

ORDER NO. 89396

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	* * * * * * * * * * *	BEFORE THE PUBLIC SERVICE COMMISSION OF MARYLAND _____ CASE NO. 9471 _____
---	---	---

Issue Date: December 13, 2019

ORDER DENYING INTERVENTION

On December 3, 2019, the Office of the People’s Counsel for the District of Columbia (“DC OPC”) filed a Petition to Intervene in the above captioned proceeding.¹ In its Petition, DC OPC notes that it is an independent agency of the District of Columbia, “authorized to represent and appeal for the people of the District of Columbia in proceedings that involve the interests of users of the products of or services furnished by the District’s public utilities.”² DC OPC further states that it is a member of PJM Interconnection, LLC (“PJM”), that it participates actively in PJM stakeholder activities, that the District of Columbia is “within PJM’s service territory,” and that District of Columbia ratepayers are directly affected by the actions of PJM and its members.³ By

¹ ML 227732.

² *Id.*

³ *Id.* DC OPC notes that the District of Columbia falls within the PJM Potomac Electric Power Company (“Pepco”) Transmission Zone, and that District of Columbia ratepayers are responsible for a proportional amount of costs allocated to that zone. *Id.*

extension, DC OPC submits that District of Columbia ratepayers will be affected by the outcome of this proceeding, and their interests cannot be adequately represented by any other party.⁴ DC OPC states that “[i]f permitted to intervene, DC OPC shall accept the record of this proceeding as it currently stands.”⁵

On December 10, 2019, Transource Maryland, LLC (“Transource”) filed a letter opposing DC OPC’s Petition to Intervene.⁶ Transource argues that (1) DC OPC’s Petition to Intervene is untimely, (2) DC OPC seeks to intervene with regard to matters that are not relevant to the Commission’s review of the pending Petition for Adoption of Settlement⁷ (*i.e.*, the purposes for which the Commission extended the deadline for intervention), and (3) that any interest in relevant or material issues that DC OPC might otherwise seek to raise can be adequately addressed by an existing party—namely, the Maryland Office of People’s Counsel.⁸ Transource also states that it was not served with a copy of DC OPC’s filing and only discovered the Petition to Intervene by searching “Official Filings” on the Commission’s website.

Commission Determination

Upon consideration of this matter, the Commission hereby denies DC OPC’s *untimely* Petition to Intervene in this proceeding.

Pursuant to Order No. 89325, the Commission reopened the record in this proceeding solely to consider the Petition for Adoption of Settlement filed by Transource

⁴ *Id.* at 2.

⁵ *Id.*

⁶ ML 227790.

⁷ ML 227188.

⁸ *Id.* at 4.

on October 17, 2019. In doing so, the Commission granted Baltimore Gas and Electric Company’s (“BGE”) petition to intervene and extended the deadline for intervention requests *solely* related to the alternative Independent Energy Connection (“IEC”) East Project to December 1, 2019. In granting BGE’s intervention, the Commission noted that BGE’s petition to intervene was “out-of-time.”⁹ However, the Alternative IEC East Project—proposed in the Petition for Adoption of Settlement—directly involves BGE’s existing transmission facilities, which makes BGE an indispensable party to the proceeding and merited BGE’s late intervention.¹⁰ DC OPC, on the other hand, neither requested leave to intervene *out-of-time*, nor adequately explained why it seeks late intervention nearly two years beyond the original deadline for intervention. Moreover, the cost allocation issues identified in DC OPC’s Petition—which DC OPC asserts can only be adequately addressed by DC OPC—are the jurisdiction of the Federal Energy Regulatory Commission and are not matters subject to this proceeding.

IT IS THEREFORE, this 13th day of December, in the year Two Thousand Nineteen, by the Public Service Commission of Maryland,

ORDERED: That the Office of the People’s Counsel of the District of Columbia’s Petition to Intervene (out of time) is hereby denied.

By Direction of the Commission,

/s/ Andrew S. Johnston

Andrew S. Johnston
Executive Secretary

⁹ See Order No. 89235 at 3.

¹⁰ As BGE explained in its Petition to Intervene, “[n]o other party to this proceeding can adequately represent the interest of BGE, as BGE will be the sole entity responsible for construction, ownership and maintenance of its portions of the alternative IEC East project.” ML 227119 at 2.