

ORDER NO. 89325

IN THE MATTER OF THE APPLICATION OF	*	BEFORE THE
TRANSOURCE MARYLAND LLC FOR A	*	PUBLIC SERVICE COMMISSION
CERTIFICATE OF PUBLIC CONVENIENCE	*	OF MARYLAND
AND NECESSITY TO CONSTRUCT TWO	*	_____
NEW 230 KV TRANSMISSION LINES	*	
ASSOCIATED WITH THE INDEPENDENCE	*	CASE NO. 9471
ENERGY CONNECTION PROJECT IN	*	_____
PORTIONS OF HARFORD AND	*	
WASHINGTON COUNTIES, MARYLAND	*	
_____	*	

Issue Date: October 29, 2019**PROCEDURAL ORDER ON SETTLEMENT PETITION**

On October 17, 2019, Transource Maryland, LLC (“Transource”), filed with the Maryland Public Service Commission a Petition for Adoption of Settlement (“Settlement Petition”). In its Settlement Petition, Transource states that it has entered into a comprehensive settlement agreement with the Department of Natural Resource’s Power Plant Research Program, the Commission’s Technical Staff, Baltimore Gas and Electric Company (“BGE”), Harford County, Maryland, certain other Intervenors (Mary Beth and Daniel John Scott, Tony D. and Cynthia A. Tanner) and STOP Transource Power Lines MD, Inc.¹

Under the Settlement Agreement and Stipulation attached to the Settlement Petition, the Settling Parties request that the Commission approve a Certificate of Public Convenience and Necessity (“CPCN”) for Transource to construct the Independent Energy

¹ The Maryland Office of People’s Counsel (“OPC”) is not listed as a Settling Party. In its September 26, 2019 Status Report, however, Transource noted that it was continuing to negotiate “to see if a settlement with OPC may be reached.” ML 226970, September 26, 2019 Status Report.

Connection (“IEC”) West portion of the IEC Project, and grant CPCN waivers to BGE to upgrade two segments of BGE’s existing transmission infrastructure in Harford County, Maryland, as an “alternative configuration to the ‘IEC East’ portion of the IEC Project.”² Separately, BGE filed a Petition to Intervene stating that it is a party to the Settlement Agreement and Stipulation, acknowledging that under the terms of the Settlement BGE would construct, own, and maintain portions of the “alternative IEC East” project.³ BGE notes further that it intends to provide testimony regarding its portions of the IEC East project, and may pursue a good cause waiver of the requirement to obtain a separate CPCN for its portions of the alternative IEC East project.

BGE submits that no other party to this proceeding can adequately represent the interests of BGE; that the issues it intends to raise are relevant to the Commission’s determination as to whether to approve BGE’s portions of the alternative IEC East project; and that if permitted to intervene, BGE shall accept the record in this proceeding as it currently stands.

With regard to notice and the impact of the alternative IEC-East project on affected property owners, the Settling Parties represent that BGE will “conduct its usual landowner and community outreach to educate the public regarding BGE’s portion of the work ... BGE will send out an initial notification letter to all affected stakeholders which will provide stakeholders an overview of the proposed project and advise that additional information will be provided. BGE will also conduct individualized outreach with adjacent property owners to provide awareness and information about the expected construction work.”⁴

² ML 227188, Settlement Petition at 2.

³ ML 227199, BGE Petition to Intervene.

⁴ ML 227188, Settlement Petition at 11, n.21.

Transource requests that the Commission reopen the evidentiary proceeding in this case to review and consider the terms of the Settlement Agreement and Stipulation, as well as testimony in support for the Settlement, grant BGE's Petition to Intervene, enter the proposed procedural schedule set forth by the Settling Parties, approve a CPCN for the IEC West subject to the recommended licensing conditions to be filed by PPRP, and approve good cause waivers for BGE to perform the work on the alternative IEC-East project.⁵

Commission Determination

Upon consideration of Transource's Petition for Adoption of Settlement, the Commission hereby grants Transource's request to reopen the evidentiary record in this proceeding. The Commission also grants BGE's Petition to Intervene (out-of-time).⁶

In connection with granting BGE's Petition to Intervene, the Commission directs BGE to promptly give written notice of the Commission's reopening of this proceeding to affected landowners adjacent to BGE's right-of-way and the proposed alternative IEC-East project line. BGE shall include in such notice a description of the proposed modifications to its existing transmission facilities. The Commission hereby extends the deadline for further interventions relating to the proposed alternative IEC-East project, and directs BGE to notify affected persons that the deadline for further interventions is extended to December 2, 2019.

With regard to the procedural schedule, the Commission directs the Parties to file Testimony in Support of (or in Opposition to) the Settlement Agreement and Stipulation on

⁵ ML 227188, Settlement Petition at 12.

⁶ The original deadline for intervention in this matter was February 7, 2018. Further intervention will be limited to persons affected by the proposed activity by BGE in connection with the alternative IEC-East project.

– December 16, 2019, and Reply Testimony in Response to Testimony in Support of (or in Opposition to) the Settlement on – January 20, 2020. The date for a further public input hearing in Harford County, and a procedural schedule for subsequent Evidentiary Hearing(s) shall be subject to further order of the Commission.⁷

Discovery among the Parties regarding the Settlement Agreement and Stipulation shall commence immediately. Responses to discovery requests shall be made within seven days of receipt of the request, and any objections to discovery requests shall be served within four days after the service of the discovery request. In the event any Parties are unable to resolve a discovery 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.

IT IS THEREFORE, this 29th day of October, in the year Two Thousand Nineteen, by the Public Service Commission of Maryland,

ORDERED: (1) That the record in Case No. 9471 is hereby reopened to review and consider the terms of the Settling Parties’ Settlement Agreement and Stipulation as well as testimony in support of (or in opposition to) the Settlement;

(2) That the Commission extends the deadline for further interventions related to the alternative IEC-East project to December 1, 2019;

(3) That the Commission hereby grants BGE’s Petition to Intervene, subject to the record as it stands;

⁷ The Commission will address the request for approval of a CPCN for the IEC-West Project and good cause waivers for the alternative IEC-East Project subsequent to the evidentiary hearing on the Proposed Settlement.

(4) That BGE shall promptly provide written notice of the Commission’s reopening of this proceeding—including a description of the proposed modifications to its existing transmission facilities—to affected landowners adjacent to BGE’s right-of-way and the proposed alternative IEC-East project line;

(5) That a limited proposed procedural schedule is established as set forth herein for Testimony in Support of (or in Opposition to) the Settlement Agreement and Stipulation and Reply Testimony in Response Testimony in Support of (or in Opposition to) the Settlement;

(6) That the Applicant, in coordination with Harford County Government, is directed to work with the Commission’s Executive Secretary to establish the date and location for a further public input hearing in this matter; and

(7) That additions to the procedural schedule in this matter shall be adopted by further order of the Commission.

By Direction of the Commission,

/s/ David Collins

David J. Collins
Acting Executive Secretary