

The Washington Post

Va. agency declines to throw out application for 3-state power line

By James Hohmann
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Wednesday, November 25, 2009

Virginia officials cleared the way Tuesday for continuing consideration of an application to build a 275-mile high-voltage power line.

Alexander F. Skirpan Jr., a hearing examiner with Virginia's State Corporation Commission in Richmond, denied a recommendation from the commission staff to dismiss the application. But he also rejected a request by those seeking to build the line to delay proceedings.

The Potomac-Appalachian Transmission Highline, or PATH, would run a 765,000-volt line from Putnam County, W.Va., to a substation near Kemptown, Md. The \$1.8 billion project, a joint venture of Pennsylvania-based Allegheny Energy and Ohio-based American Electric Power, requires approval from three states.

Maryland's Public Service Commission denied the PATH application in September on a technicality: The entity that applied to build the line did not legally qualify as an electric company.

In October, staff members from the Virginia State Corporation Commission and the West Virginia Public Service Commission made similar recommendations to dismiss PATH applications, largely on the grounds that it didn't make sense to move forward in their states if the line wouldn't continue into Maryland.

Virginia's ruling Tuesday rejected that motion. The West Virginia Public Service Commission also denied the motion to dismiss, and it agreed to give PATH time to refile in Maryland and to compile new energy usage data. Hearings in West Virginia are put off until October 2010.

PATH representatives reiterated plans Tuesday to file a new application in Maryland by the end of next month that will include the same proposed substation near Kemptown. They had said they would refile a new application in Virginia if the current one was dismissed.

"These are just normal procedural details that will continue [to be worked out] throughout the project," said David Neurohr, spokesman for Allegheny Energy. "It's going to be a long case."

Skirpan said he might reevaluate his decision not to dismiss the application if PATH doesn't follow through with an updated application in Maryland by the end of December.

As in West Virginia, PATH wanted to delay hearings in Virginia on whether the power line is needed, hoping to gain time to compile new usage data. Skirpan accepted arguments from the public and environmentalists that delaying proceedings would overly cloud the proposed line's future.

Neurohr said PATH can keep up with the original Virginia timetable, which calls for it to file rebuttal testimony by Dec. 22. He said the line remains on track to be operational by June 2014.

The Piedmont Environmental Council's Robert Marmet said his group will keep battling the line as state commissions consider it.

"We believe, at the end of the day, the record will show that there's no need for the line," he said.

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