

Deborah Macklin

518 Good Road, Airville, PA 17302

717-891-4963

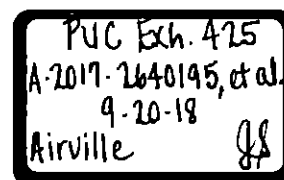
September 20, 2018

Good afternoon your honors, THANK YOU for your time. To have this opportunity to AGAIN voice our continued PROTEST against Transource Pennsylvania, LLC is greatly appreciated. We haven't stopped fighting, we are STILL AGAINST this project of being a power source to Washington D.C. w/o one single benefit to Pennsylvania Residents!!

You will hear myself (and many others) speak AGAIN in continued opposition of the proposed and unnecessary Transource Independence Energy Connection (IEC) Project labeled Project 9-A by PJM. We will fight, fight, fight for our rights!

Did you know, as we were attending the scheduled public input hearings on May 9, 2018 and May 14, 2018, Corporate Attorneys for Transource Pennsylvania, LLC (Post & Schell - Attorneys At Law) were preparing, finalizing and beginning to serve over 133 landowners in Pennsylvania with a "Proposed Exercise of the Power of Eminent Domain" legal filing papers? My paperwork was dated May 15, 2018!! Their ruthless tactics, timing of notifications to us and conniving/sneaky tactics never ceases to amaze us!! I guess with "bottomless" fundings and nothing to loose, only profit to gain, it is easily seen how Transource can continue to use taxpayers money!

As their Application states, dated May 15, 2018 (day after public input meetings), Transource Pennsylvania, LLC filed for a Finding and Determination that the Service to be Furnished by the Applicant through its Proposed Exercise of the Power of Eminent Domain to acquire a certain portion of the lands of R. Andrew Macklin & Deborah E. Macklin in Lower Chanceford Township, York County, Pennsylvania.



When property owners hear, "Eminent domain", it is one of the most-feared sayings that we can hear —except "foreclosure". But what is eminent domain? It can also be called condemnation or a "taking" of land against ones will, furthermore; eminent domain is the governmental power to take private property from law-abiding citizens without their consent. And furthermore limits our ability to enjoy the FULL range of benefits of our properties that we invested with our time, money, and life.

Our U.S. Constitution limits the takings power in the Fifth Amendment: "Nor shall private property be taken for public use, without just compensation." Here are 2 problems: "Public use" and "just compensation". We don't want compensation...How would you even be able to put a value on land that provides an income for generations of families, a land that is feeding our communities, a land that is available to us with hard work, good business planning, and life skills for our future? A land that allows us the freedom to expand, broaden, and apply individual interests, and pursue "the American Dream"???? We understand Eminent Domain is how roads, bridges and schools are built. It can be helpful but without your governmental protection and oversight, it can be abused. Private companies aren't accountable to the public and we can not vote them out of office! We are asking you, our professional, elected officials and public administrators to uphold our public interest in this case. Public interest is NOT considered with these private organizations, the only responsibility they have is in upholding a PROFIT!

According to Shippensburg University's assistant professor of public administration Amanda M. Olejarski, "For homeowners, obviously beyond the financial impact, is a personal one. It may not be a home or land the owners want to part with, bringing personal loss, it could be logistically difficult to move. As for a business (or self-employed entity), a decision will have to be made whether to cease doing business or relocated to a new location. Many factors can potentially impact the viability of a commercial enterprise after such an interruption as eminent domain." These words are the truth!

The property owner's hands seem to be somewhat tied because our only option is a legal appeal. When one's finances are put back into their business to keep it growing, keep it as profitable as possible and provide cost of living to their families (many without having a retirement fund); there are limited funds available to fight in a legal battle.

As you may or may not know, Representatives Warren Kampf-R-Chester; Kate Harper, R-Montgomery and Marcy, R-Montgomery (our 93<sup>rd</sup> District State Representative Kristin Philips-Hill has been an advocate as well) introduced a bill to Senate and House and was passed by our Governor Tom Wolf in June 22, 2018. House Bill 2468 limits the use of eminent domain on farmland in conservation easements. Governor Wolf sees the importance and he understands this eminent domain issue and has taken steps to minimize the "eminent domain" takings from our state's farmlands, green lands and preserved lands. The bill is now Act 45 of 2018 – **see Attachment A.**

Furthermore, Rep. Kampf stated, it didn't seem right that lands could be confiscated when there are other suitable non-preserved lands available in the same area. And also, Wayne Campbell, president of Pennsylvania State Grange, stated "before this, private land trusts didn't have the protection of state laws like the state preservation program". The act now **REQUIRES** approval from Orphans' Court, Pennsylvania's local probate court, **PRIOR** to using eminent domain to take permanently preserved land. Act 45 gives people and organizations, with conservation as their purpose, and those who benefit from it, pretty much all of us, some comfort that their wishes and intentions to conserve and preserve farmlands, will be followed, so that they will not "eye up" farmlands as their prime target. "The public today, through education, is gaining a better respect for how important farmland is"; as stated by Wayne Campbell, president of the Pennsylvania State Grange.

There has been much more opposition than just landowners requesting PJM's immediate removal of this proposed Project. As you know, and we hope it's very Clear, landowners like myself, and Presidents Dolores Krick, Aimee O'Neill, and Lori Rice of STOP Transource Groups are actively working to STOP this project. But more importantly, there is support and

opposition from the likes of Maryland Governor Larry Hogan, State Representative – 94<sup>th</sup> District, Stanley E. Saylor; State Representative – 93<sup>rd</sup> Legislative District; Kristin Phillips-Hill. (See Attachments B-F). And as stated above, Governor Tom Wolf also is putting his attention to saving farmlands from eminent domain procedures.

Please ask yourselves,

- Does this project meet the needs of the residents and taxpayers of our Keystone State that you represent?
- Is it fair for every resident of Pennsylvania to feel burden of this project without a single benefit – as we know and it's been put into evidence, property values will go down – reassessments will be requested and the tax rate will increase to cover the loss of revenue to our local and state governments

- Do the unproven benefits of other states outweigh the sacrifice made by our state?

This “unproven benefit” will belong to other states not Pennsylvania residents

Your Honors, please, we request that you hold Transource/PJM accountable to prove this need without any doubts, and also request that any current underutilized or unutilized powerlines be used before any other damage is done to our precious greenlands.

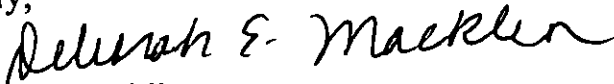
Do What's Right and deny this Transource IEC Project labeled Project 9-A by PJM:

- for every Pennsylvania Resident
- for every Pennsylvania Taxpayers
- for every effected and non-effected Pennsylvania Landowner
- for Pennsylvania's conserved, preserved and prime farmlands
- for my neighbors
- for me and You
- for our future generations

In conclusion, when eminent domain is invoked, negotiations outside of the court system are over. Eminent domain is a powerful tool — with great power comes great responsibility. Our government is responsible for protecting its property owners. Do what's in your power to STOP this from happening to the residents of Pennsylvania.

THANK YOU.

Sincerely,

A handwritten signature in black ink that reads "Deborah E. Macklin". The signature is written in a cursive style with a large, stylized 'D' and 'M'.

Deborah E. Macklin

518 Good Road

Airville, PA 17302

[dmackfarms@aol.com](mailto:dmackfarms@aol.com)

717-891-4963

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 2468 Session of  
2018

INTRODUCED BY KAMPF, HARPER, TOEPEL, BARRAR, CHARLTON, CORBIN,  
CORR, DRISCOLL, FARRY, LAWRENCE, MILLARD, B. MILLER, QUIGLEY,  
READSHAW, ROE, VITALI, STAATS, V. BROWN, MALONEY, BRIGGS,  
WATSON, COMITTA, RAVENSTAHL, GILLEN, TAI, C. QUINN, DALEY,  
O'BRIEN, DEAN, PHILLIPS-HILL, M. QUINN, MURT, DAVIS, SANTORA  
AND J. McNEILL, JUNE 6, 2018

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, JUNE 21, 2018

## AN ACT

1 Amending Title 26 (Eminent Domain) of the Pennsylvania  
2 Consolidated Statutes, in limitations on use of eminent  
3 domain, further providing for definitions and providing for  
4 eminent domain of land subject to conservation easement.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Section 202 of Title 26 of the Pennsylvania  
8 Consolidated Statutes is amended by adding definitions to read:  
9 § 202. Definitions.

10 The following words and phrases when used in this chapter  
11 shall have the meanings given to them in this section unless the  
12 context clearly indicates otherwise:

13 \* \* \*

14 "Conservation easement." As defined under section 3 of the  
15 act of June 22, 2001 (P.L.390, No.29), known as the Conservation  
16 and Preservation Easements Act.

1 \* \* \*

2 "Open space benefits." The benefits to the residents of the  
3 Commonwealth and its local government units which result from  
4 the preservation or restriction of the use of selected  
5 predominantly undeveloped open spaces or areas, including, but  
6 not limited to:

7 (1) the protection and conservation of water resources  
8 and watersheds, by appropriate means, including, but not  
9 limited to, preserving the natural cover, preventing floods  
10 and soil erosion, protecting water quality and replenishing  
11 surface and ground water supplies;

12 (2) the protection and conservation of forests and land  
13 being used to produce timber crops;

14 (3) the protection and conservation of farmland;

15 (4) the protection of existing or planned park,  
16 recreation or conservation sites;

17 (5) the protection and conservation of natural or scenic  
18 resources, including, but not limited to, soils, beaches,  
19 streams, flood plains, steep slopes or marshes;

20 (6) the protection of scenic areas for public visual  
21 enjoyment from public rights of way;

22 (7) the preservation of sites of historic, geologic or  
23 botanic interest; and

24 (8) the promotion of sound, cohesive and efficient land  
25 development by preserving open spaces between communities.

26 \* \* \*

27 Section 2. Title 26 is amended by adding a section to read:

28 § 208. Eminent domain of land subject to conservation easement.

29 (a) Approval required.--No agency of the Commonwealth, <--

30 EXCEPT AS PROVIDED IN SUBSECTION (G), NO political subdivision, <--

1 authority, public utility or other body having or exercising  
2 powers of eminent domain shall condemn any land subject to a  
3 conservation easement for any purpose, unless prior approval has  
4 been obtained from the orphans' court of the county in which the  
5 land is located. The condemnation approval specified by this  
6 subsection shall not be required for an underground public  
7 utility facility that does not permanently impact the open space  
8 benefits protected by the conservation easement. THE <--  
9 CONDEMNATION APPROVAL SPECIFIED BY THIS SUBSECTION SHALL NOT BE  
10 REQUIRED FOR ANY PUBLIC UTILITY FACILITY OR OTHER PROJECT THAT  
11 IS SUBJECT TO APPROVAL BY A FEDERAL AGENCY, THE NECESSITY FOR  
12 THE PROPRIETY AND ENVIRONMENTAL EFFECTS OF WHICH HAS BEEN  
13 REVIEWED AND RATIFIED OR APPROVED BY THE PENNSYLVANIA PUBLIC  
14 UTILITY COMMISSION OR THE FEDERAL ENERGY REGULATORY COMMISSION,  
15 REGARDLESS OF WHETHER THE RIGHT TO ESTABLISH AND MAINTAIN SUCH  
16 UNDERGROUND OR OTHER PUBLIC UTILITY FACILITY IS OBTAINED BY  
17 CONDEMNATION OR BY AGREEMENT WITH THE OWNER.

18 (b) Determination of blight.--The exercise of eminent domain  
19 powers based on a condition of the land subject to a  
20 conservation easement shall not be authorized under section 205  
21 (relating to blight) unless the orphans' court determines the  
22 exercise is necessary to protect the health and safety of the  
23 community.

24 (c) Notice.--Any condemnor wishing to condemn property, the  
25 approval for which is required under this section, shall, at  
26 least 30 days prior to taking such action, notify the orphans'  
27 court that the action is contemplated.

28 (d) Review.--The orphans' court shall review the proposed  
29 condemnation and approve the proposed condemnation only if the  
30 court determines there is no reasonable and prudent alternative



1 to the utilization of the land subject to a conservation  
2 easement for the project.

3 (e) Findings and decisions.--The orphans' court shall render  
4 findings and decisions of the court's review under subsection  
5 (d) and shall report the findings and decisions to the proposed  
6 condemnor.

7 (f) Injunctions.--The orphans' court may request the  
8 Attorney General to bring an action to enjoin a condemnor from  
9 violating any provision of this section.

10 (g) Emergencies exception. This section shall not apply to <--  
11 any emergency project which is immediately necessary for the  
12 protection of life or property. EXCEPTIONS.--THIS SECTION SHALL <--  
13 NOT APPLY TO ANY OF THE FOLLOWING:

14 (1) EMERGENCY PROJECTS WHERE, IN THE DISCRETION OF THE  
15 CONDEMNING ENTITY, THE TAKING IS REASONABLY NECESSARY FOR THE  
16 PROTECTION OF LIFE OR PROPERTY.

17 (2) CONDEMNATIONS BY AN AGENCY OF THE COMMONWEALTH FOR  
18 ANY PURPOSE.

19 Section 3. The provisions of this act are severable. If any  
20 provision of this act or its application to any person or  
21 circumstance is held invalid, the invalidity shall not affect  
22 other provisions or applications of this act which can be given  
23 effect without the invalid provision or application.

24 Section 4. The following provisions shall apply to a  
25 condemnation for which a declaration of taking is filed after  
26 December 31, 2017:

27 (1) The addition of the definitions of "conservation  
28 easement" and "open space benefits" in 26 Pa.C.S. § 202.

29 (2) The addition of 26 Pa.C.S. § 208.

30 Section 5. This act shall take effect immediately.

Debbie Macklin

Attachment B

**To:** ake.almgren@pjm.com  
**Cc:** terry.blackwell@pjm.com; neel.foster@pjm.com; ordean.oskvig@pjm.com; ott@pjm.com; susan.riley@pjm.com; charles.robinson@pjm.com; sarah.rogers@pjm.com; neil.smith@pjm.com; mark.takahashi@pjm.com  
**Subject:** TRANSOURCE IEC PROJECT 9A - Request for TERMINATION!

**To:** Dr. Almgren – Chairman PJM Board (according to your website)  
**CC:** PJM Board Members  
**FROM:** Deborah E Macklin  
(Resident/Landowner at 518 Good Road, Airville, PA 17302/York County)  
**DATE:** September 7, 2018  
**RE:** REMOVAL of Transource IEC, Project 9A, from the RTEP plan

I understand a PJM Board meeting is scheduled for Thursday, September 13, 2018. I am writing to request your IMMEDIATE action to re-evaluate and remove this project from your plans! As you are certainly aware, there is a united opposition of this project from landowners (like myself), landowners' neighbors, residents of Pennsylvania and Maryland, governors, state and federal legislators; as well as, editorial boards in all affected areas of this proposal.

As you know, there are many facts that have surfaced and been communicated to Transource and your office that demands a STOP to this market efficiency project. First are foremost, this project is being proposed through Preserved, Conserved, and Prime farmlands! Our future and well-being depends on our agricultural business! And personally, my 3 daughters have an interest in expanding our farm operation from a current grain market to a beef production, and I'm sure they would like to advance our farming operation even further! This project will put barriers on their decisions, limit their expansion opportunities, and create havoc in their plans that they have already been working towards (e.g.; oldest daughter is Penn State Sophomore in their Agricultural Program).

Secondly, there are unutilized powerline poles currently in place (running parallel to the current proposal), that can be used, upgraded, and/or expanded upon. Was this ever a proposal brought forth to your office? If not, consider it NOW! Thirdly, the congestion savings are falling further below than originally reported. We have been following power usage in this "congested area", and a simple fact is, it's not any more congested than its surrounding areas even on the hottest/highly used days of the year!

And finally, there are NO benefits to the residents of Pennsylvania! For our state to take further sacrifices and more hardship (farming is the only means of income of majority of landowners), for a project that does NOT have a need; is outrageous!!

In closing, we do know that this isn't an easy decision to be made. However, we have faith that you will do the right thing and CANCEL this Transource IEC project NOW, before more taxpayer money is spent unnecessarily! Our State's agricultural businesses and farming operations, our future livelihood, our approaching generations means of support and our source of revenue depends heavily on your decision! Please use your best business practices; re-evaluate and withdraw this project!

Sincerely,

Deborah E. Macklin  
518 Good Road  
Airville, PA 17302  
(717) 891-4963  
[dmackfarms@aol.com](mailto:dmackfarms@aol.com)

# Attachment C

Dolores Krick  
President, Citizens to Stop Transource s [dkrick@gmail.com](mailto:dkrick@gmail.com)

Aimee O'Neill  
President, Stop Transource Powerlines MD  
[aimee@oneillenterprises.com](mailto:aimee@oneillenterprises.com)

Lori Rice  
President, Stop Transource Franklin County  
[lrice@centurylink.net](mailto:lrice@centurylink.net)

June 30, 2018

## VIA E-MAIL & REGULAR MAIL

Mr. Steven Herling, Vice President, Planning PJM PJM  
Board of Managers  
PO Box 1525  
Southeastern, PA 19399-1525

Dear Mr. Herling and PJM Board Members:

On behalf of the members of Citizens to Stop Transource (York County), Stop Transource Power Lines MD (Harford County), and Stop Transource Franklin County, we are writing to request the immediate removal of the proposed Transource Independence Energy Connection (IEC), Project 9A, from the RTEP plan.

There is unanimous opposition of landowners, state and federal legislators, and editorial boards in the affected areas. The state of Maryland has responded to our requests by passing legislation favorable to our cause. Legislation has been enacted in Pennsylvania that will make it more difficult to enforce eminent domain in agricultural areas, and further legislation will soon be introduced to strengthen these protections. All of the local governing bodies have entered the case as protestants. And through our congressman, we have received a favorable response from FERC Chairman Kevin McIntyre to whom we have expressed our misgivings of the PJM process. Day by day, the case for the project continues to deteriorate and the opposition grows stronger.

The Discovery process in Maryland and Pennsylvania has uncovered several incontrovertible facts, each of which alone should be sufficient for PJM to call a halt to this market efficiency project. Consider:

- 1) In the February review of the IEC, PJM became aware that the congestion savings had fallen from over \$600 million to just \$245 million.<sup>1</sup>

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<sup>1</sup> Paul McGlynn (PJM), May 21 2018, MD OPC interrogatory 9-04-A.

- 2) There has been no review of Transource's proposed costs since Q1 2016, even though steel has risen 36%, and aluminum has risen over 30%, and will likely go much higher due to tariffs targeting those materials.<sup>1</sup>
- 3) The forecasted load in the target DC area has decreased yet again, to a flat line over the next 10 years. Moreover, there is an unmistakable trend to decrease the forecast every year.<sup>2</sup>
- 4) Congestion costs have decreased significantly over the last few years as old lines have been upgraded, including a 65% reduction in congestion costs within BGE, leading PJM to state "Due to the significant decrease in the posted congestion drivers, upgrades are the most costeffective solutions."<sup>3</sup>
- 5) Discovery in both states has provided ample evidence that the IEC-East is bordered on both sides by newly rebuilt 230kV lines that are empty on one side and have room for a second circuit, without bundling conductors.<sup>4</sup> Public confidence in the PJM process is shaken as the newspapers post pictures of half empty lines while farmers are threatened with eminent domain for new construction.
- 6) No surveys have been completed in Harford County, and the 2018 window for bog turtle surveys has passed.
- 7) Other utilities have been so unimpressed by the chances of project success that they have done no work at all on the project. For example, PECO has not done any planning, site acquisition, or surveying to link the proposed Furnace Run substation to their 500kV line.<sup>6</sup>

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1 Paul McGlynn (PJM), March 21 2018, MD OPC interrogatory 4-9 referencing PJM paper <http://www.pjm.com/P/media/committees-groups/committees/teac/20160512/201605122014-2015-longterm-proposal-window-independent-cost-review-white-paper.ashx> ; Pricing data from St Louis Federal Reserve "FRED" economic research.

2 PJM 2017 Maryland and DC Infrastructure Report (May 2018):  
<http://www.pjm.com/P/media/library/reports-notices/state-specific-reports/201712017-maryland-and-dcstate-infrastructure-report-ash> page 22-24.

3 PJM TEAC report 2/8/18.

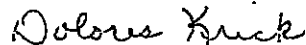
4 Circuits 2302, and 2303 (Conastone to Otter Creek, and Graceton to Manor).  
Reference PPL response to OCA XII April 4, 2018.

While we understand that PJM feels a responsibility to Transource to allow them to fail gracefully at the state level after a protracted review, the facts demand that PJM cancel this project immediately. Millions of taxpayer dollars are being spent to review this project in two states, and landowners are fighting the project with their own attorneys.

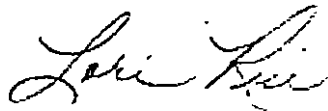
The merits of this project are dwindling, the costs of the project increasing, and the timeline is slipping. By now PJM is certainly aware that there is little chance of approval. Until now, landowners have considered Transource to be their opponent, but unless PJM soon exercises its right to withdraw the project, we will hold PJM responsible. PJM will become the target of our media outreach, our legislative efforts, and potentially, our legal efforts as we hold PJM responsible for the tremendous costs incurred by landowners who will ultimately emerge victorious. Further PJM support of this project will be viewed as an abuse of process.

We therefore ask you to use your professional and moral judgment to do the right thing and withdraw the IEC within the next month.

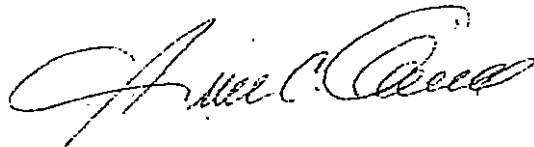
Sincerely,



Dolores Krick  
President, Citizens to Stop Transource



Lori Rice  
President, Stop Transource Franklin County



---

6 PA OCA Interrogatory XV-4.  
Aimee O'Neill  
President, Stop Transource Power Lines MD  
cc:

Rep. Kristin Phillips-Hill, PA House of Representatives



Rep. Stan Saylor, PA House of Representatives

Sen. Scott Wagner, PA Senate

Del. Kathy Szeliga, MD House of Delegates

Del. Richard Impallaria, MD House of Delegates

Del. Patrick McDonough, MD House of Delegates

Rep. Scott Perry, U.S. Congress

Rep. Lloyd Smucker, U. S. Congress



LARRY HOGAN  
GOVERNOR

STATE OF MARYLAND  
OFFICE OF THE GOVERNOR

Attachment D  
COPY

July 10, 2018

Mr. Howard Schneider  
Chair, PJM Board of Managers  
PJM Interconnection, LLC  
P.O. Box 1525  
Southeastern, PA 19399-1525


Dear Chairman Schneider:

I am writing to express concerns regarding the PJM-proposed Independence Energy Connection (EIC) 230kV project being developed by Transource LLC ("Transource") in Harford and Washington Counties. Maryland prides itself on our rich agricultural heritage. Many Maryland families have farmed for generations, including the residents in Harford County who stand to be impacted by this project. As currently designed, the project will take prime agricultural land out of production, including land that is in permanent agriculture easements.

While I understand the need to reduce power congestion in Maryland, I respectfully request that this project be stopped until it can be re-evaluated or until a new route can be considered that utilizes existing rights of way, instead of taking large swaths of actively-used farmland. I also request that there be further engagement with the community and with the Maryland Department of Agriculture and Maryland Energy Administration. Working together, we can look for solutions that satisfy the property rights concerns of the landowners and the congestion relief concerns of PJM.

Thank you for considering the interests of Maryland landowners in our integral agricultural industry, and we look forward to your response.

Sincerely,



Larry Hogan  
Governor of Maryland

**STANLEY E. SAYLOR**

MAJORITY CHAIRMAN  
APPROPRIATIONS COMMITTEE

245 MAIN CAPITOL BUILDING  
PO BOX 202094  
HARRISBURG, PA 17120-2094  
PHONE: (717) 783-6426  
FAX: (717) 783-7655

100 REDCO AVENUE  
RED LION, PA 17356  
PHONE: (717) 244-9232; (717) 382-4595  
FAX: (717) 246-2387



**House of Representatives**  
Commonwealth of Pennsylvania  
Harrisburg

COPY Attachment E

COMMITTEES  
RULES

APPOINTMENTS  
EDUCATION COMMISSION OF THE STATES

CAUCUSES  
FIREFIGHTER AND EMERGENCY SERVICES  
LEGISLATIVE SPORTSMAN  
SECOND AMENDMENT  
ARTS AND CULTURE

E-Mail: [ssaylor@pahousegop.com](mailto:ssaylor@pahousegop.com)  
Website: [www.repsaylor.com](http://www.repsaylor.com)

August 1, 2018

Mr. Steven Herling, Vice President, Planning  
PJM Interconnection  
P.O. Box 1525  
Southeastern, PA 19399-1525

Dear Mr. Herling,

Several weeks ago, a letter was sent to you on behalf of Citizens to Stop Transource (York County), Stop Transource Power Lines MD (Harford County), and Stop Transource Franklin County. Their request was the immediate removal of the proposed Transource Independent Energy Connection (IEC), Project 9A, from the Regional Transmission Expansion Plan. I stand in agreement that this project should be discontinued.

Opposition to this project has been strong and consistent, coming from local landowners, state and federal legislators, and editorial boards in the affected areas. New information continues to be brought forward, including the projects dwindling congestion savings, concerns about increases in the cost of steel and aluminum and the implementation of tariffs on both, and a decrease in the forecasted load use in the D.C. area. Furthermore, the construction of new lines is questionable when the project is bordered on both sides by newly rebuilt towers that are only half utilized. As time progresses, the case for the project continues to deteriorate while the opposition continues to grow.

At this point, it is undeniable that this project lacks support in York, Franklin, and Harford Counties. I respectfully ask that you withdraw the proposed Transource Independence Energy Connection from the Regional Transmission Expansion Plan.

Sincerely,

A handwritten signature in cursive script that reads "Stan Saylor".

**STANLEY E. SAYLOR**  
State Representative - 94<sup>th</sup> District

Cc: Citizens to Stop Transource



KRISTIN PHILLIPS HILL  
MEMBER  
93<sup>rd</sup> LEGISLATIVE DISTRICT

HARRISBURG OFFICE:  
P.O. BOX 202093  
HARRISBURG, PA 17120-2093  
PHONE: (717) 783-8389



House of Representatives  
Commonwealth of Pennsylvania  
Harrisburg

Copy  
Attachment F

DISTRICT OFFICE:  
6872 SUSQUEHANNA TRAIL SOUTH  
P.O. BOX 277  
JACOBUS, PA 17407-0277  
PHONE: (717) 428-9889

EMAIL: [khill@pabousegop.com](mailto:khill@pabousegop.com)  
[www.RepKristin.com](http://www.RepKristin.com)

July 31, 2018

Mr. Steven Herling, Vice President, Planning PJM  
Board of Managers  
PO Box 1525  
Southeastern, PA 19399-1525

Dear Mr. Herling and PJM Board Members,

I am writing this letter to present my concerns regarding PJM's proposed project to construct a high-voltage transmission line through southern York County. This project lies within the confines of my legislative district and will have a detrimental impact on residents whom I represent. Given the recent correspondence sent by residents of southern York County, I request PJM's immediate removal of the proposed Independence Energy Connection (IEC)- East Project, from the Regional Transmission Expansion Plan (RTEP).

After carefully reviewing all application material, I am opposed to the application's proposal to fracture many pristine acres of preserved farmland in southern York County with high-voltage transmission power lines. Severely altering these parcels when taxpayer dollars have been spent to perpetually preserve the properties, violates the very essence of **Article I §27 of the Pennsylvania Constitution** which states: "The people have the right to... the preservation of the natural, scenic, historic and esthetic values of the environment..."

This important constitutional amendment continues efforts by the General Assembly to limit the use of eminent domain for parcels which have been permanently preserved through a conservation easement. As you may be aware, the General Assembly recently passed legislation to strengthen the Commonwealth's mission to preserve farmland and open space for future generations. This recommitment came at the request of many citizens who value the importance of our agrarian landscape and desire that Pennsylvania remain as the sole perpetual trustee and caretaker of our natural beauty.

Furthermore, this project is designed to benefit consumers in other states which are experiencing higher energy costs from congestion in the energy grid. This market efficiency problem is not a power issue for York County residents, and no residents are experiencing outages because of this congestion. Nor do I see where this project will aid our local Pennsylvania communities with reduced electric costs.

I therefore respectfully request PJM cancel this project immediately, in the best interest of Pennsylvania citizens. Thank you for your valued time and consideration, should you have any questions please do not hesitate to contact my office.

Sincerely,

A handwritten signature in black ink, appearing to read "KPHill", written over a horizontal line.

Kristin Phillips Hill  
State Representative  
93<sup>rd</sup> Legislative District

Sept. 20, 2018

Thank you, Judge Barnes and Judge Calvelli, for returning to Airville to give us the opportunity to voice our concerns regarding this project. My name is Peggy Stewart. My husband, Randall, and I are among the property owners whose land Transource is attempting to seize by eminent domain to construct transmission towers.

My first memory of eminent domain is learning about it in history class, when it was used to obtain land to build railroads across the country. It is defined as "the right of a government to take private property for public use." The question here is whether this project is for public use, or service.

According to your honors' own order of 7/30/18 regarding eminent domain, "If such takings are necessary to provide electric service to members of the public who would otherwise be underserved by public utilities, they are for a public service." This project would not provide electric service to areas that have no, or inadequate, service. The only advantage to the public here (and not the general public - just a small section of it) is a very minimal savings on electric

bills. This can in no way be construed as a "public service."

Compare this project to the building of railroads. Would a company be allowed to seize land to install railroad tracks parallel to, or in close proximity of, existing tracks simply because it could provide cheaper fares? Of course not.

Another reason to object to Transource taking our land by eminent domain is a recent study done by the College of Charleston in South Carolina. According to economists there, for properties like ours that are adjacent to high voltage transmission lines, the real estate value decreased by 44.9%! That's a huge devaluation that will affect us for all generations to come.

Transource is only going to compensate us for the acreage they take, but the presence of the power lines will devalue the entire farm. How can anyone think that is fair?

I also feel very strongly that this project does not warrant exercising eminent domain to seize property that is in the PA Agricultural Preservation Program, as ours is. Legislation was passed in PA in June of this year that protects land governed by conservation easement from being taken unnecessarily by eminent domain. Agriculturally preserved land should have the same protections. We put our land into the Preservation program with the hope and understanding that it would only be used for farming. It is outrageous to think that a private company can take it against our will for "market efficiency."

I implore you to deny these eminent domain applications.

Thank you.

Peggy Stewart  
28 Stewart Rd.  
Aurville PA 17302

## Eminent Domain Applications are Premature

PJM has touted on numerous occasions that the B/C ratio for the Transource IEC Project 9-A have exceeded the required 1.25:1 threshold. In testimony by Paul McGlynn, PJM Planner in the 12-27-17 Transource Application to the PA PUC, stated "The purpose of a B/C Ratio threshold is to hedge against the uncertainty of estimating benefits in the future and to provide a degree of assurance that a project with a 15-year net benefit near zero will not be approved."

But how do we trust PJM to be candid and transparent about the B/C Ratio? Mr. McGlynn's further testimony in the Application says, "Cost estimates were developed at a conceptual level," meaning for Project 9-A. In Mr. McGlynn's Application testimony he states the project "was approved by the PJM Board in August 2016, with an estimated cost of \$320.19 million..".

However, at the PJM TEAC meeting on 9-13-18, Page 2 of the "Transource AP-South (2014/2015\_9-A) Project Evaluation" document, states the capital cost of \$340.6 million was used for the May 2016, September 2017 and February 2018 evaluations and re-evaluations. The document goes further to state that the September 2018 capital cost is now \$366.17 million.

This data does seem to be conflicted. And what about the 2018 cost for Transources' part of the Project? PJM revealed that the increase in Project 9-A's cost was due to increases reported by BGE and First Energy for their small portions of Project 9-A. It seems that BGE and First Energy followed your instructions from the July 9, 2018 Preconference hearing, "If the cost/benefit ratio is updated, an updated cost study should be provided as part of the update." And what about PECO's cost estimate for their part of the Project 9-A?

We know now per VP of PJM Planning, Steve Herling's comments at the 9-13-18 TEAC meeting that Transource is currently (August 2018) in the process of securing bids for their portion of the Project. And we also know per the 9-6-18 letter from the MD Office of People's Counsel that the Transource cost estimates PJM has for 9-A Project are from 2015.

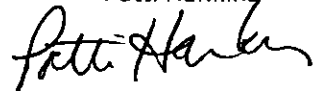
As per PJM's TEAC meeting documents dated 8-9-18 (page 15) and 9-13-18 (page 16), PJM per their Operating Agreement, Schedule 6, is specifically required in its reevaluation process to view "changes in construction cost estimates for approved market efficiency projects".

What was the original cost for Project 9-A – was it \$320.19 M or \$340.6M? Because the increased costs of small portions of Project 9-A as reported on 9-13-18 are either \$25.57M or \$45.98M? But what about the huge portion of Transource's responsibly for Project 9-A? Where do those costs stand Transource? And PECO's portion for Project 9-A? What are the precise increased costs for Project 9-A?

Our Community doesn't see any need to rush ahead with eminent domain when we really don't know what the true costs are for Project 9-A and whether the B/C Ratio is really above the 1.25:1 threshold. As reported by PJM at last Thursday's TEAC meeting, the Project 9-A reevaluation was performed with 2015 data from Transource. And now the entire PJM reevaluation process is tainted and lacks credibility. Even if Transource were to now follow Judge Barnes' and Judge Calvelli's July 9<sup>th</sup> order and submit a new cost estimate, they know EXACTLY what their cost needs to be, in order to get PJM's blessing! It is far too late, to trust PJM's B/C Ratio process.

PJM has clearly put a stake in the ground, they've setup a goal post, put Transource on the 10-yard line, cleared the defense off the field and given them 4 downs to put the ball across the line! All at the expense of landowners and our Community! We urge the Commission to reject Transource's request to move forward with the eminent domain proceedings and end this charade!

Patti Hankins



PUC Exh. 427  
A-2017-2640195, et al  
9-20-18  
Airville

- History of 9A project
  - Project submitted by Transource during 2014/2015 Regional Transmission Expansion Plan (RTEP) window to relieve AP-South congestion
  - Initial approval benefit/cost ratio May 2016 was 2.48
  - Capital cost \$340.6M used for May 2016, Sep 2017
- Previous Reevaluation Processes
  - Project reevaluated September 2017 - Benefit/Cost ratio: 1.30
  - Project reevaluated February 2018 - Benefit/Cost ratio: 1.32
  - Capital cost \$340.6M used for September 2017, Feb 2018
  - Lower benefit/cost ratios due to reduced load payment benefits
- Latest Reevaluation Process
  - Project reevaluated September 2018 - Benefit/Cost ratio: **1.42**
  - Capital cost \$366.17M

**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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Petition of Transource Pennsylvania, LLC for a finding that a building to shelter control equipment at the Rice Substation in Franklin County, Pennsylvania is reasonably necessary for the convenience or welfare of the public.	P-2018-3001878
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Petition of Transource Pennsylvania, LLC for a finding that a building to shelter control equipment at the Furnace Run Substation in York County, Pennsylvania is reasonably necessary for the convenience or welfare of the public.	P-2018-3001883
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Application of Transource Pennsylvania, LLC for approval to acquire a certain portion of the lands of various landowners in York and Franklin Counties, Pennsylvania for the siting and construction of the 230 kV Transmission Line associated with the Independence Energy Connection – East and West Projects as necessary or proper for the service, accommodation, convenience or safety of the public.	A-2018-3001881, <i>et al.</i>
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**FOURTH PREHEARING ORDER**

**Order Amending Procedural Schedule,  
Admitting Photograph Exhibits of Site Views  
And Granting Interventions**

On July 9, 2018 a Second Prehearing Conference was held in the above-captioned matter. Appearing for Transource Pennsylvania, LLC (Transource) were Anthony Kanagy, Esquire and Lindsay Berkstresser, Esquire. Appearing on behalf of the Office of Consumer Advocate (OCA) were Darryl Lawrence, Esquire and Dianne Dusman, Esquire. Appearing for



## DISCOVERY ISSUES AND TECHNICAL CONFERENCE

A technical conference with representatives from Transource PA, PJM and OCA was held on June 8, 2018. The parties have engaged in follow-up discovery regarding the technical conference.

On July 9, 2018, OCA filed a Motion to Compel Transource Pennsylvania, LLC to demonstrate that documents responsive to OCA Set XX qualify as Critical Energy Infrastructure Information (CEII) and provide full and complete answers to OCA Set XX, Questions 3(a) and 4(a). Transource PA filed an Answer to the Motion to Compel on July 16, 2018. We are issuing a separate order addressing the Motion to Compel.

## COST/BENEFIT RATIO and ENVIRONMENTAL STUDIES

Transource PA believes there will be an update to the cost/benefit ratio for IEC Project 9A in October at a TEAC meeting. ~~If the cost/benefit ratio is updated, an updated cost study should be provided as part of the update.~~ N.T. 1611. We are interested in a breakdown analysis regarding costs/benefits to Pennsylvanians, particularly those residing in Franklin and York Counties. Additionally, environmental studies are being conducted. Section 57.76 of the Commission's regulations provides that a siting application will not be granted unless it is shown to have minimum adverse environmental impact and that it is in compliance with applicable statutes and regulations providing for the protection of the natural resources of the Commonwealth. 52 Pa. Code §§ 57.76(a)(3)(4). As information is available, we encourage Transource to update the cost/benefit ratio and environmental studies reports through its rebuttal testimony in November and the intervenors will be afforded an opportunity to address this evidence in their Surrebuttal testimonies.



## Reevaluation of Market Efficiency Projects

- In accordance with the PJM Operating Agreement, Schedule 6, section 1.5.7(f), PJM annually reviews the costs and benefits of constructing new, previously approved market efficiency projects included in the RTEP.
- Reevaluation process applies to market efficiency projects approved during the 2014/15 and 2016/17 RTEP Windows
- Specifically, in its reevaluation, PJM reviews:
  - changes in construction cost estimates for approved market efficiency projects.
  - anticipated resource development, including merchant transmission, generation and demand response.
  - changes in system conditions, including but not limited to, changes in the load forecast.



## Reevaluation Process - Overview

- In accordance with the PJM Operating Agreement, Schedule 6, section 1.5.7(f), PJM annually reviews the costs and benefits of constructing new, previously approved market efficiency projects included in the RTEP.
- Reevaluation process applies to market efficiency projects approved during the 2014/15 and 2016/17 RTEP Windows
- Specifically, in its reevaluation, PJM reviews:
  - changes in construction cost estimates for approved market efficiency projects.
  - anticipated resource development, including merchant transmission, generation and demand response.
  - changes in system conditions, including but not limited to, changes in the load forecast.
- To remain an approved market efficiency project, upon reevaluation, each project must meet or exceed a benefit-to-cost ratio of 1.25.

PAULA M. CARMODY  
PEOPLE'S COUNSEL

TERESA V. CZARSKI  
DEPUTY PEOPLE'S COUNSEL

STATE OF MARYLAND



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**Re: September 2018 TEAC Meeting – Project 9A (Transource)**

Dear Dr. Almgren and Mr. Ott:

I am writing on behalf of the Maryland Office of People's Counsel (OPC). I am directing this letter to the PJM Board of Managers. For the reasons stated below, OPC requests that PJM direct Transource-Maryland (Transource-MD) to provide a current updated estimate of the costs of Project 9A (Transource).

In a July 26, 2018 memorandum to stakeholder members of the TEAC, Steve Herling, PJM Vice President of Planning, stated that, "PJM has initiated the annual review [of its market efficiency transmission projects]. Market efficiency projects that were approved in both the 2014/15 and 2016/17 RTEP window, including the Transource 9A project, will be re-evaluated in the review as prescribed in the PJM Operating Agreement, Schedule 6, section 1.5.7 (f) . . . PJM anticipates completing its reevaluation by the September 2018 TEAC meeting, and seeking final recommendations from the TEAC that PJM will present to the PJM Board regarding the continued inclusion or exclusion of market efficiency projects that have demonstrated changes in costs and benefits in the RTEP."

We understand that PJM relies on the designated transmission owner to calculate the projected cost of a market efficiency project. In that regard, OPC requests that PJM direct Transource Maryland ("Transource-MD") to update and recalculate the estimated cost (including competitive and non-competitive components) of the Transource 9A project.

Project 9A Transource<sup>1</sup> is a proposed market efficiency solution to transmission congestion. According to the application of Transource Maryland ("Transource-MD") in which it requested the issuance of a Certificate of Public Convenience and Necessity<sup>2</sup> ("CPCN") from the Maryland Public Service Commission (the "Maryland Commission") in Case No. 9471, "[p]otential solutions are evaluated [by PJM] using two criteria: first, the project must address the congestion identified in the Market Efficiency Analysis; and, second, the project benefits must exceed the costs by at least 25 percent." In other words, a market efficiency transmission project must reflect a minimum ratio of 1.25 benefits to 1.0 costs.

On November 28, 2016, in his prefiled Direct testimony filed on behalf of the Transource Companies in FERC Docket No. ER17-419, Daniel Rogier<sup>3</sup> testified that, "Project 9A had a benefit/cost ratio of 2.48 in the baseline scenario. Its benefit/cost ratio exceeded 2.00 in all sensitivities and reached 4.67 in one sensitivity. Project 9A is expected to deliver congestion savings of approximately \$620 million over 15 years."<sup>4</sup>

Mr. Rogier also testified that, "The current cost estimate for the Project is approximately \$197.1 million in 2015 dollars. The total estimated cost for Market Efficiency Project 9A, including competitive and non-competitive components, is approximately \$320 million."

In the September 14, 2017 TEAC Market Efficiency update, however, the estimated cost for Project 9A including competitive and non-competitive components had increased

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<sup>1</sup> Project 9A also includes upgrades to the existing Conastone and Ringgold Substations in Maryland and reconductoring of the Conastone-Northwest double-circuit 230 kV line and the Ringgold-Catoctin 138 kV line in Maryland. The upgrades to these existing facilities will be the responsibility of the incumbent utilities. The upgrades to existing facilities, while not part of the IEC Project, are inter-dependent components of the solution approved by PJM.

<sup>2</sup> Transource-MD's Application was filed on December 27, 2017.

<sup>3</sup> Mr. Rogier is Vice President, Transmission Strategy and Grid Development for Transource Energy, LLC ("Transource Energy") and its subsidiary companies including Transource Pennsylvania, LLC ("Transource Pennsylvania") and Transource Maryland, LLC ("Transource Maryland") (collectively Transource Maryland 6 and Transource Pennsylvania are referred to as the "Companies," or each individually as a "Company").

<sup>4</sup> PJM utilizes a 15-year planning horizon to determine project benefits.

by \$20.6 million to \$340.6 million<sup>5</sup> while the initial benefit/cost ratio had decreased from the initial determination of 2.48 to a benefit/cost ratio of 1.30.<sup>6</sup>

Concurrent with the Maryland CPCN proceedings, Transource Pennsylvania (Transource-PA) filed an application for the issuance of a CPCN from the Pennsylvania Public Service Commission for the portion of the Project 9A transmission line which will be sited in Pennsylvania.<sup>7</sup> We are led to understand that, at the latest prehearing conference in those proceedings, the presiding Administrative Law Judges directed Transource-PA to provide updated costs for the September 2018 TEAC meeting.

In contrast, in response to data requests propounded to Transource-MD by the OPC Case No. 9471, Transource-MD stated:

The Company has not provided PJM any documents for PJM's referenced [September 2018 TEAC] re-evaluation concerning changes in construction or other costs estimates for its portion and assigned responsibility of Project 9A, namely the Independence Energy Connection project. The Company's cost estimates for the project, which take into consideration the variability of the costs of components or portions of the project, remain at this time unchanged.

Since 2016, a number of economic developments have occurred which may have a significant impact on Transource-MD's original cost estimates. Some of these developments, such as the implementation of the 2018 federal Tax Cuts and Jobs Act (TCJA), might lower the cost estimate of Project 9A.

However, a number of other developments, may significantly increase the costs in comparison with the original cost estimates.

First, cost estimates must take into account the impact on costs due to the federal imposition of tariffs on steel. In February 2018, the federal Trump administration announced tariffs of 25% on most imported steel and 10% on aluminum imports. According to CNN, "Prices of U.S. Steel's U.S.-made steel rose 5% to 10% in the quarter..."<sup>8</sup> As an example of the impact of these tariffs on steel prices, "the

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<sup>5</sup> "201415\_1-9A B/C ratio calculation based on the original cost. Cost of project currently under review and will be updated as necessary."

<sup>6</sup> The most recent benefit to cost ratio estimate for Project 9A is the benefit to cost ratio estimate calculated in connection with the analysis presented February 8, 2018 at the TEAC. This benefit to cost ratio is 1.32.

<sup>7</sup> PA-PUC Docket Nos. A-2017-2640195 and A-2017-2640200.

<sup>8</sup> <https://money.cnn.com/2018/08/02/news/companies/us-steel-earnings-tariffs/index.html>



average price ArcelorMittal received for its steel in North America, for example, was up 12 percent annually to \$853 a ton.”<sup>9</sup>

Of course, electric transmission wire contains steel. But, as Transource-MD acknowledged in response to OPC data requests, a project such as 9A entails a significant amount of steel:

- The average high-voltage transmission structure anticipated to be used in the IEC Project includes approximately 20 tons of steel and per design specifications the transmission conductor contains 1,816 lbs. of steel per mile (1.093 lb./ft. and 0.344 lb./ft. steel). The East and West Transmission Lines are each comprised of 12 conductors for each circuit (i.e., 6 bundled conductors, each 2 x 795 kcmil) for the entire length.
- “The IEC Project anticipates the use of monopole-type structures, and not lattice-type structures. Steel monopoles are primarily made of plate steel.”

Additionally, no contracts with materials and plant suppliers (including but not limited to) trestles, cabling, and tower components, have been entered into for Transource-MD’s portion of Project 9A, namely the Independence Energy Connection project. The prices and costs of each item that Transource MD will be using in the construction of the IEC project have not been determined at present.

Transource-MD states that the “the estimated costs of the IEC take into consideration the variability of costs of components or portions of the project.” However, Transource-MD has yet to disclose the scope of that variability.

Transource-MD concedes that it “has not calculated the impact of the referenced tariffs on the estimated costs of Transource MD’s portion and assigned responsibility for constructing and putting into service Project 9A.” Transource-MD asserts the steel tariffs will not have an impact on the project’s cost because “the tariffs are not applicable to the finished products the Company will employ in the construction of the IEC project (i.e., these import tariffs are not applicable to components and structures to be used in the construction of the IEC Project because the components and structures, e.g., steel monopoles, are not covered by the tariff.)” Even if that were true, Transource-MD has failed to take into account the secondary effects (or economic ripples) of tariffs on pricing.

Second, the tight labor market may have already increased the cost of labor to construct the Project. “With the U.S. economy reaching the lowest unemployment rates in 30 years and the employed share of the adult population at an all-time high, today’s

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<sup>9</sup> <https://www.nytimes.com/2018/08/01/business/trump-steel-tariffs-arcelor-mittal.html>





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Andrew L. Ott  
September 6, 2018  
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primary concerns are labor shortages and inflationary pressures resulting from tight labor markets.<sup>10</sup>

Third, it seems likely that changes in interest rates since 2016 will have an impact on the cost of Project 9A. Currently there is no long-term debt financing in place at Transource MD. Until long-term debt financing is in place, all costs will be financed with a combination of equity and short term debt. Transource Energy entered into a \$200 million credit agreement dated April 18, 2017 with PNC Bank, National Association. On February 28, 2018, and consistent with the terms and costs of that Transource Energy credit facility, Transource MD issued a Floating Rate Term Note in a principal amount of \$800,000, due February 28, 2021.

From 2008 to late 2015, the Federal Reserve System ("Federal Reserve") maintained the Federal Funds rate (*i.e.*, short-term interest rate) at 0.25 percent, an all-time low. Since then, the Federal Reserve has subsequently raised the Federal Funds rate on seven occasions between December of 2015 and June of 2018. In June 2018, the Federal Reserve also signaled that two additional increases were on the way this year.<sup>11</sup> None of these recent and future increases to the Federal Funds rate are reflected in the cost estimates for Project 9A.

Accordingly, we respectfully request PJM to direct Transource MD to provide a current, updated estimate of the costs of constructing Project 9A as well as all other attendant costs. Of course, you are welcome to send this letter to all TEAC members, or post it on the PJM website, or publish it in any other manner either required by PJM's rules or that you deem fit.

PAULA M. CARMODY  
People's Counsel

/electronic signature/

By: Gary L. Alexander  
Assistant People's Counsel  
Email: gary.alexander@maryland.gov  
Direct dial: (410) 767-8161

PMC/gla

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<sup>10</sup> An Overview Of Economic, Social, And Demographic Trends Affecting The US Labor Market, Lerman et al.,  
<https://www.dol.gov/oasam/programs/history/herman/reports/futurework/conference/trends/trendsV.htm>

<sup>11</sup> <https://www.nytimes.com/2018/06/13/us/politics/federal-reserve-raises-interest-rates.html>

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cc:

Paul F. McGlynn,, PJM Senior Director of System Planning  
Steven Herling, PJM Vice President of Planning.  
Mary Beth Tung, Director, Maryland Energy Administration  
Sondra McLemore, Assistant Attorney General, Maryland Energy Administration  
Darryl Lawrence, Esq., Pennsylvania Office of Consumer Advocate  
J. Joseph "Max" Curran III, Esq., Venable LLP  
William F. Fields, Senior Assistant People's Counsel, Maryland OPC

Thank you Judges for again hosting this public hearing and providing opportunity for those in our farming community, as well as, agricultural organizations, to commit their personal and official testimony to the public record on the matter of the possible eminent domain action of farms located within the proposed high energy power line of Transource of PA , LLC.

On behalf of the YCALPB, I share our testimony to confirm our opposition to efforts to take farmlands enrolled in the ASA or an Ag Conservation Easement through condemnation (eminent domain) . These lands are the working lands of families who represent our rural small businesses, the family farm.

They work to feed our communities and nation, often risking long and grueling work hours in unpredictable weather, never with a guarantee of having a productive year. These folks have decided to forego the lucrative income of developing the family farm, finding it more valuable and cherished rather to raise generations on the modest income of a family farm. To save, to sacrifice, to one day own the family farm, to be able to pass the farm on through the generations is an act of love and dedication and a belief in something more than yourself.

We find it incredulous to then one day find , a private energy company ( which Transource is ) may use the government and certain provisions within the law to legally take these lands without a formal condemnation process as must other land use takings. In PA we have a governing body called the Pa Ag Condemnation Board which regularly reviews certain request by condemnors and a decision is rendered only after the condemnor shows proof that no alternate and reasonable alternatives are possible. For some unknown reason, however, energy companies are exempt from this process, why? Is energy more important than food? As a nation we survived long without energy, only having energy in this region since about 1940.

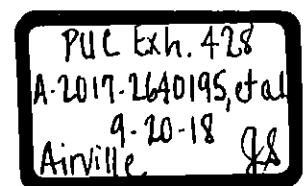
This case is in particular painful to Pennsylvanians as the reason is directly related to the State of Maryland refusing to develop and maintain an energy policy consistent with her growing population and furthermore closing down the coal fired power plants which they own and operate.

To add to our disbelief is the fact that two high energy power lines do exist that have been recently upgraded to the monopole structure and could be fully utilized if PJM would authorize. Lastly a local energy company has communicated recently they would consider the upgrade to their existing power lines, now located in the region, if asked to do so. So naturally we need PUC to ask, no demand, that PJM consider these reasonable options.

In closing I thank you for your time and effort to hold the hearings and listen to the facts as known by our community.

Patty McCandless, Director, York County Ag Land Preservation Board ( 717)840-7400

118 Pleasant Acres Rd York PA 17402





# YORK COUNTY AGRICULTURAL LAND PRESERVATION BOARD

118 Pleasant Acres Road, Suite F  
York, Pennsylvania 17402  
(717) 840-7400 Fax (717) 840-7418  
[www.YorkCountyPA.gov](http://www.YorkCountyPA.gov)



October 18, 2017

## POSITION STATEMENT - HIGH ENERGY POWER TRANSMISSION LINES

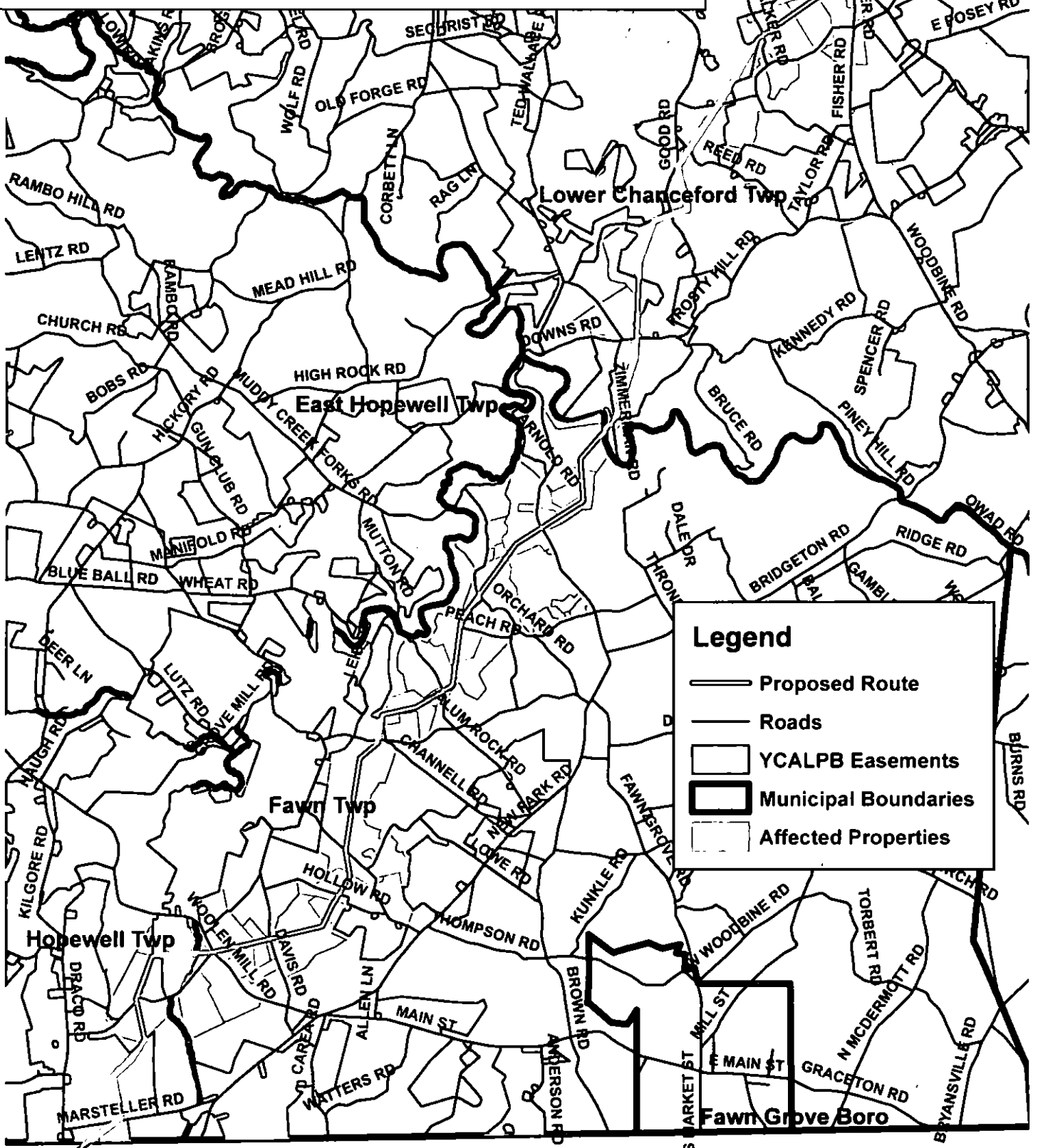
It is the declared position of the York County Agricultural Land Preservation Board to oppose the installation of high energy power transmission lines (HEPTL) through privately owned farmlands. The position is premised upon the belief that a financial impact, and potential loss, to the agribusiness industry may result from the installation of high energy power transmission lines (HEPTL). Impacts to the agribusiness community, include but are not limited to the following ; infrastructure installation requires earth disturbance installation methods which result in the degradation of soil health and natural resources through loss of soil structure, soil compaction, and loss of organic matter and biomass; loss of viable cropland acreage limiting cropland for production; overall reduced soil health prevents normal crop yield production; crop losses directly affect net farm income; disturbance of existing desirable plant and tree species encourage the increase of invasive species throughout the right-of-way/easement corridor; increased farm costs of operation are required to control invasive plant species; removal of valuable timber results when power transmission line infrastructure bisect wooded farmlands; high energy radiation from power lines introduce additional health risks to humans and livestock. Stray voltage remains a concern to dairy managers as a potential impact to milk herd production. As the list of potential impacts may result in farm income losses, and have not been evaluated, nor the affects to farm property values considered, the position of the YCALPB is to oppose the high energy power transmission line at this time.

In Pennsylvania, over 542,800 acres have been preserved since 1989. The 5,213 farm families have made a sacrifice to forgo the lucrative income of development and commit their farm operations to the agriculture industry. PA Taxpayer's have made a \$ 1.4 Billion dollar investment to preserve and protect valuable farmland selected specifically for land preservation purposes. These lands have been selected according to mandated regulation, as per the ACT 43, The Ag Security Area Law of 1981, a public policy enacted by the PA Legislature and citizenry. The expectation of the public is that these preserved lands will remain available for feed, food, and fiber production and will be protected from other land uses inconsistent with agricultural production.

In summary, High Energy Power Transmission Lines threaten the security of the agribusiness industry as the energy industry cannot provide adequate assurance from farm income losses, or hazards produced by the existence of high energy radiation to human and livestock populations.

**Disclaimer: Please note that this map is derived using information found on <http://www.transsourceenergyprojects.com/IndependenceEnergyConnection/>. This map is an interpretation and not to be used or viewed as "official".**

**Disclaimer: Please note that this map is derived using information found on <http://www.transsourceenergyprojects.com/IndependenceEnergyConnection/>. This map is an interpretation and not to be used or viewed as "official".**



## Lipstick on a Pig!

In a letter directed to the Federal Energy Regulatory Commission (FERC) dated July 25, 2018, the Pennsylvania Department of Environmental Protection, the Pennsylvania Conservation and Natural Resources and Community and Economic Development Commission, in dealing with certification of new interstate natural gas facilities, made a number of points relevant to the Transource Applications.

Among other issues the letter asks, "Does the Commission's current certificate process adequately take landowner's interests into account?" "The Commission's process does not adequately consider public and private landowner's concerns related to tree clearing..." – "these several commissions...also request that FERC prohibit or condition alteration or removal of vegetative cover along the proposed right-of-way or easements."

My son and I, as the owners of over 500 acres impacted by this project, are deeply concerned about how this will destroy portions of our woodland and the vegetative cover of our fields, how it will prohibit the free use of our property and will impose restraints and limitations that will continue for all time without any termination.

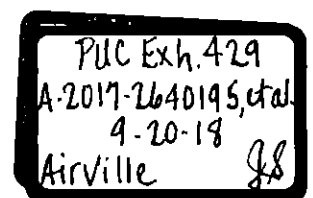
I have practiced law related to eminent domain for more than fifty years. Eminent domain is arbitrary, harsh, irrational, totally insensitive, without compassion, and it is irreversible as it is eternal! It is the brutal taking of property without any concern for the rights or the will of people.

I ask you to remember when we stood on that hilltop with that ancient barn on our right, that antique windmill behind us and that vast landscape stretching all the way for countless miles in front of us. That is my birthright passed down to me by countless generations that preceded me. That is my son's inheritance as well and what he hopes to pass on to succeeding generations.

The environmental rights amendment to the Pennsylvania Constitution endows all of us with the right to that scene, to the natural, scenic, aesthetic values of the environment in which I and my son move and inhabit on a daily basis. The Pennsylvania Supreme Court has held that right to be every bit as important, every bit as sacred, as our right to free speech, free assembly and all the other freedoms embodied in the Constitution. This same scene and these same rights are repeated over and over again for all the other members of my community.

Eminent domain will destroy our rights without any concern for us as it becomes this travesty that we are forced to endure and for what purpose, for what end? So that people far removed from our little world will enjoy a questionable benefit, a less than certain advantage, a totally problematic gain.

Returning to that same hilltop and less than a few miles away and in plain view a line of mono towers, newly installed that PP&L answers under oath in its response to interrogatories –



“The structures of the rebuilt portion of the C-OL transmission line are designed to support a second 230 KV transmission line using the same conductor as the currently installed circuit.”

How can anyone read PPL’s answer to interrogatories – “The structures of the rebuilt portion of the C-OL transmission line are designed to support a second 230 KV transmission line using the same conductor as the currently installed circuit” and not ask when confronting the perils and devastation of eminent domain, “What insanity is this?”

Have we become so calcified, so blinded by endless calculations and endless technical arguments and projections that the obvious solution is not only ignored but totally rejected to the complete frustration and damage to an entire community and a multitude of people who will receive absolutely not one scintilla of benefit from this project – is this where progress has brought us? Is this not throwing the baby out with the bath? Is this not putting lipstick on a pig?





## Claim Invoice

On Behalf Of:

Ohio Edison Co. The Illuminating Co.  
Toledo Edison Co. Pennsylvania Power Co.  
Metropolitan Edison Co. Penelec Co.  
Jersey Central Power & Light FirstEnergy Services, Inc.  
Monongahela Power Co. Potomac Edison Co.  
West Penn Power Co.  
And Other Affiliates

**Claim Number:** ME109097

**Invoice Number:** ME109097

**Invoice Date:** 08/22/2018

**Due Date:** 09/06/2018

**Insurance Ref Number:**

**JONATHAN HASH  
1790 NEW PARK RD  
NEW PARK, PA 17352**

Amount Due	Amount Enclosed
\$1,795.20	

**Please return this portion with your payment within 15 days of the invoice date.**

**Include the Claim Number on your check.**

**Claim Number:** ME109097    **Invoice Number:** ME109097    **Tax ID:** 23-0870160    **Accident Date:** 07/03/2018

**Make check payable to :** Metropolitan Edison Co.

**Mail to: FIRSTENERGY CLAIMS DEPARTMENT, 76 South Main St., Akron, OH 44308**

JONATHAN HASH

EXPENSES INCURRED TO INSPECT & REPAIR OVERHEAD WIRES @ 285 DAVIS RD., FAWN TWP., YORK CO. PA WHEN STRUCK WITH FARM EQUIPMENT OPERATED BY JONATHAN HASH ON 7/3/18.

**Billing Information:**

**Contact Claims Department with Questions:**

Metropolitan Edison Co.    610-921-6427

Balance Summary		
Credit	Debit	Balance Due
\$0.00	\$0.00	\$1,795.20

Material and Misc Cost	21.24
Labor Cost	1,587.92
Equipment Cost	186.04
Excess Height Cost	0.00
Set and Sell Cost	0.00
Contractor Cost	0.00
Total Amount Due	1,795.20



*All were below regulation height*  
*Regulation Height*  
*- Power wire 17 1/2 ft*  
*- Neutral wire 15 1/2 ft*

Metropolitan Edison Company \* Pennsylvania Electric Company \* Jersey Central Power & Light

Dear Sir/Madam:

Enclosed is our invoice as a result of the above incident. If you are insured for this loss, we suggest you submit the invoice immediately to your insurance carrier. In addition, please complete the insurance information as requested below and return this letter in the enclosed self-addressed postage-paid envelope or fax to 330-436-8090. With this information our further correspondence will be directed to your insurance company. All correspondence and communication concerning this matter should be directed to my attention and should refer to the claim number indicated below. If you have any questions please contact Jessica Rohrbach via email at jrrohbach@firstenergycorp.com or 610-921-6427.

In the event you are uninsured, payment should be sent to the **FirstEnergy Claims Department, 76 South Main St., Akron, OH 44308**. If you are unable to pay this claim in full, please contact our office immediately so a satisfactory payment arrangement can be agreed upon.

*Failure to report insurance information or make payment arrangements may result in Bureau of Motor Vehicle driver's license suspension if your claim involves a vehicle.*

Enclosure

Our Claim#/Name: ME1-09097 HASH, JONATHAN DATE: 08/22/2018

Your Telephone Number: \_\_\_\_\_

Your Insurance Carrier's Name: \_\_\_\_\_

Your Policy #: \_\_\_\_\_

Your Insurance Claim #: \_\_\_\_\_

Your Insurance Adjuster for this claim: \_\_\_\_\_

Your Adjuster's Phone# \_\_\_\_\_ Em: \_\_\_\_\_