**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 : A-2017-2640195

Construction of the 230 kV Transmission Line :

Associated with the Independence Energy :

Connection-East Project in Portions of York :

County, Pennsylvania :

Application of Transource Pennsylvania, LLC :

Filed Pursuant to 52 Pa. Code Chapter 57, :

Subchapter G, for Approval of the Siting and : A-2017-2640200

Construction of the 230 kV Transmission Line :

Associated with the Independence Energy :

Connection – West Project in Portions of Franklin :

County, Pennsylvania :

**PROCEDURAL ORDER**

On December 27, 2018 Transource Pennsylvania, LLC (Transource PA) filed two Applications for the Approval of the Siting and Construction of 230 kV Transmission Lines in Portions of York County at Docket No. A-2017-2640195 and in portions of Franklin County at Docket No. A-2017-2640200. These proposed transmission line sitings are in connection to an Independence Energy Connection (IEC) Project. The applications were assigned to us by Initial Notice of Prehearing Conference dated January 4, 2018 and a prehearing conference was scheduled for March 13, 2018. Notice of the Applications and prehearing conference appeared in the *Pennsylvania Bulletin* on January 20, 2018. The deadline for protests/petitions to intervene was February 20, 2018.

The following is a summation of the Protests, Petitions to Intervene, and Notices of Intervention filed. On January 10, 2018, the Office of Consumer Advocate (OCA) filed a Notice of Intervention. On January 30, 2018, John and Louise Kennedy filed a Petition to Intervene. On February 1, 2018, Kira D. Rohrer and J. Lamar Rohrer each filed a Petition to Intervene. On February 9, 2018, Stephen Snell filed a Petition to Intervene. On February 12, 2018, Lynda Manning filed a Petition to Intervene. On February 14, 2018, PECO Energy Company (PECO) filed a Petition to Intervene. On February 15, 2018, the following individuals and organizations each filed a Protest: Russell Burton, Ian Blouse, Brenton Blouse, Kathryn Judy, Robert and Trisha Bowman, Brooke E. Anderson, Laurie Donaldson, Derek Dettinger, Daniel R. McElwain, David Miller, Brett Tompkins, David W. Anderson, Stephen M. Judy, Robert and Johneva Mickey, Stacy A. Wolfe, Jack Wolfe, Bryce A. Anderson, Zackery W. Anderson, Thomas R. Jr. and April R. Krell, Paige Blouse, Diane M. Neff, George W. Treadway, Barron and Jana Shaw, Westley W. Tompkins, Jack D. Miller, Matthew Keller, Abigail Anderson, Christine Blouse, Jake Taylor, Jason Wolfe, Carole K. King, Carly Miller, John and Carol Hamilton, Byron Jess Boyd, Kathleen Tompkins, Bradley Waltermyer, Barry Shenk, Kay Taylor, Ben Heishman, Kristi Taylor, Kristin Thomas, Margaret Taylor, Morgan Anderson, Patrice Taylor, Patricia Miller, Peggy Stewart, Randall Stewart, Randall Stewart Jr, Raymond and Rachel Lins, Rona Kaufman, Samuel Taylor, Shane Taylor, Stephen and Dolores Krick, Taylor Anderson, Twin Good Farms, Virginia Anderson, William Tompkins, Barbara L. Gallagher and Jane R. Baer on behalf of Mary E. Boone, Gary D. Anderson, Barbara Anderson, Bailey Anderson, Austin Taylor, Andy Taylor, Alan Yost, Alan Taylor, Stephen, Michael, and Eva Hecner and Theresa Norris, Gregory Goss, Gloria Wolfe, Donna Miller, Dylan Miller, David Downs, Henry and Glenda Sommer, Christine Anderson, Jerry Taylor, Melanie Goss, Jeffrey Neutzel, Robert Bleister, Sharlie Taylor, Gregory and Kristina Wilt, Daniel Rohrer, Martha Rohrer, James R. McGinnis Jr., Rose Tree-Blue Mountain Hunt Club, Inc., and the York County Planning Commission.

On February 15, 2018, the following individuals each filed Petitions to Intervene: Kay A. Baldwin, Carl Baldwin, Tim and John Krick. On February 20, 2018, the following individuals and organizations each filed a Protest: Douglas Rohrer, Sandra Traynor, Leonard Traynor, Martha Rohrer, Justine Traynor, Tiffany Peiffer, Kent Blevins, Pamela Moser, Jonathan R. Hash, Leonard M. Traynor II, Kelly Musser, and Maple Lawn Farms, Inc. On February 20, 2018, the following individuals and organizations each filed a Petition to Intervene: David Good, Addyson Creamers, Christine Crowe, Brian McCleary, Jordyn Creamers, Summer Ledford, Neil Autry, William Creamers, Katharine Creamers, Donald Culp, Kenny Grove, Cletus P. and Diane M. Gohn, Blaine Ham, Matt Moser, Virginia M. and Ginny Gibble, Garland Sweitzer, Brandy Miller, Todd Dorn, William Grove, David Saxman, Tiffany Peiffer, Dale R. Saxman, Melvin Saylor, Zac Moser, Harry E. Peiffer Jr., Jesse Thompson, Dan Moser, Jeremiah Good, Daniel E. Dickmyer, Kevin Elko, Jim Hershey, Steven Mink, Christine Rogers, Diane Keys, Jamie Diamond, Garry Keys, Maryland and Pennsylvania Railroad Preservation Society, Joseph Clubb, Mandy Welch, Kimberly Slezak, Linda A. Dickinson, James Strack, Gary Mink, David Koons, David C. and Suzan E. Miller, Ann Lavin, Jennifer Clubb, Margaret Williams, Mac Moser, Bill Wilt, Dean Moser, Caroline Winkler, T.R. Corcoran, Richard Diamond, Valerie Dorn, Katherine Traynor, Madeline Traynor, Jon Smeltzer, Thomas Wheatley, Tony Ham, Citizens to STOP Transource, Scott Welch, Amber Geiger, Trevor Lewis, David Hawkins, Mike Martinez Jr., Judeth Hawkins. Also, on February 20, 2018, West Penn Power Company (West Penn) and Mid-Atlantic Interstate Transmission, LLC (MAIT) filed a joint Petition to Intervene. On February 21, 2018, Deborah and Andrew Macklin, and Hugh McPherson each filed a Protest. On March 5, 2018, the Office of Small Business Advocate filed a Notice of Intervention. On March 9, 2018, PPL Electric Utilities Corporation (PPL) filed a Petition to Intervene *Nunc Pro Tunc*. Comments were also filed by hundreds of individuals and entities that did not appear at the prehearing conference.

On February 26, 2018, a Prehearing Conference Order was issued. An Initial Prehearing Conference was held on March 13, 2018. We noted the appearance of Anthony D. Kanagy, Esquire and Lindsay A. Berkstresser, Esquire, Counsel for Transource PA; Darryl Lawrence, Senior Assistant Consumer Advocate and Phillip D. Demanchick, Assistant Consumer Advocate on behalf of the OCA; Sharon Webb, Deputy Small Business Advocate on behalf of the Office of Small Business Advocate (OSBA); Whitney Snyder, Esquire on behalf of The York County Planning Commission (YCPC); Jordan B. Yeager, Esquire and Joanna A. Waldron, Esquire, on behalf of Stop Transource Franklin County (Stop Transource); Amy E. Hirakis, Esquire and Kimberly A. Klock, Esquire on behalf of PPL Electric Utilities Corporation (PPL); Jennedy S. Johnson, Esquire on behalf of PECO Energy Company (PECO); Tori L. Giesler, Esquire on behalf of West Penn Power Company(West Penn) and Mid-Atlantic Interstate Transmission Company (MAIT); Margaret A. Morris, Esquire[[1]](#footnote-1) on behalf of Citizens to Stop Transource (Citizens); Linus E. Fenicle, Esquire on behalf of Qunicy Township; J. Ross McGinnis, Esquire on behalf of himself and his son, James McGinnis, Jr.

The following *pro se* Petitioners/Protestants appeared at the March 13, 2018 prehearing conference: Kimberly Slezak; Barbara Anderson; Kent Blevins; Russel Burton; Kathy Good; Greg and Melanie Goss; Stephen Hecner; M. Kathryn Judy; David Hawkins; April Krell; Delores Krick; Deborah Macklin; Hugh McPherson; Dale Saxman; Barron Shaw; Glenda and Harry Sommer; Randal and Peggy Stewart; Randall Stewart, Jr.; Leonard and Sandra Traynor; Leonard Traynor II, Eric Scott Burkholder; Fred Byers; Kimberly Calimer; Roy and Emma Cordell; Michael Cordell; Sharla Dunlap; Jay and Ruth Frech; Aaron and Mary Kauffman; Leonard and Mary Kauffman; Colt Martin; Allen and Lori Rice; Fred and Doreen Rice; Lois White; Willa Weller Kall; Heather Stine; Karen Benedict; Lantz and Laura Sourbier; Darwyn Benedict; Laurie Viozzi; Ashley Hospelhorn; Ellen Engle; Peter and Maria Whalen; Danielle Bernecker; Colleen Savin; Courtney Dettinger; Tawny Gallagher; and Emanuel Esh.

The following matters were addressed: (1) motions of Transource PA for admission *pro hac vice*: (2) consolidation of the dockets; (3) petitions to intervene; (4) a procedural schedule; (5) public input hearings and site views; (6) service of documents; (7) discovery matters; (8) eminent domain and shelter petitions; (9) a protective order; and (10) settlement. These matters are discussed below.

**Motion for Admission *Pro Hac Vice***

On March 8, 2018, Transource PA filed two motions for admission *pro hac vice* for Hector Garcia, Esquire and for Amanda Riggs Connor, Esquire, respectively. These motions were discussed at the prehearing conference. Hector Garcia is a Senior Counsel with American Electric Power Service Corporation and member of the Bar of Virginia since 2002, Bar of the District of Columbia since 2003, and Bar of Ohio since 2014. Amanda Riggs O’Connor is also a Senior Counsel with American Electric Power Service Corporation and a member of the Bar of the District of Columbia since 2003. Accordingly, as the motions are unopposed, Mr. Garcia and Ms. Riggs Connor shall be admitted *pro hac vice* as co-counsel to Transource PA in this matter. Anthony Kanagy, Esquire, the moving attorney, shall continue to be responsible as counsel of record for the conduct of this matter on behalf of Transource PA.

**Consolidation**

At the prehearing conference, Transource PA moved to consolidate Docket Nos. A-2017-2640195 and A-2017-2640200, arguing it would be more administratively efficient because both projects are needed and must be approved to complete the entire IEC Project. N.T. 49-50. YCPC objected to consolidation arguing it would create unnecessary cost and delay for parties who are only addressing one of the counties. N.T. 50. However, YCPC agreed consolidation could be appropriate if testimony was marked and cross examination was segregated according to West and East projects. N.T. 50-51. Stop Transource supports consolidation. N.T. 51-52.

Section 5.81 of the Commission’s rules governs consolidation of proceedings. This Section provides:

**§ 5.81. Consolidation.**

1. 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.

52 Pa.Code § 5.81. These applications involve some of the same parties. They contain common questions of law and fact and we believe consolidation would be judicially efficient with the caveat that separate public input hearing will be held in York and Franklin Counties and the site views will be divided by County such that only those parties interested in either the East or West project may choose which input hearing and site view to attend. Additionally, written testimony should be marked with specific references to whether it pertains to the West and/or East projects and cross examination will be segregated similarly.

A consolidated hearing in the instant case will be scheduled for December 4-7 and 10-12, 2018. The hearing will be held from 10:00 a.m. – 4:00 p.m. daily in Hearing Room #2, Commonwealth Keystone Building, 400 North St., Harrisburg, PA. A Notice of In Person Hearing was issued on March 14, 2018 scheduling these dates.

**Petitions to Intervene**

The OCA and OSBA filed Notices of Intervention. We received numerous petitions to intervene and the following were discussed at the prehearing conference.

PPL (*nunc pro tunc*)

MAIT

West Penn Power Company

PECO

Stop Transource Franklin County

York County Planning Commission

Citizens to Stop Transource

Maryland and Pennsylvania Railroad Preservation Society

In accordance with 52 Pa.Code § 5.71, OCA and OSBA are authorized by statute to participate in this proceeding. Transource PA requested membership lists from Citizens to Stop Transource and Stop Transource Franklin County. On March 20, 2018, Stop Transource Franklin County filed Appendix A to its Petition to Intervene, which included member standing affidavits. Citizens to Stop Transource agreed to file a certificate of service showing it had served its members list upon counsel for Transource PA and Transource PA withdrew its objection at the prehearing conference.

The Commission's Rules of Practice and Procedure permit petitions to intervene. 52 Pa. Code §§ 5.71-5.76. The provision at 52 Pa. Code § 5.72 governs what entities are eligible to intervene in a proceeding and states as follows:

**§ 5.72. Eligibility to intervene.**

(a) Persons. A petition to intervene may be filed by a person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate to the administration of the statute under which the proceeding is brought. The right or interest may be one of the following:

(1) A right conferred by statute of the United States or of the Commonwealth.

(2) An interest which may be directly affected and which is not adequately represented by existing participants, and as to which the petitioner may be bound by the action of the Commission in the proceeding.

(3) Another interest of such nature that participation of the petitioner may be in the public interest.

(b) Commonwealth. The Commonwealth or an officer or agency thereof may intervene as of right in a proceeding subject to paragraphs (1)-(3).

Allowance of intervention is a matter within the discretion of the Commission. *City of Pittsburgh v. Pennsylvania Pub. Util. Comm'n*, 33 A.2d 641 (Pa. Super. 1943); *N.A.A.C.P., Inc. v. Pennsylvania Pub. Util. Comm'n*, 290 A.2d 704 (Pa. Cmwlth. 1972). To date, there is no objection either written or oral to any of the protests or petitions to intervene, other than the objections to Citizens and Stop Transource, which are now resolved because the associations provided member lists to Transource PA. Accordingly, those entities/individuals that filed timely petitions to intervene will be granted Intervenor status. PPL shall also be granted Intervenor status because its intervention would be permitted if its filing was not late and Transource PA’s withdrew its objection to Citizens at the prehearing conference. 52 Pa. Code § 5.72.

**Procedural Schedule**

The following procedural schedule is adopted.

Prehearing Conference March 13, 2018

Public Input Hearings in York May 9 and 15, 2018

Public Input Hearings in Franklin May 22 and 23, 2018

Site Views TBD May 25, 29, 30 and June 1, 2018

Rain Dates for Site Views TBD June 5-6, 2018

Intervenor Direct Testimony July 25, 2018

Rebuttal Testimony October 3, 2018

Surrebuttal Testimony November 7, 2018

Written Rejoinder November 20, 2018

Hearings December 4-7 and 10-12, 2018

Main Briefs February 1, 2019

Reply Briefs February 28, 2019

The above filing dates are all in-hand dates (by 4:30 p.m.) to the parties and the presiding officers. All parties are reminded to serve the presiding officers with all filed documents, and to provide the presiding officers with an e-version in Word at [ebarnes@pa.gov](mailto:ebarnes@pa.gov) and [acalvelli@pa.gov](mailto:acalvelli@pa.gov). Service of documents by e-mail (by 4:30 p.m.) on the due date will be considered in-hand service, if a hard copy is sent by the following day via first class mail. Discovery documents served after 12:00 p.m. (noon) on a Friday shall be deemed served on the following business day (i.e. Monday).

**Public Input Hearings and Site Views**

There is a public interest sufficient to meet the standard set forth under 52 Pa.Code § 69.321 which normally applies to public input in rate proceedings but has been applied to other cases. Generally, under Section 69.321(b), if the Commission determines that substantial public interest has been shown, at least one public input hearing will be held in the utility’s service area. Pursuant to requests from the OCA, Citizens, and letter-requests from Senator Scott R. Wagner, 28th District serving York County and Representative Kristin Phillips-Hill, 93rd Legislative District, four public input hearings have been scheduled to be held at 1:00 p.m. and 6:00 p.m. on May 9 and 15, 2018, respectively, at the York County- Airville Volunteer Fire Department. Additionally, four public input hearings have been scheduled to be held at 1:00 p.m. and 6:00 p.m. on May 22 and 23, 2018, respectively at the Franklin County- New Franklin Fire Department Social Hall. Transource PA will be directed to arrange for publication of advertisements in two newspapers of general circulation once per week for two consecutive weeks prior to the dates of the public input hearings. Proof of publication shall be filed with the Secretary, with copies to the presiding officers.

Additionally, there was no objection to OCA’s proposal of site views, which provide an opportunity for the ALJs, attorneys and other interested parties to visit a specific location, generally an affected landowner’s property, to conduct an on-site hearing to view the property and hear the specific concerns relating to the potential effect of the IEC Project on the location. At the conference, we announced requests for site views are due by Monday, April 2, 2018. We have received several requests for site views and encourage the OCA and Transource PA to coordinate a proposed itinerary for views on all or some of the following dates: May 25, 29, 30 and June 1. Rain dates are June 5 and 6, 2018.

In addition to the presiding officers, a Commission photographer will be present to take photographs at appropriate sites, and those photographs will be admitted into the official record and available to the parties for reference in this proceeding. The presiding officers and photographer will determine which photographs are appropriate although deference will be given to request of the property owners or representatives who must be present during the view or it will be skipped and not subject to rescheduling.

A court reporter will be present to record the viewing and any comments made will be on the record. The presiding officers and counsel present may ask questions regarding features of the property or site. No documents/exhibits will be accepted from the property owners during the site views.

**Identification of witness order**

Counsel for Transource PA will coordinate the order of witnesses and estimated time for cross-examination by each party and will supply a copy of the witness order to us by **November 30, 2018**.

**Service of Documents**

Pursuant to 52 Pa. Code §§ 1.54(b)(3) and (4), due to the volume of protests and petitions to intervene in this consolidated proceeding, there will be a division of service lists into a full active parties list and a limited list. All formal Protestants and Intervenors that indicated on the record they wished to be considered “active” parties will receive copies of all filed documents, testimony, interim rulings, correspondence and discovery, unless that party specifically requests “limited” status in a letter/e-mail directed to the presiding officers and copied to all parties.

We encourage those on the active list to provide the e-mail distribution list below with an e-mail address for electronic service of documents filed before the Commission. Documents of 250 pages or less need not be followed by hard copy service to those who have agreed to receive electronic service. In addition to all counsel present at the prehearing conference, the following individuals indicated they wish to remain on an active service list: Byron Boyd; Hugh McPherson; J. Ross McGinnis, Esquire; Barron Shaw; Fred Byers; Emma, Roy and Michael Cordell; Aaron Kauffman; Colt and Kristen Martin; Leonard and Mary Kauffman; Allen Rice; Lois White; Willa Weller Kall, Heather Stine; Allen Stine; Karen Benedict; Rodney Meyer; Lantz and Laura Sourbier; Darwyn Benedict; Ashley Hospelhorn. Danielle Bernecker; Courney and Derek Dettinger; and James McGinnis.

The remaining *pro se* intervenors and protestants shall remain on a limited service list and shall not be receiving discovery documents. These individuals will remain on the parties of record service list for the Commission as attached to this Procedural Order and shall receive all orders and recommended decisions from the presiding officers or the Commission. Limited status parties may also testify at the public input hearings. Active parties may provide testimony at either the public input hearing or evidentiary hearing, but not both as it would be duplicative.

Any party may send to the undersigned presiding officers a letter requesting to be moved from either the full active service list to the limited service list, or to be moved

from the limited service list to the full active service list. Upon receipt of such a request,

the undersigned presiding officers will issue an Order revising the service lists for

this case. Such changes will be effective as of the date of the Order and will not

apply to any document filed and served prior to the date of that Order. *Pa. PUC v. UGI Penn Natural Gas, Inc.,* Docket No. R-2016-2580030, Prehearing Conference Order at 5 (Feb. 9, 2007); *see also Pa. PUC v. Metropolitan Edison Company, et al.,* Docket No. R-2016-2537349, et al., Prehearing Order at 7 (June 22, 2016). The official service list for service of all interim orders and decisions is attached to this Procedural Order.

Per OCA’s request, [Transource@pa.org](mailto:Transource@pa.org) will be added to the e-service distribution list. This list is subject to change as the litigation progresses. Those active *pro se* protestants/intervenors wishing to be added to the e-mail distribution list should notify the

persons on the following list.

[jennedy.johnson@exeloncorp.com](mailto:jennedy.johnson@exeloncorp.com)

[tgiesler@firstenergycorp.com](mailto:tgiesler@firstenergycorp.com)

[jaw@curtinheefner.com](mailto:jaw@curtinheefner.com)

[MLF@curtinheefner.com](mailto:MLF@curtinheefner.com)

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**Timing of motions or objections with respect to prepared written testimony**

Motions or objections with respect to written testimony must be presented in writing and provided to the parties and the presiding officer no later than 24 hours prior to the date that the witness is scheduled to testify.

**Location and start time of hearing**

The hearing will begin at 10:00 a.m. on December 4, 2018 in Hearing Room No. 2, at the Commonwealth Keystone Building, in Harrisburg, PA. The hearings will have a start time of 10:00 a.m. on each day.

**Transcript turnaround time**

The transcript turnaround time is five (5) days regarding public input hearings, site views and the evidentiary hearing.

**Discovery matters**

The parties agreed to modify the discovery rules set forth in the Commission’s regulations due to the time constraints applicable to this proceeding. Accordingly, the discovery rules for this proceeding, from March 28, 2018, forward are as follows:

1. Answers to written interrogatories shall be served in-hand within ten (10) calendar days of service.

2. Objections to written interrogatories, requests for production, and requests for admission shall be communicated orally within three (3) calendar days of the service of interrogatories; unresolved objections shall be served to the ALJs in writing within five (5) business days of service of the interrogatories.

3. Motions to dismiss objections and/or direct the answering of interrogatories, requests for production and requests for admission shall be filed within five (5) calendar days of service of such motions.

4. Answers to motions to dismiss objections and/or direct the answering of interrogatories to be filed within three (3) calendar days of service of such motions.

5. Requests for admission will be deemed admitted unless answered within ten (10) calendar days or objected to within five (5) calendar days of service.

6. Answers to on-the-record data requests shall be served in-hand within seven (7) calendar days.

7. Responses to interrogatories served after noon on Friday or the day before a holiday will be due as if served the following business day.

8. If the last day for filing or serving any document or taking any action required by these modified discovery procedures falls on a weekend or holiday, then the permissible time for filing such document or taking such action shall be extended to the next business day.

9. Pursuant to 52 Pa. Code § 5.341(b), neither discovery requests nor responses thereto are to be served on the Commission or the ALJ, although a certificate of service may be filed with the Commission’s Secretary.

10. Motions to compel and responses are to be served electronically as well as on paper and electronic copies should be mailed to the presiding officers.

**Eminent Domain Applications and Shelter Petitions**

Transource PA is in the process of negotiating rights-of-way with the affected landowners. Transource PA has filed approximately 50 applications for the right to enter onto land to survey in the Court of Common Pleas in York and Franklin Counties. If Transource PA is unable to acquire the rights-of-way needed for the IEC Project, by May 15, 2018, Transource PA intends to file applications for determinations that proposed exercise of eminent domain over specific properties is necessary or proper for the service, accommodation, convenience or safety of the public. N.T. 53-54. Commission regulations provide that associated eminent domain proceedings filed pursuant to 15 Pa. C.S. § 1511(c) are entitled to consolidation with the application for high voltage (HV) line siting, and any future filed applications will be consolidated with this proceeding pursuant to 52 Pa. Code § 57.75.

As part of its project, Transource PA intends to construct two new substations: the Furnace Run Substation to be located in York County and the Rice Substation to be located in Franklin County, PA. The Company intends to submit a petition pursuant to 52 Pa. Code § 5.41 and 53 P.S. § 10619 for a finding that buildings to shelter control equipment are reasonably necessary for the convenience or welfare of the public and therefore are exempt from any local zoning ordinance. If Transource PA files said petition on or about May 15, 2018, it will be consolidated with this proceeding.

**Protective Order**

On March 5, 2018, Transource PA filed a Petition for a Protective Order. At the conference, no one objected to the petition. N.T. 54-55. A Protective Order was issued on March 14, 2018.

**Settlement**

The parties are reminded that if a settlement is reached, they should file a petition for settlement as well as individual parties’ statements in support of the settlement petition. Additionally, it may be necessary to enter written testimony and other evidence into the record with a settlement petition, to provide the Commission with enough evidence to support findings that the proposed settlement is in the public’s interest and in accordance with the Public Utility Code. Evidence may be moved into the record with a written verification, or with the testimony of a live witness attesting to the truthfulness of the testimony offered. Any settlement petitions are to be filed in hard copy as well as in a CD in searchable PDF format. In addition, any settlement petitions are to be delivered to the presiding officers in hard copy as well as electronically in Word format.

**Common Briefing Format**

The Parties are invited to submit a consensus common briefing outline by November 30, 2018. If none is submitted, the presiding officers will issue a Briefing Order after the hearing. While there is no requirement that the parties file briefs, those who do file briefs will be required to follow a common outline.

**THEREFORE,**

**IT IS ORDERED:**

1. That Docket Nos. A-2017-2640195 and A-2017-2640200 are consolidated.
2. That the following litigation schedule is adopted:

Prehearing Conference March 13, 2018

Public Input Hearings in York May 9 and 15, 2018

Public Input Hearings in Franklin May 22 and 23, 2018

Site Views TBD (May 25, 29, 30 and June 1, 2018)

Rain Dates for Site Views TBD (June 5-6, 2018)

Intervenor Direct Testimony July 25, 2018

Rebuttal Testimony October 3, 2018

Surrebuttal Testimony November 7, 2018

Written Rejoinder November 20, 2018

Hearings December 4-7 and 10-12, 2018

Main Briefs February 1, 2019

Reply Briefs February 28, 2019

3. That all discovery requests and responses will be served in-hand or via electronic mail, with hard copies of the documents sent via First Class Mail.

4. That service of documents by e-mail (by 4:30 p.m.) on the due date will be considered in-hand service, if a hard copy is sent by the following day via first class mail.

5. That the discovery rules for this proceeding, from March 28, 2018, forward are modified as follows:

1. Answers to written interrogatories shall be served in-hand within ten (10) calendar days of service.
2. Objections to written interrogatories, requests for production, and requests for admission shall be communicated orally within three (3) calendar days of the service of interrogatories; unresolved objections shall be served to the ALJs in writing within five (5) business days of service of the interrogatories.
3. Motions to dismiss objections and/or direct the answering of interrogatories, requests for production and requests for admission shall be filed within five (5) calendar days of service of such motions.
4. Answers to motions to dismiss objections and/or direct the answering of interrogatories to be filed within three (3) calendar days of service of such motions.
5. Requests for admission will be deemed admitted unless answered within ten (10) calendar days or objected to within five (5) calendar days of service.
6. Answers to on-the-record data requests shall be served in-hand within seven (7) calendar days.
7. Responses to interrogatories served after noon on Friday or the day before a holiday will be due as if served the following business day.
8. If the last day for filing or serving any document or taking any action required by these modified discovery procedures falls on a weekend or holiday, then the permissible time for filing such document or taking such action shall be extended to the next business day.
9. Pursuant to 52 Pa. Code § 5.341(b), neither discovery requests nor responses thereto are to be served on the Commission or the ALJ, although a certificate of service may be filed with the Commission’s Secretary.
10. Motions to compel and responses are to be served electronically as well as on paper and electronic copies should be mailed to the presiding officers.

6. That directives regarding other matters including: identification of witness order, motions, transcript turnaround, and settlement petitions are adopted as referenced in this Order.

7. That the Petitions to Intervene filed by: John and Louise Kennedy, Kira D. and J. Lamar Rohrer, Stephen Snell, Lynda Manning, PECO Energy Company, Kay A. Baldwin, Carl Baldwin, Tim and John Krick, David Good, Addyson Creamers, Christine Crowe, Brian McCleary, Jordyn Creamers, Summer Ledford, Neil Autry, William Creamers, Katharine Creamers, Donald Culp, Kenny Grove, Cletus P. and Diane M. Gohn, Blaine Ham, Matt Moser, Virginia M. and Ginny Gibble, Garland Sweitzer, Brandy Miller, Todd Dorn, William Grove, David Saxman, Tiffany Peiffer, Dale R. Saxman, Melvin Saylor, Zac Moser, Harry E. Peiffer Jr., Jesse Thompson, Dan Moser, Jeremiah Good, Daniel E. Dickmyer, Kevin Elko, Jim Hershey, Steven Mink, Christine Rogers, Diane Keys, Jamie Diamond, Garry Keys, Maryland and Pennsylvania Railroad Preservation Society, Joseph Clubb, Mandy Welch, Kimberly Slezak, Linda A. Dickinson, James Strack, Gary Mink, David Koons, David C. and Suzan E. Miller, Ann Lavin, Jennifer Clubb, Margaret Williams, Mac Moser, Bill Wilt, Dean Moser, Caroline Winkler, T.R. Corcoran, Richard Diamond, Valerie Dorn, Katherine Traynor, Madeline Traynor, Jon Smeltzer, Thomas Wheatley, Tony Ham, Citizens to STOP Transource, Scott Welch, Amber Geiger, Trevor Lewis, David Hawkins, Mike Martinez Jr., Judeth Hawkins, West Penn Power Company, and Mid-Atlantic Interstate Transmission, LLC., and PPL Electric Utilities Corporation are hereby granted.

8. That Hector Garcia, Esquire and Amanda Riggs O’Connor, Esquire are admitted *pro hac vice* as co-counsel to Transource Pennsylvania, LLC at Docket Nos. A-2017-2640195 and A-2017-2640200.

9. That Anthony Kanagy, Esquire, the moving attorney, shall continue to be responsible as counsel of record for the conduct of this matter on behalf of Transource Pennsylvania, LLC.

10. That public input hearings shall be held in York County on May 9 and 15, 2018, at 1:00 p.m. and 6:00 p.m. at the York County- Airville Volunteer Fire Department.

11. That public input hearings shall be held in Franklin County on May 22 and 23, 2018, at 1:00 p.m. and 6:00 p.m. at the Franklin County- New Franklin Fire Department Social Hall.

12. That Transource Pennsylvania LLC shall cause to be published in two newspapers of general circulation in the York and Franklin Counties areas once per week for two consecutive weeks, notice of the public input hearings to be held on May 9 and 15, 2018 concerning Docket No. A-2017-2640195 and public input hearings to be held on May 22 and 23, 2018, concerning Docket No. A-2017-2640200.

13. That Transource Pennsylvania LLC shall file proofs of publication with the Commission Secretary and copies to the presiding officers within two weeks of publications.

14. That any party representative or land owner with a unique situation may request a site view on their property in writing via e-mail correspondence to the presiding officers at [ebarnes@pa.gov](mailto:ebarnes@pa.gov) and [acalvelli@pa.gov](mailto:acalvelli@pa.gov) on or before Monday, April 2, 2018.

15. That the rules for site views as set forth in the body of this Procedural Order are incorporated herein.

Date: March 28, 2018 /s/

Elizabeth H. Barnes

Administrative Law Judge

/s/

Andrew M. Calvelli

Administrative Law Judge

**A-2017-2640195 & A-2017-2640200 - APPLICATION OF TRANSOURCE PENNSLYVANIA, LLC. FOR APPROVAL OF THE SITING AND CONSTRUCTION OF THE 230KV TRANSMISSION LINE ASSOCIATED WITH THE INDEPENDENCE ENERGY CONNECTION-EAST & WEST PROJECTS IN PORTIONS OF YORK & FRANKLIN COUNTIES.**

*(Combined Parties List-Revised 3/14/18)*

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1. Attorney Morris indicated she would be filing a notice of appearance to also represent Protestants Maple Lawn Farms, Inc. and Rose Tree-Blue Mountain Hunt Club, Inc. going forward. [↑](#footnote-ref-1)