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February 15, 2018

Via Hand Delivery

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor (filing room)
PO Box 3265
Harrisburg, PA 17105-3265

Re: 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 Associated with the Independence Energy Connection-East Project in Portions of York County, Pennsylvania; Docket No. A-2017-2640195;
PROTEST OF THE YORK COUNTY PLANNING COMMISSION

Dear Secretary Chiavetta:

Enclosed please find an original and one copy of the York County Planning Commission's Protest in the above-captioned matter. Please return the time-stamped copy via our messenger. Copies have been served in accordance with the attached Certificate of Service.

Should you have any questions or comments, please feel free to contact me directly.

Very truly yours,



Thomas J. Sniscak
Whitney E. Snyder

Counsel for York County Planning Commission

TJS/WES/das/jld

Enclosures

cc: Honorable Elizabeth H. Barnes
Honorable Andrew M. Calvelli
Per Certificate of Service

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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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 : Docket No. A-2017-2640195
Transmission Line Associated with the :
Independence Energy Connection-East :
Project in Portions of York County, :
Pennsylvania :

**PROTEST OF
THE YORK COUNTY PLANNING COMMISSION**

Pursuant to 52 Pa. Code § 5.51, the York County Planning Commission (YCPC) files this Protest to the Application of Transource Pennsylvania, LLC (Transource) for approval of the siting and construction of the Pennsylvania portion of the Furnace Run-Conastone 230 kV Transmission Line (Transmission Line) in portions of York County, Pennsylvania (Application). YCPC files this Protest to request the Public Utility Commission hold full public input and evidentiary hearings on the Application and not approve the Application unless the record supports and the Applicant proves the need for the Transmission Line, and then only after terms, modifications, and conditions are imposed to ensure the siting, construction, operation, and maintenance of the Transmission Line, rights-of-ways, easements, or property owned or condemned, protect the public interest and comply with Pennsylvania law. In support of its Protest, YCPC avers as follows:

1. The name and contact information for YCPC are:

York County Planning Commission
Felicia Dell, Director
Wade Gobrecht, Assistant Director
York County Administrative Center
28 East Market Street, 3rd Floor
York, PA 17401

2. The names and contact information for YCPC's attorneys for receiving service of all documents in this proceeding are:

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3. YCPC is tasked with preparing and updating the York County Comprehensive Plan and presenting it to the York County Commissioners pursuant to 53 P.S. 10209.1 and York County Code Ch. 81.

4. The YCPC is authorized to act as necessary to fulfill the duties and obligations imposed by the Pennsylvania Municipalities Planning Code, 53 P.S. Ch. 30, promote public interest in and understanding of the Comprehensive Plan, and to make recommendations to governmental agencies and individuals as to the effectiveness of the proposals of such agencies and individuals. York County Code § 81-4 B 5, 9-10.

5. a. The York County Comprehensive Plan includes plans relating to:

- Agricultural land protection;
- Economic Development;
- Growth Management;
- Hazard Mitigation;
- Heritage Preservation;

- Housing and Community Development;
 - Integrated Water Resources;
 - Long Range Transportation; and
 - Open Space and Greenways.
- b. The York County Comprehensive Plan includes ordinances relating to:
- The York County Subdivision and Land Development Ordinance.
- c. In developing these plans and ordinances, extensive resource inventories are conducted, including:
- Environmental Resources Inventory;
 - Growth Trends;
 - Natural Areas Inventory (NAI); and
 - Community Facilities Report.

See York County Comprehensive Plan, available at <http://www.ycpc.org/divisions/long-range-planning/york-county-comprehensive-plan.html>.

6. In its Application, Transource seeks Commission approval of the siting and construction of the Pennsylvania portion of the Furnace Run-Conastone 230 kV Transmission Line in portions of York County. Application at 1.

7. Transource must obtain Commission approval for the siting of its Transmission Line pursuant to 66 Pa. C.S. §§ 501 and 1501 and the Commission's regulations at 52 Pa. Code §§ 57.71 et seq.

8. To obtain Commission approval for the Application, Transource must show:

- (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.

52 Pa. Code § 57.76(a).

9. In determining whether to approve Transource's Application, the Commission must consider, *inter alia*:

- (1) The present and future necessity of the proposed HV line in furnishing service to the public.
- (2) The safety of the proposed HV line.
- (3) The impact and the efforts which have been and will be made to minimize the impact, if any, of the proposed HV line upon the following:
 - (i) Land use.
 - (ii) Soil and sedimentation.
 - (iii) Plant and wildlife habitats.
 - (iv) Terrain.
 - (v) Hydrology.
 - (vi) Landscape.
 - (vii) Archeologic areas.
 - (viii) Geologic areas.
 - (ix) Historic areas.
 - (x) Scenic areas.
 - (xi) Wilderness areas.
 - (xii) Scenic rivers.
- (4) The availability of reasonable alternative routes.

52 Pa. Code § 57.75(e).

10. The Commission may impose terms, conditions, or modifications, of the location, construction, operation, or maintenance of the Transmission Line as the Commission may deem appropriate. 52 Pa. Code § 57.76(a).

11. In approving the Application, the Commission is constitutionally required to ensure the protection of the environment pursuant to Pa. Const. of 1986, Art. I, § 27 and *Pa. Env'tl. Def. Foundation v. Commonwealth*, 161 A.3d 911 (Pa. 2017).

12. The proposed siting of the Transmission Line will have significant impacts on York County's land use, roadways, environment, local economy, and the Comprehensive Plan and its goals. Upon information and belief, the proposed route favored by Transource for the

Transmission Line right-of-way (130'), at a minimum, directly impacts and runs through approximately:

- 53 parcels of land in York County, most of which are farms;
- 11 wetland sites comprised of 2 acres;
- 64 acres of forested lands;
- 13 properties with conservation easements comprised of 67 acres;
- 43 properties with agricultural security areas comprised of 163 acres;
- 149 acres of prime agricultural soils (Class 1, 2, 3 and Statewide Significance);
- A natural area site, the North Branch Muddy Creek Natural Area;
- 8 High Quality Cold Water Fishery stream crossings; and
- 3 Trout Stocked Fishery stream crossings.

13. York County has invested many Federal, State, and local resources to develop the area within the proposed siting right-of-way as an agricultural community to preserve agricultural land use and view sheds. This portion of the County also contains environmentally sensitive natural areas that inhabit various animal and plant species of concern.

14. More specifically, the Application's proposed siting, construction, maintenance, and rights-of-way raises various concerns, including, but not limited to:

- fragmentation of habitat corridors;
- fragmentation of agricultural land;
- impacts on high quality soils (Class 1, 2, 3 and Statewide Significance) and crop production;
- impacts on and degradation of wetlands and high quality streams, including wild trout streams and exceptional value wetlands;
- impacts to floodplains;
- stormwater runoff impacts that could lead to additional sedimentation in York County streams;
- impacts on preserved farms and conservation easements;
- impacts on agri-tourism, including viewsheds;
- permanent obstacles to crop production in farm fields;
- limitations on locations available for livestock;
- limitation of expansion of farm buildings;
- impacts of stray voltage on livestock and farm equipment;
- impacts on tree farms, including orchards such as the Shaw Orchards;
- impacts of the vegetation management plan, including the use of herbicides;

- impacts on the North Branch Muddy Creek Natural Area site;
- impacts on traffic and local roadway and bridge infrastructure during construction;
- impacts on soil erosion during construction and post construction; and
- opportunities for invasive species with deforestation.

15. Based upon preliminary review, the Application's effects on the concerns discussed in PP 12-14 above show the proposed siting, construction, maintenance, and rights-of-way for the Transmission Line may create an unreasonable risk of danger to the health and safety of the public and may not comply with applicable law providing for the protection of natural resources in the Commonwealth. 52 Pa. Code § 57.76(a)(2)-(3); Pa. Const. of 1986, Art. I, § 27; *Pa. Env'tl. Def. Foundation v. Commonwealth*, 161 A.3d 911 (Pa. 2017).

16. Based upon preliminary review, the Application's effects on the concerns discussed in PP 12-14 above show the proposed siting, construction, maintenance and right-of-way for the Transmission Line, considering the electric power needs of the public, the state of available technology, and the available alternatives, may have more than a minimum adverse environmental impact. 52 Pa. Code § 57.76(a)(4); Pa. Const. of 1986, Art. I, § 27; *Pa. Env'tl. Def. Foundation v. Commonwealth*, 161 A.3d 911 (Pa. 2017).

17. Based upon preliminary review, the Application may not adequately demonstrate the need for the proposed Transmission Line.

18. Based upon preliminary review, the Application's effects on the concerns discussed in PP 12-14 above show the Commission may need to impose terms, conditions, or modifications, of the location, construction, operation, or maintenance of the proposed siting and right-of-way for the Transmission Line. 52 Pa. Code § 57.76(a).

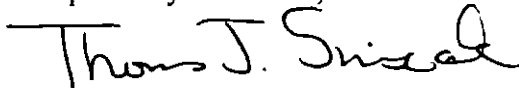
19. Concerning Public Input Hearings, it is necessary for a full and fair opportunity for the public to voice their concerns to the Commission to hold Public Input Hearings locally in the

communities that the Transmission Line will affect, including Airville, York County, Pennsylvania.

20. Transource has also filed an application for siting of the 230kV Transmission Line associated with the Independence Energy Connection – West at Docket No. A-2017-2640200. That line is proposed to go through different geographic regions, will affect different localities and parties, will involve separate issues, and should not be considered in the same proceeding as this Application.

WHEREFORE, the York County Planning Commission respectfully requests the Public Utility Commission hold full public input and evidentiary hearings on the Application and not approve the Application unless the record supports, and the Applicant proves, the need for the Transmission Line, and then only after terms, modifications, and conditions are imposed to ensure the siting, construction, operation, and maintenance of the Transmission Line, rights-of-ways, easements, or property owned or condemned, protect the public interest, and comply with Pennsylvania law.

Respectfully submitted,



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Date: February 15, 2018

Counsel for York County Planning Commission

VERIFICATION

I, FELICIA S. DELL, on behalf of York County Planning Commission, hereby state that the facts set forth in the foregoing documents are true and correct to the best of my knowledge, information and belief, and that I expect to be able to prove the same at a hearing in this matter. This verification is made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Felicia S. Dell
Name FELICIA S. DELL
Title DIRECTOR

Dated: 2/14/2018

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

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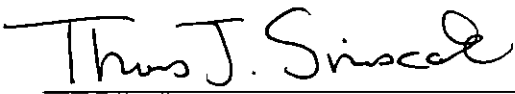
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Thomas J. Sniscak
Whitney E. Snyder

Dated this 15th day of February, 2018.

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