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PATH foe files motion to dismiss substation project

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A grass-roots organization opposed to the Potomac-Appalachian Transmission Highline (PATH) has filed a motion to dismiss the project.

Sugarloaf Conservancy, through its attorney, Amy Grasso, filed the motion with the Maryland Public Service Commission on Tuesday.

The utilities behind PATH, American Electric Power and Allegheny Energy, as well as the regional transmission organization PJM Interconnector, had failed to consider alternatives to the project, the motion states.

PATH is a 275-mile, \$2.1 billion project that includes a transmission line from West Virginia through Virginia and into Maryland, ending at a substation near Mount Airy.

Because of alternative power solutions, PATH may not be needed for years, according to the motion.

"It seems absurd to continue moving forward in such an uncertain environment where major changes continue to take place, which need to be factored into an assessment of the need for PATH," the motion states.

Todd Meyers, a spokesman for Allegheny Energy, said the company would review the motion and respond at the appropriate time.

Allegheny and AEP have argued the system will ensure reliable energy in the future. PJM has said that PATH is the preferred system to meet those energy needs.

Opponents, including Sugarloaf Conservancy, Citizens Against the Kempton Electric Substation, Sierra Club and others, have appeared before the PSC and other boards to argue that the plan is not needed.

According to those groups, enough power will be available in the near future and the utility companies have not looked at alternative routes or alternative energy sources. The transmission line and substation would be a detriment to the environment and safety, and to aesthetics and property values in the area.

The Sugarloaf Conservancy motion notes the opposition to both the transmission line and substation from the Frederick County Planning Commission.

Also noted is a vote by the county's Board of Zoning Appeals against a request for a special exception to locate the substation on agricultural land. A subsequent request by the utility companies for a reconsideration on the denial was also rejected.

The Frederick County Commissioners voted to send a letter to the Maryland Public Service Commission saying that any decision on the substation must be made by the county, not the PSC. The PSC does have legal authority for the transmission line approval or denial.

On Feb. 1, John and Terri Armand, who live near the site of the proposed substation on Bartholows Road, filed a motion to deny PSC authority over the substation, noting that Allegheny Power in its initial brief to Frederick County said that the county and not the PSC has authority over the substation.

Potomac Edison, the entity within Allegheny Energy that operates in Maryland, has argued that the substation is an integral part of the PATH project and should be considered by the state commission.

The utility company has a request before the PSC to delay the beginning of PATH's official review until March 31 to allow for supplemental testimony on future electrical needs in the area. If approved, that would allow testimony for or against by Aug. 11 and rebuttal testimony by Sept. 30. Evidentiary hearings would be held through early December under that request.

Also on Feb. 1, the 9th Circuit Court of Appeals eliminated National Interest Electric Transmission Corridors. The corridors, proposed by the U.S. Department of Energy, were to be located on the East Coast and Southwest, aimed at

ensuring electric power for a national emergency.

The court found the energy department had failed to work with states affected by the corridors, and had failed to perform environmental reviews of the areas affected by the transmission networks. PATH companies could have used the corridors as an argument to support the PATH project.

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