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Allegheny seeks reconsideration of PATH plan

Group does not change plan but asks for Board of Zoning Appeals to take another look

By Tripp Laino | Staff Writer

Allegheny Energy has sent a request to the Frederick County Board of Zoning Appeals for reconsideration of the board's Nov. 18 denial of the special exception request, and will go in front of the board on Thursday to make their case.

Allegheny Energy sought a special exception to place the PATH substation in an agricultural zone, as required by the county's zoning guidelines. The project is opposed by several groups, including Citizens Against Kempton Electrical Substation, the Sierra Club and the Sugarloaf Conservancy. The hearing stretched for more than 25 hours, ending with nearly 10 hours of testimony on Nov. 13.

The eight-page reconsideration request received by the county on Dec. 9 details nine reasons Allegheny believes the board ruled incorrectly to deny the special exception request. Doug Kaplan, the president of the Sugarloaf Conservancy, said his group would file a countering document on Wednesday, and that he didn't think Allegheny's motion had new information.

"It seems to be a rehash of the same arguments they made in front of the board, to a great extent," Kaplan said. "They did a couple of things ... Attacking board member Sepe because she has knowledge of this kind of thing. Judges all the time have prior knowledge from prior cases."

Kaplan said he doesn't believe Allegheny is correctly interpreting the county's comprehensive plan, which sets standards for land usage.

"When you read the comprehensive plan it talks in general about land use," Kaplan said. "It doesn't mention hospitals, it doesn't mention factories; it doesn't mention anything like that. It seems to be a great deal of rehash. They made a big deal that it is with the comprehensive plan because there's existing power lines. They don't want to look right next to it at the houses."

The next step for Allegheny may lie with the Maryland Public Service Commission, who both Kaplan and Todd Meyers, a spokesman for Allegheny, said could overrule any Frederick County decision, if they determine that the line is needed. Kaplan said his group and the other opposition groups will continue to oppose the project, no matter what group is making a decision.

"We've always said that that PSC is the venue that we believe has jurisdiction of sighting of lines and substations," Meyers said. "... We'll go through the board of appeals process to exhaust all possibilities there. We've always said that we would go through both processes, both the county process and the state process."

Meyers said Allegheny would continue to pursue the PATH project through all avenues, including the state and the county, even though it believes jurisdiction might ultimately lie with the Public Service Commission. "We intend to run that through all avenues, exhaust all possibilities," Meyers said. "It's more a concurrent process. It doesn't end with the county process. There in fact are other steps with this county process."

The rejection of the substation by the board is just one roadblock presented by the county. At a meeting on Sept. 15, the Frederick County Planning and Zoning Commission voted unanimously to reject the PATH substation because it is not consistent with the county's comprehensive plan.

The Board of Zoning Appeals took that rejection under consideration, but was not bound by it, said Rick Brace, a planner with the Frederick County Zoning Administration.

The PATH is a proposed high-voltage power line that originally called for a 765-kilovolt line from Amos to Beddington in West Virginia, and twin 500-kilovolt lines that would have connected to a proposed substation in Kemptown, located southwest of Mount Airy in eastern Frederick County.

During the course of planning since 2008, the company decided to only construct one continuous 765-kilovolt line from Amos, W.Va., to Kemptown, eliminating the connection with the Beddington, W.Va., substation. Allegheny was forced to change its plans because it was unable to find a route through several communities in Berkeley County, W.Va.

PATH will serve PJM Interconnection, a regional organization that coordinates power transmission in 13 states and Washington, D.C. PJM initially projected the transmission line would be needed by 2012 to prevent grid failure, but has moved back the deadline date to 2014.

The power line and associated substations are expected to cost \$2.1 billion, and would bring electricity from a coal-fired power station in southeastern West Virginia to population centers to its east. Allegheny's expected portion of those costs is expected to be about \$1.4 billion, according to information from the PATH website.

The cost of the power line would be distributed among rate payers throughout PJM's service area, with Maryland residents expecting to see an increase of 85 cents per month on their bill.

PATH is a joint venture of Allegheny Energy and American Electric Power, and both companies maintain the multi-state power line is necessary to maintain reliable electric service in the region.

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