

BEFORE THE
PUBLIC SERVICE COMMISSION
OF MARYLAND

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 * CASE NO. 9223
CONSTRUCT THE MARYLAND SEGMENTS OF A *
765 KV ELECTRIC TRANSMISSION LINE AND A *
SUBSTATION IN FREDERICK COUNTY, *
MARYLAND *

* * * * *

PETITION OF THE MARYLAND CHAMBER OF COMMERCE
TO INTERVENE OUT-OF-TIME

The Maryland Chamber of Commerce (“Chamber”) hereby files this Petition to Intervene out-of-time, asking to be made a party in the above-captioned proceeding, and in support states as follows:

1. The Chamber is Maryland’s leading statewide business advocacy organization, and its 800 member companies employ more than 440,000 people in the state.
2. The Commission first instituted this proceeding in response to the application of Potomac Edison Company d/b/a Allegheny Power (“Allegheny Power”) for a Certificate of Public Convenience and Necessity (“CPCN”) to construct the Potomac-Appalachian Transmission Highline (“PATH”).
3. On January 19, 2010, Commission Staff filed its Petition Regarding the Justification for the Proposed PATH Transmission Line. Staff’s Petition cites an analysis performed by PJM Interconnection, LLC that indicates that, if the PATH line is in service by 2013, Maryland consumers could potentially save almost a half billion dollars per year.

4. Although Staff's Petition merely raises these potential benefits and requests that the Commission direct Allegheny Power to address these issues in its testimony, such potential savings are eye-catching to say the least. In addition, Staff's Petition notes PATH's potential to support Maryland Renewable Portfolio Standard goals.

5. Section 3-106 of the Public Utilities Article provides that an entity shall be granted leave to intervene if no other party can adequately represent its interests, and the issues sought to be raised are relevant and material.

6. Maryland businesses have had to cope with higher electricity rates over the past several years just as residential customers have. For larger businesses, these costs can constitute a significant portion of their total budget, and these increased costs can compromise their ability to compete internally, nationally and internationally. And when businesses suffer it often means the loss of jobs.

7. No other party to this proceeding can adequately represent the Maryland business interests of the Maryland Chamber and these interests are directly relevant and material to this proceeding. For example, the CPCN statute specifically requires the Commission consider the economic effect PATH will have on Maryland. Md. Code Ann., Pub. Utils. § 7-207(e)(2)(ii). The Maryland Chamber is uniquely positioned to address PATH's potential economic impact on Maryland businesses.


8. Although this docket has been ongoing and the deadline for intervention has passed, the Staff's Petition represents a significant development in the course of these proceedings. The Maryland Chamber accepts that by moving to intervene out-of-time it must take the docket as it stands on the day of intervention in accordance with long-standing Commission policy.

9. Accordingly, the Maryland Chamber should be permitted to intervene in this proceeding, to be represented by counsel, and to have and enjoy all of the rights of a party. The Maryland Chamber further requests that its counsel be served with copies of all filings and pleadings (either via regular mail or the e-mail address below):

Michael C. Powell, Esquire
Todd R. Chason, Esquire
Gordon, Feinblatt, Rothman,
Hoffberger & Hollander, LLC
233 East Redwood Street
Baltimore, Maryland 21202-3332
tchason@gfrlaw.com

WHEREFORE, in consideration of the foregoing, the Maryland Chamber of Commerce requests that it be permitted to intervene in this proceeding.

Respectfully submitted,



Michael C. Powell
Todd R. Chason
Gordon, Feinblatt, Rothman
Hoffberger and Hollander
233 East Redwood Street
Baltimore, Maryland 21202
(410) 576-4069
(410) 572-4196
Counsel for the Maryland Chamber of Commerce

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 11th day of February, 2011, a copy of the foregoing Petition to Intervene on behalf of the Maryland Chamber of Commerce was mailed via first-class mail to those persons listed on the Commission's Service List as of that date.



Todd R. Chason