

FrederickNewsPost.com**Utility company: PATH unaffected by court decision, motion filed**

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Two actions on Tuesday -- one by a Circuit Court and another by a local couple -- won't stop the momentum of the PATH project, according to an Allegheny Energy spokesman.

The U.S. Court of Appeals for the 9th Circuit has eliminated National Interest Electric Transmission Corridors, designed to show areas of the U.S. facing congestion in power service.

Projects such as the Potomac-Appalachian Transmission Highline, which would cross West Virginia, Virginia and Maryland to bring more power to the region, have been proposed to address the problem.

The 9th Circuit Court, which covers a substantial amount of the Western U.S., made the decision after petitions from environmental and other groups opposed to the plan. The corridors were located in the southwestern U.S., as well as one in the Mid-Atlantic region.

The court ruled that the U.S. Department of Energy did not consult with states involved or complete environmental studies of the areas prior to designating the regions.

The court, in its decision, said designating the regions as areas of power congestion was "arbitrary, capricious and not supported by the evidence."

The second action on Tuesday was by John and Terri Armand, a couple living near a proposed site where PATH would end at a power substation, on Bartholows Road near Mount Airy. The couple filed the motion with the Maryland Public Service Commission, stating in the document that the authority for siting a substation in Frederick County sits with local government and not the state. The couple argue that in past cases with Allegheny Energy concerning substations, the utility company had been adamant in its belief that local jurisdictions control substations, not the PSC.

The couple is active with Citizens Against the Kempton Electric Substation, a grass-roots organization opposed to the facility.

Doug Collafella, spokesman for Allegheny Energy, said Thursday that neither action would affect the PATH process. PATH is a 275-mile, \$2.1 billion project crossing three states. Utility companies say it is needed to ensure future power demand is met in Maryland.

"The Maryland Public Service Commission has stated that they believe they have jurisdiction for the substation if it is determined the substation is an integral part of the transmission line," Collafella said. "The line has to have an end, and the substation is that end. We believe the PSC will decide that the substation is a critical part of PATH."

On the court decision, Collafella said it will be up to the states, and not federal overview, to decide on projects such as PATH.

"The designation shows the need for lines, the court just didn't like the way it was done. The federal government has realized the need for new lines in the Mid-Atlantic," Collafella said.

The utility company spokesman said staff of the Maryland Public Service Commission had issued a petition on the need to investigate power congestion.

"We've been pushing PATH as a way to fix the reliability problem" for power in the future, Collafella said. "There is a need to look at how much money this will save customers by relieving congestion."

Doug Kaplan, president of the Sugarloaf Conservancy, another grass-roots group that has opposed PATH, said he was pleased with the court decision. Kaplan said others have questioned why Allegheny Energy and American Electric Power, the utilities partnering to build PATH, have not looked at alternative routes for the project and alternative energy sources.

"First it started as saying the lights would go out" if PATH wasn't put in place, Kaplan said. "Now it's reliability."

Kaplan said Allegheny Energy has pushed for delays in Virginia, where it was denied, and Maryland to present new power need statistics to officials. Kaplan also voiced concern over the Maryland PSC staff's petition, saying it could appear to be directing PATH companies on how to win approval.

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