

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

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February 28, 2020

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Amended 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

Amended 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

Amended 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

Amended 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.*

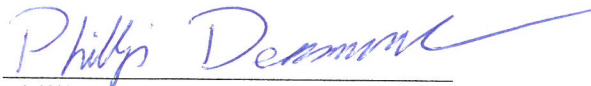
Dear Secretary Chiavetta:

Attached for electronic filing please find the Office of Consumer Advocate's Protest and Public Statement in the above-referenced proceedings. The undersigned certifies that the filing contains no averments or denials of fact subject to verification and penalties under 52 Pa. Code Section 1.36.

Rosemary Chiavetta, Secretary
February 28, 2020
Page 2

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

Respectfully submitted,



Phillip D. Demanchick
Assistant Consumer Advocate
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Enclosures:

cc: The Honorable Elizabeth Barnes, ALJ
Office of Special Assistants (e-mail only: ra-OSA@pa.gov)
Bureau of Technical Utility Services (email only)
Certificate of Service

*284323

CERTIFICATE OF SERVICE

Amended Application of Transource	:	
Pennsylvania, LLC for Approval of the	:	
Siting and Construction of the 230 kV	:	Docket Nos. A-2017-2640195
Transmission Line Associated with the	:	A-2017-2640200
Independence Energy Connection – East and	:	
West Projects in portions of York and	:	
Franklin Counties, Pennsylvania	:	
	:	
Amended Petition of Transource	:	
Pennsylvania, LLC for a finding that a	:	
building to shelter control equipment at the	:	Docket No. P-2018-3001878
Rice Substation in Franklin County,	:	
Pennsylvania is reasonably necessary for the	:	
convenience or welfare of the public	:	
	:	
Amended Petition of Transource,	:	
Pennsylvania, LLC for a finding that a	:	
building to shelter control equipment at the	:	Docket No. P-2018-3001883
Furnace Run Substation in York County,	:	
Pennsylvania is reasonably necessary for the	:	
convenience or welfare of the public	:	
	:	
Amended 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	:	Docket Nos. A-2018-3001881
of the 230 kV Transmission Line associated	:	<i>et al.</i>
with the Independence Energy Connection –	:	
East and West Projects as necessary or	:	
proper for the service, accommodation,	:	
convenience or safety of the public	:	

I hereby certify that I have this day served a true copy of the following document, the Office of Consumer Advocate's Protest and Public Statement, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code Section 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 28th day of February 2020.

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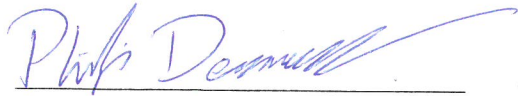
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Dated: February 28, 2020
*284324

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Amended 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 No. A-2017-2640195
	:	Docket No. A-2017-2640200
	:	

Amended 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
	:	

Amended 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
	:	

Amended 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, <i>et al.</i>
	:	
	:	

PROTEST OF THE
OFFICE OF CONSUMER ADVOCATE

Pursuant to 52 Pa. Code Section 5.51, the Office of Consumer Advocate (OCA) files this Protest against the Amendment to the 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 Project in Portions of York County, Pennsylvania (Amended Siting Application). The OCA files this Protest to continue to ensure that the interests

of Pennsylvania ratepayers are protected in this proceeding and that the Amended Siting Application is approved only if it meets all legal requirements of the Public Utility Code, applicable Pennsylvania Public Utility Commission (Commission) rules and regulations, and Pennsylvania law.

In support of this Protest, the OCA avers as follows:

1. The name and contact information of the Protestant are as follows:

Tanya J. McCloskey, Acting Consumer Advocate
Office of Consumer Advocate
555 Walnut Street, 5th Floor, Forum Place
Harrisburg, PA 17101-1923
Telephone: (717) 783-5048

Throughout this Protest, the Protestant will be referred to as the Office of Consumer Advocate, or OCA.

2. The names and contact information for the OCA's attorneys for the purpose of receiving service of all documents in this proceeding are as follows:

Darryl Lawrence
Senior Assistant Consumer Advocate
Phillip D. Demanchick
David T. Evrard
Assistant Consumer Advocates
555 Walnut Street, 5th Floor, Forum Place
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Telephone: (717) 783-5048

3. The OCA is authorized by law to represent the interests of Pennsylvania's utility consumers in matters before the Commission. 71 P.S. §§ 309-1 *et seq.*

4. On December 27, 2017, Transource Pennsylvania, LLC (Transource or the Company) filed two Applications with the Commission seeking approval of the siting and construction of the Pennsylvania portion of two 230 kilovolt (kV) transmission lines associated with the Independence Energy Connection Project (IEC Project or Project) in portions of York and

Franklin Counties, docketed at A-2017-2640195 (the IEC East Portion of the Project) and A-2017-2640200 (the IEC West Portion of the Project). Approved as a Market Efficiency Project by PJM Interconnection LLC (PJM), the Company asserts that the IEC Project will alleviate certain transmission congestion constraints. Amended Siting Application at 3.

5. On January 10, 2018, the OCA filed two Protests in opposition to the Company's Applications, one at Docket No. A-2017-2640195 and another at Docket No. A-2017-2640200.

6. Subsequently, on May 15, 2018, the Company filed two additional shelter petitions to site and construct two new substations in portions of York and Franklin Counties as part of the IEC Project, the Furnace Run Substation and the Rice Substation, respectively, as well as 133 eminent domain applications to acquire portions of Pennsylvania land to site and construct the two transmission lines.

7. On June 26, 2018, the Presiding Officers issued the Third Prehearing Order consolidating the above-captioned proceedings.

8. During the calendar year of 2018 and the first half of 2019, the OCA participated extensively in this proceeding. Specifically, the OCA issued and reviewed numerous sets of discovery, participated in public input hearings, visited affected properties, filed expert witness testimony, and participated in evidentiary hearings.

9. Subsequently, on June 18, 2019, Transource filed a Motion to Suspend the Procedural Schedule notifying the Presiding Officers that the Company was engaged in settlement negotiations with the other parties and needed additional time for discussions.

10. On October 17, 2019, partial settlements were filed by Transource, indicating an agreement amongst the Company, PPL Electric Utilities Corporation (PPL), the York County Planning Commission (YCPC), Stop Transource York County (STYC), Maple Lawn Farms, and

Barron Shaw and Shaw Orchards. Pursuant to the partial settlements, the Company agreed to file an amended application for the IEC East Portion of the Project to propose and seek approval of an alternative configuration on the East side.

11. On January 29, 2020, Transource filed an Amended Siting Application for the IEC East Portion of the Project. Under the Amended Siting Application, instead of pursuing greenfield construction of all new 230 kV transmission lines in York County, the Company will work cooperatively with PPL to reroute the majority of the IEC East Portion of the Project to two existing transmission lines in York County. Currently operating as single circuit lines, PPL will convert the existing Manor-Graceton 230 kV line and the Otter Creek-Conastone 230 kV line to double circuit 230 kV lines. Amended Siting Application at 11-12. Additionally, PPL will utilize existing right of way, currently hosting an abandoned transmission line, to construct two new 230 kV transmission lines that will connect the double circuit Manor-Graceton and Otter Creek-Conastone transmission lines to the proposed Furnace Run Substation. Amended Siting Application at 13. Under its amended plan, Transource will construct, own, and operate the Furnace Run Substation as originally proposed. Amended Siting Application at 13. The Company asserts that the alternative configuration of the IEC East Portion of the Project will provide the same benefits as the original IEC Project. Amended Siting Application at 16-17.

12. The IEC West Portion of the Project remains the same as originally proposed by Transource. Amended Siting Application at 13.

13. Pursuant to 66 Pa. C.S. Sections 501 and 1501 and the Commission regulations at 52 Pa. Code Sections 57.71, *et seq.*, the Commission has jurisdiction over the siting of the Pennsylvania portion of the IEC Project. The Commission must examine the Amended Siting Application, in

addition to the original Siting Applications, pursuant to the Commission's rules and regulations and Pennsylvania law.

14. The Commission's regulations provide that the Commission may not grant the Amended Siting Application, unless it finds:

- (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, and
- (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.

7. Additionally, in making its determination on the Amended Siting 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.

9. In addition to the Commission's regulations and case law, the Commission is constitutionally obligated to ensure the protection of the environment on behalf of Pennsylvanians pursuant to Pa. Const. of 1986, Art. I, § 27 and Pa. Env'tl. Def. Foundation v. Commonwealth, 161 A.3d 911 (Pa. 2017).

10. Based upon a preliminary review of the Amended Siting Application and its involvement to date in the consolidated proceedings, the OCA continues to assert that the Commission must consider and resolve the following issues before it renders its decision in this matter:

- (1) Need – The Commission must continue to thoroughly examine the need for the IEC Project, inclusive of the alternative IEC East portion. This includes examining the updated PJM economic analysis that was provided as part of the Amended Siting Application, the claimed cost/benefit ratio, and any future updates to PJM's analysis. The Commission must also continue to examine the harms and benefits that will result from the construction of the IEC Project, inclusive of the alternative IEC East portion, including whether this is the most cost-effective remedy.

- (2) Impacts of the Proposed Transmission Line – The Commission must analyze the impacts of the alternative configuration of the East portion of the IEC Project in accordance with 52 Pa. Code Section 57.75 and evaluate the impact of the proposal on the properties and communities in the proposed right-of-way.
- (3) Safety – The Commission will need to examine whether the alternative configuration of the East portion of the IEC Project presents any unreasonable risk of danger to the health and safety of the public.
- (4) Cost – The Commission will need to examine the costs of the Amended Siting Application, in addition to the costs associated with the rest of the IEC Project, and whether such cost estimates are up to date and accurate. The Commission must also examine the potential impact of changing costs on the PJM cost/benefit analysis and on customers since this proposal does not contain a cost cap to protect ratepayers.
- (5) Transmission Planning – The Commission must consider the transmission planning and selection process for the alternative East portion of the IEC Project and determine whether the project as selected meets all legal requirements in Pennsylvania.

As the Amended Siting Application is further analyzed, additional issues may arise that warrant additional review.

11. The OCA submits that the Company's Amended Siting Application should be subject to a formal investigation and evidentiary hearings. The Commission should also allow for notice and opportunity to be heard for all affected parties, including public input hearings and evidentiary hearings in the areas affected by this Amended Siting Application, if necessary.

WHEREFORE, the Office of Consumer Advocate requests that the Pennsylvania Public Utility Commission continue to investigate and hold necessary hearings regarding the Amended Siting Application and take such actions as are found to be appropriate under the circumstances.

Respectfully submitted,



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Dated: February 28, 2020

**PUBLIC STATEMENT OF THE OFFICE OF CONSUMER ADVOCATE
PURSUANT TO 71 P.S. SECTION 309-4(e)**

Act 161 of the Pennsylvania General Assembly, 71 P.S. Section 309-2, as enacted July 9, 1976, authorizes the Consumer Advocate to represent the interests of consumers before the Pennsylvania Public Utility Commission (Commission). In accordance with Act 161, and for the following reasons, the Acting Consumer Advocate determined to file a Protest and participate in proceedings before the Commission involving the Amendment to the Application of Transource Pennsylvania, LLC (Transource of the Company) 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 (Amended Siting Application).

On January 29, 2020, Transource filed its Amended Siting Application, seeking Commission approval for an alternative configuration of the East Portion of the Independence Energy Connection Project (IEC Project) in portions of York County, Pennsylvania. Amended Siting Application at 2. Instead of pursuing greenfield construction of two new 230 kilovolt (kV) transmission lines in York County, as originally proposed, the Company seeks to coordinate with PPL Electric Utilities Corporation to reroute the majority of the East portion of the IEC Project to utilize two existing transmission lines. Amended Siting Application at 11-13. PJM Interconnection, L.L.C. approved the IEC Project to address certain transmission congestion constraints in Pennsylvania, Maryland, West Virginia, and Virginia and Transource asserts that the IEC Project, inclusive of the alternative configuration on the East portion, will continue to address those constraints. Amended Siting Application at 16-17.

The OCA has determined to continue to intervene and participate in these proceedings to ensure that the Amended Siting Application, as well as the original Application for the West portion of the IEC Project, is approved only if it meets all legal requirements of the Public Utility Code, applicable Commission rules and regulations, and Pennsylvania law, as well as to ensure that the interests of Pennsylvania ratepayers are protected in this proceeding.