

**FrederickNewsPost.com****Commissioners assert authority over substation location**

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The Frederick County Commissioners want the Maryland Public Service Commission to know that local authorities have the say on a proposed utility substation.

In a letter to the PSC dated Oct. 5, Commissioners President Jan Gardner emphasized that under Article 66B of the Annotated Code of Maryland, the local board has authority on substations.

The location of those substations is an issue "fraught with land use considerations," Gardner wrote.

LaWanda Edwards, director of communications for the PSC, said Wednesday the commission does not comment on open cases.

The substation, proposed by Allegheny Power off Bartholows Road near Mount Airy, would be the end point of the Potomac Appalachian Transmission Highline, or PATH.

That plan would build a nearly 300-mile, high-voltage electric line from West Virginia through Virginia and into Maryland. The \$1.8 billion project is a joint effort of Allegheny Energy and American Electric Power.

The utility companies said the line is needed to meet the growing need for electricity in the region. Organizations opposed to the project, however, said the utility companies are overstating power needs and have suggested alternatives, including delaying the project and using sustainable energy sources.

The PSC, in a 3-1 vote, rejected Allegheny Energy's initial application for the PATH project in September. The utility company has until Friday to present a letter of intention, indicating whether it plans to file again for the PATH project.

The initial rejection was based on the utility company's filing under an improper entity name, rather than its legally accepted electric generating company in Maryland -- Potomac Edison.

Gardner states in the letter that when the PSC, assuming that Potomac Edison will refile the application, issued guidelines saying the state commission has jurisdiction over the substation, it was wrong.

"These comments were not necessary for the PSC's ultimate decisions with respect to Potomac Edison's motion and application. The board (of county commissioners) does not agree with these comments and will continue to require that the proposed electric substation fully comply with all Frederick County laws," Gardner wrote.

The letter also asserts that the PSC has no jurisdiction to determine the board's authority, or that of local government, over the location of proposed electric substations.

"Only the Maryland General Assembly or Maryland courts will determine the relative jurisdictions of Maryland local government, including the board and of the PSC over the location of electric substations."

Allegheny Energy has purchased the 150-acre site off Bartholows Road and Cowmans Manor Drive for about \$7 million. The proposed station would use about 41 acres of that land and would be the largest substation of its kind in the U.S.

Four of the county commissioners visited the neighborhood, talking with members of CAKES -- Citizens Against the Kempton Electric Substation -- and viewing the site from various properties. The substation is called "Kempton" by Allegheny Energy because there is already a substation in Mount Airy.

The PATH project has also been opposed by the Sugarloaf Conservancy, which has proposed putting the transmission lines underground or delaying the project.

"Regardless of the PSC's comments," Gardner wrote, "Potomac Edison must obtain finding of consistency and special exception from Frederick County Government before it may locate its proposed electric substation in Frederick County, Maryland."

Asked if Allegheny Energy had any comment on the letter, Todd Meyers, the utility's manager for external communications, said, "Better to touch base with the county or PSC on the letter."

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