

**ORDER NO. 83501**

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 ELECTRIC * TRANSMISSION LINE AND A * SUBSTATION IN FREDERICK COUNTY, * MARYLAND * <hr/>	BEFORE THE PUBLIC SERVICE COMMISSION OF MARYLAND        <hr/> CASE NO. 9223 <hr/>
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**To: The Parties of Record and Interested Persons**

On July 16, 2010, The Potomac Edison Company d/b/a Allegheny Power (“Company”) submitted to the Public Service Commission (“Commission”) Supplemental Direct Testimony to associate with its Application that it filed on December 21, 2009. In its cover letter accompanying the supplemental testimony, the Company states that this Supplemental Direct Testimony “demonstrates the need for the PATH Project, supports the required in-service date of June 2015 for the project, and updates certain cost and scheduling information provided in the December 21, 2009 Application.” Further, in this cover letter, the Company asks the Commission to accept the Application for filing, schedule a Pre-Hearing Conference for the purpose of ruling on any interventions requests received by the Commission at this time as well as to develop a procedural schedule that allows the Commission to consider the merits of this Application.

On July 13, 2010, the Commission issued Order No. 83469, in which the Commission determined that the Company was a proper applicant for a Certificate of Public Convenience and Necessity (“CPCN) to construct a 765 kV electric transmission

line and substation in Frederick County, Maryland. In this Order, the Commission further noted that it would “not consider the Company to have filed a complete Second Application ‘until such time as it files the evidence on which it intends to rely to prove ‘the need for the project in meeting demands for service.’” Further, the Commission stated that “when the Company has filed a completed Second Application, we will address in later proceedings the merits of the Second Application.”

Based on the Company’s representations that it has filed the evidence on which it will rely for the Commission to consider the merits of the Application, the Commission finds that that Application is complete. The Commission will accept the Application for filing and continues this proceeding for the purpose of considering the merits of the Application, including holding evidentiary hearings in the matter as well as the hearings for public comments as required by § 7-207 of the Public Utility Companies Article, *Annotated Code of Maryland*.

Further, the Commission delegates the matter to the Hearing Examiner Division to conduct the hearings in this matter, including setting a date for a pre-hearing conference and a date for persons, not already parties in this proceeding, to file petitions to intervene to participate as parties in the proceedings on the merits.<sup>1</sup> Further, the Commission notifies all parties that, effective on this Order, discovery commences pursuant to the general discovery procedures that govern the Commission’s proceedings. The Hearing Examiner assigned to conduct the hearings in this matter is delegated the

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<sup>1</sup> In the Notice Initiating Proceeding and Setting a Procedural Schedule issued in this matter, the Commission set an date for intervention in the matter for the limited purposes of participating in the proceedings regarding the preliminary legal issue. Consequently, there may be other parties that may wish to be a party to the proceeding on the merits of the Application that did not file petitions in the initial phase of this proceeding.

authority to adopt any discovery procedures that he believes will facilitate the conduct of the proceeding.

IT IS THEREFORE, this 26<sup>th</sup> day of July, in the year Two Thousand Ten by the Public Service Commission of Maryland,

ORDERED: (1) That the Application for a Certificate of Public Convenience and Necessity to Construct the Maryland Segments of a 765 kV Electric Transmission Line and a Substation in Frederick County, Maryland filed by The Potomac Edison Company d/b/a Allegheny Power on December 21, 2009, as supplemented on July 16, 2010, is hereby accepted for filing;

(2) That the merits of the Application shall be considered in this proceeding, Case No. 9223;

(3) That discovery in the matter commences on the issuance of this Order; and

(4) That the conduct of the hearings in the matter is delegated to the Hearing Examiner Division.

By Direction of the Commission,

*/s/ Donald P. Eveleth*

Donald P. Eveleth  
Deputy Executive Secretary

cc: Joel M. Bright, Chief Hearing Examiner