

ORDER NO. 88585

IN THE MATTER OF THE APPLICATION OF
TRANSOURCE MARYLAND LLC FOR A
CERTIFICATE OF PUBLIC CONVENIENCE
AND NECESSITY TO CONSTRUCT TWO
NEW 230 KV TRANSMISSION LINES
ASSOCIATED WITH THE INDEPENDENCE
ENERGY CONNECTION PROJECT IN
PORTIONS OF HARFORD AND
WASHINGTON COUNTIES, MARYLAND

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BEFORE THE
PUBLIC SERVICE COMMISSION
OF MARYLAND

CASE NO. 9471

Issue Date: February 22, 2018

To: Parties of Record and Interested Persons

On February 16, 2018, the Maryland Public Service Commission (“Commission”) held a pre-hearing conference in this proceeding to establish a procedural schedule and to address any other preliminary issues.¹ The Commission granted the Petitions to Intervene filed by: Tony D. and Cynthia A. Tanner (the “Tanners”); Mary Beth and Daniel John Scott (the “Scotts”); Randy and JoAnne Comer (“Comers I”); Barron Todd Shaw (“Mr. Shaw”); Donald and Jody Lee Edwards (the “Edwards”); Keith and Kristin Comer (“Comers II”); Curtis Darrel and Bonnie Comer (“Comers III”); Harriett S. Crowl (“Ms. Crowl”); Harford County, Maryland and Harford County Council (together, “Harford County Government”); Travis Judd and Emily Leanne Szerensits (the “Szerensits”); STOP Transource Power Lines MD, Inc. (“STOP Transource”)

¹ Notice of the pre-hearing conference was issued by the Commission on January 4, 2018, directing that petitions to intervene be filed by February 7, 2018. The Applicant was directed to advertise the pre-hearing conference date and the deadline for interventions in newspapers in general circulation within Harford and Washington Counties. A Certificate of Publication indicating that notice of the pre-hearing conference in this matter was published by Transource in various newspapers in Harford County on January 24 and 31, 2018, and in Washington County on January 25 and February 1, 2018 was filed with the Commission on February 15, 2018 (ML# 219010).

(collectively, “Intervenors”).² Attorneys representing Transource Maryland, LLC (“Transource”), the Maryland Office of People’s Counsel (“OPC”), the Commission’s Technical Staff (“Staff”) and the Maryland Department of Natural Resources’ Power Plant Research Program (“PPRP”) (along with Intervenors, collectively “Parties”) entered their appearances in this matter.

Procedural Schedule

The Commission adopted the following procedural schedule:

Written Testimony:

- Applicant’s Supplemental Testimony shall be filed by June 29, 2018;
- PPRP Status Update regarding completeness of Application shall be filed by July 13, 2018;
- Staff, PPRP, OPC and Intervenors’ Direct/Reply Testimony shall be filed by November 16, 2018;
- All Parties’ Rebuttal Testimony shall be filed by December 21, 2018;
- All Parties’ Surrebuttal Testimony and PPRP Reply to Public Comments (if needed) shall be filed by January 18, 2019; and
- Live Rejoinder Testimony also may be allowed among the parties (as needed) during the evidentiary hearings.

² The Tanners and the Scotts, along with Mr. Shaw and other individual intervenors (the Comers I, II, and III, the Edwards, Ms. Crowl, and the Szerensits), each assert that the outcome of this proceeding will have a substantial impact on their respective properties. These intervenors are encouraged to coordinate with each other in order to avoid duplicative presentations and, if possible – for purposes of cross examination of witnesses – coordinate their presentations during the evidentiary proceedings.

All testimony shall be served electronically on each of the Parties to avoid delay.³

Evidentiary Hearing Dates:

The Parties proposed that evidentiary hearings be held between the time frame of February 5, 2019, and February 20, 2019. For planning purposes, the Commission encourages the Parties to hold these dates for such hearings and will issue a supplemental notice in the future to formally schedule the location, and starting times of the specific evidentiary hearing dates necessary in this proceeding.

Public Comment Hearings:

The Commission determined that two sets of public hearings will be held in Harford County and in Washington County.⁴ The Applicants, in coordination with Harford County Government and Washington County Government, are directed to work with the Commission's Executive Secretary to schedule the dates and specific locations for public comment hearings to be held (two each) in Harford and Washington Counties, Maryland. A separate notice announcing the specific dates, locations, and times of each public comment hearing will be issued at a later date.

Discovery Procedures

Discovery is to commence immediately. The discovery procedure to be followed by the Parties in this proceeding is as follows:

³ An original and 17 paper copies, and an electronic copy, of the testimony shall be submitted to the Commission's Executive Secretary – David J. Collins, and five copies of all testimony as well as other pleadings in this matter shall be three-hole punched. Parties shall ensure that the correct email address of each person to whom testimony and discovery should be sent are updated and current on the service list for this matter.

⁴ One set of public hearings will be scheduled prior to the filing of Direct/Reply Testimony by Staff, PPRP, OPC and the Intervenor, and another set will be scheduled after Rebuttal Testimony is filed but before the Parties file their Surrebuttal Testimony prior to the commencement of evidentiary hearings.

- Prior to the filing of Staff's, PPRP's, OPC's, and the Intervenors' Direct/Reply testimony, responses to discovery requests shall be made within ten business days of receipt of the request, and any objections to discovery requests shall be served within five business days after service of the discovery request. Discovery requests, responses and documents shall be served on all Parties unless a party asks not to receive copies of responsive documents. Electronic service of discovery requests, responses and documents is sufficient so long as the recipient acknowledges actual receipt, which the responding party should obtain and maintain, and hard copies shall be made available if electronic service is not successful; and
- After the filing of Staff's, PPRP's, OPC's, and the Intervenors' Direct/Reply testimony, responses to discovery requests shall be due within seven business days of receipt of the request, with objections served within four business days after the service of the discovery request.
- After the filing of Rebuttal Testimony, responses to discovery requests shall be due within five business days of receipt of the request, with objections served within three business days of the discovery request.
- After the filing of Surrebuttal Testimony, responses to discovery requests shall be due within three business days of receipt of the request, with objections served within one business day of the discovery request.

- Parties are directed to utilize their best efforts to limit discovery requests after January 18, 2019.

Although Commission proceedings are not governed strictly by the Federal Rules of Civil Procedure, Parties should consider those Rules and the U.S. District Court for the District of Maryland's Discovery Guidelines as the principles governing the conduct of discovery in this case.⁵

The Commission urges the Parties to consult with each other and attempt in good faith to resolve all disputes prior to making an objection and again prior to filing a motion seeking relief from the Commission, but not to linger too long in determining that an impasse has occurred. In the event any Parties are unable to resolve a dispute, the aggrieved Party may file a motion for relief within three business days from service of a written objection. The opponent shall respond to the motion within two business days of service of the motion. The motion and response shall be in letter format, and shall each be limited in length to three (3) single-spaced pages with a 12-point or greater font. Such letters must specify the dates and times of all consultations for the purpose of resolving the dispute. The applicable Parties shall contact the Commission's Executive Secretary via telephone or email to schedule a hearing, if necessary, and shall provide the Commission's Executive Secretary with an electronic copy of the motion and response.

The briefing schedule for this matter shall be subject to further notice by the Commission.

⁵ See Local Rules of the United States District Court for the District of Maryland, Appendix A, available at <http://www.mdd.uscourts.gov/LocalRules/localrules.pdf>.

IT IS THEREFORE, this 22nd day of February, in the year Two Thousand Eighteen, by the Public Service Commission of Maryland,

ORDERED: (1) That the procedural schedule set forth above is hereby adopted and the Parties shall abide by the filing deadlines established herein;

(2) That the Parties shall abide by the discovery procedures set forth in this Order;

(3) That the specific evidentiary hearing dates and public comment hearing dates will be determined at a later date through separate notice(s) issued by the Commission;

(4) That the Applicant, in coordination with Harford County Government and Washington County Government, is directed to work with the Commission's Executive Secretary to establish the dates and locations for the public comment hearings in this matter; and

(5) That the Commission reserves the right to revise the procedural schedule, as necessary.

By Direction of the Commission,

/s/ David J. Collins

David J. Collins
Executive Secretary