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PATH reconsideration request denied

Frederick County Board of Zoning Appeals sticks with original decision to halt substation plan

by Tripp Laino | Staff Writer

Although previous hearings stretched into hours of testimony, the decision from the Frederick County Board of Zoning Appeals to deny the request for reconsideration on the PATH project took only 15 minutes on Monday night.

After consulting with senior assistant county attorney Michael J. Chomel, the three present members of the board decided not to hear further testimony from either side of the Potomac-Appalachian Transmission Highline plan. Chomel advised the board they could make a decision based on documents that have been filed, which two board members said was enough information to make a decision.

"I'm reluctant to get into a situation here where we're spending the entire evening listening to the back and forth," board member John Clapp said.

Board member Carole Jaar Sepe agreed. She said she had enough information to make a decision on the reconsideration without further testimony.

"I think I've read everything I have to read; I've listened to everything I've had to listen to; and believe me I've read every single page of what they have to give us," Sepe said, adding she didn't think it was necessary to hear any further testimony from either side.

Board chair Lara Roholt Westdorp made a motion to deny the reconsideration request, which passed 3-0, with board member Al Duke, who did not attend all of the PATH meetings but said he did review all of the materials, abstaining.

Todd Meyers, a spokesman for Allegheny Energy Inc., said Allegheny would need to see a written decision before deciding what the next step would be.

"What we need to do is go back and confer," Meyers said. "I don't have an answer as far as the next step in the local process. ... What our next step is, tonight I don't know."

Doug Kaplan, president of the Sugarloaf Conservancy, one of the groups opposed to the station, said the decision "really wasn't" a surprise, and that he expected the board to deny the request. "We had expected that the board would turn this down," Kaplan said. "The only pity is that Allegheny keeps pursuing this when it's clearly not wanted."

Allegheny had sent a request to the Frederick County Board of Zoning Appeals for reconsideration of the board's Nov. 18 2-1 denial of its special exception request.

Allegheny sought a special exception to place a PATH substation in an agricultural zone, as required by the county's zoning guidelines. The project is opposed by several groups, including Citizens Against Kemptown Electrical Substation, the Sierra Club and the Sugarloaf Conservancy. The hearing stretched for more than 25 hours, ending with nearly 10 hours of testimony on Nov. 13.

The eight-page reconsideration request received by the county on Dec. 9 detailed nine reasons Allegheny thought the board ruled incorrectly to deny the special exception request.

The next step for Allegheny might lie with the Maryland Public Service Commission, who Meyers said could

overrule any Frederick County decision, if it determines the line is needed. Kaplan said his group and the other opposition groups will continue to oppose the project, no matter what group is making a decision.

The rejection of the substation by the board is just one roadblock presented by the county. At a meeting on Sept. 15, the Frederick County Planning and Zoning Commission voted unanimously to reject the PATH substation because it is not consistent with the county's comprehensive plan.

The Board of Zoning Appeals took that rejection under consideration, but was not bound by it, said Rick Brace, a planner with the Frederick County Zoning Administration.

The PATH is a proposed high-voltage power line that originally called for a 765-kilovolt line from Amos to Beddington in West Virginia, and twin 500-kilovolt lines that would have connected to a proposed substation in Kemptown, located southwest of Mount Airy in eastern Frederick County.

During the course of planning since 2008, the company decided to only construct one continuous 765-kilovolt line from Amos, W.Va., to Kemptown, eliminating the connection with the Beddington, W.Va., substation. Allegheny was forced to change its plans because it was unable to find a route through several communities in Berkeley County, W.Va.

PATH will serve PJM Interconnection, a regional organization that coordinates power transmission in 13 states and Washington, D.C. PJM initially projected the transmission line would be needed by 2012 to prevent grid failure, but has moved back the deadline date to 2015.

The power line and associated substations are expected to cost \$2.1 billion, and would bring electricity from a coal-fired power station in southeastern West Virginia to population centers to its east. Allegheny's expected portion of those costs is expected to be about \$1.4 billion, according to information from the PATH website.

The cost of the power line would be distributed among rate payers throughout PJM's service area, with Maryland residents expecting to see an increase of 85 cents per month on their bill.

PATH is a joint venture of Allegheny and American Electric Power, and both companies maintain the multi-state power line is necessary to maintain reliable electric service in the region.

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