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July 15, 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 (CPC Application)
Docket No. A-2026-3062675

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 (Siting Application)
Docket No. A-2026-3062686

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 (Zoning Petition)
Docket No. P-2026-3062687

Dear Secretary Homsher:

Enclosed for filing in the above-captioned dockets, please find Transource Pennsylvania LLC's ("Transource PA") Reply to New Matter in Answer of Office of Consumer Advocate Opposing Transource PA's Motion to Consolidate and for Timely Disposition ("Transource PA Reply").

Notice of the Motion to Consolidate has not been published in the *Pennsylvania Bulletin* or directed for publication in general circulation newspapers. In order to provide to parties or

July 15, 2026

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potentially interested parties notice of Transource PA's request to consolidate the CPC Application, Siting Application and Zoning Petition, Transource PA requested in its letter dated July 2, 2026, filed with the Pennsylvania Public Utility Commission, that Notice of its Motion to Consolidate be published in the *Pennsylvania Bulletin* and that Transource PA be authorized to publish Notice of the Motion to Consolidate in newspapers of general circulation(s) ("Notice Request").

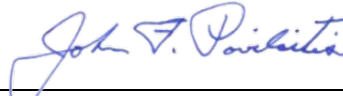
In this Reply, Transource reiterates this Notice Request and urges the Presiding Administrative Law Judges to direct the Secretary of the Commission to publish Notice of the Motion to Consolidate in the *Pennsylvania Bulletin*, and to direct Transource PA to arrange for newspaper Notice of the Motion to Consolidate.

Copies of the Transource PA's Reply are being served according to the attached Certificate of Service.

Thank you for your attention to this matter.

Sincerely,

BUCHANAN INGERSOLL & ROONEY PC

By: 

John F. Povilaitis, Esquire

JFP/psm

Enclosure

cc: Administrative Law Judge Steven K. Haas (via e-mail only)
Administrative Law Judge Emily A. Farren (via e-mail only)
Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Transource Pennsylvania, LLC filed :
Pursuant to 52 Pa. Code Chapter 57, Subchapter G, : Docket No. A-2026-3062686
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 :
:

Application of Transource Pennsylvania, LLC for :
All of the Necessary Authority, Approvals and :
Certificate of Public Convenience to Begin to : Docket No. A-2026-3062675
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 :
:
:

Petition of Transource Pennsylvania, LLC for : Docket N. P– 2026-3062687
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 :

**REPLY OF TRANSOURCE PENNSYLVANIA, LLC. TO
NEW MATTER OF OFFICE OF CONSUMER ADVOCATE**

Transource Pennsylvania, LLC (“Transource PA”), by and through its counsel, Buchanan Ingersoll and Rooney, hereby files the following Reply to New Matter in the Answers of the Office of Consumer Advocate (“OCA”), in accordance with the Pennsylvania Public Utility Commission (“Commission” or “PUC”) regulations at 52 Pa. Code § 5.63 and in connection therewith represents as follows:

I. Introduction

1. On May 21, 2026, Transource PA filed, pursuant to the Pennsylvania Public Utility Code (“Code”), at 66 Pa.C.S. § 1101, an application requesting all necessary authority, approvals, and certificates of public convenience from the Commission necessary to authorize Transource PA to begin to furnish and supply electric transmission service as a Pennsylvania public utility within portions of Franklin County, Pennsylvania (“CPC Application”).

2. The CPC Application was filed in connection with the “9A West Project,” which 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. (“9A West Project”).

3. The 9A West Project was borne out of PJM Interconnection LLC’s¹ (“PJM”) planning process known as the Regional Transmission Expansion Plan and Market Efficiency Analysis, which previously selected and identified the original transmission project known as “Project 9A.”

4. On July 30, 2025, the PJM Board of Managers found that the 9A West Project is still needed by January 19, 2029 to reduce regional congestion costs and supports the prompt construction of needed infrastructure in the region.

5. Contemporaneously with the CPC Application, Transource PA filed, in accordance with 52 Pa. Code § 57.72, an application requesting Commission approval of the siting and construction of a proposed new electric substation and double-circuit Rice-Ringgold 230 kilovolt

¹PJM is a regional transmission organization that coordinates the movement of wholesale electricity in all or parts of 13 states and the District of Columbia. <https://www.pjm.com/about-pjm>

(“kV”) electric transmission line and related facilities in a portion of Franklin County, Pennsylvania which, as noted above, is referred to as the 9A West Project (the “Siting Application”).

6. As noted above and in the Siting Application, the 9A West Project is needed to, among other things, enhance market efficiency and relieve regional congestion and related costs (i.e., reduce wholesale energy costs related to transmission congestion) within the PJM area.

7. Contemporaneously with the CPC Application and the Siting Application, Transource PA filed, in accordance with 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”), a 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 (“Zoning Petition”).

8. Notification of the filing of the CPC Application, Siting Application and the Zoning Petition in the *Pennsylvania Bulletin* and general circulation newspapers has been initiated per the Commission’s directives.

9. Contemporaneously with the filing of the CPC Application, Siting Application and Zoning Petition, Transource PA also filed with the PUC a Motion to Consolidate Proceedings and For Timely Disposition (“Consolidation Motion”). However, notification of the Consolidation Motion was not published in the *Pennsylvania Bulletin* or directed for publication in general circulation newspapers. In order to provide to parties or potentially interested parties (i) notice of Transource PA’s request to consolidate the CPC Application, Siting Application and Zoning Petition and (ii) any potential due process protections, Transource PA requested in its letter dated

July 2, 2026, that Notice of its Consolidation Motion be published in the *Pennsylvania Bulletin* and that Transource PA be authorized to publish Notice of the Consolidation Motion in newspapers of general circulation(s). Transource PA reiterates this request for publication of Notice of the Consolidation Motion to the Administrative Law Judges (“ALJs”) if the PUC Secretary does not take such action.

10. On June 25, 2026, the OCA filed an Answer to the Consolidation Motion requesting, among other things, that Transource PA’s request for consolidation for hearing and decision of the CPC Application, Siting Application and Zoning Petition be denied (“OCA Answer”). The OCA Answer acknowledged that at the time Transource PA filed its Consolidation Motion, the Commission had not issued the *MARL Order* on which it relies to oppose the Consolidation Motion.² OCA’s Answer to the Zoning Petition also relies on the Commission’s statements in the *MARL Order* indicating the CPC Application should be decided before the Zoning Petition is considered. Therefore, this Reply also responds to OCA’s Answer to the Zoning Petition.

II. Consolidation Motion

11. Transource PA filed the Consolidation Motion in accordance with historic Commission practice, given that the CPC Application, Siting Application and Zoning Petition all relate to the same project (i.e., the 9A West Project) and the same moving party (i.e., Transource

² OCA Answer p. 4. *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 and *Application of NextEra Energy Transmission MidAtlantic, Inc., for all of the necessary authority, approvals, and certificates of public convenience (1) to begin to furnish and supply electric transmission service in Greene County and Fayette County, Pennsylvania; (2) for certain Affiliated Interest Agreements; and (3) for any Other approvals necessary to complete the contemplated transactions*, Docket Nos. A-2026-3060921, G-2026-3060941 and G-2026-3060942 (“*MARL Order*” and “*MARL Proceeding*”).

PA). Further, Transource PA noted that all three of the filings for which consolidation is being sought “relate to Transource PA’s legal obligation to construct and operate a 230 kV electric transmission line extending from the new Rice Substation to the Pennsylvania-Maryland border, in a portion of Franklin County, Pennsylvania.” Consolidation Motion ¶7.

12. Transource PA further argued that the CPC Application, Siting Application and the Zoning Petition are interrelated and raise common issues of law and fact. Consolidation Motion ¶12.

13. Transource PA seeks consolidation in the same manner and via the same approach used by the Commission in *In Re: Application of Trans-Allegheny Interstate Line Company 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, A-110172F0002, A-110172F0003, A-110172F0004, G-00071229 (Opinion and Order entered December 12, 2008) (“*TrAILCo*”).

14. The Consolidation Motion is fundamentally predicated on Transource PA’s desire to timely initiate and complete the regulatory review process of the CPC Application and the Siting Application before the Commission. Consolidation Motion ¶¶9-14.

15. Timely completion of the Commission’s review process is critical since, as noted in the Consolidation Motion, Transource PA and PJM have executed a Designated Entity

Agreement (“DEA”)³ reflecting a projected in-service date of January 19, 2029, for the 9A West Project. Consolidation Motion ¶14. Given the time necessary for construction, and allowing for unanticipated contingencies, Transource PA requested that a final Commission decision on the CPC Application and the Siting Application occur by no later than February 22, 2027. *Id.* ¶14. The OCA’s position on the Consolidation Motion could require the CPC Application and the Siting Application to be litigated over a period that extends well past the seven-month period from now to February 22, 2027.

III. MARL Order

16. The OCA Answer is primarily based on the Commission's *MARL Order*.

17. The *MARL Order* did not exist when the Consolidation Motion was filed and therefore all of the allegations in the OCA Answer based on that order constitute “New Matter,” thereby entitling Transource PA a right to respond thereto in accordance with the Commission's regulations at 52 Pa. Code § 5.63.⁴ Under Pennsylvania law, “New Matter” consists primarily of specifically delineated affirmative defenses *and* “any other material facts which are not merely denials of the averments of the preceding pleading.”⁵ The OCA’s reliance on the *MARL Order* and

³ A DEA is a two-party agreement between the “Designated Entity” (Transource PA in this instance) and PJM. The terms and conditions of the agreement govern the construction period of the transmission project (here 9A West) and define specific rights and obligations of the parties. The form for the DEA can be found in the PJM Tariff, Attachment KK.

⁴ § 5.63. Replies to answers seeking affirmative relief or new matter.

(a) Unless otherwise ordered by the Commission, *replies to answers seeking affirmative relief or to new matter* shall be filed with the Commission and served within 20 days after date of service of the answer, but not later than 5 days prior to the date set for the commencement of the hearing.

(b) Failure to file a timely reply to new matter may be deemed in default, and relevant facts stated in the new matter may be deemed to be admitted.

(c) Subsections (a) and (b) supersede 1 Pa. Code § 35.39 (relating to replies to respondents seeking affirmative relief). (emphasis added).

⁵ See Pa. R. Civ. Pro. 1030 as follows:

Rule 1030. New Matter.

(a) Except as provided by subdivision (b), all affirmative defenses including but not limited to the defenses of accord and satisfaction, arbitration and award, consent, discharge in bankruptcy, duress, estoppel, failure of consideration,

claimed factual similarity between the MARL Proceeding and this one clearly constitute New Matter to which Transource PA is entitled to respond.

18. The *MARL Order* was issued in a pending Commission proceeding involving an application to site an electric transmission line and a CPC application filed by NextEra Energy Transmission MidAtlantic, Inc. (“NextEra”). The Commission was specifically attempting to resolve a Petition for Interlocutory Review and Answer To Material Question filed by the OCA in the MARL Proceeding.

19. In the *MARL Order*, among other things, the Commission declined to answer the two material questions presented to it for review, but in the process ruled that “[a] decision regarding the CPC should be finally decided *before* the Commission considers the merits of a NextEra Siting Application.” *MARL Order* at 11. (Emphasis added).

20. The Commission justified its directive that NextEra’s CPC application be decided *before* its siting application on two primary bases. First, the PUC asserted – without any detailed legal analysis – that “the ‘necessary or proper’ or ‘need test’ under [Code] 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).” *MARL Order* at 12-13.⁶ Second, the Commission claimed that consideration of NextEra’s siting application before a determination of

fair comment, fraud, illegality, immunity from suit, impossibility of performance, justification, laches, license, payment, privilege, release, res judicata, statute of frauds, statute of limitations, truth and waiver shall be pleaded in a responsive pleading under the heading “New Matter.” A party may set forth as new matter any other material facts which are not merely denials of the averments of the preceding pleading.

⁶ The new legal distinction the Commission is attempting to draw between need in a CPC Application and need in a Siting Application, a distinction Transource PA disagrees with, would not warrant rejecting consolidation of CPC and transmission line siting applications. Interpreting CPC need for a project in a manner that allows the Commission to vitiate the “need” found by PJM through a federally authorized regional planning process, which must be accepted by the Commission as need in a siting application, is unlawful. Addressing “need” for CPC and Siting purposes at the same time will avoid inconsistent results on the same issue and reflect an efficient process. Consolidation of CPC and Siting Applications was acceptable in the *TrAILCo* case and should be so in these proceedings as well. NextEra’s simultaneous submission of a CPC application and a siting application in the MARL Proceeding was not a novel approach that created a new dilemma for the Commission any more than Transource PA’s Consolidation Motion.

its CPC application would pose “due process concerns,” based on the Commission’s view that it would be “potentially prejudicial to the intervening parties for the Commission to render a determination on the issues presented in the current Petition and, therefore, it is not in the public interest to do so.” MARL Order at 13.

21. Given Transource PA’s request in the Consolidation Motion and the practice used previously in *TrailCo*, in which the CPC and siting applications were consolidated for purposes of hearing and decision, the *MARL Order* reflects, if applied more broadly than the MARL Proceeding, a new Commission policy on consolidation of transmission line siting and CPC applications. This new policy was not announced in advance. It came about solely through a specific adjudicatory matter with no participation from all relevant stakeholders, including Transource PA.

22. Further, in connection with its substantive findings, the Commission presented no analysis of either conclusion (i.e., different “need” legal standards and potential due process concerns) allegedly supporting its new requirement that CPC and siting applications must now be adjudicated sequentially – at least in the MARL Proceeding.

IV. Reply to OCA New Matter

23. The OCA’s reliance on the *MARL Order* to reject the Consolidation Motion is misplaced.

24. Importantly, and aside from Transource’s disagreement with the Commission’s conclusions and legal support for its finding in the *MARL Order* that NextEra’s CPC application must be decided *before* NextEra’s siting application, the OCA Answer fails to address several key factors that distinguish the MARL Proceeding from this one involving Transource PA:

- Transource PA is not a party to the MARL Proceeding;

- Transource PA had no opportunity in the MARL Proceeding to address the Commission’s view of the facts or law it found pertinent to its conclusion that the NextEra CPC application must be decided before the NextEra siting application;
- The Commission made no findings or conclusions in the *MARL Order* suggesting that it intended to apply its ruling beyond the MARL Proceeding; and
- Transource PA was previously provisionally certificated as a public utility at Docket Nos. A-2017-2587821 and G-2017-2587822 by Commission Order entered January 23, 2018, for a transmission line project then known as “Project 9A”, whose western leg, called the “IEC West Project”, was also a Rice-Ringgold 230 kV Transmission Line located in Franklin County, Pennsylvania. That provisional utility status was only rescinded because the Commission unlawfully declined to accept the “need” for Project 9A found by PJM as part of its federally mandated regional planning process.⁷
- Unlike NextEra in the MARL Proceeding, Transource PA entered into the current proceeding as an entity for which the Commission has previously granted a CPC in connection with Transource PA’s Bramah Substation project, based upon, among other things, its technical, legal and financial fitness.⁸

25. Contrary to the OCA’s claims, no party’s rights – due process or otherwise - need be abridged by a litigation structure that establishes a process that allows both the CPC Application and the Siting Application to be fully litigated in the same proceeding.

26. Transource PA proposed the consolidation protocol – consistent with past Commission practice in similar proceedings – not to adversely affect any party’s rights, but as a reasonable approach to timely addressing both the CPC Application and the Siting Application in a manner that protects and balances *all* parties’ due process rights – including Transource PA’s. As noted above, Transource PA is under a contractual obligation to have the 9A West Project completed and energized for service by January 2029.

⁷ See, *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)

⁸ 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.

27. The OCA Answer reads too much into the *MARL Order* and fails to recognize and/or acknowledge the differences between Transource PA and NextEra.

28. While the OCA correctly observes that Transource PA has no CPC covering service in Franklin County (OCA Answer at 8), it fails to acknowledge that Transource PA is a certificated public utility in Peach Bottom Township, York County, Pennsylvania *and* as a result of that status the Commission has already found and Transource PA has proven that it satisfies the technical, legal and financial fitness requirements necessary to obtain a CPC for transmission service. Technical, legal, and financial fitness to provide transmission service does not vary from county to county. There is nothing in the OCA Answer suggesting that a different finding on fitness would occur in this proceeding.

29. At best, the OCA strains to suggest an issue on fitness that does not exist, all in support of its erroneous view that consolidation would result in a due process problem for the other parties. The fact is that Transource PA's applications, collectively, present a narrow set of issues in dispute, thereby supporting the consolidation of the CPC Application and Siting Application for an efficient and timely PUC adjudicatory process. All parties will have the opportunity to address the relevant issues in both the CPC Application and the Siting Application while simultaneously recognizing Transource PA's right to a final decision in both applications that maximizes the likelihood of meeting its contractual and PJM-directed obligations for a needed regional and beneficial electric transmission line facility.

V. Need For Timely PUC Adjudication of the CPA Application and the Siting Application.

30. Transmission line siting applications, especially those filed by non-incumbent, transmission-only entities like Transource PA that do not have a CPC covering a defined geographic area are disadvantaged from the outset in Commission proceedings by needing to

obtain a new CPC each time they seek to site a new transmission line.⁹ As noted in the CPC Application and discussed above, the legal standards for granting a CPC include technical, legal and financial fitness, and the Commission has recently found Transource PA to have satisfied these criteria.¹⁰ Thus, it is important when addressing the consolidation request in this proceeding to focus on the issues likely to be contested so as to avoid creating an expanded PUC litigation process that is not necessary. And, while the OCA Answer attempts to downplay its importance and relevance, Transource PA's current status as a presently certificated "public utility" in Pennsylvania, albeit not in Franklin County where the 9A West Project is proposed to be sited and constructed, is instructive on what issues are likely to be contested in this proceeding and impacts both consolidation and scheduling.

31. Transource PA is fully aware of the discretion afforded the Commission and its presiding ALJs on control of case scheduling and on consolidation.¹¹

⁹ But note that the PUC appeared to establish a different standard when it allowed Mid-Atlantic Interstate Transmission, LLC ("MAITT"), a then newly created stand-alone transmission affiliate of Metropolitan Edison Company and Pennsylvania Electric Company, to have a CPC with a *broader* certificated service territory than would be available based on a specific project:

The Joint Petitioners agree that the certificate of public convenience issued to MAIT under Section 1101 should demarcate a service area for MAIT that is coextensive with the combined service territories of Met-Ed and Penelec and authorize MAIT to furnish public utility service in Pennsylvania.

Joint Application of Mid-Atlantic Interstate Transmission, LLC; Metropolitan Edison Company and Pennsylvania Electric Company, Docket No. A-2015-2488903, August 24, 206, pp. 15 and 21.

¹⁰ The OCA has acknowledged that as a previously certificated public utility, Transource PA is presumed fit under Code Section 1103, a presumption which other parties may attempt to rebut. OCA Answer p. 11. Transource PA is also regulated as a public utility under the Federal Power Act, and subject to regulation by the Federal Energy Regulatory Commission ("FERC") on an ongoing basis.

¹¹ See, for example, the regulations at 52 Pa. Code Section 5.81(a) that address *both* consolidation *and* the right of ALJs to manage the conduct of proceedings to avoid unnecessary costs or delay:

The 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.

32. Importantly, the ALJs in the MARL proceeding have recognized the complexity of the consolidation issue even in the face of the *MARL Order* and have not removed from consideration the possibility that the CPC Application and the Siting Application in that proceeding *remain consolidated*:

Accordingly, at the second Prehearing Conference we intend to address how these proceedings should be structured so that a decision regarding the CPC Application can be finally decided before the Commission considers the merits of the Siting Application. *This will include discussion of whether the Siting Application and CPC Application should remain consolidated.* This matter should be considered in the development of proposed litigation schedule(s), and the parties should assume for purposes of developing proposed litigation schedule(s) that the CPC Application will be decided first.

MARL Proceeding, Second Prehearing Conference Order, June 26, 2026, p.5.

33. Ultimately, Transource PA seeks a litigation schedule for consideration of the CPC Application and the Siting Application that does not unduly jeopardize its ability to complete the PJM-mandated 9A West Project if it is able to satisfy all legal requirements for approval of both Applications.¹² And the filing of the Consolidation Motion was the first step in that process.

34. The Commission itself has claimed that its transmission line process is efficient and Transource PA seeks a resolution of the Consolidation Motion and ultimately a litigation schedule that backs up the Commission’s public commitment that “[t]he PA PUC reviews and grants permits for siting transmission facilities in Pennsylvania through an efficient, effective and robust process [footnote omitted]”.¹³

¹² The Commission’s failure to consolidate these proceedings or conduct its review in an efficient, timely and complete manner could be tantamount to a denial of the Applications.

¹³ *Pennsylvania Public Utility Commission’s Comments on the Preliminary Potential NIETC’s [National Interest Electric Transmission Corridor] and Phase 2 Information Submission*, dated June 24, 2024, p. 2.

35. While there is no statutory or regulatory deadline applicable to the Commission in its review and resolution of the CPC Application and the Siting Application, that does not mean there should be no efficient, effective or robust administrative process.

36. Indeed, there are many examples of such processes. For example, Section 216 of the Federal Power Act, as amended by the Infrastructure Investment and Jobs Act of 2021, allows the FERC to issue a permit to construct or modify electric transmission facilities within a “National Interest Electric Transmission Corridor” (“NIETC”) under certain limited circumstances, including if a state has not made a determination on a state siting application *within one year* of the application filing or the designation of the relevant NIETC, whichever is later. 16 U.S.C. § 824p(b)(1)(c)(i). This clearly reflects a public policy that a reasonable time period for resolving a state siting application should not exceed one year.

37. Further, while the federal Administrative Procedures Act is not directly applicable here, it provides a valid reference point by directing federal agencies to conclude matters presented to them “within a reasonable time,” 5 U.S.C. § 555(b), and stipulates that the “reviewing court shall ... compel agency action unlawfully withheld or unreasonably delayed” 5 U.S.C. § 706(1).

38. The federal courts have addressed federal agency delay and have developed useful guidance in assessing claims of agency delay.¹⁴

39. Compelling reasons support both consolidation of the CPC Application and the Siting Application and establishing a realistic litigation schedule that allows for timely Commission review and the issuance of an order on both applications, even if the CPC Application is litigated first. Among other things, the 9A West Project has been federally mandated and found

¹⁴ Among other factors considered by the federal courts is the nature and extent of the prejudice caused by agency delay. *Telecommunications Research and Action Center v. FCC*, 750 F.2d 70 (D.C. Cir. 1984). In this case, delay in the relief of costly market congestion is prejudicial to the public interest.

to have a significant cost-benefit ratio that aims to provide substantial regional benefits. Adopting a new procedural approach that delays achievement of those substantial benefits is not in the public interest. Second, Transource PA is under a contractual obligation to site and build the 9A West Project timely and by no later than January 2029. Transource PA is already a certificated public utility that has satisfactorily proven its technical, legal and financial fitness, which has the potential to eliminate if not truncate the issues in the CPC Application and Siting Application proceeding.

40. Consolidation of the CPC Application and the Siting Application, along with a robust and fair schedule that balances the needs and rights of all parties, is appropriate and achievable.

WHEREFORE, for the all of the reasons specified above, Transource Pennsylvania, LLC respectfully requests that the Pennsylvania Public Utility Commission (i) grant the Motion for Consolidation, (ii) establish a reasonable litigation schedule that balances all parties' rights for a fair, timely and efficient administrative review process, (iii) direct that Notice of the Consolidation Motion be published in the *Pennsylvania Bulletin* and in appropriate general circulation newspaper(s) and (iv) grant to Transource Pennsylvania LLC such other relief as may be just and reasonable under the circumstances.

Respectfully submitted,



Dated: July 15, 2026

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Attorneys for Transource Pennsylvania, LLC

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Transource Pennsylvania,	:	
LLC for All of the Necessary Authority,	:	
Approvals and Certificate of Public	:	Docket No. A-2026-3062675
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	:	

Application of Transource Pennsylvania,	:	
LLC filed Pursuant to 52 Pa. Code Chapter	:	
57, Subchapter G, for Approval of the	:	Docket No. A-2026-3062686
Siting and Construction of the 230 kV	:	
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	:	Docket No. P-2026-3062687
Construction of Buildings in 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 Transource PA's Reply to OCA's Answer opposing Transource PA's Motion to Consolidate Proceedings and for Timely Disposition on the following persons in the manner specified in accordance with the requirements of 52 Pa. Code §1.54:

Via U.S. First Class Mail:

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

Darryl A. Lawrence, Consumer Advocate
Melanie Joy El Atieh, Deputy Consumer Advocate
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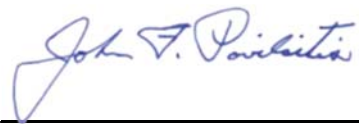
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