

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 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 to Transource PA's Zoning Exemption Petition.

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

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 to Transource PA’s Zoning Exemption Petition, 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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Respectfully submitted,

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**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 Connection with the Construction : Docket No. P-2026-3062687  
of a Proposed Electric Substation in Greene :  
Township, Franklin County, Pennsylvania :

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**ANSWER OF THE  
OFFICE OF CONSUMER ADVOCATE  
TO TRANSOURCE PA’S ZONING EXEMPTION PETITION**

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Before Administrative Law Judges (ALJs) Emily A. Farren and Steven K. Haas, the Pennsylvania Office of Consumer Advocate (OCA) files this Answer, under 52 Pa. Code Sections 5.61 and 5.103,<sup>1</sup> to the captioned Petition of Transource Pennsylvania, LLC (Transource PA) 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 (Zoning Exemption Petition).

In a separately filed Answer, the OCA requests that the ALJs decide Transource PA’s Application for a Certificate of Public Convenience first, before deciding the questions in the Zoning Exemption Petition.<sup>2</sup> If in the CPC Application (defined below) the Commission finds and concludes that Transource PA is not fit, or that the granting of certificate authority to provide electric transmission service in Franklin County is not necessary or proper, then the Commission could not, and should not, decide the merits of the Zoning Exemption Petition. However, if the Commission grants the relief requested in the CPC Application, then it becomes necessary to hold

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<sup>1</sup> 52 Pa. Code §§ 5.103, 5.61.

<sup>2</sup> See generally Answer of the Office of Consumer Advocate Opposing Transource PA’s Motion to Consolidate and for Timely Disposition.

appropriate proceedings, including public input hearing(s) and evidentiary hearings, to permit the OCA and other interested parties to investigate and be heard on the claims and requests for relief raised in Transource PA's Zoning Exemption Petition.<sup>3</sup>

## I. INTRODUCTION

On May 21, 2026, Transource PA filed the Zoning Exemption Petition in the captioned docket, under 52 Pa. Code Section 5.41 and Article VI of the Pennsylvania Municipalities Planning Code.<sup>4</sup> The Zoning Exemption Petition would apply to Transource PA's proposed 9A West Project in Franklin County, PA.<sup>5</sup> The Petition primarily addresses the proposed Rice Substation control building/module planned in Greene Township, Franklin County, PA.<sup>6</sup> In the Petition, Transource PA requests to be exempt from all local zoning, land development, and other land use regulation in general and specifically in Greene Township.<sup>7</sup> To be eligible for such an exemption, the company proposing the exemption must have already been granted approval to operate as a public utility in that location.<sup>8</sup>

Also on May 21, 2026, in a separate proceeding docketed at A-2026-3062675, Transource PA filed an Application for All of the Necessary Authority, Approvals, and Certificate of Public Convenience (CPC Application) for approval and authority to furnish and supply electric transmission service and operate transmission facilities in Franklin County.

Also on May 21, 2026, in a separate proceeding docketed at A-2026-3062686, Transource PA filed an Application 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

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<sup>3</sup> 53 P.S. § 10619.

<sup>4</sup> Article VI of the Pennsylvania Municipalities Planning Code (as reenacted and amended December 21, 1988, P.L. 1329, 53 P.S. §§ 10601-10619.1).

<sup>5</sup> Zoning Exemption Petition ¶ 7.

<sup>6</sup> *Id.* ¶¶ 7-8, 12.

<sup>7</sup> *Id.* ¶ 14.

<sup>8</sup> *Id.* ¶ 11.

of Franklin County, Pennsylvania (Siting Application). As set forth in the Siting Application, the 9A West project 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. 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. Transource currently estimates an approximately \$231.3 million total cost.

Also on May 21, 2026, Transource PA filed a Motion to Consolidate Proceedings and for Timely Disposition, requesting that the CPC Application, Siting Application, and the Zoning Exemption Petition be consolidated for all purposes.<sup>9</sup>

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 Petition<sup>10</sup> and the CPC Application<sup>11</sup> were published in the *Pennsylvania Bulletin*.

On June 25, 2026, the OCA filed Protests and Public Statements to Transource PA's CPC Application and Siting Application.

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<sup>9</sup> Motion ¶ 9.

<sup>10</sup> 56 Pa.B. 3592 (including notice of both the Siting Application and Zoning Exemption Petition).

<sup>11</sup> 56 Pa.B. 3593.

On June 25, 2026, the OCA filed an Answer to Motion to Consolidate Proceedings and for Timely Disposition, opposing Transource PA’s request to consolidate the CPC Application, Siting Application, and Zoning Exemption Petition.

## II. LEGAL STANDARD

The Pennsylvania Municipalities Planning Code generally limits municipal zoning regulation of public utilities, but those limits apply neither to non-public utilities nor to buildings that are *not* reasonably necessary for the convenience or welfare of the public.<sup>12</sup> To answer the question whether Transource PA qualifies for zoning and land use exemptions, the ALJs must first decide (1) whether Transource PA meets the legal requirements to serve as a public utility in Franklin county,<sup>13</sup> and then (2) whether the Rice Substation control building/module—and any other qualifying building—is reasonably necessary for the convenience or welfare of the Pennsylvania public.<sup>14</sup>

If the ALJs find that Transource PA does qualify as a public utility after public investigatory proceedings, that would unlock the question whether Transource PA and its proposed Rice Substation control building/module qualify for zoning and land use exemptions. That zoning determination requires due process:

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<sup>12</sup> *Newtown Twp. v. Phila. Elec. Co.*, 594 A.2d 834, 836 (Pa. Cmwlth. 1991) (“The Court . . . held that the township code provision . . . granted an express power to zone with respect to public utility company buildings where the Commission had determined that the present or proposed location of such buildings was *not* reasonably necessary for the convenience or welfare of the public.” (emphasis in original) (citing *Duquesne Light Co. v. Upper St. Clair Township*, 105 A.2d 287 (Pa. 1954)). The Commonwealth Court in *Newtown Twp.* noted that the First Class Township Code at issue in *Duquesne Light* “contained language virtually identical to that in Section 619 of the MPC” and applied *Duquesne Light* to its MPC Section 619 analysis accordingly. *Id.*

<sup>13</sup> Protest of the Office of Consumer Advocate to Transource PA’s Certificate of Public Convenience Application; 66 Pa.C.S. § 1103(a); *Elite Indus. v. Pa. PUC*, 832 A.2d 428, 432 (Pa. 2003)).

<sup>14</sup> *Duquesne Light Co. v. Upper St. Clair Township*, 105 A.2d 287, 292 (Pa. 1954)) (Pennsylvania municipalities may “zone with respect to buildings of a public utility company, subject to a determination by the Commission that the present or proposed location of such buildings is not reasonably necessary for the convenience of [or] welfare of the public.” (alteration in original)). The Commonwealth Court in *Newtown Twp.* noted that the First Class Township Code at issue in *Duquesne Light* “contained language virtually identical to that in Section 619 of the MPC” and applied *Duquesne Light* to its MPC Section 619 analysis accordingly. *Newtown Twp. v. Phila. Elec. Co.*, 594 A.2d 834, 836 (Pa. Cmwlth. 1991).

Section 619 of the MPC provides that it is the Commission's responsibility to ensure that the municipality in which the proposed building is located be provided with notice of the public hearing and an opportunity to be heard, and to otherwise exercise the rights of a party to the proceeding.<sup>15</sup>

The public hearing requirement in MPC Section 619 is mandatory, and it is specific to the “present or proposed situation of the building in question.”<sup>16</sup> Further, it charges the Commission with ensuring that both Transource PA and Greene Township, Franklin County, PA “have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of a party to the proceedings.”<sup>17</sup>

### **III. ANSWER TO THE ZONING EXEMPTION PETITION**

Transource PA itself acknowledges that the Commission may only consider zoning, development, and land use “if it grants Transource PA’s request for a CPC as described in the CPC Application.”<sup>18</sup> But the CPC Application has not yet been decided, and it is a separate matter involving distinct facts, distinct legal interests, and distinct legal standards.<sup>19</sup> Transource PA’s argument that “all of these pleadings relate to the same subject matter” fails under the logic of the Commission’s recent MARL Interlocutory Order.<sup>20</sup>

If the Commission find that Transource PA is eligible to serve as a public utility in Franklin County, by granting Transource PA’s CPC Application, then Greene Township, affected

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<sup>15</sup> *Newtown Twp. v. Phila. Elec. Co.*, 594 A.2d 834, 837 (Pa. Cmwlth. 1991); 53 P.S. § 10619.

<sup>16</sup> 53 P.S. § 10619.

<sup>17</sup> *Id.*

<sup>18</sup> Zoning Exemption Petition ¶ 14.

<sup>19</sup> See generally Answer of the Office of Consumer Advocate Opposing Transource PA’s Motion to Consolidate and for Timely Disposition.

<sup>20</sup> Answer of the Office of Consumer Advocate Opposing Transource PA’s Motion to Consolidate and for Timely Disposition at 6-10 (citing *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)).

consumers, and affected members of the public have separate statutory due process rights to notice, a hearing, and the “opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of a party to the proceedings”<sup>21</sup> related to Transource PA’s claims and requests for relief in the Zoning Exemption Petition. Those due process rights (1) are specific to the “proposed situation of the building in question;” (2) implicate the distinct legal interests of Greene Township in its historic zoning and land use powers;<sup>22</sup> (3) implicate the distinct legal interests of affected consumers and affected members of the public; and (4) require a distinct inquiry into whether Transource PA’s requested exemptions are “reasonably necessary for the convenience or welfare of the public.”<sup>23</sup>

In this Answer, the OCA requests that, after the Commission makes a final decision regarding the CPC Application, the ALJs conduct the statutorily mandated public hearing(s) and investigation of Transource PA’s claims and requests for relief made in the Zoning Exemption Petition and permit the OCA and other interested parties to conduct discovery, raise issues, and address the claims and requests for relief set forth in the Zoning Exemption Petition.<sup>24</sup>

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<sup>21</sup> 53 P.S. § 10619.

<sup>22</sup> See e.g., *Euclid v. Ambler Realty Co.*, 272 U.S. 365, 394-97 (1926) (upholding constitutionality of municipal zoning as an exercise of police power).

<sup>23</sup> 53 P.S. § 10619.

<sup>24</sup> *Id.*

#### IV. CONCLUSION

For the above reasons, the OCA respectfully requests that ALJs Farren and Haas (1) require that Transource PA's CPC Application be decided by the Commission first, before turning to the public hearing(s) required for the Zoning Exemption Petition;<sup>25</sup> and (2) if the Commission approves the CPC Application, conduct the statutorily required public hearing(s) and investigation for the Zoning Exemption Petition.<sup>26</sup>

Respectfully submitted,

/s/ Jacob Guthrie

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<sup>25</sup> See generally Answer of the Office of Consumer Advocate Opposing Transource PA's Motion to Consolidate and for Timely Disposition.

<sup>26</sup> 53 P.S. § 10619.