

COMMONWEALTH OF PENNSYLVANIA



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September 21, 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, please find enclosed the Answer of the Office of Consumer Advocate (OCA) to the Preliminary Objection of Transource Pennsylvania, LLC to the Protest of Debra McKenzie in this proceeding.

Respectfully submitted,

/s/ Ryan Morden
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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

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 documents, the Answer of the Office of Consumer Advocate (OCA) to the Preliminary Objection of Transource Pennsylvania, LLC to the Protest of Debra McKenzie, upon parties of record in this proceeding who have elected to receive electronic service, in accordance with the requirements of 52 Pa. Code Section 1.54 (relating to service by a participant), and Interim Order #2, in the manner and upon the persons listed below.

Dated this 21st day of September 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. P-2026-3062687
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 DEBRA MCKENZIE

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 Answer of Debra McKenzie (Objection).¹ The OCA respectfully requests the ALJs disregard the argument in Transource of Pennsylvania, LLC’s (Transource) Objection’s that individual ratepayers are “adequately represented by the OCA.”² The OCA further requests that if the ALJ’s find Ms. McKenzie’s to be deficient, that Ms. McKenzie be directed, without prejudice, to re-file their Answer up until the Protest Deadline of October 15, 2026, and/or permit them to clarify statements contained in their Answer at the October 29, 2026 Prehearing Conference.

The allegations in Transource’s Objection paragraphs 1-27 and 29-40 are admitted and denied by the OCA consistent with the discussion below in this Answer. In addition, the OCA

¹ 52 Pa. Code § 5.61.

² Objection ¶ 28.

further states that: (a) no response is required to the legal conclusions in the Objection; (b) the Objection contains various purported facts 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; (c) to the extent the Objection references Commission documents, all of these documents speak for themselves, and any factual allegation in the Objection that is contrary to and/or not corroborated by those documents is specifically denied; 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.

The OCA specifically denies Paragraph 28.³ By way of further response, Ms. McKenzie's Answer speaks for itself. The OCA submits the Commission's principle from *Carlock v. United Telephone Co. of Pa.* is applicable to this matter.⁴ 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 least had an oral opportunity to explain their position."⁵ The reasoning behind the Commission's *Carlock Order* resonates in the case of Ms. McKenzie:

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,

³ Paragraph 28 fully states: "The Protest should be dismissed because the Protestant's property is not traversed by the Proposed Route of the 9A West Project or an identified alternative route. The Protestant's only interest is highly attenuated and non-substantial in that it has not surpassed the general interest of all citizens, and because the general interests of ratepayers and consumers within the affected counties are adequately represented by the OCA, which has filed an Amended Protest and will be participating in this proceeding for this very reason. Therefore, the Protestant lacks standing to file a Protest in this proceeding." Objection ¶ 28.

⁴ *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.

⁵ *Id.* at *9-10.

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.⁶

Furthermore, the *Carlock* decision 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.⁷

Additionally, there is no provision in the Public Utility Code or Regulations or doctrine that provides that when considering when a party objects to a consumer's 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 proceedings⁸ 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."⁹ 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."¹⁰ In establishing the OCA, the General Assembly did not intend to impact the standing of any party before the Commission.¹¹ The OCA's enabling statute does not provide that the OCA

⁶ *Id.* at *10.

⁷ *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).

⁸ See 66 Pa. C.S. § 701.

⁹ 71 P.S. § 309-4.

¹⁰ 71 P.S. § 309-6.

¹¹ *South River Power Partners, L.P., v. Pa. Pub. Util. Comm'n*, 673 A.2d 422, 426-27 (Pa. Cmwlth. 1996).

represents the interests of individual consumers, such as Ms. McKenzie, as Transource attempted to suggest the rights of an individual consumer and the role of the OCA can be merged; rather, the 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.¹² 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.¹³

WHEREFORE, the OCA respectfully requests when considering Transource's Objection, the ALJs reject the Company's argument that individual ratepayers are "adequately represented by the OCA." The OCA further requests that if the ALJ's find Ms. McKenzie's Answer to be deficient, that Ms. McKenzie be directed, without prejudice, to re-file their Answer up until the Protest Deadline of October 15, 2026, and/or permit them to clarify statements contained in their Protest at the October 29, 2026 Prehearing Conference.

¹² 71 P.S. §§ 309-1, 309-4.

¹³ 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.

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