

February 28, 2020

VIA EFILING

Rosemary Chiavetta, Secretary
PA Public Utility Commission
Commonwealth Keystone Bldg.
400 North Street
Harrisburg, PA 17101

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

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

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

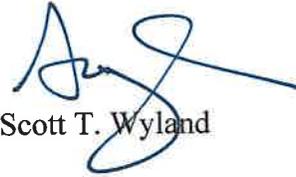
**Application of Transource Pennsylvania, LLC for approval to acquire a certain portion of the lands of various landowners in York and Franklin Counties, Pennsylvania for the siting and construction of the 230kV Transmission Line associated with the Independence Energy Connection -East and West Projects as necessary or proper for the service, accommodation, convenience or safety of the public
Docket Nos. A-2018-3001881, *et al.***

Dear Secretary Chiavetta:

Please find enclosed for filing a Petition to Intervene and Protest of the County of Franklin. If you have any questions or concerns, please feel free to contact me at the address listed above.

Very Truly Yours,

SALZMANN HUGHES, P.C.

A handwritten signature in blue ink, appearing to read 'S. Wyland', with a long horizontal stroke extending to the right.

Scott T. Wyland

STW/lgk

Enclosure

Cc: The Honorable Elizabeth Barnes
The Honorable Andrew M. Calvelli
Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Transource Pennsylvania, LLC	:	
for approval of the Siting and Construction of the	:	A-2017-2640195
230 kV Transmission Line Associated with the	:	A-2017-2640200
Independence Energy Connection - East and West Projects	:	
in portions of York and Franklin Counties, Pennsylvania.	:	
	:	
Petition of Transource Pennsylvania, LLC	:	
for a finding that a building to shelter control equipment	:	
at the Rice Substation in Franklin County, Pennsylvania	:	P-2018-3001878
is reasonably necessary for the convenience or welfare of	:	
the public.	:	
	:	
Petition of Transource Pennsylvania, LLC	:	
for a finding that a building to shelter control equipment	:	
at the Furnace Run Substation in York County,	:	P-2018-3001883
Pennsylvania is reasonably necessary for the convenience	:	
or welfare of the public.	:	
	:	
Application of Transource Pennsylvania, LLC	:	
for approval to acquire a certain portion of the lands of	:	
various landowners in York and Franklin Counties,	:	
Pennsylvania for the siting and construction of the 230 Kv	:	A-2018-3001881,
Transmission Line associated with the Independence Energy	:	<i>et al.</i>
Connection – East and West Projects as necessary or proper	:	
for the service, accommodation, convenience or safety of	:	
the public.	:	

**PETITION TO INTERVENE AND PROTEST
OF THE COUNTY OF FRANKLIN**

Pursuant to 52 Pa. Code §§ 5.71 and 5.51, the Pennsylvania Public Utility Commission’s (“Commission”) notice published on February 8, 2020, in the Pennsylvania Bulletin, 50 Pa.B. 892, and the Twelfth Prehearing Order in the above-captioned matter, the County of Franklin (“Franklin County”), a fourth class county organized and existing under the laws of the Commonwealth of Pennsylvania hereby petitions to intervene in and protests the above-captioned proceeding. In support thereof, Franklin County submits as follows:

1. The name and contact information of the Petitioner is as follows:

Franklin County Board of Commissioners

340 N. Second St.
Chambersburg, PA 17201

2. The names and contact information for Franklin County's counsel for receiving service of all documents in this proceeding are:

Scott T. Wyland, Esq.
G. Bryan Salzmann, Esq.
Isaac P. Wakefield, Esq.
Salzmann Hughes, P.C.
112 Market Street, 8th Floor
Harrisburg, PA 17101
Phone: 717-234-6700
swyland@salzmannhughes.com
gbsalzmann@salzmannhughes.com
iwakefield@salzmannhughes.com

Franklin County agrees to accept electronic service to the attorneys listed above to be followed-up with one hard copy of the documents served to the above-listed address.

3. On December 27, 2017, Transource filed two applications for approval of the siting and construction of a 230 kV transmission line associated with the Independent Energy Connection Project in Portions of York and Franklin Counties, Pennsylvania as follows: (1) Application for Approval of the Siting and Construction of the 230 kV Transmission Line Associated with the Independence Energy Connection – East Project in Portions of York County, Pennsylvania, Docket No. A-2017-2640195; and (2) Application for Approval of the Siting and Construction of the 230 kV Transmission Line Associated with the Independence Energy Connection – West Project in Portions of Franklin County, Pennsylvania, Docket No. A-2017-2640200 (collectively, the "Application").

4. Pursuant to the Third Prehearing Order dated June 23, 2018, the Commission consolidated the two above mentioned applications with Transource's two pending zoning exemption petitions and one hundred thirty-three related eminent domain applications.

5. Stated simply, Transource's applications seek the Commissions approval for the siting and construction of a 230 kV Transmission Line in portions of Franklin County and York County, along with the construction of certain related substations.

6. Pursuant to the Application, Transource seeks to construct, maintain, and operate two new electric transmission substations, and the Pennsylvania portions of two new 230 kV interstate transmission lines – the Furnace Run-Conastone Line (the "IEC-East Line") and the Rice-Ringgold Line (the "IEC-West Line").

7. 66 Pa.C.S. §§ 501 and 1501, and the Commission's regulations at 52 Pa. Code §§ 57.71, *et seq.*, require that Transource seek and obtain Commission approval for siting the transmission lines.

8. Pursuant to applicable regulations, the Commission will not grant a siting application for a HV line unless it finds and determines:

- (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.
- (4) That it will have minimum adverse environmental impact, considering the electric power needs of the public, the state of available technology and the available alternatives.

52 Pa. Code § 57.76(a).

9. The Commission is also required to consider, *inter alia*, the following factors relative to the application:

- (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).

10. 52 Pa. Code § 57.76(a) authorizes the Commission to impose terms, conditions, or modifications, of the location, construction, or maintenance of the proposed HV line as the Commission deems appropriate.

11. The Commission is also constitutionally required to ensure that the environment is protected. Pa. Constitution of 1986, Art. I, § 27; *Pa. Env'tl. Def. Foundation v. Com.*, 161 A.3d 911 (Pa. 2017).

12. Franklin County is a County of the Fourth Class, which is approximately 772.2 square miles, with an approximate population of more than 154,835 citizens.

13. Franklin County has an interest in the above-captioned matter, particularly the Application filed by Transource Pennsylvania, LLC at Docket Number A-2017-2640200 seeking approval of the siting and construction of the 230 kV transmission line associated with the

independence Energy Connection – West Project in portions of Franklin County, Pennsylvania.

14. The proposed transmission line will traverse over 29 miles through Franklin County and is inconsistent with, among other things, the several elements of the Franklin County Forward 2012 Comprehensive Plan.

15. Specifically, the proposed transmission line will be inconsistent with the following elements of the Franklin County Forward 2012 – Comprehensive Plan:

- a. Land Use and Housing Goal – Foster the continued livability and success of urban communities and of communities embedded within the rural landscape. The County believes that the proposed HV line will disrupt the rural landscape of Franklin County and decrease the livability and success of the communities within that landscape. The project undermines the revitalization of core communities and would detract from Franklin County’s rural character that adds value to the residents’ quality of life. The HV line may also negatively affect the value of homes in the region, affecting both those who already live in Franklin County and those who would desire to locate to the County.
- b. Resource Management Goal – Facilitate the protection and promotion of the County’s rich natural resources, recreation opportunities and history. The County believes that the proposed HV line will have a direct, negative impact on the County’s natural resources due to the breadth and scope of the project. Scenic viewsheds that make Franklin County so appealing and unique will be destroyed along the 29-mile corridor of the line. The HV line will detract from the historical value of Franklin County and will have a negative effect on the economic value added by recreation opportunities in the County.
- c. Economic Development Goal – Promote economic opportunities while retaining agriculture and community character. The County anticipates that the proposed HV line will negatively affect some of the prime agricultural lands within the County, thereby impacting their economic vitality. The transmission lines will not yield any economic value for Franklin County and could deter future business from locating to the region.

16. The Franklin County Board of Commissioners (hereinafter referred to as the “Board”) has received numerous concerns from the residents, businesses and community organizations that call Franklin County, Pennsylvania their home.

17. The Board has the responsibility and duty as a duly elected board by and for the citizens of Franklin County to monitor and support projects and initiatives that are in both the

general public interest but also in the interest of the citizens of Franklin County's interest.

18. The Board has found no definitive evidence that the transmission line proposed by the Application, if approved, will be a benefit to the people of Franklin County.

19. Upon information and belief, however, the transmission line will be detrimental to Franklin County and its citizens, and is not needed.

20. Moreover, upon information and belief, the siting of the transmission line proposed in the Application will also substantially and negatively affect a myriad of County-wide concerns including, but not limited to, land use, degradation of property values, damage to public infrastructure, environmental and ecological concerns, and economic disruption.

21. The proposed line route will cut into a significant portion of productive agricultural land in Franklin County, agricultural land that Franklin County has endeavored to protect and preserve. Likewise, the proposed line route will cut through certain cold water fisheries in the County.

22. Franklin County anticipates, upon information and belief, that the Application, if granted, will create an unreasonable risk of danger to the health and safety of the public in Franklin County.

23. Franklin County believes and avers that the proposed HV line may encroach upon and interfere with certain conservation easements in the County.

24. Transource's application has not established a need for the proposed line.

25. Franklin County believes that, at the very least, it will be necessary for the Commission to impose restrictive terms and conditions relative to the line pursuant to the Commission's authority under 57.76(a).

26. Franklin County would be bound by the action of the Commission as a

governmental entity established to govern the rights and interests of its residents and property owners.

27. Franklin County believes and submits that approval of the siting applications would be harmful to the character of the County, the County's natural resources, and the rights of citizens working and living within the County.

28. Franklin County has a right to protest the siting applications on the basis of the factors that the Commission must consider pursuant to 52 Pa. Code § 5.51(a), and on the rights and potential harms identified in this Petition.

29. The Commission's regulations permit intervention where a person has an interest in the proceeding that "may be directly affected and which is not adequately represented by existing participants, and as to which the petitioner may be bound by the action of the Commission in the proceeding." 52 Pa. Code § 5.72(a)(2). The regulations also permit participation of the person where it is in the public interest. 52 Pa. Code § 5.72(a)(3). "Person" includes governmental entities, municipalities, or other political subdivisions. 52 Pa. Code § 1.8.

30. Franklin County, therefore, on behalf of itself and the public, has an interest in ensuring that the proposed siting and construction of the transmission lines are necessary to furnish service to the public and will benefit Franklin County.

31. Franklin County has a direct and substantial interest in the issues raised in this proceeding and, accordingly, seeks to intervene in this proceeding to protect those interests. Franklin County's interest in this matter are unique from and not adequately represented by other parties that may seek to intervene or those that are presently parties to the proceeding.

32. Franklin County's intervention is in the public interest. The County is uniquely positioned to aid the Commission in determining the significant impact Transource's proposal will

have on the resources and citizens of Franklin County.

33. The County submits the instant Petition as a result of Transource's filing of an Amended Application and pursuant to 52 Pa. Code §§ 5.71 and 5.51, the Commission's notice published on February 8, 2020, in the Pennsylvania Bulletin, 50 Pa.B. 892, and the Twelfth Prehearing Order in the above-captioned matter.

34. Nevertheless, in the event that the Commission believes or another party contends that the County's Petition is untimely under 52 Pa. Code § 5.74(b) or 52 Pa. Code § 5.53, Franklin County respectfully requests that the Commission treat this petition as a Petition to Intervene and Protest *nunc pro tunc*.

35. The Commission provides the opportunity to file a petition to intervene or protest after the established time period for good cause shown. 52 Pa. Code § 5.74(b)(1)-(2).

36. Franklin County has good cause to file this petition *nunc pro tunc* in that the Twelfth Prehearing Order permits the amendment of the Application as it pertains to Franklin County.

37. Furthermore, permitting Franklin County to intervene in this matter wherein there are many other objectors contesting the Application will not delay the orderly progress of the case, will not broaden significantly the issues, and will not change Transource's burden of proof.

38. Accordingly, to the extent the Commission reviews whether this petition is timely, Franklin County respectfully requests that the Commission grant this Petition to Intervene and Protest *nunc pro tunc*.

39. Franklin County is actively continuing to evaluate the issues present in this matter and its position on Transource's proposal. Franklin County, therefore, reserves the right to refine its position upon consideration of the testimony and discovery submitted going forward.

WHEREFORE, Franklin County respectfully requests that the Commission grant its Petition to Intervene and Protest and, ultimately, deny the application of Transource Pennsylvania, LLC for approval of the siting and construction of the 230 kV transmission line associated with the independence Energy Connection – West project in portions of Franklin County, Pennsylvania.

Respectfully submitted,
Salzmann Hughes, P.C.

Dated: February 28, 2020



Scott T. Wyland

VERIFICATION

I, David S. Keller, on behalf of the County of Franklin, hereby state that the facts set forth in the foregoing document are true and correct to the best of my knowledge, information, and belief, and that I expect to be able to prove the same at a hearing in this matter. This verification is made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.



Name: David S. Keller

Title: Chairman

Franklin County Board of Commissioners

Date: 2-28-2020

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Petition to Intervene and Protest upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

VIA FIRST CLASS MAIL ADDRESSED AS FOLLOWS:

Anthony D. Kanagy, Esquire
Lindsay A. Berkstresser, Esquire
David MacGregor, Esquire
Post & Schell, P.C.
17 North Second Street
12th Floor
Harrisburg, PA 17101
Transource Pennsylvania LLC

Dianne E. Dusman, Esquire
Phillip D. Demanchick, Esquire
David T. Evrard, Esquire
Darryl A. Lawrence, Esquire
Office of Consumer Advocate
555 Walnut Street 5th Floor
Forum Place
Harrisburg, PA 17101

Sharon E. Webb, Esquire
Office of Small Business Advocate
300 North Second St Ste 202
Harrisburg, PA 17101

Jack Garfinkle, Esquire
Jennedy S. Johnson, Esquire
Romulo L. Diaz Jr., Esquire
PECO Energy Company
2301 Market Street
Legal Dept S23-1
Philadelphia, PA 19103
PECO Energy Company

Joanna A. Waldron, Esquire
Mark L. Freed, Esquire
Curtin & Heefner LLP
Doylestown Commerce Center
2005 S Easton Road Suite 100
Doylestown, PA 18901
STOP Transource Franklin County

Teresa Harrold, Esquire
FirstEnergy
2800 Pottsville Pike
PO BOX 16001
Reading, PA 19612-6001
MAIT

Kimberly A. Klock, Esquire
PPL Electric Utilities
Two North Ninth St
Allentown, PA 18101
PPL Electric Utilities

Karen O. Moury, Esquire
Eckert Seamans
213 Market St
Harrisburg, PA 17101
*Maple Lawn Farms, Inc.,
Rose Tree-Blue Mountain Hunt Club, Inc. &
Citizens to Stop Transource*

Thomas J. Sniscak, Esquire
Whitney E. Snyder, Esquire
Hawke McKeon and Sniscak LLP
100 N Tenth Street
Harrisburg, PA 17101
York County Planning Commission

Linus E. Fenicle, Esquire
Reager & Adler PC
2331 Market St
Camp Hill PA 17011
Quincy Township

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

John L. Munsch, Esquire
800 Cabin Hill Drive
Greensburg, PA 15601
Mait & West Penn Power

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

Allen Rice
Lori Rice
1430 Henry Lane
Chambersburg, PA 17202

Lois White
1406 Walker Road
Chambersburg, PA 17202

Hugh McPerson
2885 New Park Road
New Park, PA 17352

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

Fred Byers
1863 Coldsmith Rd
Shippensburg, PA 17257

Karen Benedict
Rodney Myer
5413 Manheim Rd
Waynesboro, PA 17268

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

Willa Weller Kaal
67 Summer Breeze Lane
Chambersburg, PA 17202

Danielle Bernecker
1827 Wood Duck Dr E
Chambersburg, PA 17202

Jan Horst
Georgiana Horst
826 New Franklin Rd
Chambersburg, PA 17202

Roy Cordell
Emma Cordell
4690 Fetterhoff Chapel Road
Chambersburg, PA 17202

Ashley Hospelhorn
8010 Hidden Valley Ln
Waynesboro, PA 17268

Ashley Hospelhorn
116 West 3rd Street
Waynesboro, PA 17268

Lantz Sourbier
Laura Sourbier
64 Edgewood Cir
Chambersburg, PA 17202

Michael Cordell
4219 Altenwald Rd
Waynesboro, PA 17268

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

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

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

Courtney Dettinger
Derek Dettinger
24 Chanceford Rd
Brogue, PA 17309

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

Amanda Riggs Conner, Esquire
Hector Garcia, Esquire
American Electric Power Service
Corporation
1 Riverside Plaza, 29th Floor
Columbus, OH 43215

Darwyn Benedict
410 N Grant Street
Waynesboro, PA 17268

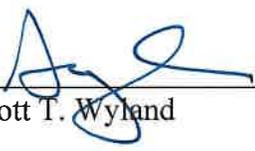
Clint Barkdoll
Owls Club, Inc.
87 W Main St
Waynesboro, PA 17268

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

Kathryn Urbanowicz
Clean Air Council
135 South 19th St
Suite 300
Philadelphia, PA 19103

Salzmann Hughes, P.C.

Dated: February 28, 2020



Scott T. Wyland