

COMMONWEALTH OF PENNSYLVANIA



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August 18, 2026

Via Electronic Filing

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

Re: Transource PA's Siting Application for
Franklin County
Docket No. A-2026-3062686

Dear Secretary Homsher:

For electronic filing, please find enclosed the Answer of the Office of Consumer Advocate (OCA) to Preliminary Objection of Transource Pennsylvania, LLC to the Protest of Kathy Palmer in this proceeding.

Respectfully submitted,

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Enclosures

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

CERTIFICATE OF SERVICE

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 :

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 documents, the Answer of the Office of Consumer Advocate (OCA) to Preliminary Objection of Transource Pennsylvania, LLC to the Protest of Kathy Palmer, 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 18th day of August 2026.

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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 :

ANSWER OF THE OFFICE OF CONSUMER ADVOCATE
TO PRELIMINARY OBJECTION OF TRANSOURCE PENNSYLVANIA, LLC. TO THE
PROTEST OF KATHY PALMER

TO ADMINISTRATIVE LAW JUDGES EMILY A. FARREN AND STEVEN K. HAAS:

Pursuant to Sections 5.61 of the Public Utility Commission's regulations, the Pennsylvania Office of Consumer Advocate (OCA) files this Answer to Preliminary Objection of Transource Pennsylvania, LLC. To the Protest of Kathy Palmer (Objection).¹ The OCA respectfully requests the ALJs overrule and deny Transource of Pennsylvania, LLC's (Transource) Preliminary Objection. In the alternative, the OCA requests that the ALJ's direct Ms. Palmer, without prejudice, to re-file her Protest in accordance with the guidance from the Commission's website² up until the Protest Deadline of October 15, 2026, and/or permit her to clarify statements contained in her Protest at the October 29, 2026 Prehearing Conference.

I. INTRODUCTION

On May 21, 2026, Transource filed a Certificate of Public Convenience (CPC) Application, pursuant to Sections 1101 and 1103 of the Public Utility Code, seeking approval and authority to

¹ 52 Pa. Code § 5.61.

² <https://www.puc.pa.gov/electricity/transmission-lines/>

furnish and supply electric transmission service and operate transmission facilities in Franklin County.

Also on May 21, 2026, Transource filed a Siting Application, pursuant to 52 Pa. Code Section 57.72,³ 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.⁴

Also on May 21, 2026, Transource filed the Zoning Exemption Petition, pursuant to Section 619 of the Municipal Planning Code,⁵ in connection with the proposed construction of a proposed above-ground electric substation in Greene Township, Franklin County.

Simultaneously, on May 21, 2026, Transource filed a Motion, requesting that the CPC Application, Siting Application, and the Zoning Exemption Petition be consolidated for all purposes.⁶

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

³ 52 Pa. Code § 57.72.

⁴ Transource PA CPC Application at 6.

⁵ 53 P.S. § 10619.

⁶ Motion ¶ 9.

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 Petition⁷ and the CPC Application⁸ 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.

On July 16, 2026, the Commission posted the Protest by consumer Ms. Kathy Palmer (Ms. Palmer), *pro se*.

On Monday, August 3, 2026, the ALJs filed two Orders, each titled Interim Order #1, that extended the Protest deadline for the submission of protests and/or petitions to intervene in the CPC Application, Siting Application, and/or Zoning Exemption Petition proceedings to October 15, 2026, and rescheduled the Prehearing Conference to October 29, 2026.⁹

On August 5, 2026, Transource served its Objection via U.S. First Class Mail.

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

⁸ 56 Pa.B. 3593.

⁹ The two Orders are docketed at:

1. *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, et al.*, Docket Nos: A-2026-3062686, *et al.*, Interim Order # 1 (Aug. 3, 2026).
2. *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, Interim Order #1 (Aug. 3, 2026).

II. LEGAL STANDARD

The Commission's Rules of Administrative Practice and Procedure permit the filing of preliminary objections.¹⁰ The grounds for preliminary objections are limited to the following:

- (1) Lack of Commission jurisdiction or improper service of the pleading initiating the proceeding.
- (2) Failure of a pleading to conform to this chapter or the inclusion of scandalous or impertinent matter.
- (3) Insufficient specificity of a pleading.
- (4) Legal insufficiency of a pleading.
- (5) Lack of capacity to sue, nonjoinder of a necessary party or misjoinder of a cause of action.
- (6) Pendency of a prior proceeding or agreement for alternative dispute resolution.
- (7) Standing of a party to participate in the proceeding.¹¹

In deciding whether to grant or deny a preliminary objection, the truth of all facts averred in the objected-to pleading must be assumed, and it must be determined whether, based on the well-pleaded factual averments of the nonmovant, recovery or relief is possible.¹² Further, any inferences fairly deducible from the facts must be accepted for purposes of the disposition of the preliminary objections.¹³ The Commission shall deny a preliminary objection, in favor of the non-moving party, if there are any doubts that must be resolved.¹⁴

The Commission's Rules of Administrative Practice and Procedure require a protestant to set forth the facts establishing the protestant's standing to protest.¹⁵ Standing permits parties that are adversely affected *in any way* by the challenged matter to obtain resolution of the challenge.¹⁶

¹⁰ 52 Pa. Code §§ 5.101 (a)(1)-(7).

¹¹ 52 Pa. Code § 5.101(a).

¹² *Feingold v. Bell of Pa.*, 383 A.2d 791, 792 (Pa. 1977); *Equitable Small Transp. Interveners v. Equitable Gas Co.*, Docket No. C-00935435, 1994 Pa PUC LEXIS 69, *3 (Order entered July 18, 1994) ("Commission preliminary objection practice is analogous to civil practice regarding preliminary objections").

¹³ *Commonwealth v. Bell Tel. Co.*, 551 A.2d 602, 604 (Pa. Cmwlth. 1988); *Raynor v. D'Annunzio*, 243 A.3d 41, 52 (Pa. 2020).

¹⁴ *Garcia v. Am. Eagle Outfitters, Inc.*, 331 A.3d 541, 547 (Pa. 2025); *Smiles v. PPL Electric Util. Corp.*, Docket No. C-2021-3026268 (Order entered Dec. 19, 2024) at 11, available at: <https://www.puc.pa.gov/pcdocs/1860078.pdf>.

¹⁵ 52 Pa. Code § 5.52(a)(3).

¹⁶ *William Penn Parking Garage, Inc.*, 346 A.2d at 280. A party has standing if they have a direct, immediate, and substantial interest in the subject matter of the controversy. *Sunoco Pipeline L.P. v. Dinniman*, 217 A.3d 1283, 1287

Stating an abstract interest common to all citizens is generally not sufficient to establish standing.¹⁷

A preliminary objection should result in dismissal of a pleading for lack of standing “only where the lack of standing is obvious on the face of the pleadings filed by the nonmoving party”; because the question of standing is factual in nature, where a lack of standing is not clearly established in the pleadings, it is appropriate to give the nonmovant the opportunity to establish their standing.¹⁸

III. ANSWER TO TRANSOURCE’S PRELIMINARY OBJECTION

The allegations in Transource’s Objection are admitted and denied by the OCA consistent with the discussion below in this Answer. In addition, the OCA further states that: (a) no response is required to the legal conclusions in the Objection; (b) to the extent the Objection contains purported facts that are based on information in the possession of Transource, such averments are denied; (c) the Objection references non-Company documents, all of which speak for themselves; and, (d) as to any remaining factual averments contained in the Objection which are not expressly addressed by this Answer, the OCA denies them consistent with the responses and discussion herein.

A. BACKGROUND

1-19. These paragraphs are introductory in nature. Transource provides purported facts in these paragraphs that are based on information in the possession of Transource and are, therefore, denied. To the extent that these paragraphs include conclusions of law, no response is required.

(Pa. Cmwlth. 2019) (quoting *Municipal Authority Borough of West View v. Pa. Pub. Util. Comm’n*, 41 A.3d 929, 933 (Pa. Cmwlth. 2012)).

¹⁷ *Energy Conservation Counsel of Pa. v. Pa. Pub. Util. Comm’n*, 995 A.2d 465, 476 (Pa. Cmwlth. 2010) (citing *William Penn Parking Garage, Inc.*, 346 A.2d at 282).

¹⁸ *Tomko v. Duquesne Light Co.*, Docket No. C-2016-2577571 (Order entered July 20, 2017) at 7 (Available at: <https://www.puc.pa.gov/pcdocs/1529020.docx>).

B. STANDARD OF REVIEW

20-26. Denied as stated. These paragraphs contain conclusions of law to which no response is required. By way of further response, the OCA incorporates Section II above as if fully stated herein.

C. PRELIMINARY OBJECTION

27. The OCA incorporates by reference its responses to Paragraph's 1 through 26 as if fully stated herein.

28. Denied. By way of further response, Ms. Palmer's Protest speaks for itself. Transource's description of Ms. Palmer's Protest is narrow, conclusory, and lacks substantial justification for a favorable Order. Ms. Palmer, provides several specific concerns about the Project 9A West's potential impact on her community in terms of economy, environment, and/or public health. As such, the ALJs should deny Transource's Objection to Ms. Pamer's Protest. Or in the alternative, Ms. Palmer should be provided with an opportunity to re-submit her Protest without prejudice using the guidelines on the Commission's website¹⁹ by the end of the Protest Period on October 15, 2026, and/or provide Ms. Palmer the opportunity to clarify portions of her Protest at the Prehearing Conference Scheduled for October 29, 2026.

The OCA submits the Commission's principle from *Carlock v. United Telephone Co. of Pa.* is applicable to this matter.²⁰ In *Carlock* the Commission decided that certain pretrial pleadings, namely a Motion to Dismiss and/or a Motion for More Specific Pleading, "should not be granted against unrepresented complainants who are pursuing small claims until they have at

¹⁹ <https://www.puc.pa.gov/electricity/transmission-lines/>

²⁰ *Richard Carlock v. The United Telephone Company of Pennsylvania*, Docket No. F-00163617, Opinion and Order (July 14, 1993) (Carlock Order); *Richard Carlock v. The United Telephone Company of Pennsylvania* 1993 Pa. PUC LEXIS 199.

least had an oral opportunity to explain their position.”²¹ The reasoning behind the Commission’s *Carlock Order* resonates in the case of Ms. Palmer:

We . . . do not . . . rule out the possibility that pretrial motions can be granted in such cases, only that such motions should not be granted on the pleadings. The ALJ must first develop a sufficient record.

In more complex cases with counsel participating, the record is likely to include depositions, answers to interrogatories, admissions and supporting affidavits. Answers to the motion may include similar filings. Certainly, in our view, unrepresented complainants cannot be expected to navigate through such complex procedural territory. Rather than relying on pleadings, the ALJ has an affirmative duty to ensure the development of a record that reasonably presents the underlying grievance.²²

Furthermore, the *Carlock* decisions has recently been applied to determine whether *pro se* protestants should have their protest dismissal for lack of standing, in which case the presiding officers determined dismissal was inappropriate without giving the *pro se* protestants the opportunity to further articulate their interests in the proceeding.²³

Additionally, Transource’s statement that only properties traversed by the proposed transmission line right-of-way or identified alternative routes may have standing to participate in transmission line siting proceedings is not supported by applicable law. While only landowners directly affected by the proposed transmission line right-of-way are guaranteed a specific notice and opportunity to be heard under the Commission’s regulations,²⁴ the Commission’s regulations do not specifically restrict the standing of parties to protest against a transmission line siting proceeding. Standing permits parties that are adversely affected *in any way* by the challenged

²¹ *Id.* at *9-10.

²² *Id.* at *10.

²³ *Letter of Notification of PPL Electric Utilities Corporation filed pursuant to 52 PA Code Chapter 57 with respect to the approval to build approximately 1.1 miles of new parallel double circuit 230 kV transmission taps that are needed to connect the existing Susquehanna-Harwood #1 & #2 transmission lines on the New Tomhicken 230 kV switchyard that are respectively located in Luzerne County, Pennsylvania*, Docket No. A-2025-3059443, Prehearing Order #2 at 6 (Issued Apr. 14, 2026).

²⁴ *1978 Re Overhead Electric Transmission Lines*, 1978 Pa. PUC LEXIS 203, * 16-17 (Mar. 1, 1978); 52 Pa. Code § 57.74(c)(1)(iv).

matter to obtain resolution of the challenge, even if the adverse effect is “neither pecuniary nor readily translatable into pecuniary terms.”²⁵ A member of a community that will be affected by the construction of a new high voltage transmission line, for example, has an interest in a proceeding which goes beyond “the abstract interest of all citizens in having others comply with the law” because not all citizens share the concerns of the members of an affected community, meaning that the interest is substantial.²⁶

Finally, there is no provision in the Public Utility Code or Regulations or doctrine that provides that when considering when a party’s objects to a consumers complaint on the basis of standing, the Commission shall or may take into consideration whether the Office of Consumer Advocate is a party to the proceeding. The General Assembly expressly provides that any person with an interest in regulated utility matters is empowered to participate in Commission proceedings²⁷ and did not qualify that provision by stating participation in matters before the Commission depend on the relative participation by other parties. Separately, the General Assembly created The Consumer Advocate for a different purpose, which is to “represent[s] the interest of consumers as a party.”²⁸ Further, “[n]othing contained [in the OCA enabling statute] shall in any way limit the right of any consumer to bring a proceeding before either the commission or a court.”²⁹ In establishing the OCA, the General Assembly did not intend to impact the standing of any party before the Commission.³⁰ The OCA’s enabling statute does not provide that the OCA represents the interests of individual consumers, such as Ms. Palmer, as Transource attempted to suggest the rights of an individual consumer and the role of the OCA can be merged; rather, the

²⁵ *William Penn Parking Garage, Inc. v. Pittsburgh*, 346 A.2d 269, 281-82 (Pa. 1974).

²⁶ *See See Malt Bevs. Distribs. Ass’n v. Pa. Liquor Control Bd.*, 881 A.2d 37, 42-43 (Pa. Cmwlth. 2005); *MEC Pa. Racing, Inc. v. Pa. State Horse Racing Comm’n*, 827 A.2d 580, 589 (Pa. Cmwlth. 2003).

²⁷ *See* 66 Pa. C.S. § 701.

²⁸ 71 P.S. § 309-4.

²⁹ 71 P.S. § 309-6.

³⁰ *South River Power Partners, L.P., v. Pa. Pub. Util. Comm’n*, 673 A.2d 422, 426-27 (Pa. Cmwlth. 1996).

statute makes clear that any person, corporation, or municipal corporation that uses or may use Commission-jurisdictional public utility services is part of the class of consumers represented by the OCA.³¹ Any assertion that the OCA's participation in this proceeding precludes the ability of a consumer to participate should be affirmatively rejected, consistent with the OCA's enabling statute, the Commonwealth Court's interpretation of the statute, and Commission precedent on this issue.³²

29-32. Denied as stated. These paragraphs contain conclusions of law to which no response is required. By way of further response, the OCA incorporates Section II above herein.

33. Denied. By way of further response, Transource provides no support that in order to be a Protestant, they need to "reside anywhere in Franklin County, Pennsylvania," or that the address provided by the Protestant must be located within the proposed right-of-way or the rights-of-way for any of the alternative routes.

34-36. Denied. By way of further response Ms. Palmer articulated several specific harms that could impact her as a party, and ultimately her Protest speaks for itself. While a landowner directly along the proposed or alternative routes clearly has standing to protest³³, the OCA specifically denies any assertion or implication by Transource that the only manner in which a protest can be legally sufficient is if a proposed project will adversely affect the protestant as a landowner directly along a proposed or alternative route. Such a legal conclusion, if reached by the ALJs, would be a flagrant violation of the due process rights of affected members of the public given that the Commission must make certain findings in this proceeding that are broader than the

³¹ 71 P.S. §§ 309-1, 309-4.

³² See *Pa. Pub. Util. Comm'n v. Phila. Gas Works*, Docket No. R-2017-2586783 (Prehearing Order #2 issued Apr. 7, 2017) at 10-11.

³³ 1978 *Re Overhead Electric Transmission Lines*, 1978 Pa. PUC LEXIS 203, * 16-17 (Mar. 1, 1978); 52 Pa. Code § 57.74(c)(1)(iv).

limited interest of a landowner directly along the route. Indeed, according to the Commission's regulations, the Commission cannot grant the application, either as proposed or as modified, unless it finds and determines as to the proposed HV line:

- (1) That there is a need for it.
- (2) That it will not create an unreasonable risk of danger to the health and safety of the public.
- (3) That it is in compliance with applicable statutes and regulations providing for the protection of the natural resources of this Commonwealth.
- (4) That it will have minimum adverse environmental impact, considering the electric power needs of the public, the state of available technology and the available alternatives.³⁴

Any member of the public that can show a direct, immediate, and substantial interest in any of the following, *inter alia*, can be a protestant: the need for the project, that the project will not create an unreasonable risk of danger to the health and safety of the public, that the project is in compliance with all applicable statutes and regulations providing for the protection of the natural resources of this Commonwealth, and that the project will have minimum adverse environmental impact. Ms. Palmer specifically articulated concerns regarding the environmental impact of the proposed transmission line, its impact on farming equipment, aesthetic considerations, and potential impacts on the wellbeing of local residents and their property values. As these well-pleaded concerns must be accepted as true for the purposes of ruling on the Preliminary Objections,³⁵ and these concerns are within the scope of the determinations that the Commission must make regarding applications for the siting of transmission lines, the Commission has no basis to doubt Ms. Palmer's belief that the potential harms of the Project identified in her Protest may impact her personally and directly.

³⁴ 52 Pa. Code § 57.76(a).

³⁵ See *supra*, Section II.

37-40. These paragraphs are either contain conclusions of law to which no response thereto is necessary or are in the nature of a summary of Transource's position, which the OCA denies.

IV. CONCLUSION

WHEREFORE, the Office of Consumer Advocate respectfully requests that the Preliminary Objections to the Protest of Ms. Kathy Palmer be denied, for the reasons set forth above. In the alternative, the Office of Consumer Advocate respectfully request that the ALJs, without prejudice, direct Ms. Palmer to re-file her Protest in accordance with the guidance from the Commission's website³⁶ up until the Protest Deadline of October 15, 2026, and/or permit her to clarify statements contained in her Protest at the October 29, 2026 Prehearing Conference.

Respectfully submitted,

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³⁶ <https://www.puc.pa.gov/electricity/transmission-lines/>