

Transmission Line Siting, the PUC and the Role of Residents

Regulation

The state's Public Utility Code requires its public utilities to furnish and maintain adequate, efficient, safe and reasonably priced utility service and facilities. It also allows utilities to make the changes necessary to ensure the quality and safety of that service. The Public Utility Commission (PUC) is the agency charged with ensuring that the public utilities are living up to those obligations. That includes oversight of the siting and construction of electric transmission lines.

Transmission line siting cases present two distinct issues: whether the need for the line exists; and, whether the proposed route is the best of all alternatives considered.

Transmission Line Siting Applications

When an electric company wants to build high-voltage transmission lines, it must file an application with the PUC that includes the proposal's costs and route.

The proposed route must be established as the best out of other alternatives considering safety; environmental impacts; impacts on scenic and historic sights; existing land use; soil and sedimentation; plant and wildlife habitats; terrain; hydrology; and landscape. Factors such as location of airports and archeological sights are also considered.

The application also must include information on the landowners, safety considerations and a statement of need. Need may be established by showing public benefits such as improved reliability, increased economic development, reduced consumer costs, and an increased demand. Needs of the regional system and the local area around the line also may be considered.

Hearings and Recommendations

When the application is contested, the PUC assigns the proceeding to an Administrative Law Judge (ALJ), who fulfills a judicial role by presiding at formal hearings, which are open to the public and conducted like a court proceeding.

The PUC process consists of formal evidentiary proceedings and public input hearings. During the evidentiary hearings, the company and other formal parties, such as the PUC's Office of Trial Staff and the state's Office of Consumer Advocate and Office of Small Business Advocate present their cases.

Evidentiary hearings are specifically designed for the receipt of expert testimony and cross examination of expert witnesses from all active formal parties to the case. The entity proposing the line has the burden of proof to show a need and that the proposed route is appropriate.

Consumers may become formal protestants or parties in an evidentiary hearing by applying in writing. Consumers may speak for themselves or be represented by an attorney. Consumers also may testify at public input hearings, which are conducted by the ALJ in the affected areas. Consumer testimony becomes part of the record on which the PUC will base its decision. Consumers also may comment informally by writing or calling the PUC.

After weighing the evidence and hearing the arguments, the ALJ writes a recommended decision that addresses each issue in the case within limits set by law. The recommended decision may approve, deny or modify the application. Parties, including consumers, may file exceptions to the ALJ's decision and reply exceptions. The entire matter is then sent to the Commissioners for a vote. The Commissioners may accept, reject or modify the judge's decision.

Final Order

The Commissioners make the final decision during a public meeting in Harrisburg. The Order has the weight of law unless the PUC changes it in response to a petition for reconsideration, or it is successfully challenged in court or before the Federal Energy Regulatory Commission (FERC). Under the federal Energy Policy Act of 2005, if the line is contained within the U.S. Department of Energy (DOE) National Interest Electric Transmission Corridor (NIETC), declared of national need and the PUC denies the application or attaches conditions which the applicant wishes to contest, the applicant may move the proceeding to FERC for further action. FERC has authority to make its own decision which may reverse the PUC's decision, modify it or adopt it.

The proposed NIETC for the Mid-Atlantic region includes 52 out of Pennsylvania's 67 counties. Cameron, Clarion, Crawford, Elk, Erie, Forest, Lawrence, Lycoming, McKean, Mercer, Potter, Sullivan, Tioga, Venango, Warren counties are not included in the draft corridor designation. Besides Pennsylvania, the Mid-Atlantic region encompasses all or portions of Maryland, New Jersey, New York, Virginia and West Virginia. The PUC has called on DOE to withdraw its proposal and asked the federal agency to issue a new designation that has a more narrow scope and better reflects Congressional intent in establishing NIETC.

How Long Does It Take?

Pennsylvania laws and regulations establish no statutory deadline for the consideration of transmission line siting applications. However, if the proposed line is included in a NIETC, the Commission has one year from the date of the application or the date of the NIETC designation (whichever is later) to reach a final decision.

Role of Consumers

While the transmission siting process is complex, consumers have the right to be informed about the process, receive an explanation of the company's plan and have an opportunity to share their views on the proposal. Consumers have the right to participate in this process and can do so by

filing an informal complaint, by attending and testifying at a public input hearing or by filing a formal protest.

Formal Protest

Because the obligations related to fully participating in a complex case may be daunting for most consumers, the Commission's case management practices allow consumers some form of limited participation in complex multi-party proceedings such as transmission line siting.

Consumers filing a formal protest may wish to become full parties to the extensive litigation which will occur. This is accomplished by filing a formal protest within the time set forth in the Notice of the Application which will be published in the Pennsylvania Bulletin. Even if the deadline has passed consumers still have time to participate in the proceeding through public input hearings and other contacts to the PUC.

Public Input Hearings

In addition to a series of formal evidentiary hearings, the ALJ will conduct public input hearings, which are generally held in the area affected by the application. By attending a public input hearing and providing testimony, consumers place their views in the official record on which the PUC will base its decision. Consumers do not have to formally intervene to participate in a public input hearing.

Informal Objections/Comments

Consumers may contact the PUC with their views on the proposed transmission line by writing letters, completing an online complaint form or calling the consumer complaint hotline. Comments received are placed in the Commission's public file on the case. Consumers can contact the PUC by:

Mail: Pennsylvania Public Utility Commission
Bureau of Consumer Services
P.O. Box 3265
Harrisburg, PA 17105

Phone: 1-800-692-7380

Online: www.puc.pa.gov – Click on "Filing & Resources" at the top of the page, then click on "File Complaints" to learn more.