

August 11, 2020

VIA EFILING

Rosemary Chiavetta, Secretary
PA Public Utility Commission
Commonwealth Keystone Bldg.
400 North Street
Harrisburg, PA 17120

**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 230kV Project in Portions of Franklin County, Pennsylvania
Docket No. 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 and necessary for the convenience or welfare of the public
Docket No. P-2018-3001883**

**Application of Transource Pennsylvania, LLC filed Pursuant to 52 Pa. Code Chapter 57, Subchapter G, for Approval of the Siting and Construction of the 230kV Transmission Line Associated with the Independence Energy Connection-East Project in Portions of York County, Pennsylvania
Docket No. A-2017-2640195**

**Application of Transource Pennsylvania, LLC for approval to acquire a certain portion of 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:

Enclosed for filing on behalf of Stop Transource Franklin County, please find the Main Brief of Intervenor, Stop Transource Franklin County in the above-referenced matter. Copies will be served as indicated on the Certificate of Service.

Rosemary Chiavetta, Secretary
PA Public Utility Commission
August 11, 2020
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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Joanna A. Waldron', with a long horizontal flourish extending to the right.

Joanna A. Waldron, Esq.
CURTIN & HEEFNER LLP
Counsel for Stop Transource Franklin County

JAW:alr
Enclosure
cc: The Honorable Elizabeth Barnes
Certificate of Service

**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 with the
Independence Energy Connection - East and West Projects
in portions of York and Franklin Counties, Pennsylvania.

A-2017-2640195
A-2017-2640200

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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
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P-2018-3001883

Application of Transource Pennsylvania, LLC
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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.

**MAIN BRIEF
OF STOP TRANSOURCE
FRANKLIN COUNTY**

Curtin & Heefner LLP



By: _____
JOANNA A. WALDRON
Attorney for Stop Transource
Franklin County

Date: August 11, 2020

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I. INTRODUCTION

The farmers in Franklin County produce the food that feeds Pennsylvanians, the vegetables that “keep all of you alive” and are found in local Giant Food stores, the compost used by the Commonwealth in retention ponds, cattle, orchard fruits, and organic crops . The health and safety concerns with siting the IEC Project on greenfields in Franklin County abound. First, individuals rely on well water for drinking and for the economic livelihood of their active farms. The Franklin County is uniquely dominated by small scale farming, going back centuries, a historic feature that nationally-recognized as worthy of preservation and locally valued as fundamental to the County. The evidence is clear what is valued in Franklin County, and the Commission must ensure no degradation to the Constitutionally protected values.

II. STATEMENT OF THE CASE

The Applications Transource Pennsylvania LLC (“Transource”) and PPL should be rejected for failing to the meet the requirements of the Commission’s approval regulations as stated and for failing to meet the standards for the Article I, Section 27. The Commission’s review in this case, through public input hearings, site visits, and multiple evidentiary hearings over several years can lead only to the conclusion that there is no need for the IEC Project to alleviate congestion or otherwise; there is a risk to health and safety if the IEC Project is built by Transource; and, the IEC Project fails to minimize the impacts on natural resources, and instead creates a greenfield transmission line down the heart of Franklin County, impacting all elements of the Commonwealth resources that the Commission holds in trust, from the prime agricultural soils that feed the Commonwealth to the natural springs that provide water to the farmers and allow wild trout to reproduce and provide fishing tourism dollars to Franklin County. STFC

respectfully submits that the Commission should deny Transource' s Applications because they do not meet any legal standards required for the Commission to approve.

III. SUMMARY OF THE ARGUMENT

The Commission must revisit its regulations on transmission line siting to ensure that they meet the standard of the Environmental Rights Amendment of Article I, Section 27 of the Pennsylvania Constitution as enunciated in *Pennsylvania Env'tl Def. Found. v. Com.*, 161 A.3d 911, 916 (Pa. 2017) (hereinafter "*PEDF*"). The PUC, like all agencies and entities of the Commonwealth government, both statewide and local has a fiduciary duty to act toward the corpus with prudence, loyalty, and impartiality. If approved, the proposed IEC Project will violate the Franklin County residents' environmental rights, as set forth in the Pennsylvania Constitution, including the "right to clean air, pure water, and to the preservation of the natural, scenic, historic and aesthetic values of the environment." Pa. Const. art. 1, § 27. The environmental rights of Pennsylvanians are on par with all of the "most sacred political and individual rights" contained in Article 1 of the Pennsylvania constitution.

A review of the environmental impacts to Franklin County establishes that the loss to the County is too great. Construction of the IEC Project will degrade the air and water quality; for example, the proposed route crosses 19 streams in Pennsylvania, including the Fallings Spring Branch and the Falling Spring Elementary School Cross Country Track. Transource' s transmission line project threatens the members' individual rights to the existing rural, agricultural aesthetic of Franklin County. The IEC Project's tower structures are not compatible with existing agricultural landscapes.

In addition to ensuring an individual's environmental rights, Article 1, Section 27 establishes the PUC's duty as trustee of the natural resources of this Commonwealth for the benefit of the people of the Commonwealth, including future generations. Pa. Const. art. 1, § 27.

The second and third sentences of Article 1, Section 27, the "public trust clauses," establish that "Pennsylvania's public natural resources are the common property of all people, including generations to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all people." Pa. Const. art. 1, § 27; PEDF, 161 A.3d at 931.

IV. BURDEN OF PROOF

The Applicant bears the burden of proof. The Applicant for siting of a transmission line bears the burden of proof pursuant to Section 332(a) of the Public Utility Code (Code), 66 Pa. C.S. § 332(a). The Applicant is required to show it is entitled to the relief requested by a preponderance of the evidence to meet that burden of proof. *Samuel J. Lansberry, Inc. v. Pa. PUC*, 578 A.2d 600 (Pa. Cmwlth. 1990), *alloc. denied*, 529 Pa. 654, 602 A.2d 863 (1992). That is, the Applicant's evidence must be more convincing than evidence presented by those parties in opposition to the Application. *Se-Ling Hosiery, Inc. v. Margulies*, 364 Pa. 45, 70 A.2d 854 (1950). A mere trace of evidence or suspicion of the existence of a fact does not suffice. More is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established. *Norfolk & Western Ry. Co. v. Pa. PUC*, 489 Pa. 109, 413 A.2d 1037 (1980).

V. APPLICABLE LEGAL STANDARD

Applicants Transource and PPL must meet the statutory requirements of Section 1501 of the Public Utility Code, and the regulatory requirements regarding the siting and construction of

high voltage transmission lines at 52 Pa. Code Section § 57.71 et seq. Furthermore any determination of the Commission must be consistent with the Pennsylvania Constitution, including the Environmental Rights Amendment, which forms the basis of the Commission's transmission line siting rules.

The Commission expressly recognized in 1978 upon the adoption of transmission line regulation's, that Article I, Section 27 must form the basis of its analysis: "overhead electric transmission lines cannot be constructed without some adverse effect upon the environment. Therefore, the review required by Article I, Section 27 is being incorporated into our siting regulations. " *Re Proposed Electric Regulation*, 49 Pa. P.U.C. 709, 712 (1976). As set forth below in Section D below, the Supreme Court of Pennsylvania has rejected the *Payne v. Kassab* test and replaced it with a trust analysis, which must be applied.¹

The PUC cannot grant the approval 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 the minimum adverse environmental impact, considering the electric power needs of the public, and the state of the available technology and available alternatives.

52 Pa. Code § 57.76.

The four prongs in Section 57.76 provide the structure for the Commission's evaluation. In determining whether the Applicant has satisfied its burden of proof to demonstrate each of the

¹ OCA Witness Rubin suggested that "there needs to be a rulemaking proceeding" with respect to whether the regulations fully comply with the Article I, Section 27 standard in light of the Pennsylvania Supreme Court's rejection of *Payne v. Kassab*. Tr. at 2515:24-25; 2516:1-5;

four prongs, the Commission will consider evidence on the matters set forth in Section 57.75 as follows:

§ 57.75. Hearing and notice.

(e) At hearings held under this section, the Commission will accept evidence upon, and in its determination of the application it will consider, *inter alia*, the following matters:

- (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). Section 57.75(e) enumerates the information which is relevant in evaluating the standard set forth in 52 Pa. Code § 57.76(a).

Section 704 of the Administrative Agency Law requires that adjudications by the Commission must be supported by substantial evidence in the record. 2 Pa.C.S. § 704.

“Substantial evidence” is such relevant evidence that a reasonable mind might accept as adequate to support a conclusion. See, e.g., Pennsylvania Pub. Util. Comm'n Office of Consumer

Advocate Office of Small Bus. Advocate Philadelphia Indus. & Commercial Gas Users Grp. & William Dingfelder, No. C-2017-2592092, 2017 WL 5635976, at *9 (Nov. 8, 2017)

Accordingly, the Commission must find that Transource and PPL demonstrated by preponderance of the evidence all four of the following elements (1) that there is a need for the proposed High Voltage Transmission Line; (2) that the proposed High Voltage Transmission Line will not create an unreasonable risk of danger to the health and safety of the public”; (3) that the proposed High Voltage Transmission Line is in “compliance with applicable statutes providing for the protection of the natural resources of the Commonwealth; and (4) That it will have the minimum adverse environmental impact.” If Transource and PPL fail to meet their burden on any one of the prongs, the Commission cannot approve project.

Even unrebutted evidence can be disbelieved .

VI. ARGUMENT.

A. Introduction.

B. Need for the Project

1. Transource and PPL Have Not Proved that the IEC Project Is Needed to Serve the Public

For Transource and PPL to succeed, they must present proof of present and future need for the

The OCA’s experts, LanzaLotta, [] and [] clearly indicates that the current evidentiary record does not support a finding of “need” for the IEC Project.

The ALJ’s stated that their focus was to determine “for planning and policy purposes, whether a proposed transmission project is ultimately necessary or proper for the convenience and safety of patrons, employees and the public. R.D. at 111...The ALJs relied on the decision in *Pennsylvania Power & Light*

Company v. Pa. P.U.C., 696 A.2d 248 (Pa. Cmwlth. 1997), to provide guidance on transmission line applications. The ALJs emphasized that *Pennsylvania Power & Light* required the consideration of whether the proposed transmission line will have a minimum environmental impacts “*considering the electric power needs of the public, the state of the available technology and the reasonable alternatives.*” R.D. at 1110112, citing *Pennsylvania Power & Light*, at 250.

Application of Trans-Allegheny Interstate Line Co. (“TrAILCo”) Docket Nos. A-110172 et. al (Pa. P.U.C. 2008) at 25 and 33. The proposed transmission lines must be commensurate with the extent of the need. *See, Modern Transfer Co. v. Pa. P.U.C.*, 115 A.2d 887, 891 (Pa. Super. 1955 (proposed facilities must be reasonable responsive to need that exists).

The IEC Project was created as a potential solution to a market efficiency project designed to relieve congestion on the AP South Reactive Interface. Congestion occurs when higher-cost generators are dispatched on the system. Tr. at 2340: 1-3 (Horger). There is generation available; it simply is not available in the lowest cost order. Tr. at 2340 (Horger); Crandall, St. No. 3 at 9: 1-4. Congestion can prevent the amount of power that can be taken from lower-cost resources from being dispatched, and instead means that the load is served by higher cost generation resources, which raises the overall production costs system-wide.

PJM’s selection of the Project should not be given undue weight because PJM. is neither a governmental agency, nor an entity charged with evaluating applications for transmission line in Pennsylvania. Furthermore, as explained in Subsection 3, PJM continues to evaluate and approve other project directed at the same congestion and demonstrating the the IEC Project is not the only solution.

PJM is not a federal agency. Tr. at 2281:2-3 (Herling). PJM is “not required to consider the rights and needs of the citizens of this Commonwealth the way that the Commission does.” Tr. at 2447:5-8 (Cawley). Members of PJM are “participants in the wholesale markets, not regional customers on the grid.” Tr. at 2283:13015. The Board receives input from members, but is not required to follow that input. PJM does not get “close to individual customers” such as the individual citizens of Pennsylvania who may be paying for electric service to their homes; PJM’s only dealings with customers is in the “end use customer sector” with some “industrial customers” with whom it might interact through an aggregator. Tr. at 2283: 13-18 (Herling).

The Commission is not required by statute to work with the regional transmission organization such as PJM. Tr. at 2431: 14-15 (Cawley). Transource Witness Cawley suggests that the Commission must participate in “reciprocal altruism” as part of “regionalization” and because “Pennsylvania happens to be a net exporting state” it must accept “there are downsides to creating any energy” Tr. at 2443: 3-4; Tr. at 3459: 3-6. Even if the Transource Witness Cawley’s suggestion to consider impacts outside the Commonwealth, OCA Witness Rubin explained that the region does not need the project. OCA Witness Rubin’s conclusions are “the same conclusions whether we look at only Pennsylvania or whether we look at PJM as a whole” and that “ Either way this project makes no sense. You don’t spend \$350 or \$400 million so you can save \$12 million over a 15-year period.” Tr. at 2504 at 3-7.

Unlike other Regional Transmission Organizations that identify cost effective solutions and put those solutions out for bid, PJM’s “sponsorship” model means that PJM solicit solutions “from transmission developers” (Tr. at 2272: 17-20) and then enters into a binding

agreement called the Designated Entity Agreement², in which “PJM is not in a position to basically tear the agreement up and go another direction.” Tr. at 2274: 20-25; 2275:1; 2290:21-25 (Herling). As in this case, PJM’s model does not result in proposals from non-transmission alternatives. [cite]

PJM’s Board approved the decision to approve the IEC Project, Tr. at 2281: 22-25; 2282:1-5. The PJM’s own watchdog, the IMM, concluded that if PJM does not eliminate the Market Efficiency Process, PJM’s benefit/cost ratio should be addressed and changed prior to approval of any additional projects. OCA 6.

The testimony at the evidentiary hearing was clear that Pennsylvanian’s do not benefit from the IEC Project. Transource Witness Ali explained that “power needs to get into the Baltimore area and “what this project is doing really is it is connecting those 500kV lines from north to south and then getting back in an existing manner to the 230kV grid which is connected to the demand center” which “demand center is really south of those lines.” Tr. at 2418: 21-25; 2419:9-10 (Ali). The “core driver” for the “proposal window in the market efficiency analysis is congestion.” Tr. at 2339: 20-23 (Horger). There is more power generation in the queue in Pennsylvania versus in Baltimore. Tr. at 2417:1-4 (Ali).Ironically, Transource Witness Steven Herling explained that the increased in generation from shale gas development in Pennsylvania “have exacerbated the constraints.” “There’s been a tremendous amount of shale gas development in the state, and that has increased the flow of energy on a north south basis” Herling TR. at 2267: 8- 14. Transource witness Steven Herling testified in at the February 2019

² Transource Witness Ali sponsored an exhibit which included the DEA agreement but is “not able to speak to the specifics of the DEA.” Tr. at 2421: 14-17.

hearing that “in this case, congestion on the grid,” and not reliability, was the issue identified by PJM, which caused it to” solicit solutions “from transmission developers.” Tr. at 2272: 17-20.

Ultimately, the Commission has the final authority to approve or reject these Applications. PJM’s own watchdog, recommends that PJM should have rejected this Project. OCA 6. The net actual benefit of the IEC Project was woefully inaccurate. According to the Market Monitor, and as explained at the evidentiary hearings, the benefit to costs ratio in the initial study considered solely the sum of the positive effects (energy costs reductions) and did not consider any energy costs increases. OCA 6; LanzaLotta [cite]. As explained in the Market Monitor Report, the initial benefit to cost ratio that PJM attributed to the Transource IEC Project, was 2.48, comparing the sum of the positive (energy costs reduction) of \$1,188.07 million, and capital costs of \$340.6 million. MMU calculated that the total sum of the negative effects (energy costs increases) as \$851.67 million, a figure that should have been, but was not considered in the benefit-cost analysis. The net actual benefit as determined by the MMU was \$336.40 million, and not the \$1,188.07 million relied on the study. In the Quarterly Market Report for 2020, The MMU calculated that revised benefit to cost ratio of 0.7, using the MMU’s total benefits.

Over time the IEC Project’s benefit cost ratio, as calculated by PJM has gone down from the initial determination of 2.48, in part due to increased project costs, reductions in the peak load forecast since 2015 and reduced congestion from the AP South Interface since 2014. The IMM is a Pennsylvania limited liability company that provide market monitoring services to PJM. The Market Monitoring Unit (“MMU”) is tasked with objectively monitoring the competitiveness of PJM Markets, investigating violations of FERC or PJM Market rules,

recommending changes to PJM Market Rules, preparing reports such as the Quarterly Market Reports, and the Annual State of the Market Reports.

PJM's Cost Metrics Are Incomplete and Inaccurate for the Commission's Analysis.

PJM's benefit/cost analysis does not correctly account for the costs of increased congestion. The current costs metric used by PJM, and the costs metrics used by PJM to evaluate the IEC Project in the 2014/2015 Window, fail to account for the risk of project costs increases, and the increased congestion costs in all zones. The Market Monitor recommends that PJM should modify the rules governing the benefit/cost analysis so that projects with different in-service dates are evaluated on a symmetric, comparable basis. The IMM recommended that PJM's market efficiency process should be eliminated because it does not adequately allow competitive market forces to operate. The market efficiency process permits transmission projects to be approved without adequate consideration of competition from generation. Some transmission projects exceed the estimated cost by a wide margin. OCA 6, Section 12.

Cost benefit analysis is meaningless where the actual costs exceed the estimated costs and can favor transmission projects. Without changes to the cost benefit evaluation, PJM risks the uncompetitive result that the transmission projects would be favored over market generation projects. Cost containment commitments limited to project construction costs; however, transmission projects were favored for those projects approved prior to the corrective action of cost caps. Cost caps were not considered for the 2014/2015 RTEP Project window, and PJM's original analysis of the IEC Project does not include consideration of the actual costs increases. OCA 6.; Ch. 12. As currently configured, PJM Market design has not fully incorporated transmission investments into competitive markets. Transmission projects do not manifest competitive mechanisms, such as a mechanism to permit competition to build a transmission

project, to ensure that competitors provide a total project cost cap, or to obtain least cost financing through the capital markets. Id.

PJM Market have no mechanism to compare and evaluate among transmission and generation alternative, even though the Market Monitor points out that adding transmission projects changes the amount of capacity needed in an area, the parameters of the capacity auction, the capacity market supply and demand fundamentals, and may forestall the ability of generation to compete. OCA 6, Section 12.

For now, PJM's analysis of benefits only considers those zones that would have reduced costs. Benefit cost analysis should include zones that have reduced power costs, and zones with increased power costs to produce a better assessment of actual costs and market effect.³

PJM and Transource do not account for the increase in costs in unconstrained areas when analyzing the benefits of a project. In short, PJM's current benefit/cost analysis consistently overstates the potential benefits of the market efficiency process. OCA 6.

The Demand for Electricity is Down, and Further Down Due to COVID-19

PJM Witness Timothy Horger confirmed that demand, both base and peak demand is down, due to COVID-19. Tr. at 2911:16-18; 15-17; 2914. (Horger). PJM Witness Steven Herling explained that PJM has no projection of when the COVID-19 pandemic will end, and peak loads are projected to be reduced by two to three tenths of a percent in 2023. Tr. at 2956:

³ Furthermore, PJM designated the project as "subregional" based on the voltage. The PJM analysis did not consider any increases in the zonal load costs, and instead was based on only the change in zonal load energy payments with and without the project but including only those zones where the project reduced the load energy payments. The specification of benefit" as defined in the PJM's Reliability Pricing Model ("RPM") Benefit analysis. For a regional project, the RPM benefit is equal to the 50 of the change in system wide total system capacity payments, with and without the project, plus 50 % of the change in zonal capacity payments with and without the project, including only those zones where the project reduced the capacity payments. The formula for a subregional project also includes only those zones where the project reduced the capacity payments, and does not include any impact on system wide total capacity payments. OCA 6.

1-8. As retired United States' Chamber of Commerce President Dr. Leshner explained, the United States now uses less energy than it did in 2000, when the population was 44 million fewer people. Tr. at 2677: 8-10. Residents of Franklin County suggest that the Transource transmission line "will be obsolete before it is ever completed and ready for service" because of reductions in demand from the power grid are being seen through solar, where solar panels have increased output from 230 watts to 350 watts at the same time that panel prices have dropped from \$7.15 per watt to less than \$3.50 per watt. Lindenmeyer 1. Demand for energy from the grid is also dropping because of changes in lighting technology, such as replacement of incandescent bulbs with CFLs and LEDs, where "LED light is almost 10[times] more efficient than incandescent lighting." Lindenmeyer 1. Additional technological advancements, such as Net Zero Energy housing communities, which are "off the grid entirely" and the EV automobile industry which may offer backup battery arrays for rooftop solar, and consumer efficiency products that reduce night time power demand, all suggest that retail market energy demand on the grid is decreasing, which decreased the wholesale market demand. Lindenmeyer 1.

Solar generated power can transmit energy more efficiently, as evidenced by the Solar arrays in Pennsylvania number more than 22,500, generating 399.6 megawatts of power, and in Maryland, more than 63,100, comprising 1006.9 Megawatts of power, which are more than 98% efficient. Lindenmeyer 1.

2. Transource and PPL Have Not Considered Alternatives to the IEC Project as a Whole

Neither Transource nor PJM considered alternatives to the IEC Project after the selection of the IEC Project in 2015. PJM does not evaluate additional generation alternatives to see whether a generation or a transmission alternative is less costly, and which alternative (transmission or generation) carries with it more risk, and what entities bear that risk. Instead, the current market

efficiency process “prioritizes assets built under the cost of services regulatory paradigm, instead of fostering generation assets under the competitive market paradigm. [] (Horger);) OCA 6, Section 12.

The Department of Energy Grid Modernization Project suggests that the “the grid we have today does not have the attributes necessary to meet the demands of 21st century and beyond” because it fails to consider “Microgrids [that] can help generate local energy” and, “which lessen the transmission distance to customers.” TR. at 1058:14-24. (Whelen)

The “congestion relief being sought will primarily benefit utilities to the south of Pennsylvania, and not benefit the local customers impacted by the proposed corridor, and will likely result in increased costs to Pennsylvania resident in general due to the increased competition for generated resources within Pennsylvania.” Testimony of Douglas McGinnis, May 14, 2018, 559:7-12.

Mr. McGinnis’ testimony regarding PJM’s Analysis and effects of the IEC project is reliable because he is the Engineering Manager for Utility Communications. Testimony of Douglas McGinnis, May 14, 2018, at 558:9-10.

PJM’s analysis PJM’s analysis is “structured and quantitative and does not consider societal and community scarring created by a new transmission corridor” without consideration for the “impact the Transource proposal would have on the local citizens who would have to look at these towers for the rest of their lives.” Testimony of McGinnis, May 14, 2018, 559: 23-25; 560: 2-5.

PJM’s documentation reflects that load growth is “flat and flattens more every year.” Testimony of Douglas McGinnis, May 14, 2018, 561:2-3.

Pennsylvania's Climate Goals, including a commitment for 80 percent reduction of net greenhouse gas emissions by 2025 from 2005 levels, require energy conservation, and are not consistent with PJM's analysis of recommended transmission line project for the PJM region. Executive Order 2019-01.

Pennsylvania's January 2019 Executive Order Addressing Climate Change and Promoting Energy Conservation and Sustainable Governance, 2019-01 recognizes that "Pennsylvania can take steps to continue to reduce emissions in the power sector, increase reliance on clean energy and improved energy efficiency" Executive Order at 1 (Whereas clause).

The Executive Order includes Performance goals for all state agencies, including "Procure renewable energy to offset at least 40 percent of the Commonwealth's annual electricity use" and to evaluate the purchase of Tier I credits, "and/or the direct purchase of renewable power generation sited in Pennsylvania." Executive Order 2019-01.

3. Transource's Justification for the IEC Project Changed Over the Course of the Proceeding

Transource repeatedly has not provided updated information to the Commission, such as the year old information on agricultural easements; or incomplete information, such as projecting the size of the substation site as 30 acres, and then updating that to 40 acres upon questioning. Tr. at 2959:20-25; 2160: 1-6 (easements); Tr. at 2175; 2176: 9-19 (substation).

C. Risks to Health and Safety of the Public

The IEC Project presents risk to health and safety of the public on a number of fronts. First, the karst topography present long-term safety issues for tower failure, and sinkholes. Additionally, the prevalent karst topography affects the terrain, springs, wells, sedimentation and hydrology as discussed below. In addition, the installation of the IEC Project will create EMF

exposure for the residents in Franklin County. Further, the fact that Transource is an “entirely new type of entity in the Commonwealth” created solely for this IEC Project as originally approved in 2015; and now altered in 2020 by PJM and proposed settlement agreement, raises significant questions on public safety.

Construction in Karst Topography Can Threaten Public Health

Construction of the IEC Project in the karst topography of Franklin County can lead to sinkholes and ground collapse, which can occur in karst terrains, and are “commonly related to human activities such as construction or drainage changes. STFC St. No. 1 at 9: 1-5. Transource did not present the Commission with sufficient information to understand whether mitigation strategies for karst would be employed. Tr. at 2574 (Yamantani).

Transource identified at least five large sinkholes over ten foot in diameter in the IEC Project, and many others that were in the two to three foot diameter range on the IEC Project West route. Tr. at 2574: 7-16 (Yamatani).

Transource Witness Yamatani was unable to identify location where the identified sinkholes had been found during the field inventory. Tr. at 2580. Transource’s mitigation strategies such as erosion and sediment control will not extend beyond the right-of-way, and Transource will not conduct any mitigation strategies outside of the right-of-way. Tr. at 2581. Even though Transource had already identified at least 5 large sinkholes, Transource Witness Yamatani was only familiar with one location. Id. The only location that Witness Yamatani was familiar with from speaking with individuals who were in the field, was a location discussed near Newcomer Road, being “130 or 140 so foot outside the center line of the proposed transmission line, which is outside of the right of way” Tr. at 2580: 10-11;22-24.

Residences, businesses, roads, pipelines and electric lines are all human activities which he maintained that it was potentially in the right of way, that can be in danger of collapse in karst topography. STFC St. No. 1 at 9: 1-5.

The complex nature of subsurface karst, and the “piping” and “raveling” process, as explained by Dr. Sasowsky, means that the effect of changes in drainage are seen at great distance from the location of the initial drains change, and occur over time, making it “very challenging to predict where problems will develop.” STFC St. No. 1 at 9: 16-21. Figure F.

Transource’s Application materials for the IEC West Project do not have enough information for Dr. Sasowsky to have certainty about “the safe construction and operation of the proposed project.” STFC St. No. 1, Sasowsky at 3.

In addition, Transource confirmed what the residents of Franklin County feared; that there is a general risks related to weather events⁴, and the monopole tower of the IEC Project can come down. Tr. at 2218:9-10 (Herzog).

EMF Exposure Can Threaten Public Health

No consensus exists about the degree of risk related to the exposure to electromagnetic fields (“EMFs”), and the medical literature suggests that a risk of childhood leukemia is possible with exposures to EMF. The only evidence presented by Transource in this case focuses on the correlations between EMF and childhood leukemia. Transource Witness Lee did not focus on the health conditions of adults or non-cancer any other public health conditions in her report. Transource St. 16R; 16R-J; Tr. at 2694: 24-25. Transource’s witness on “the association of EMF and cancer” Dr. Lee, agrees that the results are “inconsistent” meaning that “some [studies]

⁴ The dangers associated with flooding and floodplain alteration are discussed under “Hydrology” in Section D.

find elevated odds ratios, and some do not.” Tr. at 2699: 17-20. Dr. Lee further clarified that “odds ratio may mean an increased risk” but that “they don’t always mean an increased risk.” Tr. at 2699: 22-25. Dr. Lee conceded that her written testimony did not include a number of medical studies that show an elevated risk [of cancer] from EMF. Tr. at 2702: 19-23. Dr. Lee’s rejoinder testimony explains that there is only a “weak epidemiological association” and a “lack of laboratory support for associations” but the National Institute of Environmental Health Sciences nevertheless acknowledges that EMFs *are a possible human carcinogen*. “The International Agency for Research on Cancer classifies extremely low frequency, or ELF, magnetic fields, such as power lines as possibly carcinogenic to humans.” Tr. at 549:12-15 (classifies) and Transource Witness Dr. Lee agrees. Tr. at 2705: 31-21; 270:7-14.

Medical research articles and comprehensive literature review suggest an association between leukemia and power lines. May 14, 2018, Tr. at 547:24-25 (Dettinger) ; PUC 47. Ms. Courtney Dettinger, a registered nurse, and a nurse practitioner student who testified at the public inpute hearings explained that research studies she investigated identified “cases of leukemia in children living within 600 meters of a power line, which is roughly equal to 1,960 feet.” Tr. at 538:14-15; 549:9-12. Ms. Dettinger testified that National Institute of Health Services says that power lines “cannot be recognized as completely safe” and are considered “a possible human carcinogen” and that the American Cancer Society reports an observed “increase in risk of childhood leukemia.” Testimony of Courtney Dettinger, May 14, 2018, at 549:15-18; 18-20; see also Testimony of Ann Lavin, May 14, 2018, at 13-24. As little as one exposure to non-ionizing radiation, such as from a power line, during the prenatal phase, or multiple exposure postnatally, suggests that “pre-leukemic cells can be transformed into leukemia cells.” Tr. at 21-25; 550: 1. Ms. Lavin identified 47 individuals who had lived in the area of the existing high voltage

transmission lines (single-hing) near Airville York County, Pennsylvania who had died from cancer. May 14, 2018 567:2-25; Tr. at: 568: 1-8 (Lavin).

Transource Witness Silver provided testimony about the expected EMF generated by the IEC Project. The EMF exposure data Mr. Silver provided is only theoretical and not based on actual measurements. Tr. at 2723: 22-23 (Silva). Transource's Witness Silva's prepared testimony for the Commission compares exposure to magnetic fields to the exposure from appliances exist briefly and are not long term like transmission line exposure. Transource St. 15-R; Tr. at 2723:2-10.

If Projected Loads on transmission lines increase each year, the resulting magnetic fields can be expected to increase each year as well. Tr. at 2724:1-4 (Silva). The exposure as calculated Transource Witness Silva may be underestimated, because the IEC Project Transmission lines could be operated at a higher load than used to calculate the EMF levels, and higher EMF levels than Transource provided to the Commission. Transmission lines can have instances in which the EMF levels could increase, if for example the line is not operating at normal load. Tr. at 2724: 21-25.

Transource and PPL have not established any need for the IEC Project, so it is unconscionable and irrational to subject Pennsylvania residents in Franklin County to the risk. The Applications for the IEC Project should be rejected because there is a possible risk to human health from the installation of nearly 30 miles of new high voltage transmission lines throughout Franklin County.

Health and Safety Risks Unique to Farms and Farm Workers

As the retired farmer and the President of the Crawford County Farm Bureau Janet Archer testified and Franklin County site visits confirmed, locating transmission lines on farms presents unique dangers to workers and farm machinery Tr. at 579:25; 580: Ms. Archer relayed that residents living near existing power lines and who run farm machinery under those lines have testified in Maryland that “power arcs off the farm machinery sometimes setting their monitors off and they have to unhook them under the power line.” Tr. at 581:18-24. Transource Witness Silva concedes that this type of induced current situation occurs on farms. Transource St. 15R p. 18; TR. at 2726: 12-16. High transmission lines on farmland cause an “added risk of electric shock to farmers” YCPC Surrebuttal St. No. 1-SR of Gobrecht, at 9: 8-10; Exhibit YCPC SR-1.

Transmission lines may require farmers to change the use of irrigation systems due to the risk of electric shock. YCPC SR-1. Electric shock is also a risk to workers who ride equipment, as explained by at the Benedict Produce farm during the Site Visit in Franklin County. Keith and Denton Benedict are both actively engaged in farming of produce that is found in Giant on their over 143 acre farm in Franklin County. Tr. at 1191:5-6; 13-15 (Benedict, Keith). The Benedicts explained where the risk of conducting electricity through water will endanger up to “90 guys, 90-some workers” simultaneously out on three different machines, “standing in the water” and “reaching “ into water. Site Visit, May 29, 2018, TR. at 1178:3-25 (Benedict, Denton); *see also* Exhibit YCPC SR-1. The Harvest Aid at the Benedict Produce Farm conveys crops such as zucchini directly *into water* on equipment. Tr. at 1191:5-6; 13-15. Specifically, at the Benedict Produce farm, workers have their “hands are in the water” and workers are “reaching up, touching conveyors continually off and on.” Site Visit, May 29, 29, 2018, (Benedict, Denton) 1178:3-25. The Rices, who have a heifer and crop farm, also reported that workers are reluctant to work next to transmission lines, Site Visit May 29, 2018 (Rice) 1281:7-11.

Farm machinery is large, and therefore, the IEC Project will impose additional restrictions on farmland where operating machinery such as at the Benedict Produce Farm, where the cabs of the equipment operated are 13 feet 6 inches high. Tr. at 1194: 20-23 (Benedict, K.); PUC . Todd Sommer's, a supervisor for a utility company and the owner of Sommer Springs Farms, confirms that in York County, sparks can be seen on damp days underneath the existing power lines . Tr. at 608:25; 609:1-2; 609:24-25.

The risk of shocks will require farmers to change existing practices, for example, it may require farmers to change the use of irrigation systems due to the risk of electric shock. YCPC SR-1. At Benedict Produce farm, the irrigation systems are set out 10 acres at a time to ensure water supply for via drip tape, and any construction or access to the transmission poles will “be very detrimental” affect their ability maintain yield. Tr. at 1192: 23-25; 1193: 1-2 (Benedict).

In addition to requiring changes to irrigation, farmers cannot fuel equipment and service equipment near transmission lines; without risk. The IEC Project transmission lines will risk shocks and explosions and nuisance shocks. Site Visit, May 29, 2018, Tr. at 1281: 18-22 (Rice, Allen). In rainy conditions, the transmission lines may conduct electricity in the fields, and there is a concern that farm equipment cannot be left out in the fields overnight in the area of the transmission lines because the “battery is dead” the next morning. Site Visit, May 29, 2018 (Benedict, Keith) at 1189:1-6.

Transource Pa is new entity. Transource is not an established utility. Transource has not conducted any operations in Pennsylvania before. Tr. at 2229:1-4. The Commission approved a settlement agreement for issuance of the certificate of public convenience to Transource, but specifically did not find that there was need for the IEC Project. *See* PUC Opinion and Order, Docket A-2017-2587821, Jan. 23, 2018. The Commission specifically removed language from

the Initial Order and Recommendation on Transource’s Application for Certificate of Public Convenience, to avoid any “predetermination of need.” *See* PUC Opinion and Order, Docket A-2017-2587821, Jan. 23, 2018. Second, Transource’s Application for Certification was a unique filing that represented “a new type of entity to the Commonwealth, as electric facilities have been owned and operated by the electric distribution companies or their transmission affiliates.” *Id.* With the Transource certification Application in 2017, the Commission was “asked to grant a certificate to a company as a public utility as a necessary step to consideration of the siting and construction of the project this company was formed to carry out,” meaning that Transource was created, and only exists, for the purpose of the IEC Project. *Id.*

Transource has little experience in transmission line projects (see discovery answer for exact miles) and no experience in Pennsylvania building and maintaining electric lines.

Transource St. 1 (Ali) at 7.

Houses observed on the Site Visits in both Franklin and York Counties did not appear on the Transource maps. Tr. at 1474:21-25; 1476: 1-2 (Stewart); PUC 342 (Photo of 3 houses) .

Transource’s Application did not note any of the Hidden Valley Lane homes on the maps. Tr. at 1375:8-19 (Hospelhorn).

D. Environmental Impacts

The PUC’s duties as trustee of Pennsylvania’s public natural resources as set forth in *Pennsylvania Env’tl Def. Found. v. Com.*, 161 A.3d 911, 916 (Pa. 2017). “Trust” and “trustee” are terms of art that carried legal implications well developed at Pennsylvania law at the time the amendment was adopted. . . . The statement offered in the General Assembly in support of the amendment explained the *distinction between the roles of proprietor and trustee* in these terms:

Under the proprietary theory, government deals at arms['] length with its citizens, measuring its gains by the balance sheet profits and appreciation it realizes from its resources operations. Under the trust theory, it deals with its citizens as a fiduciary, measuring its successes by the benefits it bestows upon all its citizens in their utilization of natural resources under law.

1970 Pa. Legislative Journal–House at 2273. *See also Nat'l Audubon Soc'y v. Superior Court*, 33 Cal.3d 419, 189 Cal.Rptr. 346, 658 P.2d 709, 724 (1983) (“[P]ublic trust is more than an affirmation of state power to use public property for public purposes. It is an affirmation of the duty of the state to protect the people's common heritage of streams, lakes, marshlands and tidelands, surrendering that right of protection *only in rare cases* when the abandonment of that right is consistent with the purposes of the trust.”). (emph. added). *Robinson Twp., Washington Cty. v. Com.*, 83 A.3d 901, 954 (Pa. 2013)(plurality).

Under Article I, section 1 of the Constitution of this Commonwealth, a person's interest in his or her reputation ***has been placed in the same category*** with life, liberty and property. . . . Additionally, Article I, section 11 declares that: “[E]very man for an injury done him in his lands, goods, person *or reputation* shall have remedy by due course of law....” (Emphasis added.) The redress provided under our body of substantive law is an action in tort for defamation. To gratuitously embellish upon the stringent requirements of current federal constitutional law, by means of an overly broad interpretation of a state statute, ***would be in conflict*** with the recognition given by our state's constitution to a citizen's right to protect his or her reputation. Moreover, to create fictional inferences to aid a party who does not bear the burden of proof would ***impermissibly undercut*** the state constitutional interest in providing redress for defamation. The Shield Law was designed to protect the free flow of information between the media and its sources. This objective must be distinguished from a license to the media to use information recklessly and/or maliciously to destroy the

reputation of a citizen.

Sprague v. Walter, 543 A.2d 1078, 1084–85 (Pa. 1988)(emph. added).“Of course, the trust's express directions to conserve and maintain public natural resources do not require a freeze of the existing public natural resource stock; rather, as with the rights affirmed by the first clause of Section 27, the duties to conserve and maintain are tempered by legitimate development tending to improve upon the lot of Pennsylvania's citizenry, with the evident goal of promoting sustainable development.” *Robinson II*, at 958.

The most basic obligation under Section 27 trust is to “conserve and maintain” Pennsylvania’s public natural resources for the benefit of present and future Pennsylvanians. “The plain meaning of the terms conserve and maintain implicates a duty to prevent and remedy the degradation, diminution, or depletion of our public natural resources.” *PEDF*, 161 A.3d at 932 (quoting 83 A.3d at 956-57 (plurality)). Part of that obligation is a “duty to prohibit the degradation, diminution, and depletion of our public natural resources, whether these harms might result from direct state action or from the actions of private parties.” *Id.* at 933.

In carrying out this duty, the Commission must comply with the same fiduciary obligations as any trustee. At a minimum, the Commission “has a duty to act toward the corpus of the trust—the public natural resources—with prudence, loyalty, and impartiality.” *Id.* at 932 (quoting 83 A.3d at 956-57 (plurality)); *see also id.* at 931-32 & n.23.

The Commission’s regulations are not a substitute for the fiduciary duties of a trustee.

The corpus of the Section 27 trust includes “resources not owned by the Commonwealth, which involve a public interest.” *PEDF*, 161 A.3d at 931 n.22 (quoting 1970 Legislative Journal

– House, at p.2271-72); *Robinson II*, 83 A.3d 954-55 (plurality). Those resources include air and water and historic resources. 1970 Legislative Journal – House, at p.2272.

Determining compliance with fiduciary duties, including prudence and impartiality, is absolutely central to the Amendment’s trust, as is the case with any trust. As this Court stated in *PEDF*, “Although a trustee is empowered to exercise discretion with respect to the proper treatment of the corpus of the trust, that discretion is limited by the purpose of the trust and the trustee’s fiduciary duties, and does *not* equate ‘to *mere subjective* judgment.’” 161 A.3d at 933 (2017)(quoting *Robinson II*, 83 A.3d at 958))(emph. added). In contrast to what the Commission has suggested in earlier cases⁵, fiduciary duties provide an objective standard, informed by private trust law as it stood in 1971, against which to measure the Commission’s evaluation of the Applications. *See id.* at 930.

Thus, as a trustee entrusted with the people’s public natural resources, the Commission must be prudent, and “exercise such care and skill as a man of ordinary prudence would exercise in dealing with his own property.” 161 A.3d at 932 (quoting *In re Mendenhall*, 398 A.2d 951, 953 (Pa. 1979)); *see also id.* at 932 n.24 (quoting 20 Pa.C.S. § 7774). For instance, to have acted prudently, the Commission must investigate to a reasonable extent and understand the impact of a proposed action on the trust corpus – i.e. the “public natural resources” such as the air and water that Residents and others rely upon. *Robinson II*, 83 A.3d at 954-55 (plurality); *see also id.* at 975 (plurality); 1970 Legislative Journal – House, pp.2271-72, 2274-75; *PEDF*, 161 A.3d at 931 & n.22. It cannot blind itself to foreseeable and knowable facts or consequences, including

⁵ See, e.g., *Application of Pennsylvania Electric Company Seeking Approval to Locate, Construct, Operate and Maintain a High-Voltage Transmission Line Referred to as the Bedford North Central City West 115kV HV Transmission Project*, Opinion and Order, Docket No. A-2016-2565296, et. al, (2018)(suggesting that the “siting regulations are in accord with the Environmental Rights Amendment” through “review of evidence regarding..the impact on and mitigation of effect on several criteria.”)

facts that could be uncovered with “comprehensive investigation,” simply because it wishes to take a particular action. *In re Dickinson’s Estate*, 179 A. 443, 444 (Pa. 1935); *In re Bartol*, 38 A. 527, 528 (Pa. 1897); *In re Shinn’s Estate*, 30 A. 1026, 1029-30 (Pa. 1895).

Under the duty of impartiality, the Commission must treat the beneficiaries of the trust (present and future generations) *equitably* and “manage the trust so as to give *all* of the beneficiaries due regard for their respective interests in light of the purposes of the trust.” 161 A.3d at 933 (citing 20 Pa.C.S. § 7773; *Estate of Sewell*, 409 A.2d 401, 402 (Pa. 1979))(emph. added); 20 Pa.C.S. § 7773; *Robinson II*, 83 A.3d at 959 (plurality). Economic development is important and appropriate so long as it does not degrade or diminish the trust corpus, even if it might benefit some beneficiaries in the short-term. *PEDF*, 161 A.3d at 933; *see also id.* at 934. Thus, the Commission had to consider whether the construction of the IEC Project would place higher environmental burdens on some residents than others, including through arbitrary and discriminatory impacts on those residents. *Robinson II*, 83 A.3d at 957, 959, 980 (plurality); *In re Thompson’s Estate*, 105 A. 273, 274 (Pa. 1918) (“A trustee has no right to take sides as between the life tenants and remaindermen. If he has an election of taking one of several courses, he must take, if possible, *that which will not benefit one at the expense of the other.*” (emph. added)). The Commission must also consider cumulative and long-term effects. *Robinson II*, 83 A.3d at 959 & n.46 (plurality).

Resident testified extensively that the IEC Project will harm environmental resources, and that approval would be a detriment to them at the expense of others. Furthermore, the Commission did not engage in investigation, but rather “accepts” testimony regarding potential impacts, and favors approval of utility applications. For example:

- There has been no short term, long-term or cumulative impact analysis of the
- No identification of wells or hydrological connections between wells
- Transource relies heavily on DEP statewide standards without providing measures that account for how local conditions that affect IEC's impacts on neighbors. This is despite the fact that statewide environmental standards, like DEP's, cannot alone suffice to address local conditions. *Robinson II*, 83 A.3d at 977-78, 979-82, 984 (plurality); *id.* at 1006-08 (Baer, J., concurring).
- Lay testimony from dozens of resident demonstrated how local conditions and transmission line proximity affects how severely neighbors will be impacted by the IEC Project. This makes the quality of the local environment in which neighbors live subject to the whim of the Transource's siting decisions.
- All of the foregoing regarding the potential breach of fiduciary obligations also demonstrates that the Commission cannot fail in its obligation to consider in advance the environmental effects of an expansion of transmission lines, and concomitant generation in Franklin Count, and in Pennsylvania, on the local environment.
- As for any approval on Pennsylvania citizens' and STFC member's rights, because Section 27 is part of Article I, which protects fundamental rights, STFC argues that strict scrutiny is appropriate for determining whether the Commission has unreasonably impaired Pennsylvanians' constitutional rights. *See In re. T.R.*, 731 A.2d 1276, 1280 (Pa. 1999); *Pap's A.M. v. City of Erie*, 812 A.2d 591, 612 (Pa. 2002), *Page v. Allen*, 58 Pa. 338, 347 (Pa. 1868); *compare Moore*, 306 A.2d at 288-89; *Montana Env'tl. Info Ctr. v. Dept. of Env'tl. Quality*, 988 P.2d 1236,

1246 (Mt. 1999). Such an analysis would proceed as follows: 1) is there an intrusion on fundamental rights (i.e. does the action authorize degradation that is likely to occur); 2) if so, is there a compelling government interest for that degradation (the intrusion on the protected rights); 3) has the government used the least restrictive means to achieve its purpose, and 4) is that purpose consistent with the Environmental Rights Amendment overall?

- Here, the approval of the IEC Project authorizes likely degradation to the local environment. The massive expansion of UNGD into areas not set aside for such activity demonstrates likely degradation because it “compels exposure of otherwise protected areas to environmental and habitability costs associated with this particular industrial use: air, water, and soil pollution; persistent noise, lighting, and heavy vehicle traffic; and the building of facilities incongruous with the surrounding landscape.” Robinson II, 83 A.3d at 979 (plurality); see also id. at 1005, 1006-07 (Baer, J., concurring). This is evident, *inter alia*, through the testimony of

Costs for projects mandated by PJM are allocated to load-serving entities, which recover the costs from the consumers (ratepayers). [OCA , but make sure clear that ratepayers of the companies required to do upgrades to support this project are bearing costs] Public trust requires companies to bear the costs of their own externalities, rather than foisting those costs onto the public in the form of degradation of water, which in turn harms public health.

Pennsylvania's environmental trust thus imposes two basic duties on the Commonwealth as the trustee. First, the Commonwealth has a duty to prohibit the degradation, diminution, and depletion of our public natural resources, whether these harms might result from direct state action or from the actions of private parties. *Robinson Twp.*, 83 A.3d at 957. Second, the Commonwealth must act affirmatively via legislative action to protect the environment. *Id.* at 958 (citing *Geer v. Connecticut*, 161 U.S. 519, 534, 16 S.Ct. 600, 40 L.Ed. 793 (1896))

(trusteeship for the benefit of state's people implies legislative duty “to enact such laws as will best preserve the subject of the trust, and secure its beneficial use in the future to the people of the state”). Although a trustee is empowered to exercise discretion with respect to the proper treatment of *92 the corpus of the trust, that discretion is limited by the purpose of the trust and the trustee's fiduciary duties, and does not equate “to mere subjective judgment.” *Id.* at 978 (citing *Struthers Coal & Coke Co. v. Union Trust Co.*, 227 Pa. 29, 75 A. 986, 988 (1910); *In re Sparks' Estate*, 328 Pa. 384, 196 A. 48, 57 (1938)). The trustee may use the assets of the trust “only for purposes authorized by the trust or necessary for the preservation of the trust; other uses are beyond the scope of the discretion conferred, even where the trustee claims to be acting solely to advance other discrete interests of the beneficiaries.” *Id.* (citing *Metzger*, 69 A. at 1038); *see also Hartje's Estate*, 28 A.2d at 910 (“giving of [an] unrestricted bond” was “neither ‘necessary’ nor ‘appropriate’ to the carrying out of the purposes of the trust; hence, the existence of [trustee's] power to do so by inference must be denied”).

Pennsylvania Env'tl. Def. Found. v. Commonwealth, 161 A.3d 911, 933 (2017)

Representative Rob Kauffman of the 89th Legislative District opposes the IEC Project because “it is crystal clear that the costs to Franklin County residents far outweigh the benefits of construction of the new line.” Tr. at 1010:7-10. As Rep. Kauffman of the 89th Legislative district stated in voicing his opposition to the IEC Project: stated:

This project will cut a path of over 24 miles through the heart of Franklin County through Greene, Guildford, Quincy, and Washington Townships. As this project crosses these municipalities, it will negatively impact the residential housing developments, intersect prime farmland, and reduce the potentiation for development in premium land in Franklin County. There are serious concerns about potential damage to our ecosystem and health as the proposed route traverses the Falling Spring watershed and the Chambersburg High School cross country track within the distance of a few football fields. For perspective, the Falling Spring Branch is a limestone-fed spring that is widely considered one of the most abundant waterways on the East Coast for wild rainbow trout.

Tr. at 1010:7-20. Representative Kauffman, who knows his constituents in Franklin County “it is crystal clear that the costs to Franklin County residents far outweigh the benefits of construction of the new line.” Tr. at 1010:7-10.

PJM is RTO that operates as one regional system and does not take into account state boundaries. There is no element of PJM planning that recognizes state boundaries and any particular rights of citizens of individual states, such as environmental rights protected in the constitution. PJM is limited to looking at the safety, reliability and the security of the bulk electric system, not environmental impacts. No consideration by PJM in the Project 9A selection that involved an evaluation of environmental considerations. PJM's analytical tests in developing the RTEP do not factor in state regulatory requirements.

Protection of Natural Resources

The Farms in Franklin County have historic and generational value which will be degraded by the IEC Project Transmission Lines and Right-of-Way.

Pennsylvanians want to protect land and “Keep it as we want it. Keep it for our children, keep it for our grandchildren, keep it for our great grandchildren.” Tr. at 572:21-23 (Good). Younger Pennsylvanians expressed concern for the impact that the IEC Project will have on their generation and “people who are going to grow up after” them. Tr. at 557:2-11(Kelly). Pennsylvanians value “a place where our children will learn the lesson of hard work as they tend to the animals, mow the yard, shovel snow”, and “life lessons will be taken away from [my] family's future generations as nobody wants “kids playing under high voltage power lines.” Tr. at 613: 9-13 (Sommer). The IEC Project will restrict “not only the current stewards that God has invested or entrusted with his earth, but also their children and children's children.” Tr. at 616:19-22 (Gochenaur). Families move to York County “for the beauty of the unspoiled land” and so that children “can grow up on their grandparents' farm” and fish, and ride horses, just simply so they can enjoy the land.” Tr. at 570: 18-25 (Good). The residents of Pennsylvania place historic value on land owned by a family for several generations; see, e.g, TR. at: 571: 4-5; Testimony of Leonard Taylor II, Tr. at 605:6-8; 13-16; Testimony of Lindsey Sommer, May 14,

2018, 612: 16-20. The “rural appeal of the area” is “important” to the local community, and the IEC project will “needlessly scar additional acreage across the state.” Tr. at 606, 3-5; 17-18 (Taylor). Agricultural “has always been” a “family core value” of the local community. Tr. at 612: 21-23 (Sommer);

Rare, Threatened and Endangered Species

Transource identified threatened and endangered species along the Franklin County portion of the route include the bog turtle, and the northern and long-eared bat. Siting Study at Attachment 3 at 45. Barb Anderson, owner of a preserved farm along Muddy Creek, testified at the Public Input hearing that Bald Eagles are prevalent in the area and there is a Bald Eagle nesting site approximately 200 yards from the proposed transmission line right-of-way; and were confirmed Bald eagles have been seen in the area of the Anderson Farm in York County, during a site visit on March 26, 2018. YCPC St. No. 1 of Gobrecht, at 21: 7-8. Bald eagles also live in Franklin County, including at the Meyer-Benedict Property, beginning about 10 years ago. Tr. at 1342: 6-13

Trout fishing

The Falling Spring Branch is a wild trout, natural reproduction high quality cold water fishery for both brown and rainbow trout as recognized by PFBC. The Falling Spring Creek is a world famous trout fishing stream, where President Jimmy Carter has fished. Testimony of Robert Bashor, May 29, 2018, p. 1255:2-5. Seven springs come into the Falling Spring Stream in Franklin County. Site Visit, May 29, 2018, , Tr. at 1245: 13 (Sourbier). Mr. Stouffer, local resident on Falling Spring Road, observes “visitors on a weekly basis” “from all over the country to come back and tell us how they fish here.” Site Visit, May 29, 2018 (Stouffer) Tr. at 1257:5-11.

Mr. Sourbier is a member of the local Trout Unlimited Chapter and has fished in the Falling Spring Creek since he was 10, explained that the Local Chapter of Trout Unlimited has great concern for Fallings Spring. Tr. at 1245: 13; p. 1253: 8; Tr. at 1253: 12-16.. At the public input hearings, Trout Unlimited representative Chris Rudyk observed that Transource's own map do not identify known wetlands, including the area where Transource indicated that it intends to cross the Falling Spring Branch. Tr. at 1050: 8-13; PUC 51A-C. Wild trout streams have "two important factors" that "enable these streams to be high quality and hold wild trout," which are large amounts of "forested and riparian buffers along the streams" and "continuous tree canopy along the stream edges." YCPC St. No. 1 of Gobrecht at 25: 4-7.

The Falling Spring Branch is a designated Class A Wild Trout Stream, as designated by the Pennsylvania Fish and Boat Commission, which means that it supports wild trout naturally, without stocking, sufficient for fishing, and also has additional section classified as Wild Trout Water, again with natural reproducing populations of trout. [Siting Application]⁶; Falling Spring Creek "supports wild trout" and "is a blue ribbon trout stream," a "heritage trout stream" and a "high value stream." Tr. at 1245: 13; 20-22; see also PUC – 136. The Falling Spring Branch, is a portion of the larger Conococheague Creek which is a high quality stream, subject to the requirements of the Chapter 93 of Title 25 of the Pennsylvania Code, and is therefore protected against degradation, meaning that the water quality must be maintained at its current water quality level. Siting Study at 36; 25 Pa. Code 93; 93.4a.

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⁶ See also <https://www.fishandboat.com/Fish/PennsylvaniaFishes/Trout/Pages/TroutWaterClassifications.aspx>



Stream with wildlife

Dr. Bashor explained that defoliation along the Falling Spring Creek will cause the water to warm up and trout will leave the stream because “forested canopy helps to keep the stream temperature cool enough to support wild trout.” Tr. at 1255: 18-23 (Bashor); YCPC St. No. 1 of Gobrecht at 25:7-8. The Falling Spring Branch “holds a temperature of 46 to 56 degrees year-round” and the location of the many springs along the stream that feed into it, are shallow; and any impact to those springs could change the course of the stream. Tr. at 1052: 4-11 (Rudyk); PUC 51.

Trout streams are located along the proposed route of the IEC East Project, including in the area of Muddy Creek, Tr. at 534: 21 (Anderson, B); see also PUC 350 (trout fishing in the creek on June 1, 2018). Alum Rock Run, another trout stream near the proposed transmission lines, on the East side, would be affected by the IEC Project. Tr. at 592: 16-20.

Wetlands

Transource has not indicated all of the wetlands on its maps, In the area around the Falling Spring Creek does not appears on maps as a wetland, as noted by Trout Unlimited. Tr. at, 1253:8-10.

Tree Trimming and vegetation management

N/A⁷

Springs, creeks, wells, soil and sedimentation

The Commission must consider the IEC Project's impacts on springs, creeks, wells, soil and sedimentation.

The IEC Project will degrade prime agricultural soils in Franklin County.

The IEC Project is proposed to cross "one of the largest contiguous areas of high-quality soils in Pennsylvania. It rivals those of Lancaster County for productivity measured in yields of non-irrigated crops." Tr. at 752: 9-13. Most of the proposed project IEC West is sited through land used for agricultural production. Id. at 15-16. As York County Planning Commission's Mr. Gobrecht explained, high quality soils, also known as "prime agricultural soils," "produce the highest yields and require minimal amounts of energy and economic resources" and are therefore classified and identified by the United States Department of Agriculture Natural Resource Conservation Service County Soil Survey. YCPC St. No. 1, of Gobrecht, p. 14 at 12-18.

Many of the Soils in the proposed rights of way in both IEC West and East are prime agricultural soils. Id. at p.15 -1; See also N.T. May 22, 2018 (Hess) at 752: 9-13; and PUC 35(b) Soil Comparison Franklin and Lancaster Counties. 9-13.

The construction of temporary or permanent access road and installation of the towers will disrupt the landscape and cause concerns for Stormwater runoff. YCPC Surrebuttal St. No. 1-SR of Gobrecht, at 3: 8-15

⁷ Please see discussed of deforestation and tree removal necessitated by the installation of the ROW as explained throughout.

Riparian tree canopy is a “stormwater management treatment measure and is “beneficial in absorbing rainwater as it flows across the landscape.” YCPC Surrebuttal St. No. 1-SR of Gobrecht, at 5:16-19.

The IEC Project stream crossings , of which there are 23 in Franklin County, will remove that tree buffer and eliminate an existing Stormwater management best management practice (“BMP”). Id.; Siting Study (West) No. 3 at 50.

The IEC Project will impact wells, which are the primary water source for both drinking water and economic viability of farming throughout Franklin County.

Transource failed to do any inventory of wells hydrologically connected to the right of way, but places the burden on the property owner to “let us know” “if they thought that we would affect” their well. Tr. at 2215: 10-14.

Siting a new well can be expensive and is a “huge concern” because some wells have had to be set extremely deep; for example at the White Farm in Franklin County. Site Visit, May 29, 2018 Tr. at 1207:23-25; 1208 1-6 (White).

The Frech family in Franklin County has a “shallow well” and demonstrated the location close to the IEC Project proposed pole location at the Site Visit on May 30, 2018, Tr. at 1349:5-17 (Frech, Jay).

All of the homes visited on Hidden Valley Lane are on well water. Tr. at 1372: 4-8 (Martin, K.).

The Martins of Hidden Valley Lane in Franklin County are concerned with impacts to their well because they had a high producing well, of 75 gallons a minutes, which is more than the recommended 5 gallons a minute. Site Visit, Tr. at 1371: 18-24 (Martin, K.)

Transource considered only information from DCNR on publicly available inventories on wells, without identify specific wells from landowners to account for wells not on the public inventory. Yamatani Tr. at 2583:1-2; 2584: 16-19; STFC 1; 2

Transource did not inventory or consider wells that are hydrologically connected to the rights-of-way. STFC 2.

Springs

The area near the IEC Project's proposed crossing of the Falling Spring Road is dominated by springs, with local resident Brandon Stouffer noting that on his property, there are "multiple springs" a "spring-fed pond" and that he has identified "three or four different springs" Site Visit, May 29, 2018 (Stouffer) at 1256:17-25; 1257:1-2. Mineralist for Elizabethtown College. Joseph Dague has first-hand experience of the archeological and terrain features of Franklin County, which give rise to the springs, and now lives directly in the area of the Falling Spring Branch. Tr. at 1247:3-10 (Dague). Allan Stine has lived in the area of the Falling Spring Elementary and the cross country trail for decades and is aware of "two caves" and where people "hear water up on that hill, water running" Tr. at 1239: 12-21 (Stine).

Mr. Sourbier demonstrated at the Site Visit that the Falling Spring Branch Creek demonstrated where seven springs come into the areas of limestone karst. Site Visit May 29, 2018 (Stine) at 1245: 9-16.

Further, springs are used as the water supply for drinking water and to run farming operations. The Cordell property wells are “hand dug and only “30-some feet deep. Any disruption to the water, means “somebody’s going to run out of water” and the Cordell horse operation “takes an awful lot of water” to run. Site Visit, May 30, 2018 (Cordell) at 1327:11-25. Joseph Dague also has first-hand experience, as one of many natural springs are in “in the cellar of [his] house that supplies water for [his] house” which is an 1855 stone house on Falling Spring Road, right near the proposed IEC West Route. Tr. at 1248:8-13; 1247: 9-10 (Dague).

The Meyer-Benedict Property in Waynesboro is served by a spring that “has been in continuous use by settlers since the early 1700s. And before that, it was used by Native Americans.” Site Visit, May 30, 2018 (Benedict, Kerri) at 1334: 18-22. The shallow water source spring is “very much affected by things that happen in the top from the ground down” and are easily contaminated. Tr. at 1229: 4-18 (Benedict, Kerri).

Plant and wildlife habitats

The Ability to minimize impact of potential habitat fragmentation or impacts on designated area of biodiversity concerns is subject to technical Guidelines, e.g., maintain 115 feet of centerline to the centerline separation when paralleling 135 kV or lower lines, Minimize crossing of existing lines, and minimize cross of existing roads, and cross at perpendicular when possible. Limit transmission lines angles greater than 30 degrees. Baker Siting Study (Attachment 3) p. 9 Where the proposed IEC Project line does not parallel existing infrastructure, fragmentation of the forest habitat can occur. Siting study (Attachment 3) at 53. Transource did not use the existing corridor along the Fayetteville East-West Waynesboro 138 kV lines to parallel because development was too close to the existing ROW. They would need

to put a new line and leave the 115 centerline between the two lines. Tr. St. No. 7 (Baker) p. 18 and Map Figure 6.

Permanent towers, such as those proposed for the IEC Project, provides an area for invasive species to inhabit, because “farm equipment would need to navigate around all permanent structures and would prohibit spraying directly around the structures.” YCPC St. No. 1 of Gobrecht at 17:15-18.

Installation of new transmission lines on existing poles will affect North Branch Muddy Creek Natural Area, which contains species of concern. YCPC St. No. 1 of Gobrecht, at 19:1-4.

Franklin County’s South Mountain is “identified by the Pennsylvania Game Commission as one of the top 25 sites for birding” and Franklin County is also a migratory birdway. Tr. at 944:14-23 (Pollard). The Frech home will be negatively impacted by the transmission line which will impact the “bird sanctuary island in the middle of the farmland” that the Freches have created in the back of their 2 and ½ acre property. Tr. at 1346:11-17 (Frech, Jay).

Invasive species can flourish where trees are cut down and ground is disturbed, such as during transmission line construction proposed for the IEC Project. YCPC St. No. of Gobrecht at 27:9-10. Impacts of invasive species are minimized by construction processes that reduce the chance for invasive species “to grow and be transferred to new areas” such as where constructors “minimize soil disturbance, use native plants when replanting areas” and “properly maintain transmission lines tower and rights-of-ways to prevent spread of invasive species.” The Rights-of-way on the IEC Project likely will be maintained by farmers, as a condition of keeping the opportunity to farm in the rights-of-way. Site Visit, May 28, 2019 (Stouffer) 14-17.

Transource witness Baker confirmed that the installation of the transmission line “will necessitate removal of trees in portions of where we cross” because trees “are not typically compatible” underneath the right of way. Tr. at 2182:3-5; 2182:19-21.

The steep and forested area around the TimCook Cross Country Course and Trail will be degraded to install the IEC Project’s 130 Right of way . Tr. at 1259:9-14.

In Franklin County, the IEC Line will necessitate cutting down a 200-year old tree on the Kauffman property, which is in the right of way of the proposed transmission line, and near the Mountain Run Creek. Site Visit, May 29, 2018 (Kauffman, Leonard): 1155:14-18; 1157: 2-7 . [Photo] ; 1159: 18-20 (Kauffman, Aaron, testifying).

Other Natural Resources

Terrain

The predominant karst features in Franklin County will be negatively impacted by the IEC Project

Identified Karst features make up 7,330 acres of land in Franklin County, which is an area twice the size of Chambersburg Borough. Franklin County Comprehensive Plan. PUC 35.

Southampton, Greene, Guilford, and Peters Township all have “s substantial number of sinkholes within their boundaries.” PUC 35 (Comprehensive Plan “Taking Stock”).

The IEC project will result in changes to the surface of the land both in terms of topography and land cover. It will also involve changes to the subsurface through tower foundations for the infrastructure, whether monopoles or lattice towers are used, and possibly other activities. This means that there will certainly be changes to drainage both during and after construction. STFC St. No. 1 at 10: 1- 5.

Dr. Sasowsky explained that sits specific designs are required, which evaluate the existing draining conditions, and the Applicant has not provided evidence of such evaluation. STFC St. No. 1 at 10: 5-10.

The karst topography means that groundwater and wells in Franklin County may be negatively impacted by the IEC Project in both quantity and quality. STFC, St. No. 1 (Sasowsky) at 10: 19-23.

Water quality is easily degraded in karst area because the natural filtration that is present in non-karst areas does not exist due to the presence of sinkholes and large opening underground. STFC St. No. 1 (Sasowsky) at 10:18-23; Figure J.

In karst regions, well can run dry if drainage near a sinkhole is changed. STFC St. No. 1 (Sasowsky) at 11: 14-21; Figure J. The proposed transmission line of IEC West will cross a major east-west, fault, known as the Transylvania Fault. Tr. at 1248 at l. 4-6 (Dague).

Dr. Sasowsky explained that “a detailed understanding of the local hydrology is required” to protect karst resources.

Hydrology

The IEC Project present a flood hazard threat because construction of the transmission line in the floodplain can raise the base flood elevation and increase flooding impacts. YCPC St. No. 1, Gobrecht, 32:13-14; 17-18. Even though floodplains are vitally important and regulated at the local level, the Route Transource selected for the IEC Project in Franklin County will “cross over more floodplain areas” than other routes that were not selected. Tr. at 2177: 1-4 (Baker); Siting Study at 43. Therefore, the impacts to floodplains are not minimized.

A floodplain is defined by the Pennsylvania Department of Economic Development (“DCED”) as a “relatively flat or low land area adjoining a river stream or watercourse which is subject to partial or complete inundations; an area subject to the unusual and rapid accumulation of runoff of surface waters from any source.” YCPC St. No. 1, Gobrecht, at 32:20-21; 33:1-3. The DCED administers the National Flood Insurance Program, as part of the Federal Emergency Management Agency regulations, and local Pennsylvania municipalities are required to have regulations that protect both the floodway, and the 1% annual change flood hazard area. The Municipalities Planning Code Section 603(b)(5), allow municipalities to adopt the necessary flood protection regulations to participate in the NFIP, indicating that "zoning ordinances may permit, prohibit, regulate, restrict and determine...protection and preservation of natural resources...". 53 P.S. 10603(b)(5).

In Franklin County, Guilford Township, and Quincy Township, Townships through which the proposed IEC Project will traverse, have adopted floodplain management ordinances; and York County municipalities of Lower Chanceford, East Hopewell and Fawn Townships have also adopted floodplain management ordinances. YCPC St. No. 1, Gobrecht, at 33: 13-14; FEMA website, <https://www.fema.gov/flood-insurance/work-with-nfip/community-status-book>

Floodplains have the natural function of “dissipate the energy of a given storm event” by both “absorb[ing] the energy of the flood” and “contain[ing] the water until such a time as it is absorbed into the soils and later release downstream.” YCPC St. No. 1, Gobrecht, at 33: 4-6.

Moreover, nothing in the Transource Application allows the Commission to evaluate the impact to floodplains from temporary or permanent access roads. Instead, the Commission is requested to accept the representation from Transource, that it will obtain the proper permits for the entire length of the IEC Project. Floodway building can change hydrology and require DEP

approvals. A temporary or permanent access road or transmission tower “could negatively impact the floodplain and raise the base flood elevation.” YCPC St. No. 1, Gobrecht, at 33:16-18; however, Transource has not let the Commission know where those access roads will be.

Further, the installation of the IEC Project can also affect the Monopoles can “act as an obstacle during a flood” and can “effect the flood level in that area, without providing the benefits of streambank stabilization or sediment filtration.” YCPC Surrebuttal St. No. 1-SR of Gobrecht, at 6:5-11. The site visits in Franklin County confirmed that flooding is any issue. For an example, the Meyer- Benedict property, on the IEC West proposed route in Waynesboro, Franklin County, “floods regularly, periodically” with flooding occurring in some years “three or four times like that, and we can have a year where it floods once like that” Site Visit, May 30, 2018 Tr. at 1338: 11-25 (Benedict, Kerri). Runoff has increased on the property during the life of Ms. Benedict as farmers on surrounding properties have “removed fence rows and the woods.” Id. at 1338; 19-23.

The rural nature of Franklin County makes it particularly susceptible to damage from changes in hydrology. First, the many local “unpaved, dirt and gravel roads” are easily damaged by any changes in hydrology. For example, In 2018, Franklin County Association of Townshio Supervisor President and Quincy Township Supervisor, observed Transource’s initial investigatory drilling work in Franklin County for the IEC Project, and noted that it had already “caused damage,” reports from residents of issues such as “mud on the roadway” and caused “erosion ion the side of the road.” Tr. at 861: 15-16; 862:6-12 (Bumbaugh).

Within karst areas, there may be a limited number of surface streams because most of the water "sinks" underground in to caves through sinkholes. Dr. Sasowsky explained that the karst areas of Franklin County show a remarkable lack of perennial streams. STFC St. No. 1

(FIGURE K). Consequently, the protection of these few streams, especially in their headwaters, is paramount. The spring-fed nature of High Quality streams in karst, for example Cold Spring Run and Falling Spring, is noted in the Siting Study.

As with groundwater, surface water originates from precipitation. Streams can be fed from surface runoff, but streams that flow the year round (perennial streams) are fed by springs and other seepage along their beds. STFC St. No. 1 Transource gives the Commission no indication of approaches that would be used to maintain quality and quantity of water flow. In order to do this, study of the water sources, both groundwater fed and otherwise, would need to be accomplished. Without an understanding of the hydrology of the streams, identification of the source areas that feed given stream reaches, and the implementation of protection of those areas in terms of water quantity and quality, impacts from changes to land use and construction will be hard to judge and avoid.

Further, Dr. Sasowsky noted that Transource did not provide enough information to the Commission for him to determine if the issues of groundwater quality and quantity would be addressed, noting that the “The Company does not have any documents that refer or relate to the location of any wells that are hydrologically connected to the proposed right of way.” STFC St. No. 1 (Sasowsky) STFC No. 2 In order to protect public health, as well as the viability of residential and agricultural activities, it would be important that these things be considered, and that steps be taken to minimize impacts.

Landscape

The impacts on the landscape of Franklin County cannot be underestimated. First, the West IEC Project cannot use and cannot even parallel existing rights-of-way for the majority of

the route. Transource Witness Baker concedes that the IEC Project involves a significant amount of green field construction, over fields in which there is no current right of way; and that in the Franklin County portion of the IEC Project, the line parallels existing infrastructure “in about 42%” of the length , only 12.1 miles of the total length. Tr. at 2157: 20-24; 2158: 11-16.

The IEC Project does not have minimum adverse impact, and the application itself does not “demonstrate efforts to minimize the impact of the line upon land use, soil and sedimentation, plant and wildlife habitats, terrain, hydrology, landscape, archeological areas, geologic areas, historic areas, and scenic areas.” Tr. at 749:13-18. Ms. Hess, the Executive Director of the South Mountain Partnership⁸, explained that the IEC Project cannot satisfy the Commission’s standards.

The IEC Project contradicts the Franklin County Comprehensive Plan in multiple areas: First, the Plan’s Economic Development Goal instructs the Franklin County to : Promote economic opportunities while retaining agricultural and community character” Secondly, the Comprehensive Plan instructs the County in the category of Transportation and Infrastructure. “to use a balanced approach in the development” and “support efforts for renewable energy projects or encourage use of renewable energy”. With respect to resource management, the Comp Plan states that the goal is to continue agricultural preservation initiatives; support preservation of sensitive natural resources; encourage strategies and/or policies that emphasize conservation of existing county character: small towns, rural areas, and positive, memorable views.” Siting Study (Attachment 3) at p. 106; PUC 35.

⁸ The South Mountain Parternship is a regional landscape conservation project in South-Central Pennsylvania, which started as a public-private partnership between Department of Conservation and the Appalachian Trail Conservancy, and has grown to be an alliance of citizens, academic institution, local, county, state and federal agencies that collaborates to secure a sustainable future for the South Mountain Landscape of Cumberland, York, Adams, and Franklin Counties. Tr. at 748:22-25; 749:1-3 (Hess).

In York County, there are no “significant long-term benefits” of the IEC Project to Rep. Phillips Hill’s constituents that “would offset the damage to our preserved lands and agricultural heritage.” Tr. at 1904 (Phillips Hill). The IEC Project will be approximately 500 feet from Rep. Kauffman’s own home and “affect my line of sight in all directions.” Tr. at 1010: 1-3. Representative Kristin Phillips Hill of the 93rd Legislative District opposed the IEC Project, because it “will not provide long term significant benefits to our local Pennsylvania communities economically nor preserve our tremendous agrarian heritage and scenic beauty.” Tr. at 1902:6-17 (Phillips Hill). Representative Phillips Hill recognizes that the IEC Project “is designed to benefit consumer in other state which are experience higher energy costs” noting that “no residents are experiencing outages; nor do I see where this project will aid our local Pennsylvania communities with reduced electric costs.” Tr. at 1903: 4-8 (Phillips Hill).

Monopoles will be placed at each turn on the IEC Project route, and close to the substations can results in multiple monopoles within less an a third of a mile of some homes. See Testimony of Dettinger, May 14, 2018, 541:4-20 (“We will have a total of six monopoles and a substation within 1,900 feet of our house or one-third of a mile.”).

Laurie Donaldson testified that she and her husband had restored and invested in her Stewartstown property adjacent to one in the path of the transmission line with “over one hundred planted an mature nature tress, a restored wetland conservation area, and over 10 acres of managed pasture that is home to many native plants and animals. “ Tr. at 597:10-13.

A new house was built on the Donaldson property to specifically overlook our field and has a wonderful view of our neighbor’s farm fields.” Tr. at 597:15-17.

The newly constructed Burkeholder house in Franklin County, on Leedy Way West will be impacted severely by the IEC Project “running the length of [the] road” and across the “whole

horizon.” Site Visit May 29, 2018, at 1210 (Burkeholder) Tr: at 1212: 19-25; 1213:1-2. Site Visit May 29, 2018, at 1210 (Burkeholder) at 9-22. The Burkeholder property viewshed will be negatively impacted, contrary to the precise positioning of the house and “upper level back” where the house is positioned “so you can actually see the mountain range” to the east and the west. Id. at 1210 at 9-22. **PUC-115**



View from 2nd floor balcony

The picturesque views from Fetterhoff Chapel Road were demonstrated at the Site Visit, and the Road attracts many people who stop on the road “to paint” “draw pictures” and photograph. Site Visit, May 30, 2018 Tr. at :1329:12-13 (Cordell, Mrs.); PUC 203; 206, 214

PUC-214



View from highest point on Fetterhoff Chapel Road

PUC-204



Cows

PUC-206



Behind the barn view of fields to the right of PUC-205

Mrs. Cordell explained that the “fantastic” vistas afforded from her property continue into the night when “you walk up on that hill up there and it’s just like you can pick the moon out of the sky. There’s nothing down across there that hasn’t been there for 50, 60 years.” Site Visit, May 30, 2018 (Cordell, Mrs.) at :1329:7-11.

Archeologic areas

Local residents have observed archeologic finds that merit protection, and want to protect the those areas as part of historic integrity of the The area of the Falling Spring Creek

yields artifacts of rhyolite stone, as evidence of ancient encampments site on the banks of the Falling Spring Creek. was used occupied by ancient

The Unique and Mineral Rich Falling Spring Area Formerly Known as Aqua has been used since the Late Archaic Period, from 3,000 to 1,000 BCE.

Skelly Pasture Site (Falling Spring Site) is of historic significance as an Open Habitation prehistoric site, and the IEC Project will negatively impact the site. STFC St. No. 2 (Dague) at 5.

The route of the IEC Project in Franklin County that Transource selected does not minimize impact on archeological sites and on NRHP listed and eligible sites. Tr. at 2178:18 (Baker).

Mr. Dague has extensive field experience over 50 years, including with the Penn State University Ph.D. geologists and paleontologist. STFC St. No. 2 at 1. Extensive use of metarhyolite by early Pennsylvanians from South Mountain occurred during the Late Archaic Period, ca 3,000 to 1,000 BCE. During this time, a variety of small base camps and procurement/processing sites expanded to saddles and flats near springs and streams close to South Mountain. Id. at p. 3. The Borough of Chambersburg unearthed two such encampment sites on either side of Falling Spring Branch Creek in 2001, while installing a water transmission main along Edwards Avenue, Guilford Township. Those sites are adjacent the proposed Transource route and less than one-half mile from the crossing site at Falling Spring Branch Creek. The prehistoric stone and shell artifacts on the surface of the property where I reside and all along the creek embankment of the Skelly Farm; many of which have been examined by archeologists and estimated to span over a millennia from the Late Archaic Period into the Early

Woodland Period. STFC St. No. 2 at 5. Mr. Dague recommends that if the IEC Project is approved by the Commission, a full field archeological surveys every 50 feet along the proposed route to record what is found in the pits. In addition a transverse survey with ground penetrating radar should be made across the route along the Skelly Farm creek embankment and on the embankment on the opposite side of the creek STFC St. No. 2 at p. 5.

Mr. Dague reported seeing hundreds of prehistoric stone and shell artifacts on the surface of the property where he resides, and along the embankment of the Falling Spring Branch Creek. STFC St. No. 2 at . 5. Ms. Benedict reported finding “a great number of arrowheads and stone tools” in the area of the spring on her property, which “was a hunting camp spot” and included the “flat area overlooking a spring that the game would come to” Site Visit, May 30, 2018 (Benedict, Kerri) at 1334 – 1335. Mr. Terry E. Ward also has found “a thousand” arrowheads “within the area of the a quarter mile of where [IEC Project] crosses [the Falling Spring creek]. Tr. at 1056: 5-7.

Geologic areas

The geology of the Falling Spring area which gave rise its archeologic significance is fragile. The Transylvanian Fault underlies the Falling Spring Branch Creek and the fault zone extends along the 40 degree N Latitude across southern Pennsylvania. The IEC Project transmission line-crossing site, has the “severely fault-broken and weathered limestone rocks (known as karst) that provide[d] passageways for both the streambed and underground drainage.” STFC St. No. 2 at p.3.

Erection of utility towers in the ground on the fault zone has the potential to destroy the water system of the Falling Spring Branch Creek, and the connected springs and wells that serve

as a water source to some residents of the community. STFC St. No. 2 at p. 3.

Historic Areas

On the West IEC Project route, the route selection was not the route with the least historic impact avoidance. Alternative A would have had less impact on archeological sites and National Register Historic of Historic Places listed and eligible properties. Transource contractor, Burns & McDonnell has entered into discussion regarding compensation for the impacts on the Historic Area. STFC 3.

The Benedict family property at 5413 Manheim Road in Waynesboro, has a historic home from about 1830, and is served by a spring, which “has been in continuous use by settlers since the early 1700s.”. Site Visit, May 30, 2018 (Benedict Kerri) at 1334: 12-16.

Russell Burton testified that his family bought a log cabin in York County that is one of the oldest houses in the county. Testimony of Russell Burton, May 14, 2018, 590:18-20.

The area of the Falling Spring Elementary School and the Tim Cook Cross Country Creek, is also of historic significance from the Civil War era, as explained in the Up and Down the Falling Spring publication, by Jacob Sotner regarding “Stoner’s Hill”, as the “highest spot in Franklin County, with the exception of the mountain ranges.” Tr. at :1250: 23-25; 1251:1-11; STFC St. No. 2 (Dague) at 6.

Viewshed of Scenic Areas and Rivers

Land subject to conservation easement

Agricultural easements, also called “conservation easements” are a legal document that “forever preserves the agricultural use by limited the property” from “future development.” Testimony of Gobrecht,,YCPC St. No. 1, p 11:4-6. Agricultural easements help to build the

necessary “continuous blocks of land that allow for viable farming operations and sustainable agricultural communities.” Testimony of Gobrecht,,YCPC St. No. 1, p 11: 12-14. Farms that are under a conservation easement “need to have flexibility on their farms to change and expand operations as the farming markets change over the years” because they have “already given up future dwelling rights and any possibility of subdividing off lots to supplement income from their agricultural operations.” YCPC Surrebuttal St. No. 1-SR of Gobrecht, at 8: 5:-8; 11-15. Farmers will be restriction in what they ‘can and cannot do in a right of way easement, and the IEC Project would “severely limit how farming operations could adapt for future generations.” YCPC Surrebuttal St. No. 1-SR of Gobrecht, at 3: 8-15; 15-17. Douglas Wolfgang, the Pennsylvania Department of Agriculture’s Director of Farmland Preservation testified that if a new right-of-way goes through a preserved property, the property owner may be required to prepared a new conservation plan, which is subject to a large backlog of plans waiting to be processed by the CCDs. TR: at 364:17-20.

Proposed IEC West Line will cross over 46 parcels with agricultural easements amount of agricultural easements.

The Good family farm, Twin Good Farms, in Windsor Pennsylvania was “purposely put in Federal Land Preservation and for “dual purpose of being protected and to keep it unspoiled land.” Testimony of David Good, May 14, 2018, 572:11-23.

Robert Jordan, beef and crop farmer, from Brogue Pennsylvania. Testimony of Robert Jordan, May 14, 2018, 581:2-5.

Mark Robert Jordan preserved his family farm “to be sure that it wouldn’t be developed in the future.” Testimony of Mark Robert Jordan, May 14, 2018, 601:25; 602:1. Utilities may have

incentive to use preserved farms “for many reasons. They will be have less people to deal with and they will never be developed.” Tr. at 602:7-10. Allowing projects such as the IEC project will discourage Pennsylvanians “from putting their land in ag preservation.” Testimony of Tr. at 613:25; 614:1-2

Properties within an Agricultural Security Area

ASAs exist in both Franklin County, and York County, and are overseen by the Franklin County Land Preservation Board, and by the York County Agricultural Land Preservation Board. 71 P.S. § 106. Agricultural Area Security Law protects lands within an ASA are protected from any local laws or ordinances that would “restrict farm structures or farm practices within the area,” unless the restriction “bears a direct relationship to the public health or safety” and required Commonwealth agencies to modify all regulations to consistent with the Agricultural Area Security Law and “the maintenance of viable farming.” 3 P.S. §§ 911(a), 912; 7 Pa. Code § 1381.4. The Commission, has a duty under the Agricultural Area Security Law, as a Commonwealth agency, to encourage and maintain farming in established ASAs: “It shall be the policy for all Commonwealth agencies to encourage the maintenance of viable farming in agricultural security areas and their administrative regulations and procedures shall be modified to this end insofar as it is consistent with promotion of public health and safety.” 3 P.S. § 912.

The proposed route of the IEC West impacts 37,854 feet of land that is publicly preserved farmland, including preservation under Pennsylvania’s Agricultural Security Area. . [cite]. This impacts over 1,900 acres of high value farmland in Franklin County. Id.

Feet of Proposed transmission line through <i>Publicly Preserved Farmland & Agricultural Security Area</i>	Associated high value farmland affected by project (acres)	Township
12,621' (2.4 miles)	430	Greene
9,072' (1.7 miles)	564	Guilford
14,985' (2.8 miles)	795	Quincy
1,176' (0.2 miles)	127	Washington
37,854' (7.2 miles)	1,916	

Agricultural Security Areas make up just shy of 25% of Franklin County, with 114,568 acres. Franklin County Comprehensive Plan, PUC 35(a). Therefore, in Franklin County, one quarter of the IEC Project would pass through Franklin County Agricultural Security Areas. Testimony of Katie Hess, May 22, 2018, 752: 16-18.

In Greene Township, the IEC West line proposes 12,621 feet of transmission line through publicly preserved farmland and Agricultural Security Areas. In Greene Township, Franklin County, the associated high value farmland affected would be 430 acres. PUC 35(Statement of K. Hess). In Guilford Township, the IEC West line proposes 9,072 feet of transmission line through publicly preserved farmland and Agricultural Security Areas. In Guilford Township, Franklin County, the associated high value farmland affected would be 564 acres. *Id.* In Quincy Township, Franklin County, the IEC West line proposes 14,985 feet of proposed line of transmission line through publicly preserved farmland and Agricultural Security Areas. In Quincy Township, Franklin County, the associated high value farmland would be over 795 acres of high value farmland. PUC 35 (Statement of K. Hess at 3).

In Washington Township, Franklin County, the IEC West line proposes over 1,176 feet of proposed line, through publicly preserved farmland and Agricultural Security Areas. In Washington Township, the associated high value farmland affected would be 127 acres of high

value farmland. *Id.* YCPC witness Wade Gobrecht warned against fragmentation of farmland because “The vitality of agriculture depends on a critical mass of agricultural land” and “fragmentation reduces the amount of acreage available for crop production.” YCPC St. No. 1 at 8: 14-16. Fragmentation of farm land “interference with the effectiveness of an agriculture operation by creating obstacles to performing activities, which diminishes the overall strength of the agricultural community.” *Id.* at 8:16-18.

Tourism

Tourism is a \$326 Million annual industry in Franklin County. Testimony of Ross, May 22, 2018. Janet Pollard , the Executive Director of the Franklin County Visitor’s Bureau, explained that tourism in Franklin County “works around...the agriculture” and is able “to coexist peacefully with [them] because it preserve our view shed, and help showcase [Franklin County’s] history. Tr. at: 1414: 20-24. Promotion of tourism is a newer but successful venture in Franklin County. The FCVB was formed in 2005, as it was “carved out of Hershey, Harrisburg by resolution of the County Commissioners” to “promote what Franklin County has” to offer; including “over 200 years of German history and culture.” Tr. at 1414 : at 20-23; Tr. at 944:3-5.

The proposed IEC West Project will impact the “gateway to Franklin County” by placing towers right “where the great valley, which is part of Cumberland Valley, opens up” and visually destroy any “welcome to Franklin County” and dissuade travelers from wanting “stop and stay [in Franklin County]. Tr. at: 1415: 18-25.

Tourism spending in Franklin County has been growing at a rate of 2.75% for the past seven years, and even a slight reduction to the tourism spending in the County will have major impact over time. A 2% reduction in spending over the 15 year would add up to 142.7 million lost revenue in Franklin County alone. Tr. at 946: 16-23; PUC 45. The FCVB does not support

the IEC Project because visitors to Franklin County want “beautiful views, year-round recreation, cultural heritage, fresh food, state parks, history, and open spaces.” Tr. at 943: 10-16 (Pollard). Franklin County is approximately 771 square miles, and Lancaster County and York County, 911 square miles; (Pollard) at:1414: 18-19⁹.

Tourism in Franklin County that would impacted includes recreation, agritourism:

- “More than 90 percent of wildlife recreation is enjoyed by Pennsylvanians in Pennsylvania.” Tr. at 944:10-13 (Pollard).
- The Appalachian Trail runs the length of Franklin County,
- Agricultural tourism, including Martin’s Potato Rolls, and robotics milking tours” and “over three dozen of those little farm stores, creamery farm stands” including Paul’s Country Market. Tr. at 1412: 2; 1413:1-2; 1414: 12-14.
- Historic tourism involves the Civil War Trail, and the Underground Railroad, having been called by Temple University Professor “some of the most tangled parts of the Underground Railroad.” Id. at 1413:4-6; 11-13.

Franklin County is the number two Pennsylvania County as a source of milk and apples in Pennsylvania, and the fourth leading producer of peaches in the state, despite being smaller Lancaster County. Tr. at 1414:16-18.

Real Estate Property Values

⁹ Testimony reads “725 square feet”; however, the area of Franklin County is 721 square miles. see also <https://yorkcountypa.gov/2000-population-land-area-data.html>; <https://www.co.lancaster.pa.us/DocumentCenter/View/239/2010-Census-Population-Density>.

Bob Gochenaur, a licensed Pennsylvania and Maryland real estate agent “who does between 15 to 20 million dollars in sales volume yearly in southeastern York County” and has sold over 150 farms and rural properties in the last 6 years.(Tr. at 615:22-25) contends that Property values “will be negatively affected” by the IEC Project, with half of the normal potential buyers and buyer who expect “thousands of dollars per acre less than unimpacted farm.” Id. at 616:7-9.

The property values of properties near transmission lines suffer from a buyers’ perceptions of the risk of health concerns related to overhead power lines. Id. at 616:9-14. Landowners in view of transmission towers face devalued properties as well, and no compensation. Tr. at 616:15-19.

Kerri Benedict of Waynesboro is concerned that “the addition of another power line” “will have on our ability to sell it in the amount of money” she could get if she had to sell her 8 acres. Site Visit, May 30, 2018 9 Tr. at 1340:3-8. The IEC Project right of way will be within 500 feet of the home in which the Meyer-Benedict family lives in Waynesboro, Franklin County. Tr. at 1343:12- 19(Meyer, Rodney). At the Frech home in Franklin County, the pole is going to be 125 feet from the house, and “will totally obstruct [our] view down through the valley.” Tr. at 1345:8-14 (Frech, Jay). Russell Burton has had his historic farm property appraised and estimates that “the power lines would devalue our land by at least one-third.” Tr. at 593:4-9.

The IEC Project will inhibit the “development value” of properties in the right of way, causing “a substantial loss,”and will constrain the ability of the property owner’s to subdivide that land. See, e.g., Site Visit May 29, 2018, (Leshner) Tr. at 1267: 4-7;Site Visit, May 30, 2018 (Nitterhouse) at 1304.]

With the installation of the IEC Project transmission lines, the million and a half dollar Nitterhouse property in Franklin County will be lose the entire value of subdividing, meaning the Nitterhouse family loses the ability to deed over, and pass down to future generations. The Nitterhouse family is not concerned with losing “high density res[identical].” Site Visit, May 30, 2018 (Nitterhouse, Colby) at:1305:19-23; 1306: 15-16; 131123-25. .

Nitterhouse property is 60 acres, plus a pre-1790 stone farmhouse, which will be negatively affected, even with the proposed transmission line close to the property line; further the 500 foot distance for building residences away from the right-of-way means that “60 acres for our purpose is pretty much gone. Site Visit, May 30, 2018 (Nitterhouse, Colby) at:1305:4-14.

The property value of the Frech home will go down if they lose the pine trees due to the IEC Project, because the pine trees “block the pesticide and herbicide drift that comes from the neighboring orchard.” Tr. at 1351: 7-12 (Frech).

For example, Mr. Leshar of Franklin County estimates that his property will face a “substantial loss” because he cannot subdivide the 11 acres to develop it, and that the value is degraded “with two poles on either side of my entrance driveway” and that the towers will be visible from his porch. Site Visit, May 29, 2018, (Leshar) at 1269: 16-22; 1271:7-10.

Licensed real estate agent, Darwin Benedict explained that the installation of the lines in Franklin is already preventing lots from selling, and would continue to impact values. He has observed the “noise and arcing” from transmission lines in Remington and Waynesboro. Site Visit, May 30, 2018, Tr. at 1353: 13-16. Mr. Darwin Benedict demonstrated at the Site Visit the development of 11 lots that he owns on the Hidden Valley Lane in Waynesboro, Pennsylvania

where development “ground to a halt” with the “news of the power lines coming through.” .Tr. at 1354:19-25 (Benedict, Darwin). Residential new homes in the same development on Hidden Valley Lane are appraised for over \$450,000. Tr. at 1368: 3-10 (Dunlap).One lot in the development that was being sold for \$110,000 lost a buyer when the buyer “became very hesitant and they walked away.” And construction has stopped at the Siegrist lot .Tr. at 1355:6-15 (Benedict, Darwin); 1362:14-16 (Seigrist).

The Hospelhorn home is also located on Hidden Valley Lane and is worth more than \$400,000. Tr. at 1375: 1-4 (Hospelhorn). Kristyn Martin is another licensed real estate agent, who lives on Hidden Valley Lane. Ms. Martin estimates her home is currently worth over \$400,000. Tr. at 1371: 3-4. Ms. Martin described that the property on which her home now sits on Hidden Valley Lane was an investment, the location of her wedding and where she is now raising her family Tr. at 1369: 2-15 (Martin , K.)

Individuals in Franklin County are losing their retirement investments. E.g., Kimi Seigrist, invested her husband’s entire retirement savings into their home purchased on Hidden Valley Lane. Tr. at 1362:11-16.

Impact on schools, local government municipalities and businesses

Township Supervisor Corwell from Greene Township opposes the IEC Project as it is not going to help with economic development and “if anything is going to hurt possibly with the property value.” Moreover, Supervisor Corwell points out that the Township, South Mountain Partnership and Greene County purchased over 1,000 acres near the Chambersburg Mall to be preserved for fishing and hunting, which is not compatible with “see[ing] a 120-foot tower looking out over that property.” Tr. at 1047: 15-21.

Retail shopping in the area of the historic Lincoln Highway (Route 30) in Franklin County, will be impacted negatively with the placement of a transmission tower behind Lowe's, which will cause uncertainty about rentals in the shopping center. Site Visit, May 30, 2018 (Pollard) at 1415: 4-14.

The Patriot Federal Credit Union will be negatively impacted by the IEC Project, where the Patriot FCU has already spent over \$500,000 on a commercially-zoned parcel adjacent to the existing bank, which is now rendered unusable as "45% of this property" is "going to be taken if this easement is approved". Site Visit May 29, 2018, (Warner, Brad) at 1216:4-6.

The Patriot Federal Credit Union represents about 65,000 members of "working class men and women" of Franklin County. Site Visit May 29, 2018, (Warner) Tr. at 1216:9-13. Mr. Warner demonstrated at the Site Visit the specific limitations on buildable space on the property, and explained that the buildable space is "what's being taken."

Transource offered Patriot Federal Credit Union \$11,000 for a decrease in value of the property. Site Visit May 29, 2018, (Warner) at 1221: 19-22.

Over in York County, Transource was told by the YCPC staff that the proposed site through York County caused "numerous concerns" including "prime agricultural land, high quality streams and wild trout streams and a high concentration of conservation easements" and YCPC asked "Could you pick a worse place in the County for this project?" YCPC Surrebuttal St. No. 1-SR of Gobrecht, at 3: 8-15. Yet, Transource did not propose an alternative route until several years into the process.

The Falling Spring Elementary School in Chambersburg, Franklin County, will be severely impacted by the IEC Project, which will be on the school property, and cross school property and be within less than 700 feet to the building. Tr. at 2168: 25; 1224: 4-10; (Peters) 1228:24-25; 1229:1-5; 1229:14-15 . The Transource Witness Baker conceded that the distance is less than 700 feet to the school building, and is 680 feet from the edge of the right of way. Tr. at 2170:16-20 (Baker) Furthermore, Witness Baker could not confirm whether the center line of the right of way might be shifted, agreeing that he “can’t say 100 percent that it won’t” shift but only that “there is no expectation to shift this area.” Tr. at 2170: 18-25; 2171: 1-4.

The Principal of the Falling Spring Elementary School confirmed that IEC Project, if approved, will expose children to the high voltage transmission line. Tr. at 1227 : 10-21 (Herbert).

Over 275 children attend the Falling Spring Elementary School, and “children are around [the] property all the time,” and the middle school and high school practice at the Tim Cook cross country course and trail. Site Visit May 29, 2018 (Dr. Padasak) 1223: 2-6 (Peters) 1228: 24-25.

Many parents have expressed concerns about the IEC Project [insert Chambersburg sd letter]. Site Visit, May 29, 2018 Tr. 1231:4-9 (Dr. Padasak);Tr. at 1233: 19-22 (Barton, Carl).

The entire Chambersburg School District, as well as other surrounding districts use the cross country trail, with “as many as 1,000 people” “spectators and children” gathered at the cross country course. Site Visit, May 29, 2018 (Dr. Padask) at 1223: 13-16. Local resident also use the cross country trail, “after hours” “in the evening when school is closed, on weekends” according to Mr. Stine’s first-hand observations from his front porch, Site Visit, May 29, 2018(Stine, Allan) 1234:19-25. Construction during the cross country season from August through November any construction on the IEC Project will negatively impact the events at the cross country course, and

would have a financial impact on the school, due to additional required bussing. Tr. at 1236: 15-24. Moreover, construction can cost the School District money. Any event that has to be rescheduled from the cross country course will have a \$1,000 impact at a minimum on the Chambersburg School District, up to 5 events, and all practices might have to be relocated. Site Visit, May 29, 2018 (Dr. Padasak) at: 1237:3-14.

Local businesses other than farming will be impacted too by the IEC Project. The Salon and Wellness Center at the Rice family home in Franklin County will be negatively affected by the IEC Project transmission lines, because the clients “come here to experience what you came here when you up the driveway” with “nothing in the sky and it’s just a very quiet” place, which the IEC Project transmission line will change to “an almost 360 degree view” of the transmission line. Site Visit May 29, 2018, (Rice, Lori) at 1296: 9-11; 1297: 2-10; PUC 184, 185; 189 (Photos).

Dairy Farming In Franklin County will be impacted by the IEC Project through acreage lost and soil compaction.

Small dairy farmer in Franklin County are particularly vulnerable to the IEC Project’s impacts because, first at the construction phase, the dairy farmers will be forced to purchase feed, which they may not have money for. Tr. at 1020: 5-9. Second, dairy farmers will directly loss acreage to the line and right-of-way, including in the short term possible crop destruction from the construction. Tr. at 1020 at 1-4. Mr. Sourbier is an equipment supplier to dairy farmers in Franklin County who can credibly testify to the local dairy farming operations, as he has experience with 25 to 30 farms, ranging from 30,000 cows to around 100 cows. Tr. at 1020: 8-9; 17-23. The Rices were offered only \$13,000 for a potential easement on the property. Id. at 1297: 22-25. Daniel

Long demonstrated that the IEC Project was projected to take 17 acres on his 100 acre farm which supports corn, soybeans and wheat. Tr. at 1381:1-16; 1380.

The IEC transmission lines will make farming more difficult, expensive and wasteful because of the extra seeds during planting that will be wasted or the pesticides using a sprayer. Tr. at 1386. Any damage caused by Transource is subject to Transource's determination "whether or not [they] needed to remedy." TR. at 2216:14-20 (Herzog).

Construction Issues

Cumulative impacts of construction issues were not identified by Transource, such as the impact of access roads. Tr. at 2164: 11-16.

The IEC Project will include permanent access roads, but "the siting application does not show exactly where those access roads will be," nor does the Commission has information to on the access roads,. TR. at 2164:24-25; 2165:1: 20-22 (Baker)Construction level vehicles will be using the access road, including trucks and cranes. Tr. at 2167: 1-6 (Baker). Construction will involve the installation of access roads on "any land where we need to get access to a tower structure" including across farmland. Tr. at 2212:1-4 (Herzog).

Every monopole structure along the line "will have a foundation" that has to be drilled, and will use "a drill rig and then a crane to set the equipment in and concrete trucks to backfill." Tr. at 2196: 3-11.

Construction of the IEC Project will result in "digging up or impacting theses class one through four soils" and prime agricultural soils will be in disturbed by construction and may be permanently inaccessible. Temporary and permanent access roads will be places over prime agricultural soils. YCPC St. No. 1 of Gobrecth, p. 15:4-7.

Transource provided no policy with respect to compensation for crop loss during construction. Applicants have not offered assurance that construction and maintenance activities will be conducted in coordination with farming schedules. Tr. at 2227;3-5 (Schaffer).

Structure locations will have impacts on “agricultural operations” that are “long term impacts” and “localized “. See Siting Study (Baker) at p. 33.

Transource/Siting Study did not perform a comparison that looked at the number of temporary roads, or permanent roads that will be required on the IEC Project on the West Route, nor did it conduct a comparison between routes of what local access roads are going to be required or what permanent roads. See 92 of Siting study.

E. Availability of Reasonable Alternatives

Under Pennsylvania law, the proposed *solution* that has the minimum environmental impact must be selected for approval by the Commission, not just the alternative *route* of a transmission line. Transource and PPL did not evaluate alternatives before choosing the IEC Project as a proposed solution. There is no record evidence of analysis of non-transmission “alternatives” that would allow the Commission, the OCA or any other party to evaluate and determine the necessity, and appropriateness of the IEC Project. Transource Witness Steven Herling testified that the non-transmission solution were not considered to address the alleged congestion. Despite significant and material changes since the PJM approval years ago, no one has determined whether a cheaper, less intrusive and burdensome alternative fix exists to the IEC Project West.

OCA Witness Crandall explained that non-transmission alternatives “can be employed to materially affect the congestion levels at issue here” and to “materially impact the need to build a

new transmission infrastructure.” Transource’s proposed route does not use existing West Penn lines in the vicinity of the White Farm in Franklin County. Site Visit May 29, 2018, (White) at 1206: 13-21. Thus, Transource and PPL’s Applications must be denied because there is no substantial evidence on the record that the IEC Project “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)(4)(emphasis added).

Transource rejected a “less impactful local route alternative that would travel through mountain ground east of our large population centers and would directly affect fewer residents.” Tr. at 1011: 1-5. Rep. Kauffman stated that it was “apparent that Transource has chosen a less costly route that satisfies the objective of the national environmental lobbying organizations at the expense of our local community which will receive no direct benefit from the line.” Tr. at 1011:5-9 (Kauffman).

Residents expressed interest that the transmission lines be put underground. Testimony of David Good, May 14 2018, 576:4-5; Testimony of James McFarland, May 14, 2018, 642:16-17; Testimony of Douglas Cook; May 22, 2018, 741: 8-10.

“Upgrades are the most cost effective solutions” according to PJM, and the BG&E Project 5-E upgrade addresses the same congestion as the PJM Project, at a higher benefit cost ratio than the IEC Project should be considered in lieu of the IEC Project. Testimony of Patty Hawkins, May 14, 2018, 634:20-25; 635:9-10.

F. Economic Impacts.

The evidence from the resident of Franklin County on the deva stating economic impacts of the IEC Project is overwhelming. Transource Witness Chang ‘s analysis of economic benefits, on the other hand, o was based entirely on a modeling, as she never visited either Franklin County,

York, nor had any with the Franklin County Economic Development Corporation . Tr. at 2467:6-12. Transource supplied the numbers to Witness Chang for the economic model, and she did not have independent source for the IMPLAN model inputs. Tr. at 2470: 1-10. Transource Witness Chang has “not looked at specific impacts on land use.” Tr. at 2467:24-25.

The IEC Project will have tremendous negative, immediate and long-term economic impacts on Franklin County.

Michael Ross, the President of Franklin County Area Development Corporation¹⁰, (“FCADC”), for the past 32 years, explained that FCADC opposes the project because “neither PJM or Transource” have “been able to articulate the benefits to Franklin County.” Tr: at 744: 6-9.;743:20-21.

The IEC Project is “an exception” because, among the “hundreds of community and economic development projects” in which he has been involved, this one has united “virtually every constituent group in Franklin County in opposition to the project.” Id. at 743:18-25; 744:1.

Agriculture is a \$413 Million sector in Franklin County, which makes Franklin County fourth among Pennsylvania counties for agriculture cash revenues. Tr. at 744: 23 (Ross); Tr. at 946:5-8. Businesses in Franklin County do not support the IEC Project, as the 32-year old FCADC “has not received a single call, email or letter from a Franklin County business voicing support for the project.” Id. at 745:2-6. The “vast majority” of construction jobs associated with the IEC Project “will be short lived until the project is built, with a much smaller number required to maintain the system.” Testimony of Ross, May 22, 2018, 745: 10-12.

¹⁰ The FCADC, has a mission “to formulate, implement, and promote a countywide economic development strategy that create economic diversification and family sustaining job opportunities.” Tr. at 743:20-21.

Permanent towers placed on farms “equates to the recurring loss of crop production and revenue realized by both current farmers and future land stewards.” YCPC St. No. 1 of Gobrecht, p. 16:19-21.

At the White Farm in Franklin County, the IEC Project will take “about a third” of the field of 21 acres, and she demonstrated the extent, which may not be the full extent of land ultimately under the right of way.. Site Visit, May 29, 2018 (White) at 1197:20-25. The IEC Project as proposed would bisect actively farmed fields, including the field of Ms. White. Site Visit May 29, 2018 (White) at 1202:2-9; 1206:7-12. Eleven acres of soybean and corn crops will be impacted at the White Farm in Franklin County. Site Visit May 29, 2018 (White) at 1207: 2-10.

Ms. Lori Rice explained and demonstrated at the site visit where restriction on building under wires would “impede on our expansion incredibly” including, prohibiting planting of corn in multiple areas of fields. Tr. at 1284:10-11; 16-21 (Rice, Lori). The Rice farms are “one of the largest farms on the east coast” and run anywhere from 8,000 to 10,000 head of cattle” and “employ[s] 40 to 50 people at any given time and farm thousands of acres of crop through Franklin County” Site Visit, May 29, 2018 (Rice, Lori) at 1272:21-25; 1273:1-5. The existing compost operations at the Rice Farm is threatened by the IEC Project, which will bring high voltage transmission around the composting building which is already maintained at extremely high temperatures. Site Visit May 29, 2018 (Rice, Lori) at 1276: 12-16..

Smaller farms will disproportionately feel the impact, as explained at the Site Visit On May 29, 2018 by the Kaurffman family. Site Visit May 29, 2018 (Kauffman, Aaron) at 1162

Some farms in Franklin County we already burdened in the 1960’s when the Interstate Route 81 was built, and the IEC Transmission lines further restrict the ability to farm. See, e.g.,

Site Visits, May 29, 2018, at 1160: Kauffman, and Benedict Farms at 1183. The IEC Project in Franklin County will impact the Kauffman Farm by ‘cut[ting] us off from making hay” and by “mak[ing] farming it with modern farm machinery nearly impossible without either inflicting crop damage.” Site Visit, May 29, 2018, Tr. at 1165: 2-8 (Kauffman, Aaron).

YCPC Witness Wade Gobrech explained the problems with farming around monopoles: an “increases to damage to farmer’s equipment and liability of hitting utility owned equipment.” YCPC Surrebuttal St. No. 1-SR of Gobrecht, at 9: 3-4. Farmers with dozens of years’ experience explained to the coming that using farming machinery in the vicinity of transmission towers is difficult, and causes farmers to “lost the value of the cops” “on both sides of the pole” and “it’s a sizeable loss each and every year.” Tr. at 584:21-25 (Jordan)¹¹. Equipment damage and “overlapping fertilizer and chemicals” required “results in wasted money” and “is also not good for the environment.” YCPC St. No. 1 of Gobrecht., at 16:21-23.

Farms that are certified organic are in danger of losing their certification because of contamination by IEC Project construction or right of way maintenance, and the loss of certification persists for three years. Site Visit, May 29, 2018 (Forrester) 1262: 1263: 1-10.

The loss of an organic certification would devalue organic farms, by \$700 an acre, which for the smaller farm such as the barley farm in Franklin County farmed by Mr. Stouffer, it would be \$10,000. Further, products used by certified organic farmers, are also at risk from the IEC Project, because there may be spraying in the rights of way, or “even the location to the line” could cause organic producers to determine that they will not use compost products in their organic products. Tr. at 1279: 8-18 (Rice, Lori).

¹¹ Mr. Jordan’s testimony on farming is credible because he has been a beef and crop farmer for his whole life Tr. At 581:2-5. Mark Robert Jordan’s testimony regarding farming is credible as he experienced firsthand “the effects of the power lines being constructed across farms and the effects it has for years afterwards.” Testimony of Mark Robert Jordan, May 14, 2018, 599:25; 601:1-3.

Cattle production is negatively affected “when you add higher voltage, higher electricity to an area where you’re trying to raise animals” because “spontaneous abortion is a fact and it will ultimately ruin your end product” , with pregnant heifers “a costly process” Site Visit, May 29, 2018 (Rice, Lori) at 1279: 8-18; see also, Site Visit, May 29, 2018, Tr. at :1165: 14-21 (Kauffman, Aaron).

Maintenance of rights of way by utility companies can occur when crops are there and can damage existing crops. Testimony of Robert Jordan, May 14, 2018, 585: 10-11.

Each acre of farmland that is impacted at the Benedict Produce Farm results in a \$30,000 loss in crops, “a high intensity crop.” Site Visit, May 29, 2018 (Benedict, K.) at 1182: 5-9 21-22.

Once crops are in production, picking continues every day and cannot be stopped for construction of the IEC Project or maintenance of the rights of way, as explained by Mr. Benedict. Site Visit, May 29, 2018 (Benedict, K.) at 1190: 13-17.

Mr. Brechbill¹² demonstrated at the Franklin County site visit how difficult and “hard” it can be to take farm machinery around transmission tower, by showing a “30 foot planter” which “isn’t the biggest around” which cannot come within more than eight feet of the poles.” Site Visit, May 29, 2018 (Brechbill) at 1289: 2-3 Certain areas of farmland will be completely un-farmable, as demonstrated by Mr. Brechbill, indicating about a quarter of an acre. Tr. at 1289: 13-14.

The difficulties caused are not inconsequential; a single crop harvest using equipment may require passing that equipment across the same area under transmission lines 20 to 30 times a day. Tr. at 1177:3-4. A Harvest Aid is a conveyor that is used at the Benedict Produce Farm to harvest,

¹² Mr. Brechbill’s testimony is reliable and credible, because he has personal experience operating farm machinery, and agricultural sales, as well around poles of a smaller size than the one proposed for the IEC Project. Tr. at 1287: 15-21; 1291: 1-5 .

which is 60 feet, each way; and sprayer boom is about 90 feet long.Tr. at 1195: 5-8; 1187:21-23 (Benedict, D.).



PUC 85 -Sprayer – 90 foot booms and 13’ 6” tall

At the Benedict Produce Farm, Mr. Benedict demonstrated that he would need to continually “head check every time to make sure I’m not close to a power line” Site Visit, May 29, 2018 (Benedict, D.) 1195: 5-8. GPS-driven farm equipment I “is unreliable when you get close to transmission line” and “sometime it just doesn’t work at all.” Tr. at 1290: 2-4 (Brechtbill).

Soil compaction is a major concern for Franklin County farmers facing construction and maintenance of rights-of-way on their property. Soil compaction was evident for several years from the reconstruction of the PPL power line with only one side in use across Mr. Jordan’s farm. Testimony of Mark Robert Jordan, May 14, 2018, 601:3-5; 602; 23-25; 603 1-3.

Maintenance of the existing right-of-way on the PPL power line with only one side in use has be done after heavy rains, without using farm roads, and has damaged crops . Tr. at , 601:9-15. Farms with high transmission towners see decreased yields “many years after construction

and maintenance of high-voltage transmission lines are completed” and impose “additional loss” in the form of decreased yields and future decreased yields.” YCPC Surrebuttal St. No. 1-SR of Gobrecht, at 9:17-20.

The IEC Project is a land use that threatens viable farms, and may render farming impracticable. *See, e.g.*, Tr. at 1162 -1163 (Kauffmann); Tr. at 1179-81 (Benedict); Tr. at 1192: 21-25; 1193:1-2.

At the site visit at the Rice Farm, Allen Rice demonstrated how the infrastructure for building was already laid out, and “millions of dollars” has been invested “in the initial infrastructure to be able to add building to meet [compost business} needs. Tr. at 1286: 23-25; 1287:1-4.

Transmission companies such as Transource and PPL will “bring in their own crews that will come in and build these new power lines” and will not bring jobs to the community. Nt. At 605; 8-11. Todd Sommer’s testimony is reliable as he is a supervisor for a utility company and the owner of Sommer Springs Farms. Tr. at 608:25; 609:1-2.

G. Eminent Domain

Transource and PPL must exercise the power of eminent domain to construct the transmission lines, if approved by the Commission. Eminent domain power is authorized only for public utilities under Section 1511 of the Business Corporations Code. 15 Pa. C.S. 151(a). Section 1511 places the burden of providing that the “service to be furnished by the corporation through the exercise of those power is necessary or proper for the service, accommodation, convenience or safety of the public.” 15 Pa. C.S.1511(c). Transource must prove, therefore, by a preponderance of the evidence that it has met every element of the applicable statute, regulations, in compliance with the constitutionally protected environmental rights.

The Commission should reject approval of the Eminent Domain Applications because Transource has not demonstrated compliance with the Environmental Rights Amendment, or that the IEC Project is response to any public need that exists. There's no indication the.

The Order proposing the regulations specifically stated that the Commission, when considering the exercise of eminent domain, “has a constitutional responsibility pursuant to Article I, Section 27 of the Constitution of Pennsylvania to ensure the protection of the environment whenever the issue of damage to the environmental is raised. Re Proposed Electric Regulation, 40 Pa. P.U.C. at 709 , 712 (1976). t domain.

The General Assembly enacted additional protection for lands subject to conservation easements, protecting them from eminent domain with the recent passage of Act 45. The Act, amending the Eminent Domain Code, was signed into law on June 26, 2018. Under the new law, no eminent domain of lands subject to a conservation easement can occur without Orphan's Court approval that there “is no reasonable and prudent alternative” to using land subject to a conservation easement. 26 P.S. § 208(d). Any entity seeking to condemn lands subject to conservation easements must obtain approval from the Orphan's Court at least 30 day prior to taking such action. 26 P.S. § 208(c). The language of Act 45 has a similar, although not identical limited exemption for public utility facilities, like the exemption contained in the Agricultural Area Security Law. Under Act 45:

condemnation approval is not required for any public utility facility *or other project that is subject to approval by a federal agency*, the necessity for the propriety and environmental effects of which has been reviewed and ratified or approved by the Pennsylvania Public Utility Commission or the Federal Energy Regulatory Commission.

Section 208(a) (*emphasis added*). Again, the exemption is limited to “public utility facilities,”

and to those that the Commission has already reviewed and ratified or approved, considering whether the placement is necessary and advisable, given the environmental effects. The Commission has neither reviewed or ratified, nor approved the IEC Project or the placement of new transmission lines. Again, condemnation of lands subject to conservation easements must be approved by the Orphan's Court in the respective county.

Act 45 is the General Assembly's most recent pronouncement on the importance of limitations on eminent domain for preserved land under the Conservation and Preservation Easements Act. Under the new Act, Orphan's Court may only approve the condemnation "if the court determines there is no reasonable and prudent alternative to the utilization of the land subject to a conservation easement for the project." 26 P.S. § 208(d). As the Agricultural Area Security Law protects lands within ASAs protected from eminent domain, the new Act 45 protects lands subject to conservation easements from eminent domain, by providing for heightened review by the local Orphan's Court. The Orphan's Court must deny any proposed condemnation of lands subject to conservation easements unless there is no reasonable and prudent alternative. Transource's request to condemn lands subject to conservation easements cannot be approved unless it shows that there is no reasonable and prudent alternative.

Transource is required to obtain approval from the Agricultural Lands Condemnation Approval Board ("ALCAB") and additional local entities before seeking to condemn properties that are part of an Agricultural Security Area ("ASA"). The Agricultural Area Security Law protects properties that are "unique and irreplaceable land resources of Statewide importance" by placing them in an ASA to prevent "urban pressure," "scattered development" and "incompatible nonfarm land uses that may render farming impracticable." 3 P.S. § 902. Properties within an ASA may only be taken by eminent domain upon a showing that there is "no reasonable and

prudent alternative to the utilization of lands within the agricultural security area for the project” or that the project would not have an unreasonably adverse effect upon: 1) the preservation and enhancement of agriculture or municipal resources within the area; 2) or upon the county, municipality and the Commonwealth’s environmental and comprehensive plans, goals, resource plans, policies or objectives. 3 P.S. § 913(d). In addition to the protection from eminent domain, the

Section 913 of the Agricultural Area Security Law protects agricultural security areas against the adverse impacts from condemnation. All parties that intend to condemn land within an ASA must receive approval by ALCAB, and the governing bodies of the county, municipality and agricultural committees in which the proposed condemnation is to occur. 3 P.S. § 913(b).¹³

Transource’s Siting Applications indicate that the proposed ROW crosses lands within ASAs in both Franklin and York Counties. More recently, Transource filed eminent domain applications with the Commission, including those that seek to condemn land contained within ASAs.¹⁴ As such, Transource must seek ALCAB pre-approval, and provide 30-day notice to ALCAB and the local governing bodies, including the counties, and the respective agricultural

¹³ Section 913(b) provides:

No political subdivision, authority, public utility or other body having or exercising power of eminent domain shall condemn any land within any agricultural security area for any purpose *unless prior approval has been obtained* from the Agricultural Lands Condemnation Approval Board and from each of the following bodies: the governing bodies of the local government unites encompassing the agricultural security area, the county governing body, and the Agricultural Security Area Advisory Committee. Review by the Agricultural Lands Condemnation Approval Board and the other indicated bodies shall be in accordance with the criteria and procedure established in this section.

3 P.S. § 913(b) (emphasis added).

¹⁴ Transource did not serve counsel of record in the consolidated proceedings with copies of Eminent Domain Applications.

securities committees. 3 P.S. § 913(c). ALCAB is an independent administrative board made up of the Director of the Office of Policy and Planning, the Secretary of Agriculture, the Secretary of Environmental Resources, the Secretary of Transportation, or their respective designees, and two active farmers appointed by the Governor. ASAs exist in both Franklin County, and York County, and are overseen by the Franklin County Land Preservation Board, and by the York County Agricultural Land Preservation Board. 71 P.S. § 106.

Here, the Commission is in the process of reviewing the need for Transource's IEC Project in the instant Siting Applications. In addition, the Commission has not considered the "environmental effects" of the IEC Project yet. The review of the Siting Applications before the Commission is the opportunity for the Commission to understand the environmental effects of the IEC Project, and to weigh the various factors against the constitutionally protected environmental interests of citizens, and its own duties to the trust of public natural resources under Art. I, Section 27 of the Pennsylvania Constitution.

ASA Lands Can Only be Taken By Eminent Domain Where There is No Reasonable and Prudent Alternative Or No Unreasonably Adverse Effect Upon the Preservation and Enhancement of Agriculture or Municipal Resources.

In order for Transource to qualify for the limited exemption from ALCAB and the other reviewing bodies' approval, the Commission must conduct the review of the proposed condemnation of the ASA lands using the factors that the ALCAB and the local municipality, county governing body and Agricultural Security Area Advisory Committee would use to

evaluate requests for condemnation. Otherwise, there is no reason to allow an exemption.¹⁵

ALCAB and the other reviewing bodies may only approve the proposed condemnation if it determined that:

(A) the proposed condemnation would not have an unreasonably adverse affect upon the preservation and enhancement of agriculture or municipal resources within the area or upon the environmental and comprehensive plants of the county, municipality and the Commonwealth, or upon the goal, resource plans, policies or objectives thereof; or

(B) there is no reasonable and prudent alternative to the utilization of lands within the agricultural security area for the project.

3 P.S. § 913(d).

The General Assembly set forth a clear purpose for the Agricultural Area Security Law in its Statement of legislative findings:

It is declared the policy of this Commonwealth to *conserve and protect* and to encourage the development and improvement of its agricultural lands for the production of food and other agricultural products. It is also declared the policy of the Commonwealth to *conserve and protect agricultural lands as valued natural and ecological resources* which provide needed open spaces for clean air, as well as for aesthetic purposes....Many of the agricultural lands in the Commonwealth are in jeopardy of being lost for any agricultural purposes. Certain of these lands constitute *unique and irreplaceable land resources* of Statewide importance.

¹⁵ See *In re: Condemnation of Springboro Area Water Authority*, 898 A.2d 6 (Pa. Commw. Ct. 2006) (The “general idea of the exemptions in section 13(b) is to prevent repetitive review of the same condemnation by multiple agencies.”).

3 P.S. § 902 (emphasis added). An additional particularly relevant purpose included in the Agricultural Area Security Law is to “protect farming operations in agricultural security areas from incompatible nonfarm land uses that may render farming impracticable.” 3 P.S. § 902.

Because Transource is seeking to condemn lands within an ASA, Transource must meet the heightened standard of ALCAB approval. “In cases involving challenges to a utility's siting of HV lines for eminent domain or zoning exemption purposes, our courts have held that it is settled law that the designation of the route for [a HV] line [is] a matter for determination by [a utility's] management in the first instance, and [the utility's] conclusion will be upheld unless shown to be wanton or capricious.” *Energy Conservation Council of Pennsylvania v. Pennsylvania Public Utility Com’n*, 995 A.2d 465, 479–80 (Pa. Commw. Ct. 2010) (citing *Stone v. Pennsylvania Public Utility Com’n*, 162 A.2d 18, 21 (Pa. Super. 1960)). Where the route involves lands within a protected ASA, the utility has the burden of proving that there is no reasonable alternative route that does not use ASA lands.

As such, if the Commission is substituting its approval for the pre-approval of ALCAB and the reviewing bodies, the Commission may only approve Eminent Domain Applications within the ASA if Transource establishes that there is no reasonable and prudent alternative route that avoids condemning the preserved farms, and that the use of the lands within the ASA would not have an unreasonably adverse effect upon the preservation and enhancement of agriculture within the ASA or upon the environment.

Eminent domain abuse falls disproportionately on the poor, minorities, and other groups that are likely to be politically weak. Thus, the beneficiaries of eminent domain are “likely to be those citizens with disproportionate influence and power in the political process, including large

corporations and development firms. As for the victims, the government now has license to transfer property from those with fewer resources to those with more.” *Kelo v. City of New London*, 545 U.S. 469, 505 (O’Connor, dissenting). After *Kelo*, “[n]othing is to prevent the State from replacing any Motel 6 with a Ritz-Carlton, any home with a shopping mall, or any farm with a factory.” *Id.* at 503. In fact, according to a 2007 study conducted by the Institute for Justice, “more residents in areas targeted by eminent domain—as compared to those in surrounding communities—are ethnic or racial minorities, have completed significantly less education, live on significantly less income, and significantly more of them live at or below the Federal poverty line.” See Dick M. Carpenter II & John K. Ross, *Victimizing the Vulnerable* at 6 (2007).

Additionally, according to the American Farmland Trust, “[w]ith so much farmland on the urban edge and near cities still in steep decline, ex-urban towns could be tempted by [the *Kelo*] ruling to make farmland available for subdivisions.” American Farmland Trust Policy Update (July 6, 2005). Farmers need to remain in the agriculture business to continue their business of feeding Pennsylvania.

VII. Other Relevant Issues

A. Alleged Reliability Violations

B. Assuming *Arguendo* That the Commission Approves the Settlement for the IEC East Portion, The Commission Must Still Deny the IEC West Line In Franklin County

The Transource Witnesses at the July 9, 2020 hearing confirmed that the IEC Project proposed settlement is more expensive and have less alleged benefit than the original applications. In addition, Witness Baker suggested that Given the substantial issues with the IEC West Line.

VIII. Conclusion

For the foregoing reasons, Transource and PPL's Application for the approval of the IEC Project must be denied. At a very minimum, Transource and PPL must be prohibited from beginning any construction unless and until all approval from Pennsylvania agencies are secured. In the alternative, the Commission should approve on the agreed-upon settlement alternative in the form of the IEC East line only.

Curtin & Heefner LLP



By: _____

JOANNA A. WALDRON

Date: August 11, 2020

APPENDIX "A"

Appendix A

Procedural History

PJM, a Regional Transmission Organization charged by the Federal Energy Regulatory Commission (FERC) with ensuring the reliable and efficient operation of the electric transmission system that spans all or parts of thirteen states, prepares an annual Regional Transmission Expansion Plan (RTEP) detailing a series of analyses to ensure reliable flow of electricity to its customers. Application at 6-7. The RTEP also includes a Market Efficiency Analysis, the purpose of which is to identify congestion constraints across its electrical grid that effects its economic efficiency and can increase prices on the wholesale market for certain customers. Application, at 7.

As part of its RTEP process, PJM identified congestion that it sought to resolve. As part of the 2014/2015 Long Term Proposal Window, PJM solicited proposals to address the congestion identified in PJM's Market Efficiency Analysis. Id. Specifically, congestion on the AP South Reactive Interface, a set of four 500 kV lines which originate in West Virginia and terminate in Maryland. Id. Transource Energy submitted its proposal, now known as the IEC Project, which PJM identified as "201415_1-9A," composed of both the IEC-East and IEC-West portions. On August 2, 2016, the PJM Board of Directors approved Project 9A as Baseline Upgrade Numbers b2743 and b2752. Application at 8-9.

On November 2, 2016, PJM and Transource Energy executed a Designated Entity Agreement (DEA). FERC approved the Designated Entity Agreement on January 12, 2017 at Docket No. ER17-349-000. Application at 9-10. Pursuant to Schedule E of the FERC-approved Designated Entity Agreement, Transource PA is responsible for the construction, ownership, maintenance, and operation of the Pennsylvania portion of the IEC Project. Under the same

agreement, Transource MD, is responsible for the construction, ownership, maintenance, and operation of the Maryland portion of the IEC Project.

On February 7, 2017, Transource PA filed an Application with the Commission seeking a Certificate of Public Convenience to begin to furnish and supply electric transmission service in Franklin and York Counties, docketed at A-2017-2587821, *et al.* On January 23, 2018, the Commission entered an order granting Transource PA its Certificate of Public Convenience, but making clear that such approval did not constitute approval of any transmission project proposed for the Company's service area.

On May 15, 2018, Transource Pennsylvania, LLC ("Transource" or "Company") filed 133 eminent domain applications ("Eminent Domain Applications"), and two Petitions for findings that building to shelter control equipment at the proposed Rice Substation in Franklin County (Docket No. 2018-3001878, hereinafter "Franklin County Shelter Petition"), and for the Furnace Run Substation in York County (Docket No. 2018-3001883, hereinafter "York County Shelter Petition") (collectively, "Shelter Petitions"). The deadline for filing protests and/or interventions in the Eminent Domain Applications and Shelter Petitions is July 6, 2018. Transource's additional filings prompted the Commission to issue the Second Prehearing Order in the ongoing case of Transource's two siting applications to construct and operate the Pennsylvania portions of proposed new extra high-voltage ("EHV") transmission lines and two new substations, including one in Franklin County, filed December 27, 2017 and docketed at the Commission under A-2017-2640195, and A-2017-2640200 (hereinafter "Siting Applications").

On December 23, 2017, the Public Utility Commission ("Commission") approved a settlement of Transource's application for certification under Docket Nos. A-2017-2587821 and G-2017-2587822. Transource sought approval of the settlement and certification prior to filing

the Siting Applications so that it could “avoid potential environmental and engineering/constructability issues, to the extent possible, when developing and evaluating alternative transmission line routes.” See Transource Pennsylvania LLC Statement in Support of Joint Petition for Stipulation and Settlement of All Issues at 6; see also, Initial Decision on Application of Transource Pennsylvania, LLC for all of the Necessary Authority, Approval and Certificates of Public Convenience: (1) to Begin to Furnish and Supply Electric Transmission Service in Franklin and York Counties, Pennsylvania; (2) for Approval of Certain Affiliated Interest Agreements; and (3) for Any Other Approvals Necessary to Complete the Contemplated Transactions, (Docket No. A-2017-2587821 and G-2017-2587822) (August 3, 2017) p. 16.

APPENDIX "B"

Appendix B

Proposed Findings of Fact

1. Representative Rob Kauffman of the 89th Legislative District opposes the IEC Project because “it is crystal clear that the costs to Franklin County residents far outweigh the benefits of construction of the new line.” Tr. at 1010:7-10.

2. The IEC Project will be approximately 500 feet from Rep. Kauffman’s own home and “affect my line of sight in all directions.” Tr. at 1010: 1-3.

3. As Rep. Kauffman stated:

This project will cut a path of over 24 miles through the heart of Franklin County through Greene, Guildford, Quincy, and Washington Townships. As this project crosses these municipalities, it will negatively impact the residential housing developments, intersect prime farmland, and reduce the potentiation for development in premium land in Franklin County. There are serious concerns about potential damage to our ecosystem and health as the proposed route traverses the Falling Spring watershed and the Chambersburg High School cross country track within the distance of a few football fields. For perspective, the Falling Spring Branch is a limestone-fed spring that is widely considered one of the most abundant waterways on the East Coast for wild rainbow trout.

Tr. at 1010:7-20.

4. Representative Kristin Phillips Hill of the 93rd Legislative District opposed the IEC Project, because it “will not provide long term significant benefits to our local Pennsylvania communities economically nor preserve our tremendous agrarian heritage and scenic beauty.” Tr. at 1902:6-17 (Phillips Hill).

5. Representative Phillips Hill recognizes that the IEC Project “is designed to benefit consumer in other state which are experience higher energy costs” noting that “no residents are

experiencing outages; nor do I see where this project will aid our local Pennsylvania communities with reduced electric costs.” Tr. at 1903: 4-8 (Phillips Hill).

6. There are no “significant long-term benefits” of the IEC Project to Rep. Phillips Hill’s constituents that “would offset the damage to our preserved lands and agricultural heritage.” Tr. at 1904 (Phillips Hill).

7. Transource Witness Baker concedes that the IEC Project involves a significant amount of green field construction, over fields in which there is no current right of way; and that in the Franklin County portion of the IEC Project, the line parallels existing infrastructure “in about 42%” of the length , only 12.1 miles of the total length. Tr. at 2157: 20-24; 2158: 11-16.

8. Even where the IEC Project parallels infrastructure additional land will be taken to increase the right of way, because there has to be a minimum distance of 100 feet to the existing right of way and the new right-of-way. Tr. at 2173:8-17.

9. Transource repeatedly has not provided updated information to the Commission, such as the year old information on agricultural easements; or incomplete information, such as projecting the size of the substation site as 30 acres, and then updating that to 40 acres upon questioning. Tr. at 2959:20-25; 2160: 1-6 (easements); Tr. at 2175; 2176: 9-19 (substation).

10. Transource Witness Ali explained that “power needs to get into the Baltimore area and “what this project is doing really is it is connecting those 500kV lines from north to south and then getting back in an existing manner to the 230kV grid which is connected to the demand center” which “demand center is really south of those lines.” Tr. at 2418: 21-25; 2419:9-10 (Ali).

11. There are “no 500kV lines existing that go from north to south and the existing [500 kV lines] go from east to west.”

12. Ironically, Transource witness Steven Herling explained that the increased in generation from shale gas development “have exacerbated the constraints. “There’s been a tremendous amount of shale gas development in the state, and that has increased the flow of energy on a north south basis” Herling TR. at 2267: 8- 14.

13. Transource witness Steven Herling testified in at the February 2019 hearing that “in this case, congestion on the grid,” and not reliability, was the issue identified by PJM, which caused it to” solicit solutions “from transmission developers.” Tr. at 2272: 17-20.

14. Unlike other Regional Transmission Organizations that identify cost effective solutions and put those solutions out for bid, PJM’s “sponsorship” model means that PJM solicit solutions “from transmission developers” (Tr. at 2272: 17-20) and then enters into a binding agreement called the Designated Entity Agreement, in which “PJM is not in a position to basically tear the agreement up and go another direction.” Tr. at 2274: 20-25; 2275:1; 2290:21-25 (Herling). As in this case, PJM’s model does not result in proposals from non-transmission alternatives. [cite].

15. Witness Ali sponsored an exhibit which included the DEA agreement but is “not able to speak to the specifics of the DEA.” Tr. at 2421: 14-17.

16. PJM is not a federal agency. Tr. at 2281:2-3 (Herling). Members of PJM are “participants in the wholesale markets, not regional customers on the grid.” Tr. at 2283:13015.

17. PJM is “not required to consider the rights and needs of the citizens of this Commonwealth the way that the Commission does.” Tr. at 2447:5-8 (Cawley).

18. PJM's Board approved the decision to approve the IEC Project, Tr. at 2281: 22-25; 2282:1-5.

19. PJM does not consider or ever deal with the individual residents who might be

20. PJM does not get "close to individual customers" such as the individual citizens of Pennsylvania who may be paying for electric service to their homes; PJM's only dealings with customers is in the "end use customer sector" with some "industrial customers" with whom it might interact through an aggregator. Tr. at 2283: 13-18 (Herling).

21. The "core driver" for the "proposal window in the market efficiency analysis is congestion." Tr. at 2339: 20-23 (Horger).

22. There is more power generation in the queue in Pennsylvania versus in Baltimore. Tr. at 2417:1-4 (Ali).

23. The Commission is not required by statute to work with the regional transmission organization such as PJM. Tr. at 2431: 14-15 (Cawley).

24. Transource Witness Cawley suggests that the Commission must participate in "reciprocal altruism" as part of "regionalization" and because "Pennsylvania happens to be a net exporting state" it must accept "there are downsides to creating any energy" Tr. at 2443: 3-4; Tr. at 3459: 3-6.

25. Even if the Transource Witness Cawley's suggestion to consider impacts outside the Commonwealth, OCA Witness Rubin explained that the region does not need the project. OCA Witness Rubin's conclusions are "the same conclusions whether we look at only Pennsylvania or whether we look at PJM as a whole" and that " Either way this project makes no sense. You don't spend \$350 or \$400 million so you can save \$12 million over a 15-year period." Tr. at 2504 at 3-7.

26. The Commission has the final authority to approve or reject these Applications. PJM's tariff requires it to perform certain analysis .

27. The MMU concluded that PJM should have rejected Transource's IEC Project on the benefit to cost ratio, based on the net actual benefit of the project. The benefit to costs ratio in the initial study considered solely the sum of the positive effects (energy costs reductions) and did not consider any energy costs increases.

28. As explained in the Market Monitor Report, the initial benefit to cost ratio that PJM attributed to the Transource IEC Project, was 2.48, comparing the sum of the positive (energy costs reduction) of \$1,188.07 million, and capital costs of \$340.6 million. MMU calculated that the total sum of the negative effects (energy costs increases) as \$851.67 million, a figure that should have been, but was not considered in the benefit-cost analysis. The net actual benefit as determined by the MMU was \$336.40 million, and not the \$1,188.07 million relied on the study.

29. In the Quarterly Market Report for 2020, The MMU calculated that revised benefit to cost ratio of 0.7, using the MMU's total benefits. Since the initial benefit-cost ratio, the IEC Project's benefit cost ratio went down from the initial determination of 2.48, in part due to increased project costs, reductions in the peak load forecast since 2015 and reduced congestion from the AP South Interface since 2014.

30. The IMM is a Pennsylvania limited liability company that provide market monitoring services to PJM. The Market Monitoring Unit ("MMU") is tasked with objectively monitoring the competitiveness of PJM Markets, investigating violations of FERC or PJM Market rules, recommending changes to PJM Market Rules, preparing reports such as the Quarterly Market Reports, and the Annual State of the Market Reports.

31. The Independent Market Monitor concluded that if PJM does not eliminate the Market Efficiency Process, PJM's benefit/cost ratio should be addressed and changed prior to approval of any additional projects. PJM's benefit/cost analysis does not correctly account for the costs of increased congestion. OCA 6.

32. The current costs metric used by PJM, and the costs metrics used by PJM to evaluate the IEC Project in the 2014/2015 Window, fail to account for the risk of project costs increases, and the increased congestion costs in all zones.

33.

34. The Market Monitor recommends that PJM should modify the rules governing the benefit/cost analysis so that projects with different in-service dates are evaluated on a symmetric, comparable basis.

35. The IMM recommended that PJM's market efficiency process should be eliminated because it does not adequately allow competitive market forces to operate. The market efficiency process permits transmission projects to be approved without adequate consideration of competition from generation.

36. PJM does not evaluate additional generation alternatives to see whether a generation or a transmission alternative is less costly, and which alternative (transmission or generation) carries with it more risk, and what entities bear that risk. Instead, the current market efficiency process "prioritizes assets built under the cost of services regulatory paradigm, instead of fostering generation assets under the competitive market paradigm. [] (Horger);) OCA 6, Section 12.

37. Some transmission projects exceed the estimated cost by a wide margin. OCA 6, Section 12.

38. Cost benefit analysis is meaningless where the actual costs exceed the estimated costs and can favor transmission projects. Without changes to the cost benefit evaluation, PJM risks the uncompetitive result that the transmission projects would be favored over market generation projects. Cost containment commitments limited to project construction costs; however, transmission projects were favored for those projects approved prior to the corrective action of cost caps.

39. Cost cap were not considered for the 2014/2015 RTEP Project window, and PJM's original analysis of the IEC Project does not include consideration of the actual costs increases. OCA 6.; Ch. 12.

40. As currently configured, PJM Market design has not fully incorporated transmission investments into competitive markets. Transmission projects do not manifest competitive mechanisms, such as a mechanism to permit competition to build a transmission project, to ensure that competitors provide a total project cost cap, or to obtain least cost financing through the capital markets. Id.

41. PJM Market have no mechanism to compare and evaluate among transmission and generation alternative, even though the Market Monitor points out that adding transmission projects changes the amount of capacity needed in an area, the parameters of the capacity auction, the capacity market supply and demand fundamentals, and may forestall the ability of generation to compete. OCA 6, Section 12.

42. For now, PJM's analysis of benefits only considers those zones that would have reduced costs. Benefit cost analysis should include zones that have reduced power costs, and zones with increased power costs to produce a better assessment of actual costs and market effect.

43. PJM designated the project as “subregional” based on the voltage. The PJM analysis did not consider any increases in the zonal load costs, and instead was based on only the change in zonal load energy payments with and without the project but including only those zones where the project reduced the load energy payments. The specification of benefit” as defined in the PJM’s Reliability Pricing Model (“RPM”) Benefit analysis. For a regional project, the RPM benefit is equal to the 50 of the change in system wide total system capacity payments, with and without the project, plus 50 % of the change in zonal capacity payments with and without the project, including only those zones where the project reduced the capacity payments. The formula for a subregional project also includes only those zones where the project reduced the capacity payments, and does not include any impact on system wide total capacity payments. OCA 6.

44. PJM and Transource do not account for the increase in costs in unconstrained areas when analyzing the benefits of a project. In short, PJM’s current benefit/cost analysis consistently overstates the potential benefits of the market efficiency process. OCA 6.

45. Residents of Franklin County suggest that the Transource transmission line “will be obsolete before it is ever completed and ready for service” because of reductions in demand from the power grid are being seen through solar, where solar panels have increased output from 230 watts to 350 watts at the same that panel prices have dropped from \$7.15 per watt to less than \$3.50 per watt. Lindenmeyer 1.

46. Demand for energy from the grid is also dropping because of changes in lighting technology, such as replacement of incandescent bulbs with CFLs and LEDs, where “LED light is almost 10[times] more efficient than incandescent lighting.” Lindenmeyer 1.

47. Additional technological advancements, such a Net Zero Energy housing communities, which are “off the grid entirely” and the EV automobile industry which may offer

backup battery arrays for rooftop solar, and consumer efficiency products that reduce night time power demand, all suggest that retail market energy demand on the grid is decreasing., which decreased the wholesale market demand. Lindemeyer 1.

48. Solar generated power can transmit energy more efficiently, as evidenced by the Solar arrays in Pennsylvania number more than 22,500, generating 399.6 megawatts of power, and in Maryland, more than 63,100, comprising 1006.9 Megawatts of power, which are more than 98% efficient. Lindenmeyer 1.

49. Transource Witness Chang 's analysis of the alleged economic benefits of the IEC Project was based entirely on a modeling, as she never visited either Franklin County, York, nor had any with the Franklin County Economic Development Corporation . Tr. at 2467:6-12.

50. Transource supplied the numbers to Witness Chang for the economic model, and she did not have independent source for the IMPLAN model inputs. Tr. at 2470: 1-10.

51. Transource Witness Chang has “not looked at specific impacts on land use.” Tr. at 2467:24-25.

52. Mr. Rice demonstrated where on his property he's had “a lot of sinkholes” and that he observed that Transource had to use “two bags on concrete” which he was told by Project Manager of Transource, Mr. Stine, that they had “put concrete in to the hole back up.” Site Visit, May 29, 2018 (Rice, Allen) at 1285: 1-13; 14-18.

53. Ms. White reports that her property “has a lot sinkholes” and that at the time of the Site Visit in May 2018, there was one, falling in down to the east of the house, and that drilling will be an issue. Tr. at 1207: 18-23.

54. Houses observed on the Site Visits in both Franklin and York Counties did not appear on the Transource maps. Tr. at 1474:21-25; 1476: 1-2 (Stewart); PUC 342 (Photo of 3 houses) .

55. Agricultural easements, also called “conservation easements” are a legal document that “forever preserves the agricultural use by limited the property” from “future development.” Testimony of Gobrecht,,YCPC St. No. 1, p 11:4-6.

56. Agricultural easements help to build the necessary “continuous blocks of land that allow for viable farming operations and sustainable agricultural communities.” Testimony of Gobrecht,,YCPC St. No. 1, p 11: 12-14.

57. Farms that are under a conservation easement “need to have flexibility on their farms to change and expand operations as the farming markets change over the years” because they have “already given up future dwelling rights and any possibility of subdividing off lots to supplement income from their agricultural operations.” YCPC Surrebuttal St. No. 1-SR of Gobrecht, at 8: 5:-8; 11-15.

58. Farmers will be restriction in what they ‘can and cannot do in a right of way easement, and the IEC Project would “severely limit how farming operations could adapt for future generations.” YCPC Surrebuttal St. No. 1-SR of Gobrecht, at 3: 8-15; 15-17.

59. Douglas Wolfgang, the Pennsylvania Department of Agriculture’s Director of Farmland Preservation testified that if a new right-of-way goes through a preserved property, the property owner may be required to prepared a new conservation plan, which is subject to a large

backlog of plans waiting to be processed by the County Conservation Districts. Testimony of Douglas Wolfgang, May 14, 2018, Tr. at 364:17-20.

B. Need for the Project

Failure to Consider Alternatives

60. The Department of Energy Grid Modernization Project suggests that the “the grid we have today does not have the attributes necessary to meet the demands of 21st century and beyond” because it fails to consider “Microgrids [that] can help generate local energy” and, “which lessen the transmission distance to customers.” TR. at 1058:14-24. (Whelen)

61. The “congestion relief being sought will primarily benefit utilities to the south of Pennsylvania, and not benefit the local customers impacted by the proposed corridor, and will likely result in increased costs to Pennsylvania resident in general due to the increased competition for generated resources within Pennsylvania.” Testimony of Douglas McGinnis, May 14, 2018, 559:7-12.

62. Mr. McGinnis’ testimony regarding PJM’s Analysis and effects of the IEC project is reliable because he is the Engineering Manager for Utility Communications. Testimony of Douglas McGinnis, May 14, 2018, at 558:9-10.

63. PJM’s analysis PJM’s analysis is “structured and quantitative and does not consider societal and community scarring created by a new transmission corridor” without consideration for the “impact the Transource proposal would have on the local citizens who would have to look at these towers for the rest of their lives.” Testimony of McGinnis, May 14, 2018, 559: 23-25; 560: 2-5.

64. PJM’s documentation reflects that load growth is “flat and flattens more every year.” Testimony of Douglas McGinnis, May 14, 2018, 561:2-3.

65. Pennsylvania’s Climate Goals, including a commitment for 80 percent reduction of net greenhouse gas emissions by 20250 from 2005 levels, require energy conservation, and are not consistent with PJM’s analysis of recommended transmission line project for the PJM region. Executive Order 2019-01.

66. Pennsylvania’s January 2019 Executive Order Addressing Climate Change and Promoting Energy Conservation and Sustainable Governance, 2019-01 recognizes that “Pennsylvania can take steps to continue to reduce emissions in the power section, increase reliance on clean energy and improved energy efficiency” Executive Order at 1 (Whereas clause).

67. The Executive Order includes Performance goals for all state agencies, including “Procure renewable energy to offset at least 40 percent of the Commonwealth’s annual electricity use” and to evaluate the purchase of Tier I credits, “and/or the direct purchase of renewable power generation sited in Pennsylvania.” Executive Order 2019-01.

C. Risks to Health and Safety of the Public

68. At the location of 2585 Woodstock Road, in Chambersburg Franklin County, near Interstate 81, Fred Byers demonstrated at property that he owned and which is occupied by a tenant on the cul-de-sac, would be within the 130 foot right of way easement for the 230 volt line, with easement appearing to extend “two feet over the farmhouse.” Site Visit, May 29, 2018 (Byers) at 1168: 17-25; 1169:1-4 .

Karst Topography Risks

69. Construction of the IEC Project in the karst topography of Franklin County can lead to sinkholes and ground collapse, which can occur in karst terrains, and are “commonly related to human activities such as construction or drainage changes. STFC St. No. 1 at 9: 1-5.

70. Transource did not present the Commission with sufficient information to understand whether mitigation strategies for karst would be employed. Tr. at 2574 (Yamantani).

71. Transource identified at least five large sinkholes over ten foot in diameter in the IEC Project, and many others that were in the two to three foot diameter range on the IEC Project West route. Tr. at 2574: 7-16 (Yamatani).

72. Transource Witness Yamatani was unable to identify location where the identified sinkholes had been found during the field inventory. Tr. at 2580.

73. Transource's mitigation strategies such as erosion and sediment control will not extend beyond the right-of-way, and Transource will not conduct any mitigation strategies outside of the right-of-way. Tr. at 2581.

74. The only location that Witness Yamatani was familiar with from speaking with individuals who were in the field, was a location discussed near Newcomer Road, being "130 or 140 so foot outside the center line of the proposed transmission line, which is outside of the right of way" Tr. at 2580: 10-11;22-24.

75. Residences, businesses, roads, pipelines and electric lines are all human activities which he maintained that it was potentially in the right of way, that can be in danger of collapse in karst topography. STFC St. No. 1 at 9: 1-5.

76. The complex nature of subsurface karst, and the "piping" and "raveling" process, as explained by Dr. Sasowsky, means that the effect of changes in drainage are seen at great distance from the location of the initial drains change, and occur over time, making it "very challenging to predict where problems will develop." STFC St. No. 1 at 9: 16-21. Figure F.

77. Transource's Application materials for the IEC West Project do not have enough information for Dr. Sasowsky to have certainty about "the safe construction and operation of the proposed project." STFC St. No. 1, Sasowsky.

78. The monopole tower of the IEC Project can come down, for example, in weather events, such as tornadoes, as explained by Transource witness Herzog. Tr. at 2218:9-10 (Herzog).

The IEC Project Endangers the Public with Exposure to Electromagnetic Fields and Underestimates the Exposure Levels and Misrepresents the Potential Harm to the Public

79. EMF exposure data is theoretical and not based on actual measurements. Tr. at 2723: 22-23 (Silva).

80. Magnetic fields from appliances exist briefly and are not long term like transmission line exposure. Transource St. 15-R; Tr. at 2723:2-10

81. If Projected Loads on transmission lines increase each year, the resulting magnetic fields can be expected to increase each year as well. Tr. at 2724:1-4 (Silva)

82. Transmission lines can have instances in which the EMF levels could increase, if for example the line is not operating at normal load. Tr. at 2724: 21-25.

83. Transource's witness on "the association of EMF and cancer" Dr. Lee, agrees that the results are "inconsistent" meaning that "some [studies] find elevated odds ratios, and some do not." Tr. at 2699: 17-20. Dr. Lee further clarified that "odds ratio may mean an increased risk" but that "they don't always mean an increased risk." Tr. at 2699: 22-25. Dr. Lee conceded that her written testimony did not include a number of medical studies that show an elevated risk [of cancer] from EMF. Tr. at 2702: 19-23.

84. Medical research articles and comprehensive literature review suggest an association between leukemia and power lines. Testimony of Courtney Dettinger, May 14, 2018, at 547:24-25; PUC 47.

85. Ms. Courtney Dettinger's testimony is reliable because she is a registered nurse, and a nurse practitioner student. Testimony of Courtney Dettinger, May 14, 2018, at 538:14-15.

86. Research studies investigated by Ms. Dettinger identified "cases of leukemia in children living within 600 meters of a power line, which is roughly equal to 1,960 feet." Testimony of Courtney Dettinger, May 14, 2018, at 549:9-12.

87. "The International Agency for Research on Cancer classifies extremely low frequency, or ELF, magnetic fields, such as power lines as possibly carcinogenic to humans." Testimony of Courtney Dettinger, May 14, 2018, at 549:12-15.

88. Ms. Dettinger testified that National Institute of Health Services says that power lines "cannot be recognized as completely safe" and are considered "a possible human carcinogen" and that the American Cancer Society reports an observed "increase in risk of childhood leukemia." Testimony of Courtney Dettinger, May 14, 2018, at 549:15-18; 18-20; see also Testimony of Ann Lavin, May 14, 2018, at 13-24.

89. As little as one exposure to non-ionizing radiation, such as from a power line, during the prenatal phase, or multiple exposure postnatally, suggests that "pre-leukemic cells can be transformed into leukemia cells." Testimony of Courtney Dettinger, May 14, 2018, at 21-25; 550: 1.

90. Ann Lavin further testified regarding the risks to health and safety, she discovered the U.S. National Institutes of Environmental Health suggest that "people concerned about their exposure to EMF and ELF radiation find out where their major EMF sources are and move away from them or limit the time spent near them." Tr. at 567:16-19 (Lavin).

91. Ms. Lavin identified 47 individuals who had lived in the area of the Airville York County, Pennsylvania who had died from cancer.) May 14, 2018 567:2-25; Tr. at: 568: 1-8 (Ann Lavin.

92. Residents living near existing power lines and who run farm machinery under those lines have testified in Maryland that power arcs off the farm machinery sometimes setting their monitors off and they have to unhook them under the power line.” Testimony of Janet Archer , May 14, 2018, Tr. at 581:18-24.

93. Ms. Archer’s testimony regarding farm practices is reliable because she is a retired farmer and the President of the Crawford County Farm Bureau. Tr. at 579:25; 580:1 (Archer).

94. High transmission lines on farmland cause an “added risk of electric shock to farmers” YCPC Surrebuttal St. No. 1-SR of Gobrecht, at 9: 8-10; Exhibit YCPC SR-1.

95. Electric shock is also a risk to workers who ride equipment, as explained by at the Benedict Produce farm during the Site Visit in Franklin County, where the risk of conducting electricity through water will endanger up to “90 guys, 90-some workers” simultaneously out on three different machines, “standing in the water” and “reaching “ into water. Site Visit, May 29, 29, 2018, (Benedict, Denton) 1178:3-25; *see also* Exhibit YCPC SR-1.

96. The Testimony of Keith and Denton Benedict is reliable and credible and entitled to weight because they are both actively engaged in farming of produce that is found in Giant on their over 143 acre farm in Franklin County. Site Visit, May 29, 29, 2018, (Benedict, Keith) 1191:5-6; 13-15

97. The Harvest Aid at the Benedict Produce Farm conveys crops such as zucchini directly into water on equipment. Site Visit, May 29, 29, 2018, (Benedict, Keith) 1191:5-6; 13-15.

98. Workers have their “hands are in the water” and workers are “reaching up, touching conveyors continually off and on.” Site Visit, May 29, 2018, (Benedict, Denton) 1178:3-25.

99. The IEC Project will impose additional restrictions on farmland where operating machinery such as at the Benedict Produce Farm, where the cabs of the equipment operated are 13 feet 6 inches high. Site Visit, May 29, 2018 (Benedict, K.) at 1194: 20-23.

100. Transmission lines may require farmers to change the use of irrigation systems due to the risk of electric shock. YCPC SR-1.

101. For example, at the Benedict Produce farm, the irrigation systems are set out 10 acres at a time to ensure water supply for via drip tape, and any construction or access to the transmission poles will “be very detrimental” affect their ability maintain yield. Site Visit, May 29, 2018 (Benedict, K.) at 1192: 23-25; 1193: 1-2.

102. Fueling equipment and servicing equipment near the IEC Project transmission lines will risk shocks and explosions and nuisance shocks. Site Visit, May 29, 2018 (Rice, Allen) 1281: 18-22.

103. Workers are reluctant to work next to transmission lines, Site Visit May 29, 2018 (Rice) 1281:7-11.

104. In rainy conditions, the transmission lines may conduct electricity in the fields, and there is a concern that farm equipment cannot be left out in the fields over night in the area of the transmission lines because the “battery is dead” the next morning. Site Visit, May 29, 2018 (Benedict, Keith) at 1189:1-6.

105. Todd Sommer’s testimony is reliable as he is a supervisor for a utility company and the owner of Sommer Springs Farms. Testimony of Todd Sommer, May 14, 2018, 608:25; 609:1-2.

106. Sparks can be seen on damp days underneath the existing power lines. Testimony of Todd Sommer, *Id.* at 609:24-25.

107. Monopoles will be placed at each turn on the IEC Project route, and close to the substations can result in multiple monopoles within less than a third of a mile of some homes. See Testimony of Dettinger, May 14, 2018, 541:4-20 (“We will have a total of six monopoles and a substation within 1,900 feet of our house or one-third of a mile.”).

108. The IEC Project presents a flood hazard threat because construction of the transmission line in the floodplain can raise the base flood elevation and increase flooding impacts. YCPC St. No. 1, Gobrecht, 32:13-14; 17-18.

109. A floodplain is defined by the Pennsylvania Department of Economic Development (“DCED”) as a “relatively flat or low land area adjoining a river stream or watercourse which is subject to partial or complete inundations; an area subject to the unusual and rapid accumulation of runoff of surface waters from any source.” YCPC St. No. 1, Gobrecht, at 32:20-21; 33:1-3.

110. The DCED administers the National Flood Insurance Program, as part of the Federal Emergency Management Agency regulations, and local Pennsylvania municipalities are required to have regulations that protect both the floodway, and the 1% annual chance flood hazard area.

111. The Municipalities Planning Code Section 603(b)(5), allows municipalities to adopt the necessary flood protection regulations to participate in the NFIP, indicating that “zoning ordinances may permit, prohibit, regulate, restrict and determine...protection and preservation of natural resources...”. 53 P.S. 10603(b)(5).

112. Guilford Township, and Quincy Township, Franklin County have adopted floodplain management ordinances, along with Lower Chanceford, East Hopewell and Fawn

Townships in York County. YCPC St. No. 1, Gobrecht, at 33: 13-14; FEMA website, <https://www.fema.gov/flood-insurance/work-with-nfip/community-status-book>

113. Floodplains have the natural function of “dissipate the energy of a given storm event” by both “absorb[ing] the energy of the flood” and “contain[ing] the water until such a time as it is absorbed into the soils and later release downstream.” YCPC St. No. 1, Gobrecht, at 33: 4-6.

114. The Route selected for the IEC Project in Franklin County will “cross over more floodplain areas” than other routes that were not selected. Tr. at 2177: 1-4 (Baker).

115. A temporary or permanent access road or transmission town “could negatively impact the floodplain and raise the base flood elevation.” YCPC St. No. 1, Gobrecht, at 33:16-18.

116. Monopoles can “act as an obstacle during a flood” and can “effect the flood level in that area, without providing the benefits of streambank stabilization or sediment filtration.” YCPC Surrebuttal St. No. 1-SR of Gobrecht, at 6:5-11.

117. The Meyer- Benedict property, on the IEC West proposed route in Waynesboro, Franklin County, “floods regularly, periodically” with flooding occurring in some years “three or four times like that, and we can have a year where it floods once like that” Site Visit, May 30, 2018 (Benedict, Kerri) at 1338: 11-25.

118. Runoff has increased on the property during the life of Ms. Benedict as farmers on surrounding properties have “removed fence rows and the woods.” Site Visit, May 30, 2018 (Benedict, Kerri) at 1338; 19-23. The Selected Alternative, Route C crosses the most floodway areas. These are areas where structures cannot be located. Siting Study at 43.

119. Floodway building can cause Changes to hydrology and will need to approved by DEP

120. The many local “unpaved, dirt and gravel roads” and locally owned bridges with weight limits are subject to damage from the proposed construction with heavy machinery and trucks. N.T. May 22, 2018 (Bumbaugh) 861: 15-16; 862:6-12; YCPC St. No. 1, Gobrecht, at 34:9-17.

121. The Testimony of Kerry Bumbaugh on the status of Franklin County roads is reliable and credible, and entitled to weight because he is a Township Supervisor in Quincy Township, Franklin County, and the President of the Franklin County Association of Township Supervisors. N.T. May 22, 2018 (Bumbaugh) 861: 15-16; 862:6-12.

122. In 2018, initial investigatory drilling work in Franklin County for the IEC Project has already “caused damage,” reports from residents of issues such as “mud on the roadway” and caused “erosion ion the side of the road.” N.T. May 22, 2018 (Bumbaugh) 861: 15-16; 862:6-12

123. Transource has not provided the Commission with a determination from the FAA as to which of the structure locations will need lighting. Tr. at 2198: 14-16.

124. Many properties will be impacted with views of multiple transmission towers.

D. Environmental Impacts

125. Ability to minimize impact of potential habitat fragmentation or impacts on designated area of biodiversity concerns is subject to technical Guidelines, e.g., maintain 115 feet of centerline to the centerline separation when paralleling 135 kV or lower lines, Minimize crossing of existing lines, and minimize cross of existing roads, and cross at perpendicular when possible. Limit transmission lines angles greater than 30 degrees. Baker P. 9 Attachment 3

126. Where line does not parallel existing infrastructure, fragmentation of the forest habitat can occur. See Baker at Siting study 53.

127. Transource did not use the existing corridor along the Fayetteville East-West Waynesboro 138 kV lines to parallel because development was too close to the existing ROW. They would need to put a new line and leave the 115 centerline between the two lines. Baker p. 18 and Map Figure 6.

Protection of Natural Resources

128. Many properties will be impacted with views of multiple transmission towers. Testimony of Courtney Dettinger, May 14, 2018, Airville, 541: 2-3 (“We will have at least an additional six monopoles carrying high voltage power lines within our view.”).

The Farms in Franklin County have historic and generational value which will be degraded by the IEC Project Transmission Lines and Right-of-Way.

129. Younger Pennsylvanians expressed concerned for the impact that the IEC Project will have on their generation and “people who are going to grow up after” them. Testimony of Susan Kelly, May 14, 2018, p. 557:2-11.

130. Pennsylvanians value “a place where our children will learn the lesson of hard work as they tend to the animals, mow the yard, shovel snow”, and “life lessons will be taken away from [my] family’s future generations as nobody wants “kids playing under high voltage power lines.” Testimony of Lindsey Sommer, May 14, 2018, 613: 9-13.

131. The IEC Project will restrict “not only the current stewards that God has invested or entrusted with his earth, but also their children and children’s children.” Testimony of Bob Gochenaur, May 14, 2018, 616:19-22.

132. Families move to York County “for the beauty of the unspoiled land” and so that children “can grow up on their grandparents’ farm” and fish, and ride horses, just simply so they can enjoy the land.” Testimony of David Good, May 14, 2018, 570: 18-25.

133. Pennsylvanians want to protect land and “Keep it as we want it. Keep it for our children, keep it for our grandchildren, keep it for our great grandchildren.” Testimony of David Good, May 14, 2018, 572:21-23.

134. The residents of Pennsylvania place historic value on land owned by a family for several generations; see, e.g, Testimony of David Good, May 14, 2018, 571: 4-5; Testimony of Leonard Taylor II, May 14, 2018, 605:6-8; 13-16; Testimony of Lindsey Sommer, May 14, 2018, 612: 16-20.

135. The “rural appeal of the area” is “important” to the local community, and the IEC project will “needlessly scar additional acreage across the state.” Testimony of Leonard Taylor, II, May 14, 2018, 606, 3-5; 17-18.

136. Agricultural “has always been” a “family core value” of the local community. Testimony of Lindsey Sommer, May 14, 2018, 612: 21-23;

Rare, Threatened and Endangered Species

Trout fishing

137. The Falling Spring Creek is a world famous trout fishing stream, where President Jimmy Carter has fished. Testimony of Robert Bashor, May 29, 2018, p. 1255:2-5. Seven springs come into the Falling Spring Stream in Franklin County. Site Visit, May 29, 2018, (Sourbier), at 1245: 13.

138. Trout Unlimited representative Chris Rudyk observed that Transource’s own map do not identify known wetlands, including the are that is where Transource indicated that it intends to cross the Falling Spring Branch. Tr. at 1050: 8-13; PUC 51A-C.

139. The Falling Spring Branch is a wild trout, natural reproduction high quality cold water fishery for both brown and rainbow trout as recognized by PFBC.

140. Mr. Stouffer, local resident on Falling Spring Road observes “visitors on a weekly basis” “from all over the country to come back and tell us ow they fish here.” Site Visit, May 29, 2018 (Stouffer) at 1257:5-11.

141. Mr. Sourbier is a member of the local Trout Unlimited Chapter and has fished in the Falling Spring Creek since he was 10. Testimony of Sourbier, N.T. May 29, 2018, at 1253: 12-16.

142. Defoliation along the Falling Spring Creek will cause the water to warm up and trout will leave the stream because “forested canopy helps to keep the stream temperature cool enough to support wild trout.” Testimony of Dr. Robert Bashor, at 1255: 18-23; YCPC St. No. 1 of Gobrecht at 25:7-8.

143. The Falling Spring Branch “holds a temperature of 46 to 56 degrees year-round” and the location of the many springs along the stream that feed into it, are shallow; and any impact to those springs could change the course of the stream. Tr. at 1052: 4-11 (Rudyk); PUC 51.

144. Wild trout streams have “two important factors” that “enable these streams to be high quality and hold wild trout,” which are large amounts of “forested and riparian buffers along the streams” and “continuous tree canopy along the stream edges.” YCPC St. No. 1 of Gobrecht at 25: 4-7.

145. The Local Chapter of Trout Unlimited has great concern for Fallings Spring. Id. Testimony of Sourbier, N.T., May 29, 2018, 1245: 13; p. 1253: 8.

146. Falling Spring Creek “supports wild trout” and “is a blue ribbon trout stream,” a “heritage trout stream” and a “high value stream.” Testimony of Sourbier, N.T., , May 29, 2018, 1245: 13 Id. at lines 20-22; see also PUC – 136.

147. The Falling Spring Branch is a designated Class A Wild Trout Stream, as designated by the Pennsylvania Fish and Boat Commission, which means that it supports wild trout naturally, without stocking, sufficient for fishing, and also has additional section classified as Wild Trout Water, again with natural reproducing populations of trout. [Siting Application]; see also

<https://www.fishandboat.com/Fish/PennsylvaniaFishes/Trout/Pages/TroutWaterClassifications.aspx>

148. The Falling Spring Branch of the Conococheague Creek, is a high quality stream, subject to the requirements of the Chapter 93 of Title 25 of the Pennsylvania Code, and is therefore protected against degradation, meaning that the water quality must be maintained at its current water quality level. Siting Study at 36; 25 Pa. Code 93; 93.4a.

149. Trout streams are located along the proposed route of the IEC East Project, including in the area of Muddy Creek, Tr. at 534: 21 (Anderson, B); see also PUC 350 (trout fishing in the creek on June 1, 2018).

150. Alum Rock Run, another trout stream near the proposed transmission lines, on the East side, would be affected by the IEC Project. *Testimony of Russell Burton*, May 14, 2018, 592: 16-20.

151. Mr. Burton's farm contains water diversion terraces that protect runoff into the Alum Rock Run. *Testimony of Russell Burton*, May 14, 2018, 592

152. The IEC Project West route crosses multiple Class A Wild Trout Streams, and Streams that support wild trout. *Testimony of K. Hess*, May 22, 2018, South Mountain Partnership Map dated October 30, 2017, PUC 35(a) – (m)

Wetlands

153. Not all wetlands appears on maps; for example, the area around the Falling Spring Creek does not appears on maps as a wetland, as noted by Trout Unlimited. Tr. at, 1253:8-10.

Tree Trimming and vegetation management

Springs, creeks, wells, soil and sedimentation

The IEC Project will degrade prime agricultural soils in Franklin County.

154. The IEC Project is proposed to cross “one of the largest contiguous areas of high-quality soils in Pennsylvania. It rivals those of Lancaster County for productivity measured in yields of non-irrigated crops.” Testimony of Katie Hess, May 22, 2018, 752: 9-13. Most of the proposed project IEC West is sited through land used for agricultural production. Id. at 15-16.

155. High quality soils, also known as “prime agricultural soils,” “produce the highest yields and require minimal amounts of energy and economic resources” and are therefore classified and identified by the United States Department of Agriculture Natural Resource Conservation Services County Soil Survey. YCPC St. No. 1, of Gobrecht, p. 14 at 12-18.

156. Many of the Soils in the proposed rights of way in both IEC West and East are prime agricultural soils. Id. at p.15 -1; See also N.T. May 22, 2018 (Hess) at 752: 9-13; and PUC 35(b) Soil Comparison Franklin and Lancaster Counties. 9-13.

157. The construction of temporary or permanent access road and installation of the towers will disrupt the landscape and cause concerns for Stormwater runoff. YCPC Surrebuttal St. No. 1-SR of Gobrecht, at 3: 8-15

158. Riparian tree canopy is a “stormwater management treatment measure and is “beneficial in absorbing rainwater as it flows across the landscape.” YCPC Surrebuttal St. No. 1-SR of Gobrecht, at 5:16-19.

159. The IEC Project stream crossings , of which there are 23 in Franklin County, will remove that tree buffer and eliminate an existing Stormwater management best management practice (“BMP”). Id.; Siting Study (West) No. 3 at 50.

The IEC Project will impact wells, which are the primary water source for both drinking water and economic viability of farming throughout Franklin County.

160. Transource failed to do any inventory of wells hydrologically connected to the right of way, but places the burden on the property owner to “let us know” “if they thought that we would affect” their well. Tr. at 2215: 10-14.

161. Siting a new well can be expensive and is a “huge concern” because some wells have had to be set extremely deep; for example at the White Farm in Franklin County. Site Visit, May 29, 2018 (White) at 1207:23-25; 1208 1-6.

162. The Frech family in Franklin County has a “shallow well” and demonstrated the location close to the IEC Project proposed pole location at the Site Visit on May 30, 2018, tr. at 1349:5-17 (Frech, Jay).

163. All of the homes visited on Hidden Valley Lane are on well water. Tr. at 1372: 4-8 (Martin, K.).

164. The Martins of Hidden Valley Lane in Franklin County are concerned with impacts to their well because they had a high producing well, of 75 gallons a minutes, which is more than the recommended 5 gallons a minute. Site Visit, Tr. at 1371: 18-24 (Martin, K.)

165. Transource considered only information from DCNR on publicly available inventories on wells, without identify specific wells from landowners to account for wells not on the public inventory. Yamatani Tr. at 2583:1-2; 2584: 16-19; STFC 1; 2

166. Transource did not inventory or consider wells that are hydrologically connected to the rights-of-way. STFC 2.

Springs

167. The area near the IEC Project's proposed cr1-2 crossing of the Falling Spring Road is dominated by springs, with local resident Brandon Stouffer noting that on his property, there are "multiple springs" a "spring-fed pond" and that he has identified "three or four different springs" Site Visit, May 29, 2018 (Stouffer) at 1256:17-25; 1257:1-2.

168. The Cordell property wells are "hand dug and only "30-some feet deep. Any disruption to the water, means "sombodys going to run out of water" and the Cordell horse operation "takes an awful lot of water" to run. Site Visit, May 30, 2018 (Cordell) at 1327:11-25.

169. The Meyer-Benedict Property in Waynesboro is served by a spring that "has been in continuous use by settlers since the early 1700s. And before that, it was used by Native Americans." Site Visit, May 30, 2018 (Benedict, Kerri) at 1334: 18-22.

170. The shallow water source spring is "very much affected by things that happen in the top from the ground down" and are easily contaminated. Site Visit, May 30, 2018 (Benedict, Kerri) at 1229: 4-18.

Plant and wildlife habitats

171. Permanent towers, such as those proposed for the IEC Project, provides an area for invasive species to inhabit, because "farm equipment would need to navigate around all permanent structures and would prohibit spraying directly around the structures." YCPC St. No. 1 of Gobrecht at 17:15-18.

172. Installation of new transmission lines on existing poles will affect North Branch Muddy Creek Natural Area, which contains species of concern. YCPC St. No. 1 of Gobrecht, at 19:1-4.

173. Barb Anderson, owner of a preserved farm along Muddy Creek, testified at the Public Input hearing that Bald Eagles are prevalent in the area and there is a Bald Eagle nesting site approximately 200 yards from the proposed transmission line right-of-way. , N.T., 6:00 PM May 14, 2018 (Anderson) at []

174. Bald eagles have been seen in the area of the Anderson Farm in York County, during a site visit on March 26, 2018. YCPC St. No. 1 of Gobrecth, at 21: 7-8.

175. Bald eagles also live in Franklin County, including at the Meyer-Benedict Property, beginning about 10 years ago. Tr. at 1342: 6-13.

176. Franklin County's South Mountain is "identified by the Pennsylvania Game Commission as one of the top 25 sites for birding" and Franklin County is also a migratory birdway. Tr. at 944:14-23 (Pollard).

177. Invasive species can flourish where trees are cut down and ground is disturbed, such as during transmission line construction proposed for the IEC Project. YCPC St. No. of Gobrecth at 27:9-10.

178. Impacts of invasive species are minimized by construction processes that reduce the chance for invasive species "to grow and be transferred to new areas" such as where constructors "minimize soil disturbance, use native plants when replanting areas" and "properly maintain transmission lines tower and rights-of-ways to prevent spread of invasive species."

179. The Rights-of-way on the IEC Project likely will be maintained by farmers, as a condition of keeping the opportunity to farm in the rights-of-way. Site Visit, May 28, 2019 (Stouffer) 14-17.

180. Transource witness Baker confirmed that the installation of the transmission line “will necessitate removal of trees in portions of where we cross” because trees “are not typically compatible” underneath the right of way. Tr. at 2182:3-5; 2182:19-21.

181. The steep and forested area around the TimCook Cross Country Course and Trail will be degraded to install the IEC Project’s 130 Right of way . Tr. at 1259:9-14.

182. In Franklin County, the IEC Line will necessitate cutting down a 200-year old tree on the Kauffman property, which is in the right of way of the proposed transmission line, and near the Mountain Run Creek. Site Visit, May 29, 2018 (Kauffman, Leonard): 1155:14-18; 1157: 2-7 . [Photo] ; 1159: 18-20 (Kauffman, Aaron, testifying).

Other Natural Resources

Terrain

The predominant karst features in Franklin County will be negatively impacted by the IEC Project

183. Identified Karst features make up 7,330 acres of land in Franklin County, which is an area twice the size of Chambersburg Borough. Franklin County Comprehensive Plan. PUC 35.

184. Southampton, Greene, Guilford, and Peters Township all have “s substantial number of sinkholes within their boundaries.” PUC 35 (Comprehensive Plan “Taking Stock”).

185. The IEC project will result in changes to the surface of the land both in terms of topography and land cover. It will also involve changes to the subsurface through tower foundations for the infrastructure, whether monopoles or lattice towers are used, and possibly other activities. This means that there will certainly be changes to drainage both during and after construction. STFC St. No. 1 at 10: 1- 5.

186. Dr. Sasowsky explained that sits specific designs are required, which evaluate the existing draining conditions, and the Applicant has not provided evidence of such evaluation. STFC St. No. 1 at 10: 5-10.

187. The karst topography means that groundwater and wells in Franklin County may be negatively impacted by the IEC Project in both quantity and quality. STFC, St. No. 1 (Sasowsky) at 10: 19-23.

188. Water quality is easily degraded in karst area because the natural filtration that is present in non-karst areas does not exist due to the presence of sinkholes and large opening underground. STFC St. No. 1 (Sasowsky) at 10:18-23; Figure J.

189. In karst regions, well can run dry if drainage near a sinkhole is changed. STFC St. No. 1 (Sasowsky) at 11: 14-21; Figure J.

190. Transource failed to locate any wells or make an inventory of wells in the area. STFC St.. No. 1 [Yamatani]

191. Allan Stine has lived in the area of the Falling Spring Elementary and the cross country trail for decades and is aware of “two caves” and where people “hear water up on that hill, water running” Site Visit May 29, 2018 (Stine) at 1239: 12-21.

192. Mr. Sourbier demonstrated at the Site Visit that the Falling Spring Branch Creek demonstrated where seven springs come into the areas of limestone karst. Site Visit May 29, 2018 (Stine) at 1245: 9-16.

193. Joseph Dague’s testimony is credible and reliable and entitled to great weight because Mr. Dague not only have first-hand experience of the archeological and terrain featrus of Franklin County, but also, is a curator of minerals at Elizbethtown College. Site Visit, May 29, 2018 (Dague) at 1247:3-10.

194. Joseph Dague also has first hand experience, as one of many natural springs are in “in the cellar of [his] house that supplies water for [his] house” which is an 1855 stone house on Falling Spring Road, right near the proposed IEC West Route. Site Visit, May 29, 2018 (Dague) at 1248:8-13; 1247: 9-10.

195. The steep terrain in Franklin County in the area of Stoner’s Hill and the Tim Cook cross country course and trail, was demonstrated during the May 29, 2018 Site Visit, and explained by resident Mr. Stine that we are on the [Insert Photo]

Hydrology

196. As with groundwater, surface water originates from precipitation. Streams can be fed from surface runoff, but streams that flow the year round (perennial streams) are fed by springs and other seepage along their beds. This component is called "baseflow". Consequently, the health of surface streams in terms of quantity of flow and overall water quality is dependent upon the same 1 factors as mentioned in answer to the preceding question about groundwater.

197. Within karst areas, as mentioned earlier, there may be a limited number of surface streams because most of the water "sinks" underground in to caves through sinkholes. Indeed, it can be seen that the karst areas of Franklin County show a remarkable lack of perennial streams (FIGURE K). Consequently, the protection of these few streams, especially in their headwaters, is paramount. The spring-fed nature of High Quality streams in karst, for example Cold Spring Run and Falling Spring, is noted in the Siting Study.

198. But, Transource gives no indication of approaches that would be used to maintain quality and quantity of water flow. In order to do this, study of the water sources, both groundwater fed and otherwise, would need to be accomplished. Without an understanding of the hydrology

of the streams, identification of the source areas that feed given stream reaches, and the implementation of protection of those areas in terms of water quantity and quality, impacts from changes to land use and construction will be hard to judge and avoid.

Landscape

199. The South Mountain Partnership is a regional landscape conservation project in South-Central Pennsylvania, which started as a public-private partnership between Department of Conservation and the Appalachian Trail Conservancy, and has grown to be an alliance of citizens, academic institution, local, county, state and federal agencies that collaborates to secure a sustainable future for the South Mountain Landscape of Cumberland, York, Adams, and Franklin Counties. Testimony of Katie Hess, May 22, 2018, 748:22-25; 749:1-3.

200. The IEC Project does not have minimum adverse impact, and the application itself does not “demonstrate efforts to minimize the impact of the line upon land use, soil and sedimentation, plant and wildlife habitats, terrain, hydrology, landscape, archeological areas, geologic areas, historic areas, and scenic areas.” Tr. at 749:13-18 (Hess).

201. The IEC Project contradicts the Franklin County Comprehensive Plan in multiple areas. Hess, Tr. at 749-750.

202. Laurie Donaldson testified that she and her husband had restored and invested in her Stewartstown property adjacent to one in the path of the transmission line with “over one hundred planted an mature nature tress, a restored wetland conservation area, and over 10 acres of managed pasture that is home to many native plants and animals. “ Tr. at 597:10-13.

203. A new house was built on the Donaldson property to specifically overlook our field and has a wonderful view of our neighbor’s farm fields.” Tr. at 597:15-17.

204. The newly constructed Burkeholder house in Franklin County, on Leedy Way West will be impacted severely by the IEC Project “running the length of [the] road” and across the “whole horizon.” Site Visit May 29, 2018, at 1210 (Burkeholder) 1212: 19-25; 1213:1-2. Site Visit May 29, 2018, at 1210 (Burkeholder) at 9-22.

205. The Burkeholder property viewshed will be negatively impacted, contrary to the precise positioning of the house and “upper level back” where the house is positioned “so you can actually see the mountain range” to the east and the west. Site Visit May 29, 2018, (Burkeholder) 1210 at 9-22.

206. The picturesque views from Fetterhoff Chapel Road were demonstrated at the Site Visit, and the Road attracts many people who stop on the road “to paint” “draw pictures” and photograph. Site Visit, May 30, 2018 (Cordell, Mrs.) at :1329:12-13.. [Photos]

207. Mrs. Cordell explained that the “fantastic” vistas afforded from her property continue into the night when “you walk up on that hill up there and it’s just like you can pick the moon out of the sky. There’s nothing down across there that hasn’t been there for 50, 60 years.” Site Visit, May 30, 2018 (Cordell, Mrs.) at :1329:7-11.

208. The “transmission line will cut through community that values its rural nature and scenic importance of our lands.” Testimony of Leonard Taylor, II, May 14, 2018 605:25.

209. The local community “worked hard to put zoning regulations in place to limit the destruction of farms and maintain the rural appeal of the area.” Testimony of Leonard Taylor, II, May 14, 2018, 605: 24-25.

210. York County is “certainly carrying more” of the “region’s electrical capacity costs,” and is in danger of becoming the “industrial highway for power developer north and shipped south.” Testimony of May 14, 2018, 641:12-13; 20-21.

211. York County residents will transfer wealth from private Pennsylvania residents to private entities. Testimony of Garland, May 14, 2018, 642: 19-21.

Archeologic areas

The Unique and Mineral Rich Falling Spring Area Formerly Known as Aqua has been used since the Late Archaic Period, from 3,000 to 1,000 BCE.

212. Skelly Pasture Site (Falling Spring Site) is of historic significance as an Open Habitation prehistoric site, and the IEC Project will negatively impact the site. STFC St. No. 2 (Dague) at 5.

213. The route of the IEC Project in Franklin County that Transource selected does not minimize impact on archeological sites and on NRHP listed and eligible sites. Tr. at 2178:18 (Baker).

214. Joseph Dague is the curator of the Frank D. Masters Mineral Gallery at Elizabethtown College, Elizabethtown, PA. I have also continued my business as a specialized mineral collection appraiser, and dealer in earth science specimens for museums, schools and private collectors, which I began in 1988; he also has extensive field experience over 50 years, including with the Penn State University Ph.D. geologists and paleontologist. STFC St. No. 2 at 1.

215. Mr. Dague's expert testimony on the geology and local archeology of the South Mountain and Cumberland Valley in Franklin County is credible, reliable and entitled to great weight.

216. Mr. Dague explained that the most extensive use of metarhyolite from South Mountain occurred during the Late Archaic Period, ca 3,000 to 1,000 BCE. During this time, a variety of small base camps and procurement/processing sites expanded to saddles and flats near springs and streams close to South Mountain.

217. The Borough of Chambersburg unearthed two such encampment sites on either side of Falling Spring Branch Creek in 2001, while installing a water transmission main along Edwards Avenue, Guilford Township. Those sites are adjacent the proposed Transource route and less than one-half mile from the crossing site at Falling Spring Branch Creek.

218. The Harrisburg engineering firm of Gannett Fleming conducted a required two-phase archeological investigation of those sites.

219. Over the 22 years I have lived here on Falling Spring Branch Creek, I, and other collectors, have found hundreds of prehistoric stone and shell artifacts on the surface of the property where I reside and all along the creek embankment of the Skelly Farm. Many of the specimens I have collected have been examined by archeologists and estimated to span over a millennia from the Late Archaic Period into the Early Woodland Period. STFC St. No. 2 at 5.

220. Mr. Dague recommends that if the IEC Project is approved by the Commission, a full field archeological surveys every 50 feet along the proposed route to record what is found in the pits. In addition a transverse survey with ground penetrating radar should be made across the route along the Skelly Farm creek embankment and on the embankment on the opposite side of the creek STFC St. No. 2 at p. 5.

221. Mr. Dague reported seeing hundreds of prehistoric stone and shell artifacts on the surface of the property where he resides, and along the embankment of the Falling Spring Branch Creek. STFC St. No. 2 at . 5.

222. Ms. Benedict reported finding “a great number of arrowheads and stone tools” in the area of the spring on her property, which “was a hunting camp spot” and included the “flat area overlooking a spring that the game would come to” Site Visit, May 30, 2018 (Benedict, Kerri) at 1334 – 1335.

223. Mr. Terry E. Ward also has found “a thousand” arrowheads “within the area of the a quarter mile of where [IEC Project] crosses [the Falling Spring creek]. Tr. at 1056: 5-7.

Geologic areas

The geology of the Falling Spring area which gave rise its archeologic significance is fragile.

224. The Transylvanian Fault underlies the Falling Spring Branch Creek and the fault zone extends along the 40 degree N Latitude across southern Pennsylvania. The IEC Project transmission line-crossing site, has the “severely fault-broken and weathered limestone rocks (known as karst) that provide[d] passageways for both the streambed and underground drainage.” STFC St. No. 2 at p.3.

225. Erection of utility towers in the ground on the fault zone has the potential to destroy the water system of the Falling Spring Branch Creek, and the connected springs and wells that serve as a water source to some residents of the community. STFC St. No. 2 at p. 3.

Historic Areas

226. The Route AECOM chose was not the route with the least historic impact avoidance. Alternative A would have had less impact on archeological sites and National Register Historic of Historic Places listed and eligible properties. See IEC West [Baker] Siting Study at 81.

227. The Benedict family property at 5413 Manheim Road in Waynesboro, has a historic home from about 1830, and is served by a spring, which “has been in continuous use be settlers since the early 1700s.”. Site Visit, May 30, 2018 (Benedict Kerri) at 1334: 12-16.

228. Russell Burton testified that his family bought a log cabin in York County that is one of the oldest houses in the county. Testimony of Russell Burton, May 14, 2018, 590:18-20.

229. The area of the Falling Spring Elementary School and the Tim Cook Cross Country Creek, is also of historic significance from the Civil War era, as explained in the Up and Down the Falling Spring publication, by Jacob Sotner regarding “Stoner’s Hill”, as the “highest spot in

Franklin County, with the exception of the mountain ranges.” Site Visit, May 29, 2018 (Dague) at :1250: 23-25; 1251:1-11; STFC St. No. 2 (Dague) at 6.

Viewshed of Scenic Areas and Rivers

Land subject to conservation easement

230. Proposed IEC West Line will cross over 46 parcels with agricultural easements amount of agricultural easements.

231. The Good family farm, Twin Good Farms, in Windsor Pennsylvania was “purposely put in Federal Land Preservation and for “dual purpose of being protected and to keep it unspoiled land.” Testimony of David Good, May 14, 2018, 572:11-23.

232. Robert Jordan, beef and crop farmer, from Brogue Pennsylvania. Testimony of Robert Jordan, May 14, 2018, 581:2-5.

233. Mark Robert Jordan preserved his family farm “to be sure that it wouldn’t be developed in the future.” Testimony of Mark Robert Jordan, May 14, 2018, 601:25; 602:1.

234. Utilities may have incentive to use preserved farms “for many reasons. They will be have less people to deal with and they will never be developed.” Testimony of Mark Robert Jordan, May 14, 2018, 6-2:7-10.

235. Allowing projects such as the IEC project will discourage Pennsylvanians “from putting their land in ag preservation.” Testimony of Lindsey Sommer, May 14, 2018, 613:25; 614:1-2

Properties within an Agricultural Security Area

236. Agricultural Security Areas make up just shy of 25% of Franklin County, with 114,568 acres. Franklin County Comprehensive Plan, PUC 35(a).

237. In Franklin County, one quarter of the IEC Project would pass through Franklin County Agricultural Security Areas. Testimony of Katie Hess, May 22, 2018, 752: 16-18.

238. The proposed IEC West line impacts over 37, ____ feet of land preserved as part of Agricultural Security Area.

239. In Greene Township, the IEC West line proposes 12,621 feet of transmission line through publicly preserved farmland and Agricultural Security Areas. In Greene Township, Franklin County, the associated high value farmland affected would be 430 acres. PUC 35(Statement of K. Hess).

240. In Guilford Township, the IEC West line proposes 9,072 feet of transmission line through publicly preserved farmland and Agricultural Security Areas. In Guilford Township, Franklin County, the associated high value farmland affected would be 564 acres. PUC 35(Statement of K. Hess at 3).

241. In Quincy Township, Franklin County, the IEC West line proposes 14,985 feet of proposed line of transmission line through publicly preserved farmland and Agricultural Security Areas. In Quincy Township, Franklin County, the associated high value farmland would be over 795 acres of high value farmland. PUC 35 (Statement of K. Hess at 3).

242. In Washington Township, Franklin County, the IEC West line proposes over 1,176 feet of proposed line, through publicly preserved farmland and Agricultural Security Areas. In Washington Township, the associated high value farmland affected would be 127 acres of high value farmland. Id.

243. The testimony of Wade Gobrecht is reliable and credible because he works for the York County Planning Commission, is a certified Geographic Information System Professional

with 18 years of experience; and is familiar with the many components of the York County Comprehensive Plan. YCPC St. No. 1, St. of Gobrecht, at 1:16-18.

244. “The vitality of agriculture depends on a critical mass of agricultural land” and “fragmentation reduces the amount of acreage available for crop production.” Id. at 8: 14-16.

245. Fragmentation of farm land “interference with the effectiveness of an agriculture operation by creating obstacles to performing activities, which diminishes the overall strength of the agricultural community.” Id. at 8:16-18.

Tourism

246. Tourism is a \$326 Million annual industry in Franklin County. Testimony of Ross, May 22, 2018.

247. Janet Pollard is the Executive Director of the Franklin County Visitor’s Bureau. and her testimony on the tourism is credible, reliable and entitled to great weight. Site Visit, May 30, 2018 (Pollard) at 1412: 3-4; Tr. at 943 (Pollard).

248. Tourism in Franklin County “works around...the agriculture” and is able “to coexist peacefully with [them] because it preserve our view shed, and help showcase [Franklin County’s] history. Site Visit, May 30, 2018 (Pollard) at: 1414: 20-24.

249. The FCVB was formed in 2005, as it was “carved out of Hershey, Harrisburg by resolution of the County Commissioners” to “promote what Franklin County has” to offer; including “over 200 years of German history and culture.” Tr. at 1414 : at 20-23; Tr. at 944:3-5.

250. The proposed IEC West Project will impact the “gateway to Franklin County” by placing towers right “where the great valley, which is part of Cumberland Valley, opens up” and visually destroy any “welcome to Franklin County” and dissuade travelers from wanting “stop and stay [in Franklin County]. Site Visit, May 30, 2018 (Pollard) at: 1415: 18-25.

251. Tourism spending in Franklin County has been growing at a rate of 2.75% for the past seven years, and even a slight reduction to the tourism spending in the County will have major impact over time. A 2% reduction in spending over the 15 year would add up to 142.7 million lost revenue in Franklin County alone. Tr. at 946: 16-23; PUC 45.

252. The FCVB does not support the IEC Project because visitors to Franklin County want “beautiful views, year-round recreation, cultural heritage, fresh food, state parks, history, and open spaces.” Tr. at 943: 10-16 (Pollard).

253. “More than 90 percent of wildlife recreation is enjoyed by Pennsylvanians in Pennsylvania.” Tr. at 944:10-13 (Pollard).

254. The Appalachian Trail runs the length of Franklin County,

255. Franklin County is approximately 771 square miles, and Lancaster County and York County, 911 square miles; (Pollard) at:1414: 18-19¹; see also <https://yorkcountypa.gov/2000-population-land-area-data.html>;
<https://www.co.lancaster.pa.us/DocumentCenter/View/239/2010-Census-Population-Density>.

256. “About 20 – 25 percent of the visitors to Franklin County PA dot com, our website, are from the DC Market.” Site Visit, May 30, 2018 (Pollard) at 1414:7-9.

257. Franklin County offers agricultural tourism, including Martin’s Potato Rolls, and robotics milking tours” and “over three dozen of those little farm stores, creamery farm stands” including Paul’s Country Market. Site Visit, May 30, 2018 (Pollard) 1412: 2; 1413:1-2; 1414: 12-14..

¹ Testimony reads “725 square feet”; however, the area of Franklin County is 721 square miles.

258. Franklin County is the number two Pennsylvania County as a source of milk and apples in Pennsylvania, and the fourth leading producer of peaches in the state, despite being smaller Lancaster County. Site Visit, May 30, 2018 (Pollard) at 1414:16-18..

259. Franklin County tourism involves the Civil War Trail, and the Underground Railroad, having been called by Temple University Professor “some of the most tangled parts of the Underground Railroad.” Id at 1413:4-6; 11-13.

Real Estate Property Values

260. Bob Gochenaur’s testimony is credible because he is licensed Pennsylvania and Maryland real estate agent “who does between 15 to 20 million dollars in sales volume yearly in southeastern York County” and has sold over 150 farms and rural properties in the last 6 years. Testimony of Bob Gochenaur, May 14, 2018, 615:22-25.

261. Property values “will be negatively affected” by the IEC Project, with half of the normal potential buyers and buyer who expect “thousands of dollars per acre less than unimpacted farm.” Id. at 616:7-9.

262. The property values of properties near transmission lines suffer from a buyers’ perceptions of the risk of health concerns related to overhead power lines. Id. at 616:9-14.

263. Landowners in view of transmission towers face devalued properties as well, and no compensation. Testimony of Bob Gochenaur, May 14, 2018, 616:15-19.

264. Kerri Benedict of Waynesboro is concerned that “the addition of another power line” “will have on our ability to sell it in the amount of money” she could get if she had to sell her 8 acres. Site Visit, May 30, 2018 9Benedict< Kerri 1340:3-8.

265. The IEC Project right of way will be within 500 feet of the home in which the Meyer-Benedict family lives in Waynesboro, Franklin County. Tr. at 1343:12- 19(Meyer, Rodney).

266. At the Frech home in Franklin County, the pole is going to be 125 feet from the house, and “will totally obstruct [our] view down through the valley.” Tr. at 1345:8-14 (Frech, Jay)

267. Russell Burton has had his historic farm property appraised and estimates that “the power lines would devalue our land by at least one-third.” Testimony of Russell Burton, May 14, 2018, 593:4-9.

268. Properties adjacent to the transmission lines, but not in the right-of-way will not receive any compensation, but their property values may go down; [] See also; Testimony of Leonard Taylor, II, May 14, 2018, 605: 18-19.

269. The IEC Project will inhibit the “development value” of properties in the right of way, causing “a substantial loss,”and will constrain the ability of the property owner’s to subdivide that land. See, e.g., Site Visit May 29, 2018, (Leshner) 1267: 4-7;Site Visit, May 30, 2018 (Nitterhouse) at 1304: [‘]

270. With the installation of the IEC Project transmission lines, the million and a half dollar Nitterhouse property in Franklin County will be lose the entire value of subdividing, meaning the Nitterhouse family loses the ability to deed over, and pass down to future generations. The Nitterhouse family is not concerned with losing “high density res[identical].” Site Visit, May 30, 2018 (Nitterhouse, Colby) at:1305:19-23; 1306: 15-16; 131123-25. .

271. Nitterhouse property is 60 acres, plus a pre-1790 stone farmhouse, which will be negatively affected, even with the proposed transmission line close to the property line; further the

500 foot distance for building residences away from the right-of-way means that “60 acres for our purpose is pretty much gone. Site Visit, May 30, 2018 (Nitterhouse, Colby) at:1305:4-14.

272. The Frech home will be negatively impacted by the transmission line which will impact the “bird sanctuary island in the middle of the farmland” that the Freches have created in the back of their 2 and ½ acre property. Tr. at 1346:11-17 (Frech, Jay).

273. The property value of the Frech home will go down if they lose the pine trees due to the IEC Project, because the pine trees “block the pesticide and herbicide drift that comes from the neighboring orchard.” Tr. at 1351: 7-12 (Frech).

274. For example, Mr. Leshner of Franklin County estimates that his property will face a “substantial loss” because he cannot subdivide the 11 acres to develop it, and that the value is degraded “with two poles on either side of my entrance driveway” and that the towers will be visible from his porch. Site Visit, May 29, 2018, (Leshner) at 1269: 16-22; 1271:7-10.

275. Darwin Benedict is a license real estate agent in Pennsylvania, and has observed the “noise and arcing” from transmission lines in Remington and Waynesboro. Site Visit, May 30, 2018, Tr. at 1353: 13-16.

276. Mr. Darwin Benedict demonstrated at the Site Visit the development of 11 lots that he owns on the Hidden Valley Lane in Waynesboro, Pennsylvania where development “ground to a halt” with the “news of the power lines coming through.” .Tr. at 1354:19-25 (Benedict, Darwin).

277. The IEC Project announcement has prevent lots from being sold, and in another lot, that was being sold for \$110,000 the buyer “became very hesitant and they walked away.” And construction has stopped at the Siegrist lot .Tr. at 1355:6-15 (Benedict, Darwin); 1362:14-16 (Seigrist).

278. The Hospelhorn home is also located on Hidden Valley Lane and is worth more than \$400,000. Tr. at 1375: 1-4 (Hospelhorn).

279. Transource's Application did not note any of the Hidden Valley Lane homes on the maps. Tr. at 1375:8-19 (Hospelhorn).

280. Residential new homes in the same development on Hidden Valley Lane are appraised for over \$450,000. Tr. at 1368: 3-10 (Dunlap).

281. Kristyn Martin's testimony is reliable and dependable and entitled to weight as to property values of others as she is a licensed real estate agent. Tr. at 1371.

282. Ms. Martin estimates her home is currently worth over \$400,000. Tr. at 1371: 3-4.

283. Ms. Martin described that the property on which her home now sits on Hidden Valley Lane was an investment, the location of her wedding and where she is now raising her family Tr. at 1369: 2-15 (Martin , K.)

284. The backdrop of trees and privacy would be destroyed by the

285. Individuals in Franklin County are losing their retirement investments. E.g., Kimi Seigrist, invested her husband's entire retirement savings into their home purchased on Hidden Valley Lane. Tr. at 1362:11-16.

Impact on schools, local government municipalities and businesses

286. Township Supervisor Corwell from Greene Township opposes the IEC Project as it is not going to help with economic development and "if anything is going to hurt possibly with the property value." Moreover, Supervisor Corwell points out that the Township, South Mountain Partnership and Greene County purchased over 1,000 acres near the Chambersburg Mall to be preserved for fishing and hunting, which is not compatible with "see[ing] a 120-foot tower looking out over that property." Tr. at 1047: 15-21.

287. Transource was told by the YCPC staff that the proposed site through York County caused “numerous concerns” including “prime agricultural land, high quality streams and wild trout streams and a high concentration of conservation easements” and YCPC asked “Could you pick a worse place in the County for this project?” YCPC Surrebuttal St. No. 1-SR of Gobrecht, at 3: 8-15.

288. Retail shopping in the area of the historic Lincoln Highway (Route 30) in Franklin County, will be impacted negatively with the placement of a transmission tower behind Lowe’s, which will cause uncertainty about rentals in the shopping center. Site Visit, May 30, 2018 (Pollard) at 1415: 4-14.

289. The Patriot Federal Credit Union will be negatively impacted by the IEC Project, where the Patriot FCU has already spent over \$500,000 on a commercially-zoned parcel adjacent to the existing bank, which is now rendered unusable as” 45% of this property” is “going to be taken if this easement is approved “. Site Visit May 29, 2018, (Warner, Brad)at 1216:4-6.

290. The Patriot Federal Credit Union represents about 65,000 members of “working class men and women” of Franklin County. Site Visit May 29, 2018, (Warner)at 1216:9-13.

291. Mr. Warner demonstrated at the Site Visit the specific limitations on buildable space on the property, and explained that the buildable space is “what’s being taken.”

292. Transource offered Patriot Federal Credit Union \$11,000 for a decrease in value of the property. Site Visit May 29, 2018, (Warner)at 1221: 19-22.

293. The Falling Spring Elementary School in Chambersburg, Franklin County, will be severely impacted by the IEC Project, which will be on the school property, and cross school property and be within less than 700 feet to the building. Tr. at 2168: 25; Site Visit, May 29, 2018 (Padasak) at 1224: 4-10; (Peters) 1228:24-25; 1229:1-5; 1229:14-15 .

294. The Transource Witness Baker conceded that the distance is less than 700 feet to the school building, and is 680 feet from the edge of the right of way. Tr. at 2170:16-20 (Baker)

295. Witness Baker could not confirm whether the center line of the right of way might be shifted, agreeing that he “can’t say 100 percent that it won’t” shift but only that “there is no expectation to shift this area.” Tr. at 2170: 18-25; 2171: 1-4.

296. The Principal of the Falling Spring Elementary School confirmed that IEC Project, if approved, will expose children to the high voltage transmission line. Tr. at 1227 : 10-21 (Herbert).

297. Over 275 children attend the Falling Spring Elementary School, and “children are around [the] property all the time,” and the middle school and high school practice at the Tim Cook cross country course and trail. Site Visit May 29, 2018 (Dr. Padasak) 1223: 2-6 (Peters) 1228: 24-25.

298. Many parents have expressed concerns about the IEC Project [insert Chambersburg sd letter]. Site Visit, May 29, 2018 (Dr. Padasak) 1231:4-9; (Barton, Carl) at1233: 19-22.

299. The entire Chambersburg School District, as well as other surrounding districts use the cross county trail, with “as many as 1,000 people” “spectators and children” gathered at the cross country course. Site Visit, May 29, 2018 (Dr. Padask) at 1223: 13-16.

300. Local resident also use the cross country trail, “after hours” “in the evening when school is closed, on weekends” according to Mr. Stine’s first-hand observations from his front porch, Site Visit, May 29, 2018(Stine, Allan) 1234:19-25.

301. Construction during the cross country season from August through November any construction on the IEC Project will negatively impact the events at the cross country course, and

would have a financial impact on the school, due to additional required bussing. Site Visit, May 29, 2018 (Dr. Padaasak) at 1236: 15-24.

302. Any event that has to be rescheduled from the cross country course will have a \$1,000 impact at a minimum on the Chambersburg School District, up to 5 events, and all practices might have to be relocated. Site Visit, May 29, 2018 (Dr. Padasak) at: 1237:3-14.

303. The Salon and Wellness Center at the Rice family home in Franklin County will be negatively affected by the IEC Project transmission lines, because the clients “come here to experience what you came here when you up the driveway” with “nothing in the sky and it’s just a very quiet” place, which the IEC Project transmission line will change to “an almost 360 degree view” of the transmission line. Site Visit May 29, 2018, (Rice, Lori) at 1296: 9-11; 1297: 2-10; PUC 184, 185; 189 (Photos).

Dairy Farming In Franklin County will be impacted by the IEC Project through acreage lost and soil compaction.

304. Small dairy farmer in Franklin County are particularly vulnerable to the IEC Project’s impacts because, first at the construction phase, the dairy farmers will be forced to purchase feed, which they may not have money for. Tr. at 1020: 5-9.

305. Second, dairy farmers will directly loss acreage to the line and right-of-way, including in the short term possible crop destruction from the construction. Tr. at 1020 at 1-4.

306. Mr. Sourbier is an equipment supplier to dairy farmers in Franklin County who can credibly testify to the local diary farming operations, as he has experience with 25 to 30 farms, raning from 30,000 cows to around 100 cows. Tr. at 1020: 8-9; 17-23.

307. The Rices were offered only \$13,000 for a potential easement on the property. Id. at 1297: 22-25.

308. Daniel Long demonstrated that the IEC Project was projected to take 17 acres on his 100 acre farm which supports corn, soybeans and wheat. Tr. at 1381:1-16; 1380.

309. The IEC transmission lines will make farming more difficult, expensive and wasteful because of the extra seeds during planting that will be wasted or the pesticides using a sprayer. Tr. at 1386.

310. Any damage caused by Transource is subject to Transource's determination "whether or not [they] needed to remedy." TR. at 2216:14-20 (Herzog).

Construction Issues

311. Cumulative impacts of construction issues were not identified by Transource, such as the impact of access roads. Tr. at 2164: 11-16.

312. The IEC Project will include permanent access roads, but "the siting application does not show exactly where those access roads will be," nor does the Commission has information to do on the access roads,. TR. at 2164:24-25; 2165:1: 20-22 (Baker)

313. Construction level vehicles will be using the access road, including trucks and cranes. Tr. at 2167: 1-6 (Baker).

314. Construction will involve the installation of access roads on "any land where we need to get access to a tower structure" including across farmland. Tr. at 2212:1-4 (Herzog).

315. Every monopole structure along the line "will have a foundation" that has to be drilled, and will use "a drill rig and then a crane to set the equipment in and concrete trucks to backfill." Tr. at 2196: 3-11.

316. Construction of the IEC Project will result in "digging up or impacting theses class one through four soils" and prime agricultural soils will be in disturbed by construction and may

be permanently inaccessible. Temporary and permanent access roads will be places over prime agricultural soils. YCPC St. No. 1 of Gobrecth, p. 15:4-7.

317. Transource has not conducted any operations in Pennsylvania before. Tr. at 2229:1-4.

318. Transource provided no policy with respect to compensation for crop loss during construction. Applicants have not offered assurance that construction and maintenance activities will be conducted in coordination with farming schedules. Tr. at 2227;3-5 (Schaffer).

319. Structure locations will have impacts on “agricultural operations” that are “long term impacts” and “localized “. See Siting Study (Baker) at p. 33.

320. Transource/Siting Study did not perform a comparison that looked at the number of temporary roads, or permanent roads that will be required on the IEC Project on the West Route, nor did it conduct a comparison between routes of what local access roads are going to be required or what permanent roads. See 92 of Siting study.

E. Availability of Reasonable Alternatives

321. Transource rejected a “less impactful local route alternative that would travel through mountain ground east of our large population centers and would directly affect fewer residents. “ Tr. at 1011: 1-5.

322. Rep. Kauffman stated that it was “apparent that Transource has chosen a less costly route that satisfies the objective of the national environmental lobbying organizations at the expense of our local community which will receive no direct benefit from the line.” Tr. at 1011:5-9 (Kauffman).

323. Residents expressed interest that the transmission lines be put underground. Testimony of David Good, May 14 2018, 576:4-5; Testimony of James McFarland, May 14, 2018, 642:16-17; Testimony of Douglas Cook; May 22, 2018, 741: 8-10.

324. “Upgrades are the most cost effective solutions” according to PJM, and the BG&E Project 5-E upgrade addresses the same congestion as the PJM Project, at a higher benefit cost ratio than the IEC Project should be considered in lieu of the IEC Project. Testimony of Patty Hawkins, May 14, 2018, 634:20-25; 635:9-10.

325. Transource’s proposed route does not use existing West Penn lines in the vicinity of the White Farm in Franklin County. Site Visit May 29, 2018, (White) at 1206: 13-21.

Economic Impacts

The IEC Project will have tremendous negative, immediate and long-term economic impacts on Franklin County.

326. Michael Ross, is credible and reliable on economic impacts in Franklin County because he has been the President of Franklin County Area Development Corporation, (“FCADC”), a non profit corporation for the past 32 years. Testimony of Michael Ross, May 22, 2018, 743:20-21.

327. The FCADC, has a mission “to formulate, implement, and promote a countywide economic development strategy that create economic diversification and family sustaining job opportunities.” Testimony of Michael Ross, May 22, 2018, 743:20-21.

328. The IEC Project is “an exception” because, among the “hundreds of community and economic development projects” in which he has been involved, this one has united “virtually every constituent group in Franklin County in opposition to the project.” Testimony of Michael Ross, May 22, 2018, 743:18-25; 744:1.

329. The FCADC opposes the project because “neither PJM or Transource” have “been able to articulate the benefits to Franklin County.” Id. at 744: 6-9.

330. Agriculture is a \$413 Million sector in Franklin County, which makes Franklin County fourth among Pennsylvania counties for agriculture cash revenues. Tr. at 744: 23 (Ross); Tr. at 946:5-8.

331. Businesses in Franklin County do not support the IEC Project, as the 32-year old FCADC “has not received a single call, email or letter from a Franklin County business voicing support for the project.” Id. at 745:2-6.

332. The “vast majority” of construction jobs associated with the IEC Project “will be short lived until the project is built, with a much smaller number required to maintain the system.” Testimony of Ross, May 22, 2018, 745: 10-12.

333. Permanent towers placed on farms “equates to the recurring loss of crop production and revenue realized by both current farmers and future land stewards.” YCPC St. No. 1 of Gobrecht, p. 16:19-21.

334. At the White Farm in Franklin County, the IEC Project will take “about a third” of the field of 21 acres, and she demonstrated the extent, which may not be the full extent of land ultimately under the right of way.. Site Visit, May 29, 2018 (White) at 1197:20-25. [PHOTO]

335. The IEC Project as proposed would bisect actively farmed fields, including the field of Ms. White. Site Visit May 29, 2018 (White) at 1202:2-9; 1206:7-12.

336. Eleven acres of soybean and corn crops will be impacted at the White Farm in Franklin County. Site Visit May 29, 2018 (White) at 1207: 2-10.

337. Ms. Lori Rice explained and demonstrated at the site visit where restriction on building under wires would “impede on our expansion incredibly” including, prohibiting planting of corn in multiple areas of fields. Site Visit, May 29, 2018 (Rice, Lori) at 1284:10-11; 16-21.

338. The Rice farms are “one of the largest farms on the east coast” and run anywhere from 8,000 to 10,000 head of cattle” and “employ[s] 40 to 50 people at any given time and farm thousands of acres of crop through Franklin County” Site Visit, May 29, 2018 (Rice, Lori) at 1272:21-25; 1273:1-5.

339. The existing compost operations at the Rice Farm is threatened by the IEC Project, which will bring high voltage transmission around the composting building which is already maintained at extremely high temperatures. Site Visit May 29, 2018 (Rice, Lori) at 1276: 12-16..

340. The IEC Project in Franklin County will impact the Kauffman Farm by ‘cut[ting] us off from making hay” and by “mak[ing] farming it with modern farm machinery nearly impossible without either inflicting crop damage.” Site Visit, May 29, 2018, (Kauffman, Aaron) at 1165: 2-8.

341. Smaller farms will disproportionately feel the impact, as explained at the Site Visit On May 29, 2018 by the Kaurffman family. Site Visit May 29, 2018 (Kauffman, Aaron) at 1162

342. Some farms in Franklin County we already burdened in the 1960’s when the Interstate Route 81 was built, and the IEC Transmission lines further restrict the ability to farm. See, e.g., Site Visits, May 29, 2018, at 1160: Kauffman, and Benedict Farms at 1183.

343. Using farming machinery in the vicinity of transmission towers is difficult, and causes farmers to “lost the value of the cops” “on both sides of the pole” and “it’s a sizeable loss each and every year.” Testimony of Robert Jordan, May 14, 2018, 584:21-25.

344. Mr. Jordan's testimony on farming is credible because he has been a beef and crop farmer for his whole life. Robert Jordan, beef and crop farmer, from Brogue Pennsylvania. Testimony of Robert Jordan, May 14, 2018, 581:2-5.

345. Equipment damage and "overlapping fertilizer and chemicals" required "results in wasted money" and "is also not good for the environment." YCPC St. No. 1 of Gobrecht,, at 16:21-23.

346. Installation of the monopoles on farmland "increases to damage to farmer's equipment and liability of hitting utility owned equipment." YCPC Surrebuttal St. No. 1-SR of Gobrecht, at 9: 3-4.

347. Farms that are certified organic are in danger of losing their certification because of contamination by IEC Project construction or right of way maintenance, and the loss of certification persists for three years. Site Visit, May 29, 2018 (Forrester) 1262: 1263: 1-10.

348. The loss of an organic certification would devalue organic farms, by \$700 an acre, which for the smaller farm such as the barley farm in Franklin County farmed by Mr. Stouffer, it would be \$10,000.

349. Further, products used by certified organic farmers, are also at risk from the IEC Project, because there may be spraying in the rights of way, or "even the location to the line" could cause organic producers to determine that they will not use compost products in their organic products. Site Visit, May 29, 2018 (Rice, Lori) at 1279: 8-18.

350. Cattle production is negatively affected "when you add higher voltage, higher electricity to an area where you're trying to raise animals" because "spontaneous abortion is a fact and it will ultimately ruin your end product", with pregnant heifers "a costly process" Site Visit,

May 29, 2018 (Rice, Lori) at 1279: 8-18; see also, Site Visit, May 29, 2018 (Kauffman, Aaron) at :1165: 14-21.

351. Cattle production is negatively a 1282:7-16.

352. Maintenance of rights of way by utility companies can occur when crops are there and can damage existing crops. Testimony of Robert Jordan, May 14, 2018, 585: 10-11.

353. Each acre of farmland that is impacted at the Benedict Produce Farm results in a \$30,000 loss in crops, “a high intensity crop.” Site Visit, May 29, 2018 (Benedict, K.) at 1182: 5-9 21-22.

354. Once crops are in production, picking continues every day and cannot be stopped for construction of the IEC Project or maintenance of the rights of way, as explained by Mr. Benedict. Site Visit, May 29, 2018 (Benedict, K.) at 1190: 13-17.

355.

356. Mark Robert Jordan’s testimony regarding farming is credible as he experienced firsthand “the effects of the power lines being constructed across farms and the effects it has for years afterwards.” Testimony of Mark Robert Jordan, May 14, 2018, 599:25; 601:1-3.

357. Farms with high transmission towners see decreased yields “many years after construction and maintenance of high-voltage transmission lines are completed” and impose “additional loss” in the form of decreased yields and future decreased yields.” YCPC Surrebuttal St. No. 1-SR of Gobrecht, at 9:17-20.

358. Mr. Brechbill demonstrated at the Franklin County site visit how difficult and “hard” it can be to take farm machinery around transmission tower, by showing a “30 foot planter” which “isn’t the biggest around” which cannot come within more than eight feet of the poles.” Site Visit, May 29, 2018 (Brechbill) at 1289: 2-3

359. Certain areas of farmland will be completely un-farmable, as demonstrated by Mr. Brechbill, indicating about a quarter of an acre. Site Visit, May 29, 2018 (Brechbill) at 1289: 13-14.

360. The difficulties caused are not inconsequential; a single crop harvest using equipment may require passing that equipment across the same area under transmission lines 20 to 30 times a day. Site Visit May 29, 2018 (Benedict, Keith) at 1177:3-4.

361. A Harvest Aid is a conveyor that is used at the Benedict Produce Farm to harvest, which is 60 feet, each way; and sprayer boom is about 90 feet long. .Site Visit, May 29, 2018 (Benedict, D.) 1195: 5-8; 1187:21-23 [insert Photo] .

362. At the Benedict Produce Farm, Mr. Benedict demonstrated that he would need to continually “head check every time to make sure I’m not close to a power line” Site Visit, May 29, 2018 (Benedict, D.) 1195: 5-8.

363. GPS-driven farm equipment I “is unreliable when you get close to transmission line” and “sometime it just doesn’t work at all.” Site Visit, May 29, 2018 (Brechbill) at 1290: 2-4.

364. Mr. Brechbill’s testimony is reliable and credible, because he has personal experience operating farm machinery, and agricultural sales, as well around poles of a smaller size than the one proposed for the IEC Project. Site Visit, May 29, 2018 (Brechbill) at 1287: 15-21; 1291: 1-5 .

365. Soil compaction was evident for several years form the reconstruction of the PPL power line with only one side in use across Mr. Jordan’s farm. Testimony of Mark Robert Jordan, May 14, 2018, 601:3-5; 602; 23-25; 603 1-3.

366. Maintenance of the existing right-of-way on the PPL power line with only one side in use has been done after heavy rains, without using farm roads, and has damaged crops. Testimony of Mark Robert Jordan, May 14, 2018, 601:9-15.

367. The IEC Project is a land use that threatens viable farms, and may render farming impracticable. *See, e.g.*, N.T. May 29, 2018, at 1162 -1163 (Kauffmann); 1179-81 (Benedict); Site Visit, May 29, 2018 (Benedict, Keith) at 1192: 21-25; 1193:1-2.

368. At the site visit at the Rice Farm, Allen Rice demonstrated how the infrastructure for building was already laid out, and “millions of dollars” has been invested “in the initial infrastructure to be able to add building to meet [compost business] needs. Site Visit, May 29, 2018, (Rice, Allen) at 1286: 23-25; 1287:1-4.

369. Transmission companies such as Transource and PPL will “bring in their own crews that will come in and build these new power lines” and will not bring jobs to the community. Testimony of Todd Sommer, May 14, 2018, 605; 8-11.

370. Todd Sommer’s testimony is reliable as he is a supervisor for a utility company and the owner of Sommer Springs Farms. Testimony of Todd Sommer, May 14, 2018, 608:25; 609:1-2.

G. Eminent Domain

371. Transource filed an eminent domain applications against property owners Yost Family Farms seeking to acquire a right-of-way and easement over their property in Franklin County. TPA Exhibit No. 53.

372. Transource filed an eminent domain applications against property owners Bender and Widney seeking to acquire a right-of-way and easement over their property in Franklin County. TPA Exhibit No. 54.

373. Transource filed an eminent domain applications against property owners Keith Benedict TIC, Derek Benedict TIC and Dared, Benedict TIC seeking to acquire a right-of-way and easement over their property in Franklin County. TPA Exhibit No. 55.

374. Transource filed an eminent domain applications against property owners Roy B. and Susan L. Biesecker seeking to acquire a right-of-way and easement over their property in Franklin County. TPA Exhibit No. 55.

375. Transource filed an eminent domain applications against property owners Chambersburg Area School District seeking to acquire a right-of-way and easement over their property in Franklin County. TPA Exhibit No. 57.

376. Transource filed an eminent domain applications against property owners Chambersburg Mall Realty LLC, Chambersburg CH LLC, Chambersburg Nassim LLC, seeking to acquire a right-of-way and easement over their property in Franklin County. TPA Exhibit No. 58.

377. Transource filed an eminent domain applications against property owners Roy and Emma Cordell seeking to acquire a right-of-way and easement over their property in Franklin County. TPA Exhibit No. 59.

378. Transource filed an eminent domain applications against property owners DC Farms LLC seeking to acquire a right-of-way and easement over their property in Franklin County. TPA Exhibit No. 60.

379. Transource filed an eminent domain applications against property owners Norma and Bonna Jane Diller seeking to acquire a right-of-way and easement over their property in Franklin County. TPA Exhibit No.61.

380. Transource filed an eminent domain applications against property owners Joshua and Nicole Diller seeking to acquire a right-of-way and easement over their property in Franklin County. TPA Exhibit No. 62.

381. Transource filed an eminent domain applications against property owners Mynn and Mary Etter seeking to acquire a right-of-way and easement over their property in Franklin County. TPA Exhibit No. 63.

382. Transource filed an eminent domain applications against property owners Charles Stamy Fox seeking to acquire a right-of-way and easement over their property in Franklin County. TPA Exhibit No. 64 .

383. Transource filed an eminent domain applications against property owners Edna and Charles A. Fox seeking to acquire a right-of-way and easement over their property in Franklin County. TPA Exhibit No. 65.

384. Transource filed an eminent domain applications against property owners Michael Frederick and Tammy Jo Salter seeking to acquire a right-of-way and easement over their property in Franklin County. TPA Exhibit No. 66.

385. Transource filed an eminent domain applications against property owners Michael D., Frederick, Tamra D. Fredrick, Tammy Jo Salter and Roderick Salter seeking to acquire a right-of-way and easement over their property in Franklin County. TPA Exhibit No. 67.

386. Transource filed an eminent domain applications against property owners Mark and Sally Gayman seeking to acquire a right-of-way and easement over their property in Franklin County. TPA Exhibit No. 68.

387. Transource filed an eminent domain applications against property owners Mark Edward Gayman and Grant Gayman seeking to acquire a right-of-way and easement over their property in Franklin County. TPA Exhibit No. 69.

388. Transource filed an eminent domain applications against property owners GBR Lincoln Highway LLC, Chambersburg Holding, LP and WLR Chambersburg, seeking to acquire a right-of-way and easement over their property in Franklin County. TPA Exhibit No. 70.

389. Transource filed an eminent domain applications against property owners the Guildford Water Authority seeking to acquire a right-of-way and easement over their property in Franklin County. TPA Exhibit No. 71.

390. Transource filed an eminent domain applications against property owners Mark K. Henry (deceased), D. Yvonne Frank, Marion Carmack, Charles W. Henry (letters testamentary) seeking to acquire a right-of-way and easement over their property in Franklin County. TPA Exhibit No. 72.

391. Transource filed an eminent domain applications against property owners Ivan D. and Ellen M. Horst seeking to acquire a right-of-way and easement over their property in Franklin County. TPA Exhibit No. 73.

392. Transource filed an eminent domain applications against property owners Ivan D. and Ellen M. Horst seeking to acquire a right-of-way and easement over their property in Franklin County. TPA Exhibit No. 74.

393. Transource filed an eminent domain applications against property owners Leonard H. and Mary P. Kauffman seeking to acquire a right-of-way and easement over their property in Franklin County. TPA Exhibit No. 75.

394. Transource filed an eminent domain applications against property owners Wayne and Ronald Lehman seeking to acquire a right-of-way and easement over their property in Franklin County. TPA Exhibit No. 76.

395. Transource filed an eminent domain applications against property owners Lemma and O'Connor Investors LLC seeking to acquire a right-of-way and easement over their property in Franklin County. TPA Exhibit No. 77.

396. Transource filed an eminent domain applications against property owners Richard and Agnes Leshner seeking to acquire a right-of-way and easement over their property in Franklin County. TPA Exhibit No. 78.

397. Transource filed an eminent domain applications against property owners Willis M. Leshner Partnership seeking to acquire a right-of-way and easement over their property in Franklin County. TPA Exhibit No. 79.

398. Transource filed an eminent domain applications against property owners Daniel S. Long seeking to acquire a right-of-way and easement over their property in Franklin County. TPA Exhibit No. 80.

399. Transource filed an eminent domain applications against property owners Lowe's Home Centers Inc. seeking to acquire a right-of-way and easement over their property in Franklin County. TPA Exhibit No. 81.

400. Transource filed an eminent domain applications against property owners Donald L. and Denise M. Martin seeking to acquire a right-of-way and easement over their property in Franklin County. TPA Exhibit No. 82.

401. Transource filed an eminent domain applications against property owners Marlin L. and Carrie R. Martin seeking to acquire a right-of-way and easement over their property in Franklin County. TPA Exhibit No. 83.

402. Transource filed an eminent domain applications against property owners Rodney A. Meyer and Karen I. Benedict seeking to acquire a right-of-way and easement over their property in Franklin County. TPA Exhibit No.84.

403. Transource filed an eminent domain applications against property owners Myron J. and Fern L. Miller seeking to acquire a right-of-way and easement over their property in Franklin County. TPA Exhibit No. 85.

404. Transource filed an eminent domain applications against property owner Margaret Mower seeking to acquire a right-of-way and easement over their property in Franklin County. TPA Exhibit No. 86.

405. Transource filed an eminent domain applications against property owners William and Diane Nitterhouse seeking to acquire a right-of-way and easement over their property in Franklin County. TPA Exhibit No. 87.

406. Transource filed an eminent domain applications against property owners Colby and Leah Nitterhouse seeking to acquire a right-of-way and easement over their property in Franklin County. TPA Exhibit No. 88.

407. Transource filed an eminent domain applications against property owners Owls Club, Inc. seeking to acquire a right-of-way and easement over their property in Franklin County. TPA Exhibit No. 89.

408. Transource filed an eminent domain applications against property owners Patrio Federal Credit Union seeking to acquire a right-of-way and easement over their property in Franklin County. TPA Exhibit No. 90.

409. Transource filed an eminent domain applications against property owners Elam and Mary Reiff seeking to acquire a right-of-way and easement over their property in Franklin County. TPA Exhibit No. 91.

410. Transource filed an eminent domain applications against property owners Allen W. and Lori C. Rice seeking to acquire a right-of-way and easement over their property in Franklin County. TPA Exhibit No. 92.

411. Transource filed an eminent domain applications against property owners Dyle F. and Kelly A. Schindel seeking to acquire a right-of-way and easement over their property in Franklin County. TPA Exhibit No. 93.

412. Transource filed an eminent domain applications against property owners John A. and Allison E. Steiger seeking to acquire a right-of-way and easement over their property in Franklin County. TPA Exhibit No. 94.

413. Transource filed an eminent domain applications against property owner Allan A. Stine seeking to acquire a right-of-way and easement over their property in Franklin County. TPA Exhibit No. 95.

414. Transource filed an eminent domain applications against property owners Douglas L. Staley and Nellie M. Straley seeking to acquire a right-of-way and easement over their property in Franklin County. TPA Exhibit No. 96.

415. Transource filed an eminent domain applications against property owners Summit Partners LLC seeking to acquire a right-of-way and easement over their property in Franklin County. TPA Exhibit No. 97.

416. Transource filed an eminent domain applications against property owner Lois M. White seeking to acquire a right-of-way and easement over their property in Franklin County. TPA Exhibit No. 98.

417. Transource filed an eminent domain applications against property owner Jane M. Zaiger seeking to acquire a right-of-way and easement over their property in Franklin County. TPA Exhibit No. 99.

418. The eminent domain applications maintain that Transource must meet an in-service date of June 1, 2020, which is long past. *See, .e.g* ,TPA No. 53 at ¶ 29.

419.

420. Tr. at 1062 (Davis), certain religious groups, such as German Baptists and Mennonite are a “nonresistive type of people” who “won’t put up a fight.”

EXHIBIT "C"

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CHRISTOPHER MOLIERI
Plaintiff,

vs.

**ALLSTATE VEHICLE AND PROPERTY
INSURANCE COMPANY**
Defendant.

:
:
:
:
:
:
:
:
:

Civil Action No.
2:20-CV-02306-GAM

JURY TRIAL DEMANDED

ORDER

AND NOW, this day of , 2020, upon consideration of Defendant, Allstate Vehicle and Property Insurance Company's Motion to Dismiss Count II and Paragraph 19 of Plaintiff's Complaint, and Plaintiff's Response thereto, it is hereby ORDERED that the Motion is DENIED as to Count II and GRANTED as to the dismissal of Paragraph 19 of Plaintiff's Complaint.

BY THE COURT:

J.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CHRISTOPHER MOLIERI Plaintiff,	:	
	:	
	:	
vs.	:	Civil Action No.
	:	2:20-CV-02306-GAM
ALLSTATE VEHICLE AND PROPERTY INSURANCE COMPANY	:	
	:	
Defendant.	:	JURY TRIAL DEMANDED

**PLAINTIFF, CHRISTOPHER MOLIERI’S RESPONSE TO DEFENDANT’S MOTION
TO DISMISS COUNT II AND PARAGRAPH 19 OF PLAINTIFF’S COMPLAINT**

Plaintiff, Christopher Molieri, by and through his counsel, Durkin Law Offices, P.C. responds to Defendant, Allstate Vehicle and Property Insurance Company’s (“Allstate”) Motion to Dismiss Count II and Paragraph 19 of Plaintiff’s Complaint and avers as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.

MOTION TO DISMISS – BAD FAITH

6. Incorporation paragraph. No response required.
7. Denied. This paragraph of Defendant’s Motion to Dismiss pertains to the Rules of Civil Procedure which are writings speaking for themselves and to which no response is required.

8. Denied. This paragraph of Defendant's Motion to Dismiss pertains to the Rules of Civil Procedure which are writings speaking for themselves and to which no response is required.

9. Denied. This paragraph of Defendant's Motion to Dismiss pertains to the Rules of Civil Procedure which are writings speaking for themselves and to which no response is required.

10. Denied. This paragraph of Defendant's Motion to Dismiss contains conclusions of law to which no response is required.

11. Denied. This paragraph of Defendant's Motion to Dismiss contains conclusions of law to which no response is required.

12. Denied. This paragraph of Defendant's Motion to Dismiss contains conclusions of law to which no response is required. By way of further response, Plaintiff's Complaint specifically alleges in paragraph 24 (i) and (j) the factual basis for Plaintiff's bad faith claims.

13. Denied. This paragraph of Defendant's Motion to Dismiss contains conclusions of law to which no response is required.

14. Denied. This paragraph of Defendant's Motion to Dismiss contains conclusions of law to which no response is required.

15. Denied. This paragraph of Defendant's Motion to Dismiss refers to allegations set forth in Plaintiff's Complaint which is a writing which speaks for itself and to which no response is required.

16. Denied. This paragraph of Defendant's Motion to Dismiss contains conclusions of law to which no response is required.

17. Denied. This paragraph of Defendant's Motion to Dismiss contains conclusions of law to which no response is required.

18. Denied. This paragraph of Defendant's Motion to Dismiss contains conclusions of law to which no response is required.

19. Denied. This paragraph of Defendant's Motion to Dismiss contains conclusions of law to which no response is required.

20. Denied. This paragraph of Defendant's Motion to Dismiss contains conclusions of law to which no response is required. By way of further response, this paragraph of Defendant's Motion to Dismiss mischaracterizes the bad faith allegations set forth in Plaintiff's Complaint as he is alleging, in support of his bad faith claim that he was treated differently than other insureds in that he retained a public adjuster and that his claim was assigned to a specific employee of the Defendant who is assigned to a public adjuster unit within the Company.

21. Denied. This paragraph of Defendant's Motion to Dismiss refers to allegations set forth in Plaintiff's Complaint which is a writing which speaks for itself and to which no response is required.

22. Denied. This paragraph of Defendant's Motion to Dismiss contains conclusions of law to which no response is required.

23. Denied. This paragraph of Defendant's Motion to Dismiss contains conclusions of law to which no response is required.

24. Denied. This paragraph of Defendant's Motion to Dismiss contains conclusions of law to which no response is required.

25. Denied. This paragraph of Defendant's Motion to Dismiss contains conclusions of law to which no response is required.

26. Denied. This paragraph of Defendant's Motion to Dismiss contains conclusions of law to which no response is required.

MOTION TO DISMISS – PARAGRAPH 19 OF PLAINTIFF'S COMPLAINT

25. (sic) Incorporation paragraph. No response required.

26. (sic) Denied. This paragraph of Defendant's Motion to Dismiss refers to allegations set forth in Plaintiff's Complaint which is a writing which speaks for itself and to which no response is required.

27. (sic) Denied. This paragraph of Defendant's Motion to Dismiss pertains to the policy of insurance which is a writing which speaks for itself and to which no response is required.

28. (sic) Denied. This paragraph of Defendant's Motion to Dismiss refers to allegations set forth in Plaintiff's Complaint which is a writing which speaks for itself and to which no response is required.

29. (sic) Denied. This paragraph of Defendant's Motion to Dismiss contains conclusions of law to which no response is required.

30. (sic) Denied. This paragraph of Defendant's Motion to Dismiss contains conclusions of law to which no response is required.

31. (sic) Denied. This paragraph of Defendant's Motion to Dismiss pertains to the policy of insurance which is a writing which speaks for itself and to which no response is required.

32. (sic) Denied. This paragraph of Defendant's Motion to Dismiss contains conclusions of law to which no response is required.

33. (sic) Denied. This paragraph of Defendant's Motion to Dismiss contains conclusions of law to which no response is required.

WHEREFORE Plaintiff, Christopher Molieri, respectfully requests that this Honorable Court dismiss Defendant's Motion to Dismiss Count II of Plaintiff's Complaint.

Respectfully submitted,

DURKIN LAW OFFICES, P.C.

BY: /s/ Martin A. Durkin

Martin A. Durkin, Esquire

Attorney I.D. #37279

1760 Market Street - Suite 601

Philadelphia, PA 19109

(215) 569-9090

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CHRISTOPHER MOLIERI Plaintiff,	:	
	:	
	:	
vs.	:	Civil Action No.
	:	2:20-CV-02306-GAM
ALLSTATE VEHICLE AND PROPERTY INSURANCE COMPANY	:	
	:	
Defendant.	:	JURY TRIAL DEMANDED

**PLAINTIFF’S MEMORANDUM OF LAW IN OPPOSITION TO DEFENDANT’S
MOTION TO DISMISS COUNT II OF PLAINTIFF’S COMPLAINT**

I. BACKGROUND

Plaintiff, Christopher Moleri filed this action containing contractual and extra-contractual/statutory bad faith counts pertaining to an insurance claim he submitted to Defendant, Allstate Vehicle and Property Insurance Company (“Allstate”) as a result of damage from wind that occurred on February 8, 2020 at his residential premises. Defendant filed a Motion to Dismiss the extra-contractual bad faith claims pursuant to Federal Rule of Civil Procedure 12(b)(6).

The Plaintiff does not oppose the relief sought by the Defendant with regard to the dismissal of Paragraph 19 of his Complaint but respectfully requests that the Court deny the Defendant’s Motion to Dismiss Count II for the reasons set forth herein.

II. LEGAL STANDARD

A Motion to Dismiss for Failure to State a Claim pursuant to Fed. R. Civ. P. 12(b)(6) “tests the legal sufficiency of a Complaint.” *Jones v. HCA*, 16 F. Supp. 3d 622, 628 (E.D. Va. 2014). To survive such a motion, a Complaint must contain “enough facts to state a claim to relief that is plausible on its face.” *Bell At. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). “[A] claim has facial

plausibility when the Plaintiff pleads factual content that allows the court to draw the reasonable inference that the Defendant is liable for the misconduct alleged.” *Jones*, 16 F. Supp. 3d at 628 (quoting *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)).

A court considering this type of motion assumes that the facts alleged in the Complaint are true and views the Complaint in the light of most favorable to the Plaintiff. *Id.*; *See also Adams v. Bain*, 697 F.2d 1213, 1219 (4th Cir. 1982) (court considering a Motion to Dismiss “contend [ing] that a Complaint simply fails to allege facts upon which the subject matter jurisdiction can be based” affords the Plaintiff “the same procedural protection as [the Plaintiff] would receive under a Rule 12(b)(6) consideration”).

III. ARGUMENT

A. **Plaintiff’s Statutory Bad Faith Claims are Premised Upon Defendant’s Actions in Responding to Plaintiff’s Claim Differently and Punitively Than the Claims of its Other Insureds Because Plaintiff Retained the Services of a Public Adjuster.**

A windstorm loss occurred at Plaintiff’s residential premises located at 2015 S. 24th Street, Philadelphia, Pennsylvania on February 8, 2020. The wind caused damages to the structure which required remediation. See Exhibit “A”. During the pendency of his claim, the Plaintiff retained Funari Public Adjusters which prepared an estimate to repair the damages to the dwelling in the amount of \$32,791.08. See Exhibit “B”. The Defendant denied Plaintiff’s claim asserting that the loss was not sudden and accidental and purportedly relying upon the findings of a roofer, Doug Weiss. See Exhibit “C”.

In response to Plaintiff’s claim, Allstate assigned one of its employees, Louis Mincarelli to handle the claim. Mr. Mincarelli testified under oath at a jury trial in August of 2019 in the matter of *Juanita Price v. Allstate Insurance Company*, Court of Common Pleas of Philadelphia County, December Term, 2017 No. 000006 that he is assigned to a special public adjuster unit despite the

fact that the Defendant denies that any such unit exists. Juanita Price sustained damages to her residence in the Port Breeze section of Philadelphia when a ceiling collapsed. She retained the services of Funari Public Adjusters to submit her claim. Mincarelli issued a denial of that claim stating that the loss was not sudden and accidental and also relying upon findings of Doug Weiss. The jury found in favor of Ms. Price.

Mincarelli has been assigned to 42 claims of Allstate insureds who have retained Funari Public Adjusters during the past several years. Three of these matters are presently in litigation, including this case. Several other claims remain open. Two matters, including *Price* were litigated after denials which resulted in respectively an arbitration award and jury verdict favorable to the insureds. Ten claims proceeded to appraisal which is a statutorily mandated provision in the policy of insurance wherein the insurer or policyholder could invoke appraisal where there is a dispute regarding the amount of the loss. All of the appraisals were favorable to the policyholder with awards generally substantially greater than the amount of the loss as determined by Mincarelli. Seven other claims involved revised damage estimates by Mincarelli after his evaluations were challenged by the policyholder's adjuster, some of which were also substantially greater than the original estimate. See Exhibit "D".

At trial, the Plaintiff will establish a pattern of bad faith conduct by the Defendant which consistently results in the improper denial and undervaluation of claims by virtue of discriminatory handling at the hands of Allstate's special public adjuster unit.

To plausibly state a bad faith claim under Pennsylvania law, a plaintiff must factually allege the defendant lacked a reasonable basis for denying the benefits, and the insurer knew of or recklessly disregarded that lack of a reasonable basis. *Terletsky*, 649 A.2d at 688. Rather than merely alleging that an "insurer acted unfairly," a plaintiff "instead must describe with specificity

what was unfair.” *Toner v. GEICO Ins. Co.*, 262 F. Supp. 3d 200, 208 (E.D. Pa.2017). State Farm argues that there is no factual basis to Plaintiff’s bad faith allegations. However, there are sufficient factual allegations in the Complaint relating to the discriminatory response to the Plaintiff’s claim. These are not purely conclusory legal statements and satisfy the pleading requirements for bad faith. See Paragraph 24 (i) and (j) of Plaintiff’s Complaint.

IV. CONCLUSION

The Court should deny Defendant’s Motion to Dismiss Count II of Plaintiff’s Complaint. The Plaintiff does not oppose the relief sought regarding the dismissal of Paragraph 19 of the Complaint.

Respectfully submitted,

DURKIN LAW OFFICES, P.C.

BY: /s/ Martin A. Durkin

Martin A. Durkin, Esquire
Attorney I.D. #37279
1760 Market Street - Suite 601
Philadelphia, PA 19109
(215) 569-9090

CERTIFICATE OF SERVICE

Martin A. Durkin, Esquire, hereby certifies that a true and correct copy of the foregoing Plaintiff's Response to Defendant's Motion to Dismiss has been forwarded to the following party of record, listed below, via electronic filing on the 16th day of June, 2020, addressed as follows:

Michael K. Lorenz, Esquire
Michael Senoyuit, III, Esquire
CURTIN & HEEFNER, LP
1040 Stony Hill Road, Suite 150
Yardley, PA 2521

DURKIN LAW OFFICES, P.C.

/s/ Martin A. Durkin
Martin A. Durkin, Esquire



Assurance Restoration LLC

1167 W. Baltimore Pike, STE 232
Media, PA 19063
AssuranceRestorationPA@gmail.com
(267) 343-9175

Insured: Chris Molieri
Property: 2015 S 24th St
Phila, PA 19145

Claim Number:**Policy Number:****Type of Loss:**

Date of Loss: 2/8/2020

Date Received:

Date Inspected:

Date Entered: 4/4/2020 2:31 PM

Price List: PAPH8X_MAR20
Restoration/Service/Remodel

Estimate: 2020-04-04-1431

**Assurance Restoration LLC**

1167 W. Baltimore Pike, STE 232
 Media, PA 19063
 AssuranceRestorationPA@gmail.com
 (267) 343-9175

2020-04-04-1431**2020-04-04-1431**

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	TOTAL
1. Emergency service call - during business hours	1.00 EA	0.00	160.02	12.80	172.82
3. Equipment setup, take down, and monitoring (hourly charge)	12.50 HR	0.00	55.00	55.00	742.50
4. Single axle dump truck - per load - including dump fees	1.00 EA	332.70	0.00	0.00	332.70
Total: 2020-04-04-1431				67.80	1,248.02

Basement

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	TOTAL
5. Apply plant-based anti-microbial agent to the surface area	125.00 SF	0.00	0.26	3.14	35.64
10. General Laborer - per hour	2.00 HR	0.00	40.00	0.00	80.00
*clean post demo/post dry out 2 men x 1hr					
9. Air mover (per 24 hour period) - No monitoring	6.00 EA	0.00	25.89	12.43	167.77
2 air mover x 3 days					
8. Dehumidifier (per 24 hour period) - No monitoring	3.00 EA	0.00	101.25	24.30	328.05
1 dehu x 3 days					
Totals: Basement				39.87	611.46

Living Room

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	TOTAL
11. Tear out wet drywall, cleanup, bag for disposal	64.00 SF	0.89	0.00	0.77	57.73
19. Tear out and bag wet insulation	64.00 SF	0.73	0.00	0.31	47.03
13. Tear out baseboard and bag for disposal	16.00 LF	0.96	0.00	0.22	15.58
12. Tear out trim	35.00 LF	0.46	0.00	0.00	16.10
*chair rail/wainscoting					
15. Content Manipulation charge - per hour	3.00 HR	0.00	40.00	0.00	120.00
2 men x 1.5hr					

2020-04-04-1431

4/4/2020

Page: 2

**Assurance Restoration LLC**

1167 W. Baltimore Pike, STE 232
 Media, PA 19063
 AssuranceRestorationPA@gmail.com
 (267) 343-9175

CONTINUED - Living Room

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	TOTAL
17. Protect contents - Cover with plastic	325.00 SF	0.00	0.38	1.56	125.06
*prevent dust travel/exposure to contents/floor covering					
18. Apply plant-based anti-microbial agent to the surface area	145.00 SF	0.00	0.26	3.64	41.34
33. General Laborer - per hour	2.00 HR	0.00	40.00	0.00	80.00
*clean post demo/post dry out 2 men x 1hr					
20. Air mover (per 24 hour period) - No monitoring	6.00 EA	0.00	25.89	12.43	167.77
2 air mover x 3 days					
21. Air mover axial fan (per 24 hour period) - No monitoring	6.00 EA	0.00	29.58	14.20	191.68
2 axial fans x 3 days					
22. Dehumidifier (per 24 hour period) - No monitoring	3.00 EA	0.00	101.25	24.30	328.05
1 dehu x 3 days					
Totals: Living Room				57.43	1,190.34

Bathroom 2F

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	TOTAL
23. Tear out wet drywall, cleanup, bag for disposal	2.00 SF	0.89	0.00	0.02	1.80
24. Tear out and bag wet insulation	2.00 SF	0.73	0.00	0.01	1.47
27. Content Manipulation charge - per hour	3.00 HR	0.00	40.00	0.00	120.00
2 men x 1.5hr					
28. Protect contents - Cover with plastic	35.00 SF	0.00	0.38	0.17	13.47
*prevent dust travel/exposure to contents/floor covering					
29. Apply plant-based anti-microbial agent to the surface area	15.00 SF	0.00	0.26	0.38	4.28
34. General Laborer - per hour	2.00 HR	0.00	40.00	0.00	80.00
*clean post demo/post dry out 2 men x 1hr					
30. Air mover (per 24 hour period) - No monitoring	3.00 EA	0.00	25.89	6.21	83.88
1 air mover x 3 days					

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CONTINUED - Bathroom 2F

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	TOTAL
32. Dehumidifier (per 24 hour period) - No monitoring 1 dehu x 3 days	3.00 EA	0.00	101.25	24.30	328.05

Totals: Bathroom 2F				31.09	632.95
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Labor Minimums Applied

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	TOTAL
14. Hazardous waste/mold rem. labor min	1.00 EA	0.00	143.96	11.52	155.48

Totals: Labor Minimums Applied				11.52	155.48
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Line Item Totals: 2020-04-04-1431				207.71	3,838.25
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**Assurance Restoration LLC**

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Summary for Dwelling

Line Item Total	3,630.54
Material Sales Tax	3.06
Cleaning Mtl Tax	1.14
	<hr/>
Subtotal	3,634.74
Cleaning Sales Tax	203.51
	<hr/>
Replacement Cost Value	\$3,838.25
Net Claim	\$3,838.25
	<hr/> <hr/>

**Assurance Restoration LLC**

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 (267) 343-9175

Recap of Taxes

	Material Sales Tax (8%)	Cleaning Mtl Tax (8%)	Cleaning Sales Tax (8%)	Clothing Acc Tax (8%)	Manuf. Home Tax (8%)	Storage Rental Tax (8%)	Dryclean/Laundry Tax (8%)
Line Items	3.06	1.14	203.51	0.00	0.00	0.00	0.00
Total	3.06	1.14	203.51	0.00	0.00	0.00	0.00

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Recap by Room

Estimate: 2020-04-04-1431	1,180.22	32.51%
Basement	571.59	15.74%
Living Room	1,132.91	31.20%
Bathroom 2F	601.86	16.58%
Labor Minimums Applied	143.96	3.97%
<hr/>		
Subtotal of Areas	3,630.54	100.00%
<hr/>		
Total	3,630.54	100.00%

**Assurance Restoration LLC**

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 Media, PA 19063
 AssuranceRestorationPA@gmail.com
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Recap by Category

Items	Total	%
CONTENT MANIPULATION	376.80	9.82%
GENERAL DEMOLITION	471.08	12.27%
HAZARDOUS MATERIAL REMEDIATION	143.96	3.75%
LABOR ONLY	240.00	6.25%
WATER EXTRACTION & REMEDIATION	2,398.70	62.49%
Subtotal	3,630.54	94.59%
Material Sales Tax	3.06	0.08%
Cleaning Mtl Tax	1.14	0.03%
Cleaning Sales Tax	203.51	5.30%
Total	3,838.25	100.00%



Funari Public Adjusters

2951 S 16th Street
Phila., PA 19145
PH:215-271-9582
FX:215-271-9552
www.funaripublicadjusters.com

Insured: Christopher Molieri
Property: 2015 S. 24th Street
Philadelphia, PA 19145

Claim Rep.: Funari

Estimator: Funari

Claim Number: 0578516833

Policy Number: 998683959

Type of Loss: Wind Damage

Date of Loss: 2/8/2020

Date Received: 2/18/2020

Date Inspected:

Date Entered: 2/18/2020 4:42 PM

Price List: PAPH8X_FEB20
Restoration/Service/Remodel

Estimate: MOLIERI_CHRISTOPHER

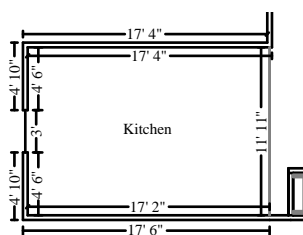
PRELIMINARY ESTIMATE SUBJECT TO ERRORS & CORRECTIONS

**Funari Public Adjusters**

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 Phila., PA 19145
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 FX:215-271-9552
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MOLIERI CHRISTOPHER**Main Level****Main Level**

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
1. Cleaning Technician - per hour for post construction cleaning, 2 techs x 6 hours	12.00 HR	0.00	37.50	43.20	90.00	583.20
Total: Main Level				43.20	90.00	583.20

**Kitchen****Height: 8' 1"**

375.20 SF Walls	204.57 SF Ceiling
579.77 SF Walls & Ceiling	204.57 SF Floor
22.73 SY Flooring	46.42 LF Floor Perimeter
46.42 LF Ceil. Perimeter	

Missing Wall**11' 11" X 8' 1"****Opens into LIVING_ROOM**

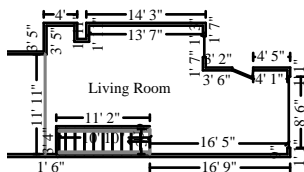
DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
2. Outlet or switch - Detach & reset	10.00 EA	0.00	19.43	0.00	38.86	233.16
3. Range - gas - Remove & reset	1.00 EA	0.00	157.95	0.00	31.60	189.55
4. Dishwasher - Detach & reset	1.00 EA	0.00	268.67	0.00	53.74	322.41
5. Refrigerator - Remove & reset	1.00 EA	0.00	39.47	0.00	7.90	47.37
6. Contents - move out then reset - Extra large room	1.00 EA	0.00	163.69	0.00	32.74	196.43
7. Heat/AC register - Mechanically attached - Detach & reset	2.00 EA	0.00	15.14	0.00	6.06	36.34
8. Recessed light fixture - Detach & reset trim only	6.00 EA	0.00	3.33	0.00	4.00	23.98
9. Light fixture - Detach & reset	2.00 EA	0.00	54.17	0.00	21.66	130.00
10. Microwave oven - over range type - Detach & reset	1.00 EA	0.00	126.66	0.00	25.34	152.00
11. Cabinetry - lower (base) units - Detach & reset for replacement of floors under cabinets	15.42 LF	0.00	57.50	0.00	177.34	1,063.99
12. Sink - single - Detach & reset	1.00 EA	0.00	146.86	0.00	29.38	176.24
13. Sink faucet - Detach & reset	1.00 EA	0.00	118.21	0.00	23.64	141.85
14. P-trap assembly - Detach & reset	1.00 EA	0.00	58.70	0.00	11.74	70.44
15. Garbage disposer - Detach & reset	1.00 EA	0.00	157.95	0.00	31.60	189.55

**Funari Public Adjusters**

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 Phila., PA 19145
 PH:215-271-9582
 FX:215-271-9552
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CONTINUED - Kitchen

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
16. Seal & paint baseboard - two coats	14.58 LF	0.00	1.31	0.13	3.84	23.07
17. Seal & paint - judges paneling - two coats	25.08 SF	0.00	3.87	0.46	19.52	117.04
18. Paint part of the walls and ceiling - two coats - 2 colors	554.69 SF	0.00	1.07	9.32	120.56	723.40
19. Seal part of the walls and ceiling w/PVA primer - one coat	554.69 SF	0.00	0.51	2.22	57.02	342.13
20. Seal & paint door or window opening (per side)	1.00 EA	0.00	27.74	0.36	5.62	33.72
21. Window blind - horizontal or vertical - Detach & reset	1.00 EA	0.00	35.66	0.00	7.14	42.80
22. Seal & paint door/window trim & jamb - (per side)	2.00 EA	0.00	27.66	0.70	11.20	67.22
23. Paint part of the walls and ceiling - two coats	554.69 SF	0.00	0.85	9.32	96.16	576.97
24. Add-on for tile backsplash installation	41.50 SF	0.00	15.75	0.00	130.72	784.35
25. Countertop - solid surface/granite - Detach & reset	56.88 SF	0.00	21.56	0.00	245.26	1,471.59
26. R&R Ceramic/porcelain tile	41.50 SF	1.71	12.73	14.18	122.70	736.15
27. R&R Engineered wood flooring	204.57 SF	2.22	9.07	102.12	482.36	2,894.08
28. Mask and prep for paint - plastic, paper, tape (per LF)	46.42 LF	0.00	1.24	0.97	11.72	70.25
29. Floor protection - self-adhesive plastic film	204.57 SF	0.00	0.55	1.96	22.90	137.37
30. R&R Baseboard - 2 1/4"	14.58 LF	0.40	2.52	1.07	8.72	52.36
Totals: Kitchen				142.81	1,841.04	11,045.81

**Living Room****Height: 8' 1"**

669.31 SF Walls	348.47 SF Ceiling
1,017.78 SF Walls & Ceiling	348.47 SF Floor
38.72 SY Flooring	83.58 LF Floor Perimeter
83.58 LF Ceil. Perimeter	

Missing Wall**11' 11" X 8' 1"****Opens into KITCHEN****Missing Wall****3' X 8' 1"****Opens into STAIRS**

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
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**Funari Public Adjusters**

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CONTINUED - Living Room

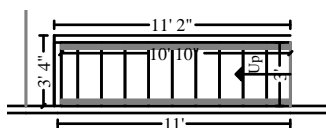
DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
31. Contents - move out then reset - Extra large room	1.00 EA	0.00	163.69	0.00	32.74	196.43
32. Paint part of the walls and ceiling - two coats	725.24 SF	0.00	0.85	12.18	125.74	754.37
33. Seal part of the walls and ceiling w/PVA primer - one coat	725.24 SF	0.00	0.51	2.90	74.56	447.33
34. Mask and prep for paint - plastic, paper, tape (per LF)	83.58 LF	0.00	1.24	1.74	21.06	126.44
35. Floor protection - self-adhesive plastic film	348.47 SF	0.00	0.55	3.35	39.02	234.03
36. Ornamental iron handrail - Detach & reset	9.00 LF	0.00	20.01	0.21	36.06	216.36
37. Prime & paint ornamental iron handrail, 36" to 42" high	9.00 LF	0.00	8.95	2.09	16.54	99.18
38. Paint - judges paneling - two coats	292.54 SF	0.00	3.90	6.08	229.40	1,376.39
39. R&R Baseboard - 2 1/4"	83.58 LF	0.40	2.52	6.15	50.04	300.24
40. R&R 1/2" drywall - hung, taped, floated, ready for paint	96.00 SF	0.40	2.85	3.99	63.20	379.19
41. Seal floor/ceiling joist system (anti-microbial coating)	32.00 SF	0.00	2.87	5.02	19.36	116.22
42. Seal stud wall for odor control (anti-microbial coating)	64.00 SF	0.00	2.09	7.42	28.24	169.42
43. Recessed light fixture - Detach & reset trim only	10.00 EA	0.00	3.33	0.00	6.66	39.96
44. Seal & paint door/window trim & jamb - Large (per side)	1.00 EA	0.00	32.57	0.42	6.60	39.59
45. R&R Chair rail - 2 1/2"	14.67 LF	0.40	2.72	1.50	9.46	56.73
46. Seal & paint chair rail - two coats	83.58 LF	0.00	1.27	0.80	21.40	128.35
47. Seal & paint door or window opening - Large (per side)	1.00 EA	0.00	34.88	0.60	7.10	42.58
48. Window drapery - hardware - Detach & reset	1.00 EA	0.00	35.66	0.00	7.14	42.80
49. Seal & paint door/window trim & jamb - (per side)	2.00 EA	0.00	27.66	0.70	11.20	67.22
50. Outlet or switch - Detach & reset	12.00 EA	0.00	19.43	0.00	46.64	279.80
51. Smoke detector - Detach & reset	1.00 EA	0.00	52.45	0.00	10.50	62.95
52. Thermostat - Detach & reset	1.00 EA	0.00	50.61	0.00	10.12	60.73
53. TV Brackets - Wall or ceiling mounted - Detach & reset	1.00 EA	0.00	103.23	0.00	20.64	123.87
54. Heat/AC register - Floor register - Detach & reset	1.00 EA	0.00	4.70	0.00	0.94	5.64

**Funari Public Adjusters**

2951 S 16th Street
 Phila., PA 19145
 PH:215-271-9582
 FX:215-271-9552
 www.funaripublicadjusters.com

CONTINUED - Living Room

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
55. Window blind - horizontal or vertical - Detach & reset	1.00 EA	0.00	35.66	0.00	7.14	42.80
56. Mirror - plate glass - Detach & reset	5.73 SF	0.00	6.42	0.00	7.36	44.15
57. R&R Engineered wood flooring	348.47 SF	2.22	9.07	173.96	821.64	4,929.82
Totals: Living Room				229.11	1,730.50	10,382.59

Stairs**Height: 13' 8"**

229.86 SF Walls	32.50 SF Ceiling
262.36 SF Walls & Ceiling	53.31 SF Floor
5.92 SY Flooring	24.26 LF Floor Perimeter
21.67 LF Ceil. Perimeter	

Missing Wall**3' X 13' 7 1/2"****Opens into LIVING_ROOM**

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
58. Seal & paint stair skirt/apron (2 coats)	14.00 LF	0.00	6.18	0.45	17.40	104.37
59. Paint the walls - two coats	229.86 SF	0.00	0.85	3.86	39.86	239.10
60. Seal the walls w/PVA primer - one coat	229.86 SF	0.00	0.51	0.92	23.62	141.77
61. Paint - judges paneling - two coats	84.91 SF	0.00	3.90	1.77	66.60	399.52
62. Floor protection - self-adhesive plastic film	53.31 SF	0.00	0.55	0.51	5.96	35.79
63. Mask and prep for paint - plastic, paper, tape (per LF)	21.67 LF	0.00	1.24	0.45	5.48	32.80
64. Ornamental iron handrail - Detach & reset	14.00 LF	0.00	20.01	0.32	56.08	336.54
65. Prime & paint ornamental iron handrail, 36" to 42" high	14.00 LF	0.00	8.95	3.25	25.72	154.27

Totals: Stairs				11.53	240.72	1,444.16
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Total: Main Level				426.65	3,902.26	23,455.76
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Level 2**Level 2**

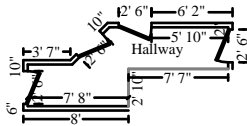
DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
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CONTINUED - Level 2

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
66. Cleaning Technician - per hour for post construction cleaning, 2 techs x 2 hours	4.00 HR	0.00	37.50	14.40	30.00	194.40
Total: Level 2				14.40	30.00	194.40

Hallway**Height: 8'**

243.39 SF Walls	56.42 SF Ceiling
299.81 SF Walls & Ceiling	56.42 SF Floor
6.27 SY Flooring	30.42 LF Floor Perimeter
30.42 LF Ceil. Perimeter	

Missing Wall**2' 10" X 8'****Opens into Exterior****Missing Wall****7' 7" X 8'****Opens into Exterior**

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
67. Outlet or switch - Detach & reset	2.00 EA	0.00	19.43	0.00	7.78	46.64
68. Seal & paint chair rail - two coats	30.42 LF	0.00	1.27	0.29	7.78	46.70
69. Floor protection - self-adhesive plastic film	56.42 SF	0.00	0.55	0.54	6.30	37.87
70. Seal & paint - judges paneling - two coats	106.48 SF	0.00	3.87	1.96	82.82	496.86
71. Seal & paint baseboard - two coats	30.42 LF	0.00	1.31	0.27	8.04	48.16
72. Mask and prep for paint - plastic, paper, tape (per LF)	30.42 LF	0.00	1.24	0.63	7.66	46.01
73. Seal & paint door/window trim & jamb - (per side)	4.00 EA	0.00	27.66	1.41	22.40	134.45
74. Seal & paint door slab only (per side)	4.00 EA	0.00	33.41	2.42	27.20	163.26
Totals: Hallway				7.52	169.98	1,019.95
Total: Level 2				21.92	199.98	1,214.35

General

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
75. Provide stretch film/wrap	1.00 RL	0.00	20.32	3.74	4.38	28.44

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CONTINUED - General

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
76. Provide furniture lightweight blanket/pad	15.00 EA	0.00	7.04	19.39	22.82	147.81
77. Provide box, packing paper & tape - medium size	30.00 EA	0.00	3.90	19.51	24.92	161.43
78. Provide box, packing paper & tape - small size	15.00 EA	0.00	2.27	6.25	7.36	47.66
79. Bubble Wrap - Add-on cost for fragile items	1,000.00 LF	0.00	0.22	40.41	47.52	307.93
80. On-Site Inventory, Packing, Boxing, Moving chrg - per hour	64.00 HR	0.00	37.50	0.00	480.00	2,880.00
Time to wrap and pack all fragile contents, wall hangings, wrap all furniture and move out to prepare for repairs. Move all contents back into place post repairs. 4 techs x 8 hours to pack, 8 to unpack						
81. Single axle dump truck - per load - including dump fees	1.00 EA	332.68	0.00	0.00	66.54	399.22
82. Off-site storage & insur. - climate controlled - per month	250.00 SF	0.00	1.49	35.76	74.50	482.76
83. Moving van (16'-20') and equipment - per day for bringing contents to and from off site storage	2.00 EA	0.00	153.04	29.39	61.22	396.69
84. Bid Item for estimate to replace shingles	1.00 EA	0.00	1,000.00	0.00	0.00	1,000.00
85. Roofer EMS	1.00 UN	0.00	650.00	0.00	0.00	650.00
86. General Laborer - per hour two men x 4 hours to move items to storage facility and 4 hours to move everything back.	16.00 HR	0.00	40.00	0.00	128.00	768.00
Totals: General				154.45	917.26	7,269.94

Labor Minimums Applied

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
87. Heat, vent, & air cond. labor minimum	1.00 EA	0.00	189.51	0.00	37.90	227.41
88. Window treatment repair	1.00 EA	0.00	55.73	0.00	11.14	66.87
89. Drywall labor minimum	1.00 EA	0.00	278.55	0.00	55.72	334.27
90. Mirror/shower door labor minimum	1.00 EA	0.00	125.92	0.00	25.18	151.10
91. Finish hardware labor minimum	1.00 EA	0.00	59.48	0.00	11.90	71.38
Totals: Labor Minimums Applied				0.00	141.84	851.03

Line Item Totals: MOLIERI_CHRISTOPHER**603.02****5,161.34****32,791.08**

MOLIERI_CHRISTOPHER

3/13/2020

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Grand Total Areas:

1,517.77 SF Walls	641.95 SF Ceiling	2,159.72 SF Walls and Ceiling
662.77 SF Floor	73.64 SY Flooring	184.68 LF Floor Perimeter
0.00 SF Long Wall	0.00 SF Short Wall	182.09 LF Ceil. Perimeter
662.77 Floor Area	699.82 Total Area	1,177.01 Interior Wall Area
1,377.09 Exterior Wall Area	161.17 Exterior Perimeter of Walls	
0.00 Surface Area	0.00 Number of Squares	0.00 Total Perimeter Length
0.00 Total Ridge Length	0.00 Total Hip Length	



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Summary for Dwelling

Line Item Total	27,026.72
Material Sales Tax	390.97
Cleaning Mtl Tax	37.96
	<hr/>
Subtotal	27,455.65
Overhead	2,580.67
Profit	2,580.67
Cleaning Sales Tax	138.33
Storage Rental Tax	35.76
	<hr/>
Replacement Cost Value	\$32,791.08
Less Deductible	(1,000.00)
	<hr/>
Net Claim	\$31,791.08
	<hr/> <hr/>

Funari



Funari Public Adjusters

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Recap of Taxes, Overhead and Profit

Overhead (10%)	Profit (10%)	Material Sales Tax (8%)	Cleaning Mtl Tax (8%)	Cleaning Sales Tax (8%)	Clothing Acc Tax (8%)	Manuf. Home Tax (8%)	Storage Rental Tax (8%)	Dryclean/Laun dry Tax (8%)
Line Items								
2,580.67	2,580.67	390.97	37.96	138.33	0.00	0.00	35.76	0.00
Total								
2,580.67	2,580.67	390.97	37.96	138.33	0.00	0.00	35.76	0.00

**Funari Public Adjusters**

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Recap by Room**Estimate: MOLIERI_CHRISTOPHER**

Area: Main Level	450.00	1.67%
Kitchen	9,061.96	33.53%
Living Room	8,422.98	31.17%
Stairs	1,191.91	4.41%
<hr/>		
Area Subtotal: Main Level	19,126.85	70.77%
Area: Level 2	150.00	0.56%
Hallway	842.45	3.12%
<hr/>		
Area Subtotal: Level 2	992.45	3.67%
General	6,198.23	22.93%
Labor Minimums Applied	709.19	2.62%
<hr/>		
Subtotal of Areas	27,026.72	100.00%
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Total	27,026.72	100.00%

**Funari Public Adjusters**

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Recap by Category

O&P Items	Total	%
APPLIANCES	750.70	2.29%
CABINETRY	2,112.98	6.44%
CONT: GARMENT & SOFT GOODS CLN	2,772.50	8.46%
CLEANING	600.00	1.83%
CONTENT MANIPULATION	327.38	1.00%
CONT: PACKING,HANDLNG,STORAGE	803.05	2.45%
GENERAL DEMOLITION	1,714.93	5.23%
DRYWALL	552.15	1.68%
ELECTRICAL	518.77	1.58%
FLOOR COVERING - WOOD	5,016.07	15.30%
FINISH CARPENTRY / TRIMWORK	287.26	0.88%
FINISH HARDWARE	162.71	0.50%
HEAT, VENT & AIR CONDITIONING	275.10	0.84%
LABOR ONLY	640.00	1.95%
LIGHT FIXTURES	161.62	0.49%
MIRRORS & SHOWER DOORS	162.71	0.50%
ORNAMENTAL IRON	460.23	1.40%
PLUMBING	323.77	0.99%
PAINTING	6,390.15	19.49%
TILE	1,181.93	3.60%
WINDOW TREATMENT	162.71	0.50%
O&P Items Subtotal	25,376.72	77.39%
Non-O&P Items	Total	%
LABOR ONLY	650.00	1.98%
USER DEFINED ITEMS	1,000.00	3.05%
Non-O&P Items Subtotal	1,650.00	5.03%
O&P Items Subtotal	25,376.72	77.39%
Material Sales Tax	390.97	1.19%
Cleaning Mtl Tax	37.96	0.12%
Overhead	2,580.67	7.87%
Profit	2,580.67	7.87%
Cleaning Sales Tax	138.33	0.42%
Storage Rental Tax	35.76	0.11%
Total	32,791.08	100.00%



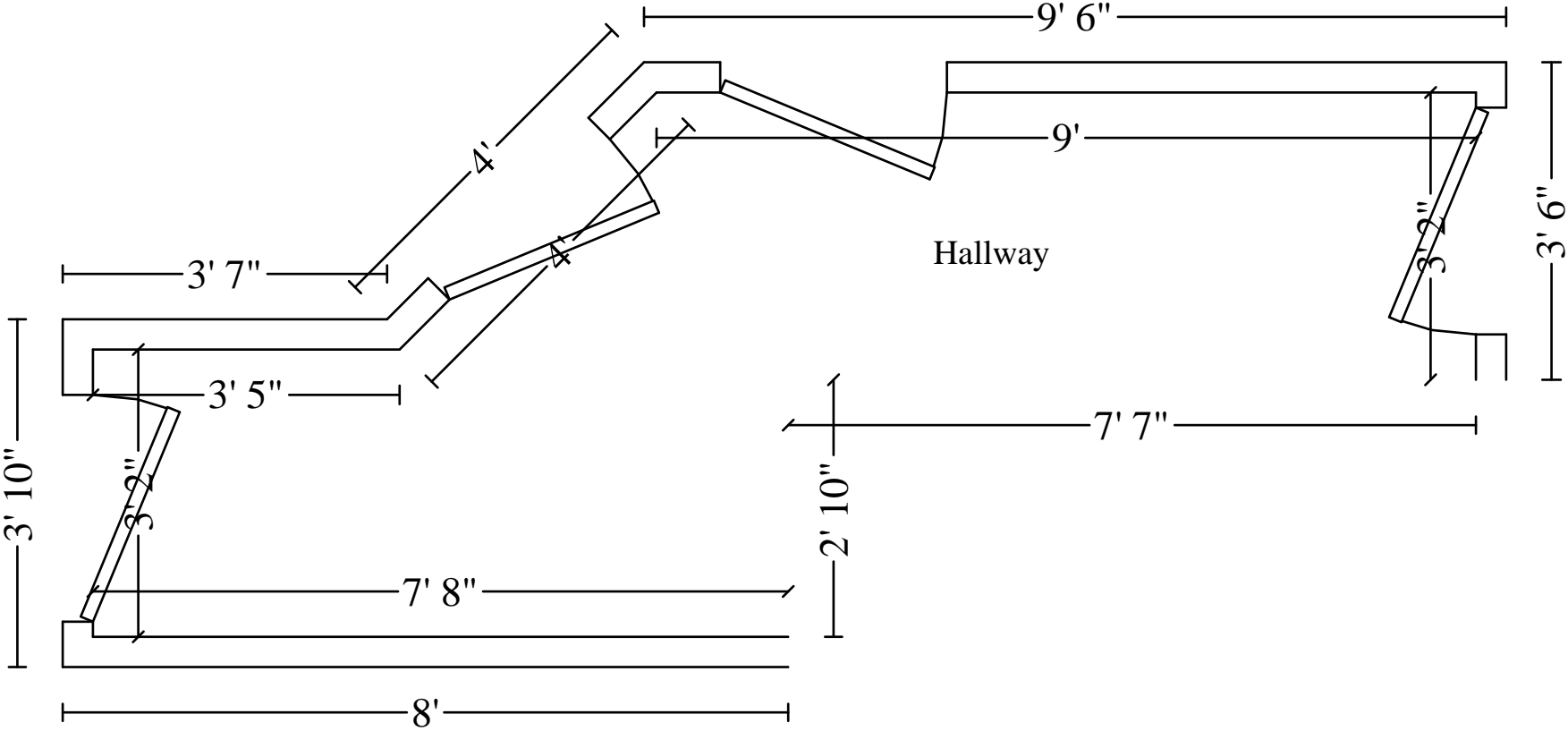
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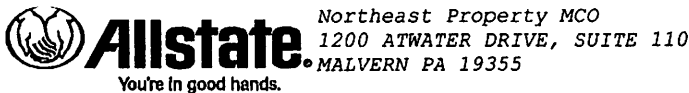
PRELIMINARY ESTIMATE SUBJECT TO ERRORS & CORRECTIONS



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Level 2



FUNARI PUBLIC ADJUSTERS LLC
2951 S 16TH ST
PHILADELPHIA PA 191454919

RECIPIENT OF ORIGINAL
CHRISTOPHER MOLIERI
2015 S 24TH ST
PHILADELPHIA PA 191452616

COPY OF ORIGINAL

March 12, 2020

INSURED: CHRISTOPHER MOLIERI
DATE OF LOSS: February 08, 2020
CLAIM NUMBER: 0578516833 WML

PHONE NUMBER: 800-280-0714
FAX NUMBER: 866-447-4293
OFFICE HOURS: Mon - Fri 8:00 am - 5:30 pm,
Sat 8:00 am - 2:00 pm

Dear CHRISTOPHER MOLIERI,

I am writing you regarding the claim you submitted under your Homeowner Policy. The claim seeks recovery for loss to the property at the above address.

We have considered the facts and information provided us and have carefully reviewed the terms of the policy. Under the terms of the Allstate House and Home Policy AVP58-00 we are unable to provide coverage for this claim.

The following policy language reads in part:

Losses We Cover Under Coverages A and B:

We will cover sudden and accidental direct physical loss to property described in Coverage A - Dwelling Protection and Coverage B - Other Structures Protection except as limited or excluded in this policy.

All indications are that this loss was not sudden and accidental. We had our expert roofer inspect the home. He found no storm damage to the roofing on this home. He observed recent repairs to the roofing using clear caulking to the flat roofing and shingle roofing. The shingle roofing was not installed according manufacturer or industry standards. The shingle roofing needs to be replaced due to improper installation. The shingle roofing does not have the proper flashing along the right lower edge where it meets the left side fire wall. Roof cement was used to seal that area. Aluminum flashing should have been installed because roof cement will dry, shrink and crack allowing water to leak into the home.

Mr. Weiss believes this is cause of the water damage on the first floor. Mr. Weiss to review my photos of the interior water damage to the first floor. The water damage in the first floor is directly below the improper flashing on the lower edge of the improperly installed shingle.

After Mr. Weiss reviewed the photos he believes this is not a one time leak. The damage appears to be long term. He found no wind or storm damage. He observed improperly installed roofing and flashing which allowed water infiltration for an extended period of time.

This is not a sudden or accidental event. this is a long term issue due to improper installation of the roofing and flashing.

Also, the following applies under:

D. Under Dwelling Protection–Coverage A and Other Structures Protection–Coverage B of this policy, we do not cover any loss consisting of or caused by one or more of the following excluded events, perils or conditions. Such loss is excluded

0578516833 WML



regardless of whether the excluded event, peril or condition involves isolated or widespread damage, arises from natural, man-made or other forces, or arises as a result of any combination of these forces.

5. a) Wear and tear, aging, marring, scratching, deterioration, inherent vice, or latent defect;
b) mechanical breakdown;
c) growth of trees, shrubs, plants or lawns, regardless of whether such growth is above or below the surface of the ground;
d) rust or other corrosion;
e) settling, cracking, shrinking, bulging or expansion of pavements, patios, foundations, walls, floors, roofs or ceilings; or
f) insects, rodents, birds or domestic animals We do cover the breakage of glass or safety glazing materials caused by birds.
If any of a) through f) causes the sudden and accidental escape of water or steam from a plumbing, heating or air conditioning system, a household appliance or an automatic fire protective sprinkler system within your dwelling, we cover the direct physical damage caused by the water or steam.

If loss to covered property is caused by water or steam not otherwise excluded, we will cover the cost of tearing out and replacing any part of your dwelling necessary to repair the system or appliance. This does not include damage to the defective system or appliance from which the water or steam escaped.

11. Planning, Construction or Maintenance, meaning faulty, inadequate or defective:

- a) planning, zoning, development, surveying, siting;
b) design, specifications, workmanship, repair, construction, renovation, remodeling, grading, compaction;
c) materials used in repair, construction, renovation or remodeling; or
d) maintenance;

of property whether on or off the residence premises by any person or organization.

Also under Section I Conditions

12. Action Against Us

No one may bring an action against us in any way related to the existence or amount of coverage, or the amount of loss for which coverage is sought, under a coverage to which Section I Conditions applies, unless:

- a) there has been full compliance with all policy terms;
and
b) the action is commenced within one year after the inception of loss or damage.

For the above stated reasons and any other exclusions or conditions contained in the policy applicable, Allstate will be unable to provide coverage for this loss.

If you have any questions, please call me at (800) 280-0714 Ext. 1908546.

Sincerely,

LOUIS MINCARELLI

LOUIS MINCARELLI
800-280-0714 Ext. 1908546
Allstate Vehicle and Property Insurance Company

Copy : FUNARI PUBLIC ADJUSTERS LLC

Mincarelli Files										
Date	Claim #	Cause of Loss	RCV (Mincarelli)	ACV (Mincarelli)	Revised RCV (Mincarelli)	Revised ACV (Mincarelli)	RCV (Appraisal)	ACV (Appraisal)	ACV Difference	Court
11/29/2017	0483614368	ADW	\$ 6,106.10	\$ 5,108.53	\$ 7,229.40	\$ 6,186.85				
3/21/2018	0496327461	Wind/Storm	\$ 17,132.17	\$ 15,503.84	\$ 18,387.37	\$ 16,605.84				
11/16/2018	0524750544									
2/9/2018	0491539656	ADW	\$ 18,588.29	\$ 17,034.20						
6/5/2016	0421606948	Wind/Storm	\$ 10,851.06	\$ 10,804.44			\$ 13,396.48	\$ 13,228.34	\$ 2,423.90	
4/4/2019	0540890555	ADW	\$ 5,099.13	\$ 4,156.75	\$ 10,408.66	\$ 9,466.28	\$ 13,723.76	\$ 12,831.02	\$ 8,674.27	
4/7/2018	049 785 5650	ADW	\$ 7,946.01	\$ 7,792.70	\$ 11,700.86	\$ 11,603.85				
1/16/2018	0487624579	ADW	\$ 5,763.14	\$ 4,767.20			\$ 9,681.07	\$ 8,554.34	\$ 3,787.14	
7/22/2016	0422050526	ADW	\$ 6,041.92	\$ 5,258.46			\$ 7,649.94	\$ 6,824.70	\$ 1,566.24	
8/2/2015	0379107915	ADW	\$ 3,616.15	\$ 2,991.75			\$ 4,686.51	\$ 4,025.65	\$ 1,033.90	
5/21/2019	0547612200									
12/15/2019	057177090	ADW	\$ 20,028.58	\$ 16,301.47			\$ 25,210.84	\$ 22,007.85	\$ 5,706.38	
7/1/2017	0470620477									
10/21/2015	0389293838	ADW								\$10,000.00
6/21/2020	0549171817	ADW	\$ 8,312.61	\$ 7,492.71						
10/5/2017	0477646681	ADW	\$ 8,773.85	\$ 8,297.74						
7/11/2019	0553254012									ACTIVE
1/16/2020	0575328703		\$ 4,470.49	\$ 3,534.32			\$ 7,425.10	\$ 6,617.32	\$ 3,083.00	
1/18/2019	0531708741									ACTIVE
1/2/2018	0487064073	ADW	\$ 5,750.26	\$ 4,852.88	\$ 7,827.13	\$ 6,840.30				
3/16/2018	0496313800									
9/16/2017	0477629125	Wind/Storm	\$ 6,233.32	\$ 5,855.45						
2/8/2020	0578516833									ACTIVE
1/27/2016	0399835197	ADW	\$ 1,892.21	\$ 1,892.21	\$ 7,332.25	\$ 5,084.77				
6/19/2017	0460902083	ADW	\$ 13,436.94	\$ 11,668.02						
7/7/2017	0463008631	Wind/Storm								\$ 25,000.00
8/2/2019	055714082	ADW	\$ 3,933.22	\$ 3,739.80						
6/12/2019	0546329012		\$ 8,593.78	\$ 7,215.77						
9/28/2016	0431446822	Wind/Storm	\$ 7,081.21	\$ 6,559.36	\$ 7,944.52	\$ 7,377.68				
21/15/2019	0576293757									ACTIVE
5/23/2018	0503686131	ADW	\$ 10,091.79	\$ 8,320.78						
3/19/2019	05374232480	ADW	\$ 10,666.00	\$ 9,908.52			\$ 19,499.00	\$ 18,197.33	\$ 8,288.81	
4/4/2017	0452119548	ADW	\$ 3,944.53	\$ 3,255.46						

6/4/2018	0503730178	ADW	\$ 6,157.74	\$ 4,553.55						
2/20/2017	0446491425	ADW	\$ 1,644.89	\$ 1,561.88			\$ 4,249.71	\$ 4,089.12	\$ 2,527.24	
5/25/2017	0459340154	Wind/Storm	\$ 10,530.25	\$ 9,829.16						
4/2/2017	0451699671	ADW	\$ 5,143.97	\$ 4,337.71	\$ 5,824.76	\$ 4,937.35				
04/26/2017	0454567280	ADW	\$ 6,711.63	\$ 6,151.66						
11/21/2019	0569497117	ADW	\$ 12,191.44	\$ 11,092.37			\$ 19,635.96	\$ 18,314.73	\$ 7,222.36	
4/16/2018	0503682726	ADW	\$ 4,989.02	\$ 4,149.25						
04/27/2019	543658702	Vehicle	\$ 13,552.67	\$ 9,486.34						

APPENDIX "D"

Appendix D: List of Abbreviations

ALCAB Agricultural Lands Condemnation Approval Board

ASA Agricultural Security Area

APE Architectural Areas of Potential Effect

CCD County Conservation Districts

CDC Center for Disease Control and Prevention

COE U.S. Army Corps of Engineers

CRGIS Cultural Resources Geographic Information Systems

CSA Construction Services Agreement

DCNR Pennsylvania Department of Conservation and Natural Resources

DCPC Division of Cancer Prevention and Control

DEP Pennsylvania Department of Environmental Protection

EMF EMP Electric and Magnetic Fields

EPA United States Environmental Protection Agency

EPRI Electric Power Research Institute

EV Exceptional Value

FCVB Franklin County Visitors Bureau

FCADC Franklin County Area Development Corporation

FERC Federal Energy Regulatory Commission

GIS Geographic Information Systems

HQ High Quality

HVTLs High Voltage Transmission Lines

IEEE Institute of Electrical and Electronics Engineers

IMM Independent Market Monitor

LMP Locational Marginal Pricing

MW Megawatts

NCI National Cancer Institute

NERC North American Electric Reliability Corporation

NESC National Electric Safety Code

NIEHS National Institute of Environmental Health Sciences

NPDES National Pollutant Discharge Elimination System

NRHP National Register of Historic Places

OCA Office of Consumer Advocate Office of Trial Staff

PFBC Pennsylvania Fish and Boat Commission

PGC Pennsylvania Game Commission

PJM PJM Interconnection, LLC

PPL Pennsylvania Power and Light

PNDI Pennsylvania Natural Diversity Inventory

RPM Reliability Pricing Model

RTEP Regional Transmission Expansion Plan

RTO Regional Transmission Organization

SBA Small Business Advocate

STFC Stop Transource Franklin County

STYC Citizens to Stop Transource York County

TBG The Brattle Group

TEAC Transmission Expansion Advisory Committee

USFWS United States Fish and Wildlife Service

WHO World Health Organization

YCPC York County Planning Commission