


COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

555 Walnut Street, 5th Floor, Forum Place  
Harrisburg, Pennsylvania 17101-1923  
(717) 783-5048  
800-684-6560

 @pa\_oa

 /pennoca

FAX (717) 783-7152  
consumer@paoca.org

March 12, 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.*

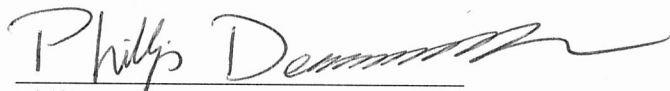
Dear Secretary Chiavetta:

Attached for electronic filing please find the Office of Consumer Advocate's Prehearing Memorandum in the above-referenced proceedings.

Rosemary Chiavetta, Secretary  
March 12, 2020  
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, appearing to read "Phillip D. Demanchick", with a long horizontal flourish extending to the right.

Phillip D. Demanchick  
Assistant Consumer Advocate  
PA Attorney I.D. # 324761  
E-Mail: [PDemanchick@paoca.org](mailto:PDemanchick@paoca.org)

Enclosures:

cc: The Honorable Elizabeth Barnes, ALJ  
Certificate of Service

\*285132

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 Prehearing Memorandum, 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 12<sup>th</sup> day of March 2020.

SERVICE BY E-MAIL & INTEROFFICE MAIL

Sharon E. Webb, Esquire  
Office of Small Business Advocate  
555 Walnut Street  
1<sup>st</sup> Floor, Forum Place  
Harrisburg, PA 17101-1923

SERVICE BY E-MAIL & FIRST CLASS MAIL, POSTAGE PREPAID

Thomas J. Sniscak, Esquire  
Whitney E. Snyder, Esquire  
Hawke, McKeon & Sniscak, LLP  
100 North Tenth Street  
Harrisburg, PA 17101

Anthony D. Kanagy, Esquire  
Lindsay Berkstresser, Esquire  
David B. MacGregor, Esquire  
Post & Schell, P.C.  
17 North Second Street, 12<sup>th</sup> Floor  
Harrisburg, PA 17101-1601

Teresa K. Harrold, Esquire  
Tori L. Giesler, Esquire  
FirstEnergy  
2800 Pottsville Pike  
P.O. Box 16001  
Reading, PA 19612

Linus E. Fenicle, Esquire  
Reager & Adler, P.C.  
2331 Market Street  
Camp Hill, PA 17011

Karen O. Moury, Esquire  
Eckert, Seamans, Cherin & Mellott, LLC  
213 Market Street, 8<sup>th</sup> Floor  
Harrisburg, PA 17101

Jordan B. Yeager, Esquire  
Mark L. Freed, Esquire  
Joanna A. Waldron, Esquire  
Curtain & Heefner, LLP  
2005 South Easton Road, Suite 100  
Doylestown, PA 18901

Kimberly A. Klock, Esquire  
Michael J. Shafer, Esquire  
PPL Electric Utilities Corporation  
2 North Ninth Street  
Allentown, PA 18101

Amanda Riggs Connor, Esquire  
Antonio Smyth, Esquire  
Hector Garcia, Esquire  
American Electric Power Service  
1 Riverside Plaza, 29<sup>th</sup> Floor  
Columbus, OH 43215

Jack R. Garfinkle, Esquire  
Jennedy S. Johnson, Esquire  
PECO Energy Company  
2301 Market Street  
Philadelphia, PA 19103

J. Ross McGinnis, Esquire  
41 West Main Street  
Fawn Grove, PA 17321

Barron Shaw  
Jana Shaw  
445 Salt Lake Road  
Fawn Grove, PA 17321

Scott T. Wyland, Esquire  
G. Bryan Salzmman, Esquire  
Isaac P. Wakefield, Esquire  
Salzmman Hughes, P.C.  
112 Market Street, 8<sup>th</sup> Floor  
Harrisburg, PA 17101

SERVICE BY FIRST CLASS MAIL, POSTAGE PREPAID

Bryon Jess Boyd  
831 New Park Road  
New Park, PA 17352

Fred Byers  
1863 Coldsmith Road  
Shippensburg, PA 17257

Aaron Kauffman  
Melinda Kauffman  
4220 Old Scotland Road  
Chambersburg, PA 17202

Leonard Kauffman  
Mary Kauffman  
4297 Olde Scotland Road  
Chambersburg, PA 17202

Lois White  
1406 Walker Road  
Chambersburg, PA 17202

Allan Stine  
Heather Stine  
867 Cider Press Road  
Chambersburg, PA 17202

Danielle Bernecker  
1827 Wood Duck Drive E  
Chambersburg, PA 17202

James McGinnis, Jr.  
290 Woolen Mill Road  
New Park, PA 17352

Michael Cordell  
4219 Altenwald Road  
Waynesboro, PA 17268

Lantz Sourbier  
Laura Sourvier  
64 Edgewood Circle  
Chambersburg, PA 17202

Ashley Hospelhorn  
8010 Hidden Valley Lane  
Waynesboro, PA 17268

Dolores Krick  
Muddy Creek Meadows Riding Stable  
699 Frosty Hill Road  
Airville, PA 17302

Colt Martin  
Kristyn Martin  
8020 Hidden Valley Road  
Waynesboro, PA 17268

Allen Rice  
Lori Rice  
1430 Henry Lane  
Chambersburg, PA 17202

Willa Weller Kaal  
67 Summer Breeze Lane  
Chambersburg, PA 17202

Karen Benedict  
Rodney Myers  
5413 Manheim Road  
Waynesboro, PA 17268

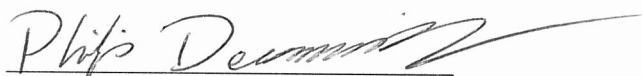
Derek Dettinger  
24 Chanceford Road  
Brogue, PA 17309

Hugh McPherson  
2885 New Park Road  
New Park, PA 17352

Darwyn Benedict  
410 North Grant Street  
Waynesboro, PA 17268

Jan Horst  
Georgina Horst  
826 New Franklin Road  
Chambersburg, PA 17202

Ashley Hospelhorn  
116 West Third Street  
Waynesboro, PA 17268



Phillip D. Demanchick  
Assistant Consumer Advocate  
PA Attorney I.D. # 324761  
E-Mail: [PDemanchick@paoca.org](mailto:PDemanchick@paoca.org)

David T. Evrard  
Assistant Consumer Advocate  
PA Attorney I.D. # 33870  
E-Mail: [DEvrard@paoca.org](mailto:DEvrard@paoca.org)

Darryl A. Lawrence  
Senior Assistant Consumer Advocate  
PA Attorney I.D. # 93682  
E-Mail: [DLawrence@paoca.org](mailto:DLawrence@paoca.org)

Counsel for:  
Office of Consumer Advocate  
555 Walnut Street  
5<sup>th</sup> Floor, Forum Place  
Harrisburg, PA 17101-1923  
Phone: (717) 783-5048  
Fax: (717) 783-7152  
Dated: March 12, 2020  
\*284418

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>
	:	
	:	

---

PREHEARING MEMORANDUM  
OF THE  
OFFICE OF CONSUMER ADVOCATE

---

Pursuant to the Fourteenth Prehearing Order issued by Administrative Law Judge Elizabeth H. Barnes (ALJ Barnes) and Section 333 of the Public Utility Code, 66 Pa. C.S. Section 333, the Office of Consumer Advocate (OCA) provides the following:

## **I. PROCEDURAL HISTORY**

On December 27, 2017, Transource Pennsylvania, LLC (Transource or the Company) filed two Applications with the Pennsylvania Public Utility Commission (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) 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). 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. These separate filings were consolidated into the instant proceeding on June 26, 2018, pursuant to the Third Prehearing Order.

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. In addition, Protests and Petitions to Intervene were filed by numerous parties including, but not limited to, STOP Transource Franklin County (STFC), Citizens to Stop Transource – York County (Citizens), the York County Planning Commission (YCPC), Mid-Atlantic Interstate Transmission, LLC (MAIT), PPL Electric Utilities Corporation (PPL), PECO Energy Company (PECO), and the Office of Small Business Advocate (OSBA).

Throughout 2018 and the first half of 2019, the parties conducted extensive discovery, held numerous public input hearings to listen to affected individuals, visited properties that would be



affected by the construction of the IEC Project, filed witness testimony, and participated in evidentiary hearings.

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. As a result of those discussions, on October 17, 2019, partial settlements were filed by Transource, indicating an agreement amongst the Company, PPL, YCPC, Citizens, 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.

On January 29, 2020, Transource filed an amended siting application for the IEC East Portion of the Project (Amended Siting Application). Under the Amended Siting Application, instead of pursuing greenfield construction of a new 230 kV transmission line in York County, the Company will work co-operatively 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. 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. Under its amended plan, Transource will construct, own, and operate the Furnace Run Substation as originally proposed. 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. The IEC West Portion of the Project remains the same as originally proposed by Transource.

On January 31, 2020, the Fourteenth Prehearing Order was issued advising the parties of a prehearing conference scheduled for March 18, 2020. Additionally, the Company's Amended Siting Application was noticed in the Pennsylvania Bulletin indicating that Protests and Petitions to Intervene should be filed on or before February 28, 2020. Accordingly, the OCA filed its Protest in opposition to the Amended Siting Application on February 28, 2020.

## **II. ISSUES AND SUB-ISSUES**

Since the beginning of this proceeding, the OCA has extensively investigated the IEC Project. To date, the OCA has issued forty-six (46) sets of discovery, attended public input hearings, traveled to affected properties, submitted several pieces of expert witness testimony, and participated in evidentiary hearings. The OCA will continue to pursue and litigate these issues as it reviews the Amended Siting Application. This includes, but is not limited to, the following:

1. Whether there is a need for the IEC Project, inclusive of the alternative IEC East Portion of the Project, including:
  - a. Whether the level of congestion that is alleged to be occurring in the project area is reasonably expected to continue over the 15-year review period;
  - b. Whether the resolution of this alleged congestion is necessary and reasonable and the extent that the resolution will provide benefits to Pennsylvania ratepayers;
  - c. To the extent that resolution of congestion in the project area is necessary and reasonable in order to provide benefits to ratepayers, whether the IEC Project is a reasonable solution;
  - d. Whether the IEC Project, inclusive of the alternative IEC East Portion of the Project, is needed to provide cost savings or other economic benefits to Pennsylvania ratepayers; and
  - e. Investigation and analysis of the cost/benefit studies produced by PJM Interconnection LLC (PJM) as support for its determination of need for the Project.

2. The estimated costs of the IEC Project, inclusive of the alternative IEC East Portion of the Project, including:
  - a. The rate impacts upon all Pennsylvania ratepayers; and
  - b. The extent to which the IEC Project, inclusive of the alternative IEC East Portion of the Project, is the most cost-effective remedy to address the congestion alleged in the project area.
3. The extent to which reasonable, environmentally-friendly alternatives exist, including:
  - a. The analysis of alternatives, both transmission and non-transmission, that may also tend to address any congestion issues that are identified and that should be considered;
  - b. The extent to which existing transmission facilities and right-of-ways in the project area have been fully evaluated in order to ascertain whether such facilities are currently being utilized to their fullest extent in order to address the alleged congestion issues; and
  - c. The analysis of the Company's proposed routes for the IEC Project, inclusive of the alternative IEC East Portion of the Project, and whether the route evaluations and proposed routes are reasonable and consistent with the Commission's regulations and the laws of Pennsylvania.
4. The environmental and land use impacts that will result from the siting and construction of the IEC Project, inclusive of the alternative IEC East Portion of the Project, including:
  - a. Investigation and analysis of both transmission and non-transmission alternatives to the installation of the facilities as a whole and whether it is the least environmentally intrusive alternative; and
  - b. Whether the environmental and land use impacts of the Project are consistent with the requirements of Art. I, Section 27 of the Pennsylvania Constitution and the standards set forth in Pa. Env'tl. Def. Found. v. Commonwealth, 161 A.3d 911 (Pa. 2017).
5. The extent to which the IEC Project, inclusive of the alternative IEC East Portion of the Project, resolves potential future reliability violations, including:
  - a. Whether, and to what extent, the potential future reliability violations exist; and
  - b. Whether the IEC Project, inclusive of the alternative IEC East Portion of the Project, is the most effective remedy.
6. Other Impacts on Pennsylvania Ratepayers.

### **III. WITNESSES**

At this time, the OCA does not intend to introduce additional witness testimony into the evidentiary record. If, upon further review, the OCA determines that an additional witness or additional testimony is necessary to support its position, the OCA will notify ALJ Barnes and parties of record.

### **IV. SERVICE ON THE OCA**

The OCA will be represented in this proceeding by Senior Assistant Consumer Advocate Darryl A. Lawrence and Assistant Consumer Advocates David T. Evrard and Phillip D. Demanchick. One hard copy of all documents should be served on the OCA as follows:

Phillip Demanchick  
Assistant Consumer Advocate  
Office of Consumer Advocate  
555 Walnut Street, 5<sup>th</sup> Floor, Forum Place  
Harrisburg, PA 17101-1923  
Telephone: (717) 783-5048  
Fax: (717) 783-7152  
Email: [Transource@paoca.org](mailto:Transource@paoca.org)

Additionally, the OCA will accept e-service of all documents at the following e-mail address, [Transource@paoca.org](mailto:Transource@paoca.org).

### **V. DISCOVERY**

The OCA has served forty-six (46) sets of interrogatories to date. To complete its review of the Amended Siting Application, the OCA anticipates several additional rounds of discovery. During such time, the OCA will review the responses and narrow the scope of discovery to the extent possible.

Furthermore, the Commission's discovery rules and regulations were previously modified in this proceeding. See 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, et al., Docket No. A-2017-2640195, et al., Procedural Order at 13-14 (Mar. 28, 2018); see also Id., Order to Amend Procedural Order at 2-3 (Apr. 3, 2018). As of October 3, 2018, the discovery modifications in this proceeding are as follows:

- a) Answers to written interrogatories, requests for production, and requests for admissions shall be served in-hand within ten (10) calendar days of service.
- b) 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.
- c) 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.
- d) 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.
- e) Requests for admission will be deemed admitted unless answered within ten (10) calendar days or objected to within five (5) calendar days of service.
- f) Answers to on-the-record data requests shall be served in-hand within seven (7) calendar days.
- g) Responses to interrogatories served after noon on Friday or the day before a holiday will be due as if served the following business day.
- h) 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.
- i) 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.
- j) 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.

The OCA continues to support these discovery modifications in this proceeding.

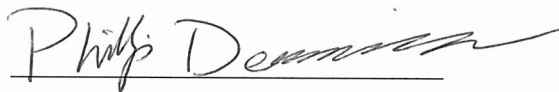
## **VI. PUBLIC INPUT HEARINGS**

The OCA supports additional public input hearings to the extent they are requested by consumers and impacted landowners.

## **VII. PROPOSED SCHEDULE**

While the OCA does not anticipate introducing additional responsive testimony into the evidentiary record at this time, additional evidentiary hearings must be held to provide the OCA the opportunity to cross-examine the Company's witnesses. The OCA proposes that additional evidentiary hearings be held on Tuesday, May 19 and Wednesday, May 20. These dates were chosen in coordination with the OCA and STFC. This provides sufficient time to review the Company's Amended Siting Application and conduct needed additional discovery.

Respectfully submitted,



Office of Consumer Advocate  
555 Walnut Street  
5th Floor, Forum Place  
Harrisburg, PA 17101-1923  
Phone: (717) 783-5048  
Fax: (717) 783-7152

Phillip D. Demanchick  
Assistant Consumer Advocate  
PA Attorney I.D. # 324761  
E-Mail: PDemanchick@paoca.org

David T. Evrard  
Assistant Consumer Advocate  
PA Attorney I.D. # 33870  
E-Mail: DEvrard@paoca.org

Darryl Lawrence  
Senior Assistant Consumer Advocate  
PA Attorney I.D. # 93682  
E-Mail: dlawrence@paoca.org

Dated: March 12, 2020  
284437

Counsel for:  
Tanya J. McCloskey  
Acting Consumer Advocate