



LAW OFFICES
MILLER, MILLER & CANBY
CHARTERED

PATRICK C. McKEEVER (DC)
JAMES L. THOMPSON (DC)
LEWIS R. SCHUMANN
JODY S. KLINE
ELLEN S. WALKER
MAURY S. EPNER (DC)
JOSEPH P. SUNTUM

200-B MONROE STREET
ROCKVILLE, MARYLAND 20850
(301) 762-5212
FAX (301)762-6044
WWW.MILLERMILLERCANBY.COM

SUSAN W. CARTER
ROBERT E. GOUGH
DONNA M. McBRIDE (DC)
GLENN M. ANDERSON (FL)
MICHAEL G. CAMPBELL (DC, VA)
SOO LEE CHO (CA)
AMY C. H. GRASSO

** All attorneys admitted in Maryland and where indicated*

April 15, 2011

Maryland Public Service Commission
c/o Terry J. Romine, Executive Secretary
William Donald Schaefer Tower
6 Saint Paul Street
Baltimore, Maryland 21202-6808

Re: *Case No. 9223 -In the Matter of the Application of The Potomac Edison Company d/b/a Allegheny Power for a Certificate of Public Convenience and Necessity to Construct the Maryland Segments of a 765 kV Transmission Line And a Substation in Frederick County, Maryland*

Dear Commissioners and Hearing Examiner Sober:

I write on behalf of Sugarloaf Conservancy, Inc. ("Sugarloaf") to seek resolution of certain outstanding requests pending with the Public Service Commission in the above-referenced matter.

Specifically, in response to the Applicant's Notice of Withdrawal in this case (Docket No. 213), several parties made requests for certain conditions to be placed on the voluntary abandonment of the existing application and/or the filing of any future application for the PATH Project. The outstanding requests include those made by: Sugarloaf (Docket No. 214); John and Terri Armand (Docket No. 215); Office of the People's Counsel (Docket No. 216); and the Sierra Club (Docket No. 218).

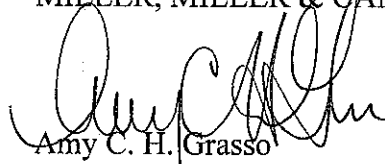
As you will note, in the Virginia version of this proceeding—the Application of PATH Allegheny Virginia Transmission Corporation—Senior Hearing Examiner Alexander F. Skirpan, Jr., has issued findings and recommendations relating to the withdrawal of that application. See Ex. 1. Therein, he recommended several conditions be placed on the withdrawal of the PATH Application and on the filing of any future application for the PATH Project. *Id.*, p. 17-18.

As much time has now passed, and as the Virginia matter appears to be approaching resolution on the question of what conditions may be placed upon the withdrawal and any future

refiling, Sugarloaf submits that now is an appropriate time for consideration of the outstanding requests in this matter. As the parties' positions have been fully developed in the papers, Sugarloaf requests that the Commission consider and rule on the above-noted outstanding requests.

Sincerely,

MILLER, MILLER & CANBY

A handwritten signature in black ink, appearing to read "Amy C. H. Grasso". The signature is fluid and cursive, with the first name being the most prominent.

Amy C. H. Grasso

Attorneys to the Sugarloaf Conservancy, Inc.

cc: Service List

Enclosure

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

110420251

APPLICATION OF

PATH ALLEGHENY VIRGINIA
TRANSMISSION CORPORATION

CASE NO. PUE-2010-00115

For approval and certification of electric
transmission facilities under Va. Code
§ 56-46.1 and the Utility Facilities Act,
Va. Code § 56-265.1 *et seq.*

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REPORT OF ALEXANDER F. SKIRPAN, JR., SENIOR HEARING EXAMINER

April 12, 2011

In its Application, PATH-VA sought authority to construct segments of a 765 kV Transmission Line through Clarke, Frederick, and Loudoun Counties. In its Motion to Withdraw Application PATH-VA stated that PJM has advised that based on updated forecasts, the need for the PATH Project has advanced into the future and the PJM Board of Managers has taken official action to hold the PATH Project in abeyance. PATH-VA now contends that withdrawing its Application is in the public interest. I find that PATH-VA should be permitted to withdraw its Application.

HISTORY OF THE CASE

On September 20, 2010, PATH Allegheny Virginia Transmission Corporation ("PATH-VA" or "Applicant") filed an Application with the State Corporation Commission ("Commission") seeking approval and certification of electric transmission facilities under § 56-46.1 of the Code of Virginia ("Code") and the Utility Facilities Act, § 56-265.1 *et seq.* of the Code. PATH-VA requested approval of the Virginia portions of the Potomac-Appalachian Transmission Highline ("PATH") Project, a 765 kilovolt transmission line that would extend from Putnam County, West Virginia, to Frederick County, Maryland. The transmission line, as proposed, would traverse the counties of Clarke, Frederick, and Loudoun within the Commonwealth of Virginia.

With its Application, on September 20, 2010, PATH-VA filed its Motion for Protective Ruling in which the Applicant stated that its proposed Protective Ruling was substantially similar to the Protective Ruling adopted on June 29, 2009, in PATH-VA's Previous Application,¹ which was extended for purposes of this proceeding by the Commission's *Order Granting Withdrawal*.² The

¹ *Application of PATH Allegheny Virginia Transmission Corporation for certificates of public convenience and necessity to construct facilities: 765 kV Transmission Line through Loudoun, Frederick, and Clarke Counties*, Case No. PUE-2009-00043 ("PATH-VA's Previous Application").
² *Id.* *Order Granting Withdrawal* (January 27, 2010) ("*Order Granting Withdrawal*").



Applicant's Motion for Protective Ruling was granted by a Hearing Examiner's Ruling dated October 21, 2010.

On September 24, 2010, Staff filed its Motion to Hold Proceeding in Abeyance Pending Completion of the Application and For Expedited Waiver of 5 VAC 5-20-160. Staff contended that the Application was incomplete because it failed to provide information required in the *Order Granting Withdrawal* regarding (i) the Regional Transmission Expansion Plan ("RTEP") for PJM Interconnection, L.L.C. ("PJM") for 2010 or later, and (ii) PATH's original routes. On September 27, 2010, the Commission issued an Order on Motion, which permitted responses to Staff's motion and allowed Staff to file a reply. Responses were filed by PATH-VA, Piedmont Environmental Council ("PEC"), River's Edge Community Association, Inc. ("River's Edge"), Alfred T. Ghiorzi and Irene A. Ghiorzi ("Ghiorzis"), Virginia Electric and Power Company ("Virginia Power"), and Congressman Frank R. Wolf. In its Order dated October 20, 2010, the Commission denied Staff's Motion to Hold Proceeding in Abeyance Pending Completion of the Application.

On October 20, 2010, the Commission entered its Order for Notice and Hearing in which, among other things, the Commission docketed the Application, established a procedural schedule, and appointed a Hearing Examiner to conduct all further proceedings in this matter.

On October 21, 2010, the Department of Environmental Quality ("DEQ") Office of Environmental Impact Review ("OEIR") filed a letter dated October 7, 2010, in which it advised the Commission that it had completed a preliminary review of the environmental information provided in the Application. The DEQ OEIR stated that information in the Application appeared to be sufficient to allow a coordinated review of the environmental impacts of PATH in the Commonwealth. DEQ OEIR estimated that it would require sixty days to complete the coordinated review of the Application. DEQ filed its coordinated review on December 14, 2010.

On October 26, 2010, PATH-VA filed its Motion for Extended Discovery Response Time in which it asked that the discovery response period be extended from seven calendar days to ten business days. PATH-VA stated that if the discovery response time were increased to ten business days, it would agree to: (i) send all responses via overnight mail rather than by U.S. mail; (ii) post all discovery responses to a password protected Internet site on the same day that it sends the overnight mail; and (iii) provide recipients with an email notice of such posting along with the necessary URL and password. On October 28, 2010, the Ghiorzis filed their response in opposition to the motion. On November 10, 2010, Staff filed its response in opposition to the Motion. On November 12, 2010, PATH-VA filed its reply. By Hearing Examiner's Ruling dated November 22, 2010, the discovery response period was increased from seven calendar days to seven business days, if all responses are sent via overnight mail, posted to a password protected Internet site, and recipients are provided e-mail notice and access.

On October 27, 2010, the Ghiorzis filed a Notice of Participation. Ordering ¶ (6) of the Commission's Order for Notice and Hearing set December 29, 2010, as the deadline for the filing of a Notice of Participation. Organizations represented by counsel to file Notices of Participation included: Calpine Corporation ("Calpine"), the Frederick County Board of Supervisors ("Frederick County"), the Loudoun County Board of Supervisors ("Loudoun County"), PEC, River's Edge, and

the Sierra Club. In addition, the following individuals filed Notices of Participation and participated in this proceeding as Respondents: Ellen Adams, Darrell W. Anderson, William A. Anderson, Esq., Pamela L. Baldwin, Angela Ghiorzi Baus, Karen G. Bergin, Lidia E. Binkley, James R. Binkley, Greg Brondos, Kevin F. Cadden, Phyllis M. Cather, Beth A. Catlett, Bud and Deloris Claycomb, Troy Coffelt, Russell G. Combs, Carolyn R. Cook, Robert B. Cook, Mike Crites, James K. Crowley, Lonnie T. Cullers, Beatriz R. da Luz, Carolyn Davis, Joseph N. Davis, Jr., K. Thomas Dean, Jr., Josephine B. Dellano, John L. Dixon, David R. Dixon, Ron Dolly, Kristie L. Dolly, Michelle C. Donivan, Sheri S. Donivan, David D. Donivan, H. Smith Dorsey, Daniel Dunlap, Raymond Dunlap, Elizabeth S. Dunlap, Margaret B. Dyer, Michael R. Edwards, Ronald T. Egnot, David Ellison, Hope Ellison, Jill L. Featherstone, Gene Fishel, Christopher W. Flacksenburg, Kenneth Fognano, Tracye Freer, Theresa Ghiorzi, Drs. Thomas J. and Joyce J. Ghiorzi, Carl N. and Jeanne Grant, Robert Grogg, Carol L. Hodgson, Niles Hokkanen, Janet C. Holderman, Franklin and Shauna Hyatt, Doreen O. Hyatt, James R. Ingle, Lauren M. Johnson, Melissa Judd, Cheryl A. Jurusik, Bryan Kardisco, Jerry and Barbara Katz, Todd B. Keffer, Joshua W. King, Wanda and David King, Connie L. Kuhar, Beverley and Peggy Sue LaFollette, Bonnie Lane, Donald J. Leweck, Josephine Lin, Thomas Linebens, Kenneth L. Lineberg, Jr, Della M. Loy, Viola M. Luttrell, James R. Magill, Mark A. Malick, Leslie Markley, Jay L. Marts, William A. and Christy A. Matarazzo, Diana L. McDonald, James McDonough, Ann R. Megeath, Robert N. and Hala A. Meiser, Samuel A. Milburn, Nicholas L. Mohler, George A. Morrell, Liberata D. Morrell, Sally A. Myers, Randie L. Neary, Tammy S. Pangle, Kostantina Pappas, Thomas Plummer, Lauren Pochatek, Tom and Loretta Rawlings, Charles R. Rodriguez, Glenn K. and Dawn L. Rosenthal, Steve Sale, David E. Scanlan, Sheila Scanlan, Timothy V. Schott, Michael Schott, Edwin W. Scott, Jr., Samuel H. Self, Glenn R. Shifflett, Robert W. Sowers, Rhonda L. Sproull, William H. Stiles, Regina D. Stiles, Georgianna E. Straub, Robert L. Sutphin, Robert A. Sypher, Will Taylor, Hilda M. Tetter, E. Michael Tetter, Shmuel Tomer, Tylee M. Ulmer, Richard M. Venskoske, John Venskoske, Wendy R. Venskoske, Matthew W. Venskoske, Ronald H. Venskoske, S. Vess, Janet C. Walker, Roy W. Walker, Desiree Washington, Jessica D. White, Carol White, Lela M. Whiteacre, Scott Whiteacre, Paul Whitehair, Suzie M. Wittenberg, Philip R. Yount, and Jay A. Yount.

On November 9, 2010, PATH-VA filed its Motion for Additional Protective Treatment. The Applicant contended that information requested by Staff's first set of interrogatories, regarding documents and cost estimates of the Liberty Transmission Project, prepared by Northeast Transmission Development, LLC contains highly sensitive information. No responses were filed. PATH-VA's Motion for Additional Protective Treatment was granted by a Hearing Examiner's Ruling dated November 23, 2010.

On November 15, 2010, PATH-VA filed proof of the notice directed by ordering ¶ (15) of the Commission's Order for Notice and Hearing to: (i) the chairman of the board of supervisors or mayor of every county, city, and town through which the proposed line is to be built, and (ii) the chief operating officers of Virginia Power, Northern Virginia Electric Cooperative, and Shenandoah Valley Electric Cooperative. On December 6, 2010, PATH-VA filed proof of the notice directed by ordering ¶ (17) of the Commission's Order for Notice and Hearing to owners of property within 600 feet of the centerline of the proposed and alternate routes. On December 21, 2010, PATH-VA filed proof of the notice directed by ordering ¶ (16) of the Commission's Order for Notice and Hearing in newspapers of general circulation. On January 19, 2011, PATH-VA filed proof of the notice directed by the Commission's Order Setting Public Hearings dated December 8, 2010.

On November 23, 2010, the Sierra Club filed motions requesting the admission *pro hac vice* of Willard R. Burns and Abigail Dillen to practice before the Commission in this proceeding. On November 24, 2010, PEC filed a motion requesting the admission *pro hac vice* of Robert G. Marmet to practice before the Commission in this proceeding. No responses were filed on the motions, which were granted in Hearing Examiner's Rulings dated January 4, 2011.

On November 30, 2010, the Ghiorzis filed their motion titled: Response to Objections of PATH Allegheny Virginia Transmission Corporation to Interrogatories and Request for Production of Documents (First Set) Alfred T. Ghiorzi, in which the Ghiorzis challenged the objections of PATH-VA to three interrogatories seeking information concerning open space and conservation easements along the proposed route across Loudoun County. On December 6, 2010, PATH-VA filed its response. The Ghiorzis' motion was granted in part and denied in part by a Hearing Examiner's Ruling dated December 17, 2010.

On December 8, 2010, the Commission issued its Order Setting Public Hearings in which it scheduled public hearings for the purpose of receiving the testimony of public witnesses to convene on February 2, 2011, at the John Handley High School Auditorium, Winchester, Virginia; and February 3, 2011, at the Loudoun Valley High School Auditorium, Purcellville, Virginia. Also in its Order Setting Public Hearings, the Commission directed PATH-VA to publish notice of the scheduled hearings.

On December 21, 2010, the Ghiorzis filed their Motion to Deny the Application for Bias and for Certification of the Issue to the Commission. Because the Ghiorzis raised several factual issues requiring a record, the motion was denied by a Hearing Examiner's Ruling dated December 22, 2010.

On December 21, 2010, PATH-VA filed its Motion to Hold Proceeding in Abeyance. PATH-VA pointed to changes in load projections in PJM's preliminary 2011 Load Forecast Report and requested that the proceeding be held in abeyance until the Applicant files supplemental direct testimony by April 5, 2011, with the remainder of the procedural schedule extended. PATH-VA advised that it would not seek Federal Energy Regulatory Commission ("FERC") "backstop authority" before April 5, 2012. An oral argument on the Motion was scheduled for January 6, 2011, by a Hearing Examiner's Ruling dated December 22, 2010. Written responses on the motion were filed by E. Michael Tetter, the Ghiorzis, River's Edge, PEC, Theresa Ghiorzi, the Sierra Club, Staff, and Charles R. Rodriguez.

On January 6, 2011, an oral argument was held as scheduled. Richard D. Gary, Esquire; Charlotte McAfee, Esquire; and Randall Palmer, Esquire, appeared on behalf of PATH-VA. John P. Flannery, II, Esquire, appeared on behalf of River's Edge. Robert G. Marmet, Esquire, appeared on behalf of PEC. Abigail M. Dillen, Esquire, appeared on behalf of the Sierra Club. Roderick B. Williams, Esquire, appeared on behalf of Frederick County. The Ghiorzis, Theresa Ghiorzi, James K. Crowley, Tylee Ulmer, and Carolyn Davis appeared *pro se*. William H. Chambliss, General Counsel; D. Mathias Roussy, Jr., Associate General Counsel; and Frederick D. Ochsenhirt, Associate General Counsel, appeared on behalf of Staff. PATH-VA's motion was denied and a pre-

hearing conference was scheduled for January 18, 2011, to determine scenarios for updated load flow analyses by a Hearing Examiner's Ruling dated January 10, 2011.

On January 18, 2011, the pre-hearing conference was held as scheduled. The topics discussed included scenarios for updated load flow analyses to be conducted by PJM and adjustments to the procedural schedule to provide PJM with adequate time to conduct the updated load flow analyses and to provide Respondents and Staff with sufficient time to analyze the updated load flow analyses prior to the filing of their direct testimony and exhibits. Based on those discussions PATH-VA was directed to provide updated load flow analyses based on specified scenarios by a Hearing Examiner's Ruling dated January 19, 2011 ("*January 19th Ruling*"). In addition, the *January 19th Ruling* adjusted the procedural schedule as follows: (i) the date for the filing of Respondents' direct testimony and exhibits was extended from March 11, 2011, to April 18, 2011; (ii) the date for the filing of Staff's direct testimony and exhibits was extended from March 23, 2011, to April 18, 2011; (iii) the date for the filing of the Applicant's rebuttal testimony and exhibits was extended from April 11, 2011, to May 2, 2011; (iv) the commencement of the Richmond hearings, for purposes other than receiving the testimony of public witnesses, was extended from 10:00 a.m. on April 25, 2011, to 9:00 a.m. on May 16, 2011. The Richmond hearing scheduled for April 25, 2011, was retained for receiving the testimony of public witnesses.

On February 2, 2011, public hearings were held in the John Handley High School Auditorium in Winchester, Virginia. Commissioners Judith Williams Jagdmann, chairman, and James C. Dimitri attended the hearings. Charlotte McAfee, Esquire, appeared on behalf of PATH-VA. Robert G. Marmet, Esquire, appeared on behalf of PEC. D. Mathias Roussy, Jr., Esquire, appeared on behalf of Staff. Public testimony was received from Michael Johnson, Mary Ann Cannon, Mark Anthony Cahill, Brian Cather, Diana McDonald, Eirk Van Osten, Ralph Mitchell, Jerome Lane, James Painter, Sortis J. Pappas, Carol White, David Scanlan, Bruce Carpenter, Patience Wait, Keryn Newman, Robert Grove, Richard Carder, Jon Rosenberger, Steve Melling, Beth Melling, Kimberly Robinson, Sue McFarland, Michael Sproull, Mark Bayless, Henry C. Buettner, Jr., David Ellison, Ann Grogg, Evan H. Clark, A. Maria Padgett, Earl Wiley, and John Gavitt.

On February 3, 2011, public hearings were held in the Loudoun Valley High School Auditorium in Purcellville, Virginia. Commissioner Mark C. Christie attended the hearings. Charlotte McAfee, Esquire, appeared on behalf of PATH-VA. Robert G. Marmet, Esquire, appeared on behalf of PEC. D. Mathias Roussy, Jr., Esquire, appeared on behalf of Staff. Public testimony was received from Don Atkins, Jim Burton, Malcolm Baldwin, Mitch Diamond, Terri Glass, Elaine Walker, Al Van Huyck, Kendall Randolph, Anthony Noerpel, Steven Bruckner, Sally Kurtz, Margaret McEllegott, Doug Kaplan, Gordon Hodgson, Louis Kroiz, Timothy Wyant, Jane Twitmyer, Mary Louise Cantrell-Kehoe, Dave Butler, Keith Dezern, Gladys Lewis, Judith Randal, John Miller, Marley Green, Sharon Plummer, Sharon Lloyd-O'Connor, Robert Inglis, J.G. MacHorton, Steven Smith, Ginny MacColl, Susan Denny, Sherrill Blauer, Karen Sargent, Tracey Nickola, Susan Butler, and Maggie Malick.

On February 3, 2011, the Ghiorzis filed their Motion to Compel PJM to Perform Critical Studies Necessary to Evaluate the PATH Project. More specifically, the Ghiorzis sought answers to three interrogatories concerning analysis of power flows from PATH to the transmission lines

adjacent to the proposed Kemptown substation. On February 8, 2011, PATH-VA filed its response and contended that the motion was "not promptly made" since the underlying interrogatories were asked and the objections were made several weeks prior to the filing of the Motion to Compel. The motion was denied in a Hearing Examiner's Ruling dated February 15, 2011, solely on the basis that it was not promptly made.

On February 28, 2011, PATH-VA filed its Motion to Withdraw Application ("Motion to Withdraw"). PATH-VA stated:

PJM has now advised PATH-VA that using the updated load forecast and current transmission topology, the projected appearance of violations of NERC Reliability Standards that the PATH Project was designed to resolve has advanced into the future. Consequently, the PJM Board of Managers has taken official action to hold the PATH Project in abeyance as an RTEP baseline project.³

PATH-VA contended that withdrawing its Application is in the public interest. Nonetheless, PATH-VA maintained that "underlying system weaknesses eventually will require backbone transmission projects to ensure the future stability of the regional transmission grid."⁴

On March 2, 2011, PEC filed its Request for Hearing on Motion to Withdraw Application ("Request for Hearing"). PEC stated that it did not oppose the termination of these proceedings, but due to several statements made by PATH-VA in its Motion to Withdraw and by PJM in a statement attached to the Motion to Withdraw, PEC asked that conditions be placed on any withdrawal. PEC's recommended conditions included the filing of the updated load flow analysis directed in the *January 19th Ruling* and the filing of the files PJM used in its analysis (which PEC asserted are not retained by PJM). PEC asked for a hearing on the Motion to Withdraw to provide other parties with the appropriate forum to offer other conditions.

On March 3, 2011, the Sierra Club filed its Response to Motion to Withdraw Application in which it agreed with PATH-VA that withdrawing the Application was in the public interest. In addition, the Sierra Club pointed out that the PATH Project has not been cancelled and PJM has already undertaken the load flow analyses as directed. The Sierra Club asked that PATH-VA be directed to preserve the relevant base cases, load flow analyses and related documents, and that the existing protective ruling be revised to permit the use of confidential information in subsequent proceedings related to the PATH Project.

On March 4, 2011, the Ghiorzis filed a response to the Motion to Withdraw and asked that PATH-VA be required to comply with the *January 19th Ruling*. The Ghiorzis also asked that the Application be denied, either with or without prejudice, and that PATH-VA not be permitted merely to withdraw its Application. Finally, the Ghiorzis offered several conditions to be placed on any new application for the PATH Project including: (i) prior approval of Dominion Virginia Power's

³ Motion to Withdraw at 2.

⁴ *Id.*

transmission proposals known as "Alternative Number One;" and (ii) further analyses of the PATH Project and other transmission projects and alternatives.

On March 4, 2011, Theresa Ghiorzi filed a response in which she argued that the Motion to Withdraw should be denied and the record should remain open to receive the information required to be filed by the *January 19th Ruling*. Ms. Ghiorzi contended that with the addition of the information directed by the *January 19th Ruling*, the Commission could then deny the Application with prejudice.

The Motion to Withdraw was scheduled for oral argument by a Hearing Examiner's Ruling dated March 7, 2011.

On March 8, 2011, PATH-VA filed its Motion ("Load Flow Motion") asking for an indefinite suspension of its requirement to file updated load flow analyses on March 15, 2011, as directed by the *January 19th Ruling*. On March 10, 2011, Staff filed a response to PATH-VA's Load Flow Motion in which it contended that at a minimum, PATH-VA should be directed to file the results of the updated load flow analyses that have been completed by PATH-VA or PJM. Also, on March 10, 2011, the Ghiorzis and Theresa Ghiorzi filed responses opposing PATH-VA's Load Flow Motion. By Hearing Examiner's Ruling dated March 10, 2011, the date for filing the information directed by the *January 19th Ruling* was suspended pending further ruling based on the scheduled oral argument.

On March 14, 2011, Charles Rodriguez filed a response to the Motion to Withdraw and asked that PATH-VA be required to complete the analyses directed by the *January 19th Ruling* or that PATH-VA's Application be denied with prejudice. Also on March 14, 2011, E. Michael Tetter filed a response to the Motion to Withdraw and contended that property owners are being held hostage and the Application should be dismissed with prejudice.

On March 16, 2011, Frederick County filed a response to the Motion to Withdraw in which it recommended that conditions be placed on a withdrawal of the Application such as a requirement that at least twelve months expire before another application be submitted by PATH-VA for the PATH Project. In support, Frederick County pointed to similar requirements in statutes governing localities in land use matters.

On March 17, 2011, an oral argument on the Motion to Withdraw was held as scheduled. Richard Gary, Esquire; Charlotte P. McAfee, Esquire; Randall Palmer, Esquire; and Noelle J. Coates, Esquire (via telephone), appeared on behalf of PATH-VA. Abigail Dillen, Esquire, and Willard R. Burns, Esquire, (via telephone) appeared on behalf of the Sierra Club. Robert Marmet, Esquire, appeared on behalf of PEC. John P. Flannery, Esquire, appeared on behalf of River's Edge. John R. Roberts, Esquire, (via telephone) appeared on behalf of Loudoun County. Roderick Williams, Esquire, (via telephone) appeared on behalf of Frederick County. William H. Chambliss, Esquire; D. Mathias Roussy, Jr., Esquire; and Frederick D. Ochsenhirt, Esquire, appeared on behalf of Staff. *Pro se* Respondents participating in the oral argument included Alfred T. Ghiorzi, Irene Ghiorzi, Theresa Ghiorzi, Charles R. Rodriguez (via telephone), Robert Meiser (via telephone), Carolyn Davis (via telephone), E. Michael Tetter (via telephone), and Tylee M. Ulmer (via telephone).

On March 18, 2011, PATH-VA filed copies of the chart summarizing its initial baseline and sensitivity analysis that was presented during the oral argument.

Transcripts of all hearings and oral arguments held in this matter are filed with this report.

DISCUSSION

Like the character played by Jimmy Stewart in the 1971 movie, *Fools' Parade*, who attempts to escape a pursuing sheriff by hopping a boxcar only end up back where he started, we find that we have traveled in loop back to the beginning. A similar PATH-VA motion to withdraw led to the *Order Granting Withdrawal*, which ended PATH-VA's Previous Application. A little over thirteen months later, PATH-VA is asking for permission to withdraw its Application in this proceeding.

The discussion in this case will begin with a review of PATH-VA's Previous Application and the Commission's *Order Granting Withdrawal*. The discussion will then highlight some of the differences between PATH-VA's current Application and its Previous Application. The discussion will then address the issues presented in the Motion to Withdraw, the written responses of the parties and Staff, and during the oral arguments. Specifically, the discussion will address: (i) with or without prejudice; (ii) denial or withdrawal; (iii) compliance with the *January 19th Ruling*; (iv) other conditions; and (v) other issues.

PATH-VA's Previous Application and the Commission's *Order Granting Withdrawal*

PATH-VA's Previous Application was based on PJM's 2008 RTEP, updated through April 2009, which showed that the PATH Project was needed to address NERC reliability violations projected to occur beginning in 2014. In its motion to withdraw its previous application, PATH-VA advised that the results of additional load flow analyses indicated that the PATH Project was no longer needed to resolve NERC reliability violations in 2014.⁵ In granting the withdrawal of PATH-VA's Previous Application, the Commission directed that any future application related to the PATH Project include information regarding:

- PJM's 2010 or later RTEP, and PJM's 2010 or later RPM auction;
- The updated load flow analyses filed on January 4, 2010 pursuant to the December 4th Ruling;
- An analysis of changes in circumstances, including changes in generation, demand response, and energy efficiency resources; and

⁵ See, *Order Granting Withdrawal* at 2.

- The PATH Project's original routes (including routes that do not impact Virginia), consistent with the information provided regarding other proposed and alternative routes.⁶

In addition, the Commission modified Paragraphs (5) and (18) of the Protective Ruling to assist participants in the event that a subsequent application was filed related to the PATH Project.⁷

In this proceeding, the latest base case load flow analysis completed by PJM indicated that the first thermal violation does not occur until 2021 and is on the Mt. Storm-Doubs transmission line.⁸ This violation will be addressed by the rebuild of the Mt. Storm-Doubs.⁹ The only other thermal violation slated to occur before 2025 in PJM's current base case load flow analysis is on the Pruntytown-Mt. Storm transmission line in 2024.¹⁰ This violation will be eliminated with the construction of Dominion's Warren County 1400-megawatt gas-fired generation project.¹¹ In other words, in this proceeding, PJM's latest base case load flow analysis fails to indicate any thermal violations through 2025. Based on the latest base case load flow analysis, PJM's Board of Managers directed that the PATH Project be held in abeyance.¹² Therefore, unlike in PATH-VA's Previous Application, which was withdrawn based on analysis that moved the need for the PATH Project past the year indicated in that application, in this proceeding, PATH-VA is seeking to withdraw its Application based on a lack of need throughout PJM's planning horizon and based on a directive from PJM's Board of Managers that the PATH Project be held in abeyance.

With or Without Prejudice

No one participating in this proceeding objects to ending the case at this point. Understandably, many of the participants would like to have a sense of closure, or finality regarding the outcome of this proceeding. Though the issue has been addressed in both the Previous Application and earlier in this proceeding, several participants continue to insist that the PATH Project be dismissed or denied with prejudice. For example, Irene Ghiorzi argued:

There is no need for PATH. There never was a need for PATH. And they are admitting there is no need for PATH for decades to come. Enough is enough. Do not allow PATH to remain on life support and resurrect itself again. Dismiss, . . . deny, withdraw, whatever you have to do, with prejudice and get them off our backs.¹³

Similarly, Carolyn Davis maintained that PATH-VA should be required to comply with the *January 19th Ruling* and based on that information:

⁶ *Id.* at 5.

⁷ *Id.* at 5-6.

⁸ Gary, Tr. at 416.

⁹ *Id.* at 417.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.* at 415, 417-18.

¹³ Irene Ghiorzi, Tr. at 453.

if it supports that this project cannot be supported, then it should be denied with prejudice, and so we can get on with our lives. Because right now, I . . . cannot make decisions that I need to make. And I feel like this is . . . something that is wearing us all down. We're all very emotional about this.¹⁴

In the Hearing Examiner's Ruling dated January 10, 2011, in this proceeding ("*January 10th Ruling*") on PATH-VA's Motion to Hold Proceeding in Abeyance, the issue of "with prejudice" was addressed as follows:

In response to PATH-VA's Motion for Modification of Procedural Schedule in PUE-2009-00043, many respondents argued that that application be dismissed with prejudice. In the Hearing Examiner's Ruling dated November 24, 2009, in that case, the issue of dismissing with prejudice was addressed. In that ruling it was pointed out that the issuance of a certificate of public convenience and necessity generally falls within the Commission's legislative authority, which requires the Commission to determine if a proposed new facility is "in the public interest." Because the public interest may change over time due to changes in circumstances, a strict legal application of "with prejudice" is not available in applications for certificates of public convenience and necessity under § 56-46.1 and the Utilities Facilities Act of the Code of Virginia. Consequently, when PATH-VA asked that it be permitted to withdraw its application in PUE-2009-00043, conditions were placed on the filing of any subsequent applications for the PATH Project that were designed to prohibit the filing of the same application. In this proceeding, most of the respondents represented by counsel at the oral argument appeared to agree with the approach of placing conditions on any subsequent application of the PATH or similar project, though these respondents recommended the development of a more protective set of conditions in the event the Application is dismissed or denied in this proceeding.¹⁵

The comparison of PATH-VA's Application to a bill introduced to a legislative body was offered by counsel for River's Edge, who asked rhetorically, "[h]ow many times can you even go to the Congress with the same bill year after year if it's voted one year, voted out the next year?"¹⁶ Counsel for Frederick County recognized that PATH-VA's Application involved "prospective circumstances, unlike a purely judicial matter, which would typically involve facts which have already occurred."¹⁷ Frederick County compared PATH-VA's Application to an application for

¹⁴ Davis, Tr. at 470.

¹⁵ *January 10th Ruling* at 4.

¹⁶ Flannery, Tr. at 442.

¹⁷ Frederick County Response to Motion to Withdraw at 2.

rezoning and advised that in Frederick County if the Board of Supervisors disapproves an application, at least twelve months must pass before another application for rezoning of substantially the same land to the same zoning district designation can be considered.¹⁸

I sympathize with those Respondents and persons that will be frustrated with the lack of finality, or the possibility of a future application for the PATH Project, or some other similar transmission project. However, I find that to indicate that a dismissal or denial of PATH-VA's Application is "with prejudice" would be misleading and unlikely to serve as a bar to a future application for the PATH Project based on new facts and circumstances.

Denial or Withdrawal

In PATH-VA's Previous Application, this hearing examiner recommended that PATH-VA be permitted to withdraw its application rather than deny the application as urged by several of the Respondents. My recommendation in PATH-VA's Previous Application was based on a finding that the only legal significance between withdrawing and denying that application concerned possible FERC jurisdiction.¹⁹ That recommendation was adopted by the Commission in its *Order Granting Withdrawal*.

In this proceeding several of the Respondents asked that the Application be denied. Most of these requests were made as part of an overall recommendation that the Application be denied with prejudice, so as to bar any future application for the PATH Project. As discussed above, whether the Application is denied or withdrawn has no bearing on the filing of a new application, based on new facts and circumstances. Respondent Charles Rodriguez tied his recommendation that the Application be denied to the failure of PATH-VA to comply with the *January 19th Ruling*.²⁰ However, the filing requirements of the *January 19th Ruling* were suspended pending further ruling by the Hearing Examiner's Ruling dated March 10, 2011. The *January 19th Ruling* is discussed in a separate section below. Nonetheless, I find that the resolution of the issue concerning what information is filed by PATH-VA pursuant to the *January 19th Ruling* has no bearing on whether or not the Commission should deny this Application.

Counsel for Frederick County contended that in its pleadings, PATH-VA has admitted there is no need for the project.²¹ Frederick County maintained that the Commission should take this admission and use it as a basis to deny the Application.²² PATH-VA asserted that the Commission could not deny an application on a record that does not exist.²³ While PATH-VA was unable to identify a practical distinction between dismissal and withdrawal, PATH-VA argued that the

¹⁸ *Id.*

¹⁹ See, *Application of PATH Allegheny Virginia Transmission Corporation for certificates of public convenience and necessity to construct facilities: 765 kV Transmission Line through Loudoun, Frederick, and Clarke Counties*, Case No. PUE-2009-00043, Report of Alexander F. Skirpan, Jr., Senior Hearing Examiner at 17-18 (January 6, 2010) ("*Report on Previous Application*").

²⁰ Rodriguez, Tr. at 466-67.

²¹ Williams, Tr. at 472.

²² *Id.*

²³ Gary, Tr. at 486.

Application should be in the control of the Applicant to withdraw if it no longer supports the Application.²⁴

I agree with PATH-VA that there is little if any practical difference between dismissal and withdrawal. Under either option, this proceeding is at an end and no certificate of public convenience and necessity will be issued for the construction of the proposed PATH Project in Virginia. Moreover, I find that whether the Application is withdrawn or dismissed would have no impact on the filing of a new application based on new facts and circumstances.

I agree with Frederick County and find that the Commission could deny the Application based on admissions made in the Applicant's pleadings. This is similar to the issue settled in *Commonwealth Gas*²⁵ concerning the ability of the Commission to convert a utility's authorized rates into rates that are interim, subject to refund, based on the utility's application. However, even though the Commission could have denied PATH-VA's Previous Application, concern regarding possible FERC jurisdiction was the deciding factor in recommending that PATH-VA be permitted to withdraw that application.²⁶ Put simply, permitting the withdrawal of the Previous Application was seen as the option best protecting Commission jurisdiction.

In this proceeding, counsel for PATH-VA affirmed that "a voluntary withdrawal will give no grounds for PATH to seek a FERC approval of the line."²⁷ It is recognized that the Ninth Circuit's decision in *Wilderness Coalition*²⁸ to invalidate the United States Department of Energy's designation of national interest electric transmission corridors ("NIETCs"), significantly reduced the possibility of FERC jurisdiction. Nonetheless, I do not believe the risk of FERC jurisdiction has been eliminated completely. Thus, with only the slightest risk of FERC jurisdiction, and no practical difference in results and impact on a future application, I find PATH-VA's Motion to Withdraw should be granted.

Compliance with the January 19th Ruling

In the *January 19th Ruling*, PATH-VA was directed to update its load flow analyses to reflect more current information and alternative input assumptions. Specifically, PATH-VA was directed to file the results of PJM's load deliverability and generator deliverability tests for each of the following scenarios on or before March 15, 2011.²⁹

1. **Updated Base Case** – The Updated Base Case load flow analysis shall reflect: (i) PJM's 2011 Load Forecast; (ii) the most currently available generation and generation queues; (iii) the results of PJM's May 2010 RPM auction, including demand response; and

²⁴ *Id.* at 487.

²⁵ *Commonwealth Gas Pipeline Corporation v. Anheuser-Busch Companies, Inc.*, 233 Va. 396 (1987) ("*Commonwealth Gas*").

²⁶ *Report on Previous Application* at 17-18.

²⁷ Gary, Tr. at 419.

²⁸ *Cal. Wilderness Coalition v. U.S. DOE*, 631 F.3d 1072 (9th Cir. 2011) ("*Wilderness Coalition*").

²⁹ *January 19th Ruling* at 2, 3.

(iv) an update of PJM-approved transmission system projects, including reactive power support. The Updated Base Case scenario should not include: (i) the PATH Project; (ii) the rebuilding of the Mt. Storm – Doubs line; (iii) Dominion Alternative 1 (the rebuilding of the Mt. Storm – Doubs line, the installation of a 900 MVAR SVC on the 230 kV bus at Loudoun and the T157 tap 500 kV bus, the installation of 900 MVAR of static capacitors at other locations, the installation of series compensation on the Meadow Brook – Loudoun 500 kV line, and the rebuilding of the Pruntytown – Mt. Storm 500 kV line); (iv) the Liberty Project;

2. **PATH Case** – This scenario shall include the Updated Base Case load flow analysis and the PATH Project;
3. **Mt. Storm – Doubs Rebuild Case** – This scenario shall include the Updated Base Case load flow analysis and the rebuilding of the Mt. Storm – Doubs line;
4. **Dominion Alternative 1 Case** – This scenario shall include the Updated Base Case load flow analysis and Dominion Alternative 1; and
5. **Liberty Case** – This scenario shall include the Updated Base Case load flow analysis and the Liberty Project.

The Updated Base Case was designed to reflect the most current information (including PJM’s new 2011 Load Forecast), and to eliminate the PATH Project and three other competing projects. It was anticipated that the Updated Base Case would forecast future NERC reliability violations without the system benefits of any of the specific alternatives. Then each alternative, including the PATH Project, would be analyzed separately to determine the extent to which each of the alternatives relieved the NERC reliability violations of the Updated Base Case.

During the oral argument, PATH-VA presented a slide from PJM’s Transmission Expansion Advisory Committee meeting of March 10, 2011 (“TEAC Slide”).³⁰ PATH-VA filed a copy of the TEAC Slide in this proceeding on March 18, 2011. PATH-VA confirmed that the TEAC Slide “was before the PJM Board when it decided to suspend PATH on February 28, 2011.”³¹ The TEAC Slide contains several scenarios, including scenarios titled: “Base Case” and “Base Case + Warren.” As outlined above, PJM reported that the Base Case, reflecting current information and PJM’s 2011 Load Forecast, showed no NERC thermal reliability violations occurring before 2021.³² Moreover, PATH-VA pointed out that the few NERC thermal reliability violations that did appear in the “Base Case” would be addressed by either the rebuild of Mt. Storm-Doubs, or the construction of

³⁰ Gary, Tr. at 415.

³¹ *Id.*

³² *Id.* at 417.

Dominion's Warren County project (*i.e.*, "Base Case + Warren").³³ Consequently, for all practical purposes, PJM's Base Case failed to reveal any NERC thermal reliability violations through the end of the 2025 study period. Therefore, I agree with PATH-VA, that there is no reason to run separate scenarios for four alternatives for relieving NERC reliability violations when the "Base Case" failed to indicate the likely occurrence of such violations in first place.

Recognizing the possibility of a new, future application for the PATH Project, counsel for the Sierra Club stressed the need for PATH-VA and PJM to preserve the analysis underlying the TEAC Slide.³⁴ "[I]f at some point this project does . . . come before the Commission again . . . it will become necessary to figure out what has changed to warrant a new application . . ."³⁵ I agree with the Sierra Club that such information could have value in the assessment of a new application for the PATH Project, and would be especially necessary for answering any questions concerning changes in facts and circumstances that may have occurred in regard to the need for the PATH Project. Indeed, a significant portion of the oral argument focused on the preservation and filing of information related to these analyses. Through the course of the oral argument, PATH-VA agreed to preserve all materials pertaining to the TEAC Slide.³⁶ More specifically, I find there was general agreement for PATH-VA:

- to submit the solution of the "Base Case" and "Base Case + Warren" as text files;³⁷
- to provide in PSS/e electronic format, the power flow tests used to identify NERC thermal violations for the "Base Case" and "Base Case + Warren" scenarios;³⁸
- to report the results of the studies summarized on the TEAC Slide for the "Base Case" and "Base Case + Warren" in a format and level of detail equivalent to Exhibit Nos. 1-3, of Mr. Paul McGlynn's prefiled direct testimony in this proceeding;³⁹ and
- to provide tables of generation loaded into the "Base Case" and "Base Case + Warren" and what generation was reduced in the at-risk scenario.⁴⁰

Other Conditions

In addition to the preservation and filing of information related to the TEAC Slide, PATH-VA agreed to the imposition of conditions on any future application similar to those imposed by the Commission in its *Order Granting Withdrawal*.⁴¹ PATH-VA stated that in regard to confidential

³³ *Id.*

³⁴ Dillon, Tr. at 423-24.

³⁵ *Id.*

³⁶ Tr. at 426-27.

³⁷ Gary, Tr. at 418.

³⁸ Burns, Tr. at 475.

³⁹ Tr. at 479-80.

⁴⁰ Herling, Tr. 481-82.

⁴¹ Gary, Tr. at 425, 485.

information, it was agreeable to the same extensions as made in its Previous Application, and raised no objection to the recommendation of the Sierra Club that confidential information be retained by the parties for two years.⁴² Because the need for the PATH Project appears to be more remote now than at the end of the Previous Application, I agree with the Sierra Club that the retention of confidential materials should be set at two years. Therefore, I find that Paragraphs (5) and (18) of the Protective Ruling in this proceeding should be amended to read as shown below.

(5) All Confidential Information filed or produced by a party shall be used solely for the purpose of this proceeding (including any appeals) and, by leave of the Commission, in any future, related application for the PATH Project. Any use of such Confidential Information at a hearing shall be governed by the notice requirements contained in Paragraph 15(a) herein.

(18) Two years from the conclusion of this proceeding (including any appeals), any originals or reproductions of any Confidential Information produced pursuant to this Protective Ruling shall be returned to the producing party, if requested by the producing party, or destroyed. In addition, at such time, any notes, analysis or other documents prepared containing Confidential Information shall be destroyed. At such time, any originals or reproductions of any Confidential Information, or any notes, analysis or other documents prepared containing Confidential Information in Staff's possession, will be returned to the producing party, destroyed or kept with Staff's permanent work papers in a manner that will preserve the confidentiality of the Confidential Information. Insofar as the provisions of this Protective Ruling restrict the communications and use of the Confidential Information produced thereunder, such restrictions shall continue to be binding after the conclusion of this proceeding (including any appeals) as to the Confidential Information.

One area of disagreement concerns a condition placed upon any future application designed to assure that the application is a "new" application, based on new facts and circumstances, as opposed to a refile of the current application being withdrawn. In its *Order Granting Withdrawal*, the Commission directed that "any future application related to the PATH Project include information regarding . . . PJM's 2010 or later RTEP . . ."⁴³ As outlined in the history of the case above, an early controversy in this proceeding concerned whether this provision required the completion of PJM's 2010 RTEP.

In this proceeding, Frederick County recommended that PATH-VA be prohibited from filing a new application for the PATH Project for at least one year.⁴⁴ During oral arguments, this examiner sought comments on a condition that any future application related to the PATH Project

⁴² *Id.* at 425-26.

⁴³ *Order Granting Withdrawal* at 5.

⁴⁴ Frederick County Response to Motion to Withdraw at 2.

include information regarding PJM's completed 2012 or later RTEP. This condition recognizes that PJM's 2011 load forecast, and the "Base Case" analyses underlying the TEAC Slide, which is the basis for suspending the PATH Project, will be part of the 2011 RTEP. Conditioning any future application on the use of the completed 2012 or later RTEP would ensure that any new application would be based on new facts and circumstances, as the 2012 RTEP likely will not be completed until early 2013. During the oral arguments, Frederick County offered support for the completed 2012 or later RTEP condition.⁴⁵

PATH-VA contended that the proposed condition fails to comport with the legal obligation of a transmission owner.⁴⁶

[T]he Virginia General Assembly required the transmission owners to join an RTO. The RTO was PJM. PJM is responsible to . . . the NERC, and NERC's responsible to FERC, and when all those . . . dominoes fall, and we are told to build, it might be six months from now, it might be six years from now. But as a matter of law, I don't think . . . the Commission should say . . . that they must withhold a filing for a certain amount of time.⁴⁷

I agree with PATH-VA that it should not be required to withhold filing a new application for a certain amount of time. However, as in PATH-VA's Previous Application, a condition should be established to ensure that any new application is based on new facts and circumstances. Because the withdrawal of PATH-VA's current Application is based on information from its 2011 RTEP, I recommend that the Commission require any future application related to the PATH Project include information regarding PJM's 2012 or later RTEP. Such a condition would be consistent with the *Order Granting Withdrawal*, the filing of PATH-VA's Application on information from its 2010 RTEP (as opposed to the completed 2010 RTEP), and the termination of this proceeding based on information from the 2011 RTEP (as opposed to the completed 2011 RTEP).

Other Issues

During the oral arguments, Respondent Robert Meiser raised two issues. Mr. Meiser pointed out that the service list in this proceeding included over ninety-five participants and that the copying and mailing of pleadings or other filings to the entire service list was burdensome.⁴⁸ Mr. Meiser recommended that either by rule or order, the Commission should require electronic service and filing, with an exception only for parties that request and prove a need for paper service.⁴⁹ While this is not an issue to be decided in this proceeding, I find that Mr. Meiser has raised an issue that should be considered as part of any re-examination of the Commission's Rules of Practice and Procedure and considered in future orders establishing cases that are likely to have a significant number of participants.

⁴⁵ Williams, Tr. at 473.

⁴⁶ Gary, Tr. at 433.

⁴⁷ *Id.*

⁴⁸ Meiser, Tr. at 461.

⁴⁹ *Id.* at 462.

In addition, Mr. Meiser urged a shift in forecasting from the current snapshot approach to a moving average of conditions and forecasts.⁵⁰ Mr. Meiser asserted:

PATH's history indicates that predicting the future supply and demand is a quirky business, to say the least. And PATH should not be allowed to tear up the countryside and commit vast resources to a costly and irreversible project on the basis of a quirky snapshot view of things, as it has now done, not once, but twice, with the prospect of more to come.⁵¹

PATH-VA's current Application and its Previous Application demonstrate the difficulties of forecasting future conditions of a regional transmission system. However, the merits of using a moving average, or PJM's current forecasting methodology, or the forecasting methodology that may form the basis of a future transmission application, are best determined based on specific facts and circumstances. Thus, I find no condition related to a moving average forecast be placed on any future PATH-VA application.

Finally, as a procedural matter I find that the remainder of the procedural schedule of this case, including the hearings scheduled to begin on April 25, 2011, and May 16, 2011, should be and hereby are canceled.

FINDINGS AND RECOMMENDATIONS

In conclusion, based on the pleadings and argument, I find that:

- (1) PATH-VA's Motion to Withdraw should be granted;
- (2) PATH-VA should be directed to preserve the analyses underlying the TEAC Slide;
- (3) PATH-VA should be directed to file the following information in this docket: (i) the solution of the "Base Case" and "Base Case + Warren" as text files; (ii) the power flow tests used to identify NERC thermal violations for the "Base Case" and "Base Case + Warren" scenarios in PSS/e electronic format; (iv) the results of the studies summarized on the TEAC Slide for the "Base Case" and "Base Case + Warren" in a format and level of detail equivalent to Exhibit Nos. 1-3, of Mr. Paul McGlynn's prefiled direct testimony in this proceeding; and (iv) tables of generation loaded into the "Base Case" and "Base Case + Warren" and what generation was reduced in the at-risk scenario.
- (4) Any future application for the PATH Project should include information regarding PJM's 2012 or later RTEP;

⁵⁰ *Id.* at 463.

⁵¹ *Id.* at 463-64.

(5) Any future application for the PATH Project should include an analysis of changes in circumstances (as measured from the "Base Case" of the TEAC Slide), including changes in generation, demand response, and energy efficiency resources;

(6) Any future application for the PATH Project should provide information on the PATH Project's original routes (including routes that do not impact Virginia), consistent with other proposed and alternative routes; and

(7) The Protective Ruling in this proceeding should be amended as provided herein.

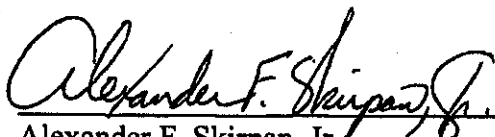
In accordance with the above findings, *I RECOMMEND* the Commission enter an order that:

1. *ADOPTS* the findings in this Report;
2. *GRANTS* PATH-VA's Amended Motion to Withdraw; and
3. *DISMISSES* this case from the Commission's docket of active cases and passes the papers herein to the file for ended causes.

COMMENTS

The parties are advised that pursuant to Rule 5 VAC 5-20-120 C of the Commission's Rules of Practice and Procedure, any comments to this Report must be filed with the Clerk of the Commission in writing, in an original and fifteen copies, within twenty-one calendar days from the date hereof. The mailing address to which any such filing must be sent is Document Control Center, P.O. Box 2118, Richmond, Virginia 23218. Any party filing such comments shall attach a certificate to the foot of such document certifying that copies have been mailed or delivered or sent electronically to all counsel of record and any such party not represented by counsel.

Respectfully submitted,


 Alexander F. Skirpan, Jr.
 Senior Hearing Examiner

A copy hereof shall be sent by the Clerk of the Commission to all persons on the official Service List in this matter. The Service List is available from the Clerk of the State Corporation Commission, c/o Document Control Center, 1300 East Main Street, First Floor, Tyler Building, Richmond, VA 23219.