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### Staff says Potomac Edison meets guidelines, PSC next step

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The staff of the Maryland Public Service Commission says Allegheny Power has met its guidelines and can apply to the five-member commission for a certificate of public convenience and necessity.

A point of contention with several groups opposed to the Potomac-Appalachian Transmission Highline, or PATH, was that the company was filing as "Potomac Edison," the accepted entity for an electric power company in Maryland. Potomac Edison has only a minority share of PATH-MD, a limited liability company formed for the project.

The Potomac Appalachian Transmission Highline is a 275-mile, \$1.8 billion project jointly planned by Allegheny Power and American Electric Power that will set up a transmission line from West Virginia, through Virginia and about 20 miles of Maryland, ending at a proposed substation near Mount Airy known as the Kemptown substation.

Jon Flannery, an attorney representing Citizens Against the Kemptown Electric Substation, said the commission should reject the application because it will have no control over the entity putting in the project.

Flannery said that Allegheny Power set up the limited liability company that will control PATH in Delaware and it is not an electric company. Potomac Edison holds only 5 percent of PATH.

"You have the tail in Maryland and the body of the dog in Delaware, wagging its tail in Maryland," Flannery said.

PSC staff said the five-member commission could accept the CPCN application using the name Potomac Edison, as it is the accepted identification in Maryland.

"The commission should determine that the corporate structure as described in the application would allow Potomac Edison to obtain a CPCN to construct the PATH transmission line," the staff said in its conclusion to a 14-page reply brief. "The commission should set a procedural schedule to evaluate the merits of the application once Potomac Edison has supplemented the application and the commission determines that the application is complete."

In its reply, Allegheny Power requested the commission to docket the case for consideration on the merits of its application.

"Office of People's Counsel and CAKES have not supported their objections to the application with any substantive law or logically coherent analysis," the utility company said in its reply.

Allegheny Power says the line is needed to ensure reliable electric service for the region. But several groups, including the Sierra Club, Sugarloaf Conservancy and Citizens Against the Kemptown Electric Substation have opposed the line based concerns over aesthetic and economic impacts, and safety and environmental concerns.

Flannery said the Sierra Club had spent an extensive amount of time on the study of power needs and found that the forecast demand did not back the need for PATH. An application for PATH was not accepted last year on legal grounds, but Allegheny Power approached the commission again in December with the latest request. Allegheny Power withdrew its application in Virginia and has gained a delay in review in West Virginia.

Doug Kaplan, president of Sugarloaf Conservancy, was not surprised, saying the staff had reached similar findings at past application requests by Allegheny Power on PATH.

The opposition groups said the project is not needed within the timeline of four years as stated by the utility company. Updated forecasts on the region's power needs from PJM, which oversees power needs in 13 states in the region, are expected in June.

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