furnish or supply transmission service in the Commonwealth of Pennsylvania; 2) authorization and to locate, construct, operate and maintain certain high-voltage electric substation facilities; 3) authority to exercise the power of eminent domain for the construction and installation of aerial electric transmission facilities along the proposed transmission line routes in Pennsylvania; 4) approval of an exemption from municipal zoning regulation with respect to the construction of buildings; and 5) approval of certain related affiliated interest arrangements*, Docket Nos. A-110172 *et al*, Order (Dec. 12, 2008) (*TrAILCo*)). In *TrAILCo*, the Commission specifically acknowledged that ruling on the application for a certificate of public convenience must be granted prior to considering the siting application. *TrAILCo* at 57; 57-72.

¹¹ 52 Pa. Code § 5.81.

¹² 66 Pa. C.S. § 331(d).

¹³ *Re Middletown Taxi Co.*, 50 Pa. PUC 263 (1976); *City of York v. York Tel. and Telegraph Co.*, 43 Pa. PUC 240 (1967); *Clepper Farms, Inc. v. Grantham Water Co.*, 41 Pa. PUC 749 (1965).

¹⁴ *Dopp v. Williamsburg Borough Dept. of Water and Sewer*, 59 PA PUC 25 (1984).

¹⁵ 66 Pa. C.S. § 332(a).

1. Will the presence of additional issues cloud a determination of the common issues?
2. Will consolidation result in reduced costs of litigation and decision-making for the parties and the Commission?
3. Do issues in one proceeding go to the heart of an issue in the other proceeding?
4. Will consolidation unduly protract the hearing, or produce a disorderly and unwieldy record?
5. Will different statutory and legal issues be involved?
6. Does the party with the burden of proof differ in the proceedings?
7. Will consolidation unduly delay the resolution of one of the proceedings?
8. Will supporting data in both proceedings be repetitive?¹⁶

As the ALJ in *Fergusson* stated: “No single consideration, nor group of these considerations, is dispositive of a consolidation, any more so than the presence of a common question of law or fact. Rather, the evaluation of all of them and a balancing of those favoring and disfavoring consolidation is required.”¹⁷

As stated, on June 1, 2026, in the *MARL Interlocutory Order*, the Commission stated that consolidation of certificate of public convenience and transmission line siting applications should not be granted in order to protect due process for affected parties.¹⁸

¹⁶ *Fergusson v. Aqua Pa. Wastewater Inc.*, Docket Nos. C-2023-3043108 *et al* (Order Consolidating Complaints issued Nov. 21, 2023) at 2-3 (citing *Applications of Philadelphia Electric Co.*, 43 Pa. PUC 781 (1968); *Pa. PUC v. Bell Tel. Co. of Pa.*, 46 Pa. PUC 568 (1973); *Pa. PUC v. Butler Twp. Water Co.*, 52 Pa. PUC 442 (1978)) (*Fergusson*).

¹⁷ *Id.*

¹⁸ *MARL Interlocutory Order* at 12 (citing *In Re: Application of Trans Allegheny Interstate Line Company (TrAILCo)* For approval: 1) for a certificate of public convenience to offer, render, furnish or supply transmission service in the Commonwealth of Pennsylvania; 2) authorization and to locate, construct, operate and maintain certain high-voltage electric substation facilities; 3) authority to exercise the power of eminent domain for the construction and installation of aerial electric transmission facilities along the proposed transmission line routes in Pennsylvania; 4) approval of an exemption from municipal zoning regulation with respect to the construction of buildings; and 5) approval of certain related affiliated interest arrangements, Docket Nos. A-110172 *et al*, Order (Dec. 12, 2008) (*TrAILCo*)). In *TrAILCo*, the Commission specifically acknowledged that ruling on the application for a certificate of public convenience must be granted prior to considering the siting application. *TrAILCo* at 57; 57-72.

III. ANSWER TO THE MOTION FOR CONSOLIDATION

Transource PA's request for consolidation is factually and procedurally indistinguishable from the request for consolidation made by NextEra in the *MARL* case and, therefore, the ALJs should take instruction from the *MARL Interlocutory Order*, deny the Motion, and hold the Siting Application and Zoning Exemption Petition in abeyance until the CPC Application is finally decided by the Commission.

In the *MARL* case, NextEra Energy Transmission MidAtlantic, Inc. (NextEra) simultaneously submitted an application for certificate of public convenience authority to provide electric transmission service and a transmission line siting application.¹⁹ On May 18, 2026, the ALJs in that proceeding granted NextEra's request to consolidate its applications for all purposes.²⁰ The OCA submitted a Petition for Interlocutory Review requesting clarification on two substantive legal questions which applied specifically to NextEra's transmission line siting application and not its application for a certificate of public convenience.²¹ In the *MARL Interlocutory Order*, the Commission dismissed the OCA's Petition as premature because it had not yet granted NextEra's application for a certificate of public convenience, meaning that it could not resolve substantive legal questions regarding the transmission line siting application.²²

Specifically, the Commission stated:

A decision regarding the CPC should be finally decided before the Commission considers the merits of a NextEra Siting Application...NextEra's concurrent filing of the Siting Application and CPC Application created a procedural dilemma, wherein NextEra seeks approval for a major transmission project without having first sought and obtained permission to operate in the Commonwealth in the territory which the project is proposed to reside. Therefore, without authority to operate, NextEra's Siting Application is premature. The matter of qualifying for a

¹⁹ *MARL Interlocutory Order* at 3-4.

²⁰ *Id.* at 5.

²¹ *Id.* at 8-9.

²² *Id.* at 14-15.

CPC must be fully vetted by the Commission in the context of the appropriate procedural process.²³

As part of its determination, the Commission stated that only a public utility may apply for transmission line siting authority, implicitly meaning a public utility that has first obtained a certificate of public convenience to provide electric transmission service in the territory in which the proposed project will reside.²⁴ Transource PA has not been granted certificate authority to provide electric transmission service or operate transmission facilities in Franklin County, Pennsylvania, where the proposed facilities in the Siting Application will be constructed.²⁵ Therefore, the Siting Application was filed prematurely because Transource PA is not a “public utility” in Franklin County, Pennsylvania for purposes of the Commission’s regulations.

Further, Transource PA’s averment in the Motion that “[t]he CPC Application, the Siting Application and the Zoning [Exemption] Petition are interrelated and raise common issues of law and fact” is overly broad.²⁶ In the *MARL Interlocutory Order*, the Commission clarified:

We note also that the “necessary or proper” or “need test” under Section 1103 is not the same as the “present and future necessity of the proposed HV line in furnishing service to the public” or “need test” under 52 Pa. Code § 57.75(e)(1). The former determines need for additional transmission service within the proposed service territory of Greene and Fayette Counties, and the latter is the first factor to be considered in the permitting and siting of the construction of a specific high-voltage transmission line project within the certificated service territory of the utility within the borders of the Commonwealth.²⁷

²³ *MARL Interlocutory Order* at 11-12 (footnotes and citations omitted).

²⁴ *MARL Interlocutory Order* at 12, n. 8 (citing 52 Pa. Code § 57.71; 52 Pa. Code § 69.3105); see also *Phila. Indus. & Commercial Gas Users Grp. v. Pa. Pub. Util. Comm’n*, 342 A.3d 140, 150 (Pa. Cmwlth. 2025) (citing *Popowsky v. Pa. Pub. Util. Comm’n*, 706 A.2d 1197, 1203 (Pa. 1997)) (“we defer to the Commission’s interpretation of both the Code and its own regulations unless such interpretation is clearly erroneous.”).

²⁵ See CPC Application ¶¶ 10-11 (Transource PA is currently certificated to provide electric transmission service in Peach Bottom Township, York County, Pennsylvania, but its provisional certificate to provide electric transmission service in Franklin County, Pennsylvania, was rescinded).

²⁶ Motion ¶ 12.

²⁷ *MARL Interlocutory Order* at 12-13.

Following the Third Circuit’s unprecedented determination that the Commission lacks authority to reject a transmission line siting application for lack of “need” if the regional grid operator selected the project as part of its Federal Energy Regulatory Commission (FERC) Order 1000²⁸ regional transmission planning process²⁹, the distinction in the legal standards between Section 1103(a) of the Public Utility Code and Section 57.76(a)(1) of the Commission’s regulations is critical.³⁰ In *Transource*, the Third Circuit did not consider or alter the applicable legal standard for the Commission’s determination regarding whether to grant or deny a proposed public utility’s application for a certificate of public convenience.³¹

As a result, Transource PA’s contention that there are common questions of law between the CPC and Siting Applications specifically excludes the determination of (1) whether granting a certificate of public convenience is necessary or proper, or (2) whether there is a need for the 9A West Project.³² To the extent that there are common facts required to rule on the CPC and Siting Applications, such factual duplication is necessary to avoid confusing the distinct legal standards under which each Application must be decided, and these commonalities should not be permitted to cloud the Commission’s ultimate determination on each Application. The administrative efficiency gained from consolidated hearings and briefing does not outweigh the clear harms of consolidation to the development of an appropriate factual record and clear legal arguments.

²⁸ See *Transmission Planning and Cost Allocation*, Order 1000, 136 FERC ¶ 61,051 (2011) *on reh’g* Order 1000-A, 139 FERC ¶ 61,132 (2012) *on reh’g* Order 1000-B, 141 FERC ¶ 61,044 (2012). In FERC Order 1000, FERC required each transmission utility to establish a process for, and engage in, regional transmission planning.

²⁹ The PJM Interconnection, LLC (PJM), is the entity responsible for regional transmission planning in 13 states, including portions of Pennsylvania, and the District of Columbia; Franklin County, Pennsylvania, is included within PJM’s footprint. PJM selected the 9A West Project as part of its regional transmission planning process. Motion ¶ 8.

³⁰ *Transource Pa., LLC v. DeFrank*, 156 F.4th 351 (3d Cir. 2025) *aff’g Transource Pa., LLC v. DeFrank*, 705 F. Supp. 3d 266 (M.D. Pa. 2023) (*Transource*).

³¹ *Transource*, 156 F.4th at 380-82.

³² Compare 66 Pa. C.S. § 1103(a) with 52 Pa. Code §§ 57.75(e)(1), 57.76(a)(1).

Importantly, the Commission’s determination in the *MARL Interlocutory Order* is grounded in respect for the due process rights of those potentially affected by a decision on the substantive legal issues posed in a transmission line siting application prior to granting a certificate of public convenience.³³ Specifically, the Commission stated:

[W]e conclude that the ruling on any substantive legal issues in the Siting Application prior to the determination whether to grant NextEra’s CPC Application would violate the due process rights of the ultimate parties to the Siting Application. Those parties should not be required to engage in litigation on the merits of the Siting Application, if no CPC has been issued.³⁴

As a result, the Commission indicated that the consolidation of NextEra’s CPC and Siting Applications “appears to be procedurally incompatible with” the Commission’s direction that the CPC Application “should be disposed of prior to [the] Siting Application.”³⁵

Transource PA’s request for consolidation is factually and procedurally indistinguishable from the request for consolidation made by NextEra in the *MARL* case and, therefore, the ALJs should take instruction from the *MARL Interlocutory Order* and deny the Motion. Both Transource PA and NextEra request Commission authorization to site and construct transmission projects that were selected as part of PJM’s FERC Order 1000 regional transmission planning process³⁶, require a certificate of public convenience before engaging in such siting and construction³⁷, and filed the necessary CPC and siting applications simultaneously, requesting consolidation.³⁸ While the Commission did not direct the ALJs in the *MARL* proceeding to take a particular action in response to the *MARL Interlocutory Order*, it did state “[w]e will defer to the parties and the ALJs to develop a procedural framework that is consistent with this Opinion and Order” on the matter of

³³ *MARL Interlocutory Order* at 14.

³⁴ *Id.*

³⁵ *Id.* at n. 10.

³⁶ Compare *MARL Interlocutory Order* at 3-4 with Motion ¶¶ 8.

³⁷ Compare *MARL Interlocutory Order* at 4 with Motion ¶¶ 3-4.

³⁸ Compare *MARL Interlocutory Order* at 4-5 with Motion ¶¶ 4-5. Notably, NextEra did not file a Motion to Consolidate, but did request consolidation in its pleadings.

consolidation.³⁹ That Transource PA may be presumed fit under Section 1103 – a presumption which NextEra does not enjoy – does not sufficiently distinguish the two proposed public utilities, as the presumption is rebuttal and subject to dispute during the litigation of the CPC Application.⁴⁰

Rather, the OCA and other protestants to the CPC Application must be given the opportunity to present evidence regarding Transource PA's fitness, in addition to evidence regarding whether granting the CPC Application is necessary or proper. If Transource PA is not fit, or granting certificate authority to provide electric transmission service in Franklin County is not necessary or proper, then the Commission could not, and should not, permit Transource PA to site and construct facilities as requested in the Siting Application. Likewise, if Transource PA is not fit, or granting certificate authority to provide electric transmission service in Franklin County is not necessary or proper, then the Commission could not, and should not, reach the merits on the matters raised in the Zoning Exemption Petition. The Commission retains the obligation to ensure that a proposed public utility complies with the certificate of public convenience requirements under the Public Utility Code, even when the proposed public utility would construct facilities associated with a FERC Order 1000 regional transmission project.⁴¹

Granting consolidation would abridge the Commission's statutory obligations to fully consider a proposed public utility's application for a certificate of public convenience before considering its application to site and construct transmission facilities. The inclusion of matters related to the Siting Application when litigating the CPC Application will prejudice the ultimate parties to the Siting Application, such as affected landowners, should they not wish to litigate the CPC Application. This prejudice was the Commission's basis to point out that consolidation of

³⁹ *MARL Interlocutory Order* at n. 10.

⁴⁰ *Lehigh Valley Transp. Servs. v. Pa. Pub. Util. Comm'n*, 56 A.3d 49, 58 (Pa. Cmwlth. 2012).

⁴¹ *Transource*, 156 F.4th at 381; 66 Pa. C.S. § 1104.

NextEra’s applications for a certificate of public convenience and transmission line siting authority was “procedurally incompatible” the *MARL Interlocutory Order*.

In sum, because there is no factual basis to distinguish the instant Motion from the facts and circumstances presented in the *MARL Interlocutory Order*, the Motion should be denied regarding the request for consolidation to address the separate and distinct legal and factual matters presented and to preserve the due process rights of all parties. Any other determination would be contrary to the Commission’s clear direction in the *MARL Interlocutory Order*: “A decision regarding the CPC should be finally decided before the Commission considers the merits of a [utility’s] Siting Application.”⁴²

IV. ANSWER TO MOTION FOR TIMELY DISPOSITION

The OCA respectfully requests that the Motion be denied with respect to the request for timely disposition. In support of this request, Transource PA avers that the 9A West Project has a projected in-service date of January 19, 2029, and, in order to meet that service date, it requests a Commission order on the CPC Application, Siting Application, and Zoning Exemption Petition “to allow for unanticipated contingencies and timely completion of construction.”⁴³

Neither the Public Utility Code nor the Commission’s Regulations provide a specific time frame in which the Commission must reach a determination on the CPC Application, Siting Application, or Zoning Exemption Petition.⁴⁴ The Commission is obligated under the Public Utility Code to ensure that granting the CPC Application “is necessary or proper for the service, accommodation, convenience, or safety of the public”⁴⁵ and that granting the Siting Application will result in the construction of facilities are “necessary or proper for the accommodation,

⁴² *MARL Interlocutory Order* at 11.

⁴³ Motion ¶ 14.

⁴⁴ 66 Pa. C.S. §§ 1101-1103; 52 Pa. Code §§ 57.71-57.77.

⁴⁵ 66 Pa. C.S. § 1103(a).

convenience, and safety of its patrons, employees, and the public”⁴⁶ in addition to other applicable legal standards. If these standards are not met, then the Commission cannot grant the CPC Application, Siting Application, or Zoning Exemption Petition.⁴⁷ It is beneficial to Transource PA, the Commission, and the public interest to permit a full litigation of the Applications and Petition irrespective of the projections made by PJM regarding when the 9A West Project will be put in service. As a market efficiency project, instead of a reliability-related project, a delay in the 9A West Project’s in-service date due to unanticipated contingencies or untimely completion of construction will not jeopardize the regional reliability of the 230 kV transmission grid.⁴⁸

At this time, it would be premature to grant the Motion’s request for timely disposition, considering no party is aware of the time required for the Commission to reach a determination on the CPC Application before it can begin to consider the Siting Application or Zoning Exemption Petition. Rather, the parties to the proceeding can work to achieve a reasonable litigation schedule to achieve an efficient disposition of all matters without abridging a comprehensive review of all facts which are relevant to that disposition. Granting the Motion’s request for timely disposition may require the Commission to rule on a less than complete factual record and under-developed legal arguments regarding the CPC Application, Siting Application, and Zoning Exemption Petition.

Therefore, the OCA requests that the Motion’s request for timely disposition be denied.

V. CONCLUSION

For the reasons set forth above, the Motion to Consolidate Proceedings and for Timely Disposition should be denied because it is inconsistent with the Commission’s recent

⁴⁶ 66 Pa. C.S. § 1501.

⁴⁷ 66 Pa. C.S. §§ 1103(a), 1501; 53 P.S. § 10619.

⁴⁸ See Siting Application ¶¶ 25-34.

determination in *MARL Interlocutory Order*, which held that an application for a certificate of public convenience must be granted before the filing utility's transmission line siting application can be considered. The Motion would contravene this order by (1) requesting the Commission rule on both applications at the same time and (2) not permitting sufficient time for the Commission to rule on an application for a certificate of public convenience prior to ruling on the transmission line siting application. Therefore, the Office of Consumer Advocate respectfully requests that the Commission and the ALJs deny Transource PA's Motion.

Respectfully submitted,

/s/Jacob Guthrie

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Dated: June 25, 2026

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