

COMMONWEALTH OF PENNSYLVANIA



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January 16, 2019

The Honorable Elizabeth H. Barnes
The Honorable Andrew M. Calvelli
Administrative Law Judges
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17105-3265

Re: Application of Transource Pennsylvania, LLC for approval of the Siting and Construction of the 230 kV Transmission Line Associated with the Independence Energy Connection - East and West Projects in portions of York and Franklin Counties, Pennsylvania.
Docket Nos. A-2017-2640195 and A-2017-2640200

Petition of Transource Pennsylvania, LLC for a finding that a building to shelter control equipment at the Rice Substation in Franklin County, Pennsylvania is reasonably necessary for the convenience or welfare of the public.
Docket No. P-2018-3001878

Petition of Transource Pennsylvania, LLC for a finding that a building to shelter control equipment at the Furnace Run Substation in York County, Pennsylvania is reasonably necessary for the convenience or welfare of the public.
Docket No. P-2018-3001883

Application of Transource Pennsylvania, LLC for approval to acquire a certain portion of the lands of various landowners in York and Franklin Counties, Pennsylvania for the siting and construction of the 230 kV Transmission Line associated with the Independence Energy Connection – East and West Projects as necessary or proper for the service, accommodation, convenience or safety of the public.
Docket No. A-2018-3001881, *et al.*

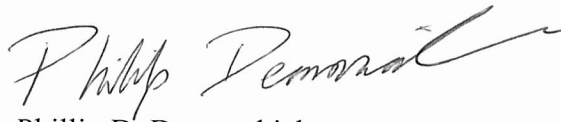
Dear Judge Barnes and Judge Calvelli:

Enclosed please find a copy of the Office of Consumer Advocate's Answer to Stop Transource's Motion to Designate Stricken Testimony Pursuant to the Sixth Prehearing Order in the above-referenced proceeding.

OCA Answer
January 16, 2019
Page 2

Copies have been served on the parties as indicated on the enclosed Certificate of Service.

Respectfully Submitted,

A handwritten signature in black ink, reading "Phillip D. Demanchick". The signature is fluid and cursive, with a long horizontal stroke at the end.

Phillip D. Demanchick
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Enclosures

cc: Rosemary Chiavetta, Secretary (Certificate of Service)
Certificate of Service
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CERTIFICATE OF SERVICE

Application of Transource Pennsylvania, LLC
for approval of the Siting and Construction of the
230 kV Transmission Line Associated with the
Independence Energy Connection - East and West Projects
in portions of York and Franklin Counties, Pennsylvania.

A-2017-2640195
A-2017-2640200

Petition of Transource Pennsylvania, LLC
for a finding that a building to shelter control equipment
at the Rice Substation in Franklin County, Pennsylvania
is reasonably necessary for the convenience or welfare of the public.

P-2018-3001878

Petition of Transource Pennsylvania, LLC
for a finding that a building to shelter control equipment
at the Furnace Run Substation in York County, Pennsylvania
is reasonably necessary for the convenience or welfare of the public.

P-2018-3001883

Application of Transource Pennsylvania, LLC
for approval to acquire a certain portion of the lands of
various landowners in York and Franklin Counties, Pennsylvania
for the siting and construction of the 230 kV Transmission Line
associated with the Independence Energy Connection –
East and West Projects as necessary or proper for the service,
accommodation, convenience or safety of the public.

A-2018-3001881,
et al.

I hereby certify that I have this day served a true copy of the foregoing document, the Office of
Consumer Advocate's Answer to Stop Transource's Motion to Designate Stricken Testimony
Pursuant to the Sixth Prehearing Order, upon parties of record in this proceeding in accordance with
the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the
persons listed below:

Dated this 16th day of January 2019.

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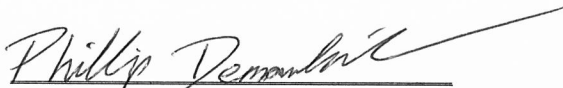
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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Transource Pennsylvania LLC	:	
for Approval of the Siting and Construction	:	
of the 230 kV Transmission Line Associated	:	Docket Nos. A-2017-2640195
with the Independence Energy Connection -	:	A-2017-2640200
East and West Project in Portions of York and	:	
Franklin Counties, Pennsylvania	:	

Petition of Transource Pennsylvania, LLC for	:	
a Finding that a Building to Shelter Control	:	
Equipment at the Rice Substation in Franklin	:	Docket No. P-2018-3001878
County, Pennsylvania is Reasonably Necessary	:	
For the Convenience or Welfare of the Public	:	

Petition of Transource Pennsylvania, LLC for	:	
a Finding that a Building to Shelter Control	:	
Equipment at the Furnace Run Substation in	:	Docket No. P-2018-3001883
York County, Pennsylvania is Reasonably	:	
Necessary For the Convenience or Welfare of	:	
the Public	:	

Application of Transource Pennsylvania, LLC	:	
for Approval to Acquire a Certain Portion of	:	
the Lands of Various Landowners in York and	:	
Franklin Counties, Pennsylvania for the Siting	:	
and Construction of the 230 kV Transmission	:	Docket No. A-2018-3001881,
Line Associated with the Independence Energy	:	<i>et al.</i>
Connection – East and West Projects as	:	
Necessary or Proper for the Service,	:	
Accommodation, Convenience or safety of the	:	
Public	:	

ANSWER OF THE OFFICE OF CONSUMER ADVOCATE
TO STOP TRANSOURCE FRANKLIN COUNTY’S MOTION TO DESIGNATE STRICKEN
TESTIMONY PURSUANT TO THE SIXTH PREHEARING ORDER

Pursuant to the Commission’s Regulations, the Pennsylvania Office of Consumer Advocate (OCA) hereby submits this Answer to Stop Transource Franklin County’s (STFC)

Motion to Designate Stricken Testimony Pursuant to the Sixth Prehearing Order (Motion). The OCA supports a clarification of the record in this proceeding, as Intervenor Surrebuttal Testimony is due in fourteen days.

In support of its Answer, the OCA sets forth the following.

I. BACKGROUND

The OCA notes that the procedural history of this proceeding is lengthy and will continue to grow as the case progresses towards its conclusion. For a detailed summation of the procedural history, see prior documents that the OCA has filed. For purposes of this Motion, the OCA will discuss the procedural history relevant to the disposition of STFC's Motion.

Transource seeks through this proceeding approval to construct the Independence Energy Connection Project (IEC Project), a set of two 230-kilovolt (kV) transmission lines and two substations located in portions of York and Franklin Counties. In its Direct Testimony, by and through its witnesses, Transource asserted that this was a market efficiency project approved by PJM Interconnection, LLC to resolve congestion constraints on the AP South Reactive Interface, a set of four 500 kV lines that originate in West Virginia and terminate in Maryland. On November 27, 2018, Transource filed rebuttal testimony, therein several Transource witnesses identified potential future reliability violations on the bulk electric system that may result in the absence of the IEC Project.

In response to these claims in rebuttal, the OCA, Citizens to Stop Transource-York County (Citizens), and STFC each filed a Motion. The Parties asserted that the Company's rebuttal testimony concerning these potential future reliability violations violated Section 5.243(e) of the Commission's Regulations by introducing direct as rebuttal. 52 Pa. Code § 5.243(e). The OCA, Citizens, and STFC each requested an extension of the procedural schedule. STFC in particular

requested that in the alternative, the rebuttal testimonies of Judy Chang, Steven Herling, Kent Herzog, and Stephen Stein be stricken from the record to the extent that they are introducing testimony that is properly characterized as Direct.

On December 31, 2018, the Presiding Officers issued the Sixth Prehearing Order, granting in part and denying in part, the Motions of the OCA, Citizens, and STFC. The Presiding Officers stated:

By introducing as a reason to approve the siting applications potential reliability violations that would occur without the construction of Project 9A, Transource PA has effectively altered the scope and complexity of issues that are to be addressed by intervening parties and landowners subject to the Applications for eminent domain.

* * *

As Transource PA still claims the primary purpose of the project is market efficiency and the approval requested has not changed, we are persuaded to grant Citizens and [STFC's] alternative motion to strike Transource witnesses Chang, Herling, Herzog and Stein testimonies to the extent they are introducing direct testimony as rebuttal testimony.

Sixth Prehearing Order at 4-5.

Subsequent to the issuance of the Sixth Prehearing Order, STFC now files the present Motion to designate the portions of the record that should be stricken pursuant to the Order.

II. ANSWER

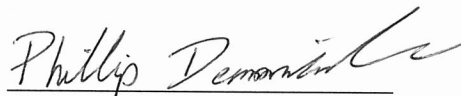
The OCA supports STFC's Motion to clarify the record. Issuing an Order that identifies the specific portions of each rebuttal testimony that is stricken from the record consistent with the Sixth Prehearing Order will accomplish that result.

Moreover, STFC's Motion raises the issue of the rebuttal testimonies of Brian Weber, Kamran Ali, and Timothy Horger, each of whom also discuss the potential future reliability violations, but are not addressed in the Sixth Prehearing Order. The OCA submits, consistent with

STFC's Motion, reference to the future potential reliability violations in these rebuttal testimonies are also inconsistent with the Sixth Prehearing Order.

For these reasons, it is important that the Parties have clarity as to what the record consists of before finalizing and submitting surrebuttal testimony, which is due in fourteen days. Accordingly, the OCA supports the request to clarify the record.

Respectfully Submitted,



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Dated: January 16, 2019
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