

# The Town Courier

## *PATH's Winding Road*

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By Carrie Dietz

Potomac Edison Company, doing business as Allegheny Power, has until April 9 to make its case as to whether it filed appropriately when it requested approval to build the Maryland sections of the Potomac Appalachian Transmission Highway last December, according to orders by the Maryland Public Service Commission.

Up for debate is whether a Certificate of Public Convenience Necessity (CPCN) can be issued to the power company on behalf of another party. "Our stance is that under Maryland law, PATH applicant Potomac Edison is an electric company and is therefore eligible to be granted a CPCN for transmission projects," said Todd Meyers, a spokesman for Allegheny Energy in an e-mail to *The Town Courier*.

In addition, proposed legislation would ensure that only an electric company, not a multi-product company, can be granted a CPCN in the state of Maryland. Bills have been submitted in both the House (HB 1535) and the Senate (SB 1094) of the Maryland Legislature., Delegate Sue Hecht (3A) and Senator Alex Mooney (D3) sponsored the legislation.

"This legislation would prohibit an electric company from creating a Limited Liability Corporation, obtaining a CPCN and then walking away if a man-made or natural disaster event occurred," said Doug Kaplan, president of the Sugarloaf Conservancy. The conservancy is a citizen's group opposed to the construction of PATH.

However, the PSC declined the power company's invitation to separate the process into need and non-need proceedings based on Allegheny's statement that "the need for the project in meeting demands for service" will likely change after PJM releases the 2010 Regional Transmission Expansion Plan (RTEP) due out this summer. In the December application, Allegheny used data from PJM's 2008 RTEP as evidence of the need for the power line. The PSC said it will not consider the need component until the company files evidence once the initial legalities of corporate structure are resolved.

Meyers said the need for the PATH Project has been established by conclusions noted in PJM's past three annual RTEP reports, which cite reliability violations in portions of the Mid-Atlantic Region. "Allegheny Energy and American Electric Power remain responsive to grid operator PJM and are committed to having the line in place as ultimately directed," he said. "It's not a matter of if PATH will be needed, but when."

Once Allegheny Electric files its briefs, the PSC has until April 29 to file its reply.