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Groups Get Organized in Power Fight

BY CARRIE DIETZ

In a July 31 public hearing before the Maryland Public Service Commission (PSC) in Baltimore, a number of groups were expected to argue against the filing for construction of the Potomac Appalachian Transmission Highway (PATH), including Frederick County and the Sugarloaf Conservancy. The hearing is in response to Potomac Edison Power Company's application to build part of the 765-kilovolt power line in Maryland and a substation in Kemptown.

Frederick County has filed a brief with the Maryland PSC stating the county's position is that plans to build a substation in Kemptown as part of the project do not meet the requirements necessary in the county.

In an e-mail to *The Town Courier*, Jan Gardner, president of the Board of County Commissioners, said, "It is the county's position, supported by law, that the electric substations must obtain special exception approval from the county board of zoning appeals. Allegheny is aware of the county's position."

■ POWER LINES

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In addition, the Sugarloaf Conservancy has retained legal counsel in its efforts to fight the above-ground construction of the power line proposed to run across three states, including a 20-mile section in southern Frederick County from the Potomac River to the Kemptown substation.

Jim Thompson and Amy Grasso of the law firm of Miller, Miller and Canby in Rockville will oppose the application filed by Allegheny Energy and American Electric Power in May on behalf of the Sugarloaf Conservancy, according to a statement released by the group. Money from the conservancy's legal defense fund will finance the effort.

Thompson, who has been trying eminent domain cases in Maryland for almost 40 years, said he expects to argue several points at the hearing including whether or not Potomac Edison is allowed to make the application because it is not an electric company. Potomac Edison filed for the Certificate of Public Convenience and Necessity (CPCN) on behalf of Allegheny Power.

"Can a company get the certificate and then assign it to a company not in Maryland?" Thompson asked. "We think we know it can't."

Allegheny Power officials said that is the question they're asking of the PSC. "Potomac Edison distributes electricity to retail customers in Maryland, and also owns transmission facilities throughout the state," said Allegheny Power spokesperson Todd Meyers.

"We filed concurrently for a Motion for Expedited Decision that Potomac Edison may file for a CPCN on behalf of PATH Allegheny Transmission Company for authorization to build the Maryland segments of the 765-kV transmission and Kemptown Substation," Meyers noted.

Thompson also said he believes Frederick County's position on the substation siting is a major point. "We think zoning and land use in Frederick County's comprehensive plan needs to be respected," he told *The Town Courier*. "We think the brief filed is on point."

Meanwhile, a coalition of 26 national, state and local groups, including the Sugarloaf Conservancy, signed and hand-delivered a letter to Governor Martin O'Malley asking him to institute a comprehensive planning process for evaluating transmission lines in

the context of the many other alternatives for achieving reliable, economical electric service.

While the letter focused on the Mid-Atlantic Power Pathway (MAPP) transmission line, it also cited the Potomac Appalachian Transmission Highline (PATH) as being of concern. The MAPP project is a 230-mile transmission line that would begin in Virginia, cut through Southern Maryland, cross the Bay, traverse the lower Eastern Shore, and run into Delaware.

Sugarloaf Conservancy also claims there is no longer a need for the 300-mile long line with towers as high as 200 feet in part because of the downturn in the economy as well as a reduction in demand. "The forecast presented by the regional authority to support this project is refuted by the projections from the US Department of Energy," the group said in a statement.

Once it is determined if Potomac Edison is allowed to file the application, public hearings and evidentiary hearings will follow as part of the year-long regulatory process for PATH. Thompson said he will be watching closely when the year-long process begins.

"Does it begin when the application was filed or when it's determined whether it's acceptable or not?" he asked.

The PATH line would follow existing transmission lines for 85 percent of the route in Maryland — 79 percent in West Virginia and Virginia — and the only Maryland deviation would be south of Urbana to avoid Little Bennett Creek and an historic site, said Michael Gogol, a consulting engineer who sited the route. The line would touch the southern corner of Lilypons Water Gardens in Adamstown as it follows an existing line there.

"It's better environmentally to do it this way," he said. The deviated line would be 2 miles long.

In Kemptown the substation would be located on agricultural land immediately to the east and west of Kemptown Junction, which is approximately 3,800 feet west of Bartholows Road, according to Meyers. In the application the site was chosen for, among other factors, its available space that would not disturb wetlands; its paved access via Bartholows Road; and trees on the north, south, and west sides to serve as a buffer for visual and audible effects. PATH Allegheny negotiated the purchase of this property.

More information: webapp.psc.state.md.us/Intranet/casenum/CaseAction_new.cfm?CaseNumber=9198.