
MID-ATLANTIC POWER PATHWAY

INITIAL STRATEGY ANALYSIS

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On Behalf Of
DORCHESTER CITIZENS FOR SAFE ENERGY

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INTRODUCTION

Dorchester Citizens for Safe Energy (DCSE) is a coalition of Dorchester County residents whose homes and/or property are potentially affected by a 500 kilovolt (kV) powerline proposed to traverse 27 miles of the County. DCSE retained Community & Environmental Defense Services (CEDs) to assist in identifying all project impacts and alternatives that would resolve each impact along with formulating strategy options for ensuring that the project does not proceed until the alternatives will be implemented in a way which fully resolves each impact. This document presents the initial results of this research and is intended to give DCSE members a sense of where the campaign could be headed. Note that clicking on underlined text in this document will take you to a relevant website.

PROJECT DESCRIPTION

The Mid-Atlantic Power Pathway (MAPP) is a proposed 230-mile powerline which may run from Possum Point, Virginia to Calvert Cliffs nuclear power plant then across the Chesapeake Bay to Taylors Island in Dorchester County and continue for 27 miles to Vienna then head into Delaware and end in New Jersey.

A map appears on the next page showing the possible route the powerline would follow in Dorchester County. The actual route remains to be determined. Based upon a 500 kV powerline recently proposed in Virginia, the “corridor” in which the powerline could be located is up to 2.7-miles wide. A 2.7- by 27-mile corridor would cover 73 square miles or 14% of Dorchester County.

The powerlines would be supported by H-type structures which may resemble that pictured to the right. These structures could be 10- to 16-stories tall and there would be three to five structures per mile. The area cleared along the powerline right-of-way may be 350-feet in width affecting 1,145 acres in Dorchester County.

MAPP is part of a larger project known as the PJM Backbone Transmission System which serves 13 states (Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia and the District of Columbia).





Map Scale: 1:158,400

DRAFT

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Mid Atlantic Power Pathway Dorchester County, MD



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The motivation behind MAPP and the PJM Backbone System improvements may be as much (or more so) about profits as improving service reliability. The profit motivation results from an effort to site more coal-fired power plants in Ohio, Pennsylvania, and other states. It is cheaper to generate electricity from coal when compared to other sources. It is much more difficult to site new coal-fired plants in eastern states compared to those in the midwest, hence the desire to increase capacity to transmit electricity from midwest states to the east.

PROJECT TIMELINE

Maryland Power Plant Research Program staff believe MAPP will propose alternate routes for the project by next February. They also believe that in May, 2009, MAPP will identify a preferred route then submit an application to the Maryland Public Service Commission (PSC) for a Certificate of Public Convenience & Necessity (CPCN). The timeline from then on may parallel that of another recent powerline project - the Urbana Loop. The following estimates of dates when events will occur is based upon the Urbana Loop project. A review of other powerline cases will make it possible to verify the timing.

If an application is submitted in May then by June the PSC may assign the project to a Hearing Examiner. A pre-hearing conference could be held in July, 2009. Hearings could then begin in October, 2009 and may continue for up to a year. The most critical event - the evidentiary hearing - may begin around November, 2010 and could last for a year. About five months later (April 2011) the Hearing Examiner would issue a proposed order. The PSC would take final action about four months later; say, August 2011. Aggrieved parties could appeal the PSC decision to the courts. However, I strongly suspect that it is rare that the courts reverse a PSC decision in a way that nixes a project.

Again, the most important event is the evidentiary hearing which may take place in November, 2010. This may seem like a lot of time, but actually it is not. Whether we resolve all concerns regarding the powerline depends upon what we do to influence alignment selection and government agency positions on the route preferred by MAPP. These are decisions which will be made in the next two- to five-months.

POWERLINE IMPACTS

Following is the beginning of a summary of the impacts likely to result if a 500 kV line is built across Dorchester County. This summary is based upon a quick review of the impacts identified by other citizen groups fighting similar powerline projects. I focused on impacts which were presented by credible expert witnesses testifying on behalf of the citizen groups. This approach allows us to use this testimony as essentially free evidence supporting our position, at least in a political arena. Also, we don't give away our case to MAPP since they are well aware of the arguments made by citizens in other cases. Of course, the list of impacts and the following descriptions will likely expand as research continues.

HUMAN HEALTH EFFECTS

In December, 2007, two Pennsylvania administrative law judges issued an opinion on an application by the Trans-Allegheny Interstate Line Company (TrAILCo) for a certificate of

public convenience. This southwest Pennsylvania project consisted of approximately 52.6 miles of transmission lines - two 500 kV and three 138 kV lines. I found this opinion on the PEC website and posted it to the [DCSE webpage](#) under PEC and *Pennsylvania Opinion*.

Following are the more significant human health findings noted by the two judges in the opinion:

- In 2002, the International Agency for Research on Cancer ("IARC") published findings on magnetic fields, designating magnetic fields as a possible human carcinogen with regard to childhood leukemia.
- Contrary to TrAILCo witness Dr. Bailey's statements that "the evidence is insufficient to conclude that EMFs are a cause of any long-term health effect," EMFs are considered to be possible carcinogens by both the IARC and the National Institutes of Environmental Health Sciences (NIEHS) with respect to childhood leukemia.
- Property owners have concerns about the effects that EMFs could have on the health of wild, farm and domestic animals.
- Property owners have concerns that the general public perception that EMFs are harmful will have an adverse effect on their property values.
- At an Allegheny Power open house, Pam Snyder asked Allegheny's health expert about the risk of childhood leukemia related to living next to the line. Allegheny Power's own health expert answered, "Childhood leukemia affects four in 1,000 [100,000?] children. Living next to these lines could increase that to six in 1,000 [100,000?]."
- The proposed route places the power line close to the Tunney family at 233 Rainey Road, Eighty Four, whose daughter has a shunt in her brain that can be interfered with by magnetic fields.
- Edward Petsonk, a medical doctor specializing in internal medicine, respiratory diseases and occupational medicine, referred to a number of studies in his testimony that highlighted the relationship of living near transmission lines and the occurrence of cancer and childhood leukemia. He testified that he is an epidemiologist and has articles published in occupational and environmental journals.

These findings show that there is legitimate cause for concern about the effects of a powerline on human health.

PROPERTY VALUE

For the past two years the [Piedmont Environmental Council](#) (PEC) has been fighting a 500 kV powerline in northern Virginia. PEC hired an expert on real estate appraisal to assess the effect of the 500 kV line on property value. (see *Property value loss under PEC on the [DCSE website](#)*)

PEC's appraiser estimated that properties located within 1,000 feet of a 500 kV powerline lose 13.5% of their value. There would be 242 acres within 1,000 feet of a mile of powerline. This also means that 6,545 acres would be devalued along the 27-mile length of the 500 kV powerline in Dorchester County. This is an area of more than ten square miles or 1.7% of the total land area within the County.

We should develop an estimate of the value of properties located within the 27-mile corridor. This data would allow us to estimate the cumulative property value loss attributable to the powerline (if built as proposed). The estimate should be based not necessarily upon current valuations but best case scenarios as well, such as sale of land to a development company.

ENVIRONMENTAL IMPACTS

Following are excerpts from the *Pennsylvania Opinion* regarding environmental impacts in general. This category of impacts could be very significant given the proximity of the powerline to highly sensitive environmental resources, such as Blackwater Refuge.

- TrAILCo failed to conduct a true environmental impact analysis that addresses (1) construction impacts, (2) maintenance impacts, (3) cumulative impacts, and (4) secondary impacts for each environmental factor identified in the Report.
- Numerous property owners testified to the use of springs and wells for both domestic use and for their animals.
- The LRE and Environmental Reports prepared by TrAILCo, while providing a list of environmental phenomena, do not provide a true impact analysis, as they lack specificity.
- The LRE and Environmental Reports should identify, study and consider (1) construction impact, (2) maintenance impact, (3) cumulative impact, and (4) secondary impact as they relate to each environmental topic.
- An extensive analysis of the road network associated with construction of the power lines should be documented, as it is likely that many more miles of access roads will be needed than the actual mileage of power lines.

HERBICIDES

Following are excerpts from the *Pennsylvania Opinion* regarding one specific source of potential environmental impact: herbicides. This could be a very significant issue given not only the proximity of the powerline to highly sensitive environmental resources, such as Blackwater Refuge, but to area residents who rely upon shallow wells for their household water supply.

- A majority of the herbicides TrAILCo intends to use, including Garlon 3A, Garlon 4, Tordon 10 1, Tordon K, Krenite S, etc., should not be applied near or on either standing or running water, per the manufacturers' labeling.

- TrAILCo represents that any aerial spraying of herbicides is very precise," limited in nature to foliar vegetation (i.e., leaves) (Tr. 3501), and will be performed under a strict and comprehensive set of specifications.
- An aerial spray pilot can make an error and spray herbicide into a pond, a stream, a planted field, or anywhere else on one occasion and not suffer a suspension.
- Many of the families living along the proposed transmission lines do not have access to a public water supply, and rely on springs or wells, or both, for their water supply.
- On January 7, 2008, TrAILCo and the West Virginia Consumer Advocate Division of the Public Service Commission agreed in a Stipulation that TrAILCo would not use aerial spraying of herbicides for vegetation management in West Virginia along the TrAIL transmission line.

In the Blackwater Resort case we found that herbicide releases was the most significant water quality impact of the proposed golf course. A similar analysis may show that herbicide applications along the 27-mile powerline could pose a substantial environmental threat.

OTHER OBJECTIONABLE USES

During the December 9th meeting at Linkwood Fire Hall, a question arose regarding other uses that might be proposed along the 500 kV powerline once it is built. In the past a number of small gas-fired power plants were proposed for construction along existing transmission lines in Maryland. Examples include the Rock Springs plant in Cecil county and the Panda Brandywine plant in Charles County.

It is conceivable that similar plants could be proposed along the MAPP powerline if it is built. No doubt there are a number of other potentially incompatible uses that might also be attracted to the 500 kV line. Further research could identify these uses. This research would make it possible to factor these uses into a cumulative impact assessment of the powerline. The research may also lead to strategy options for reducing the likelihood that these uses would be permitted.

ALTERNATIVES

Following is a summary of the alternatives applicable to the 500 kV line proposed to cross Dorchester County or to the MAPP project in general. This summary is based upon a quick review of the alternatives identified by other citizen groups fighting similar powerline projects. I focused on alternatives which were presented by credible expert witnesses testifying on behalf of the citizen groups. This approach allows us to use this testimony as essentially free evidence supporting our position, at least in a political arena. Of course, the list of alternatives will likely expand as research continues.

BURY THE POWERLINE

At the Linkwood Fire Hall meeting last Tuesday, Billie Wroten mentioned that the area cleared for a buried powerline would only be 50-feet wide. In the powerpoint presentation I showed photos of the aboveground 500 kV line near Annapolis. The area cleared along this line is 350-feet in width. If this is typical then putting the line underground could dramatically reduce the impact of the project. Eliminating the 10- to 16-story tall powerline support structures reduces:

- visual impact and property value loss;
- the area lost to beneficial uses (farming, forests, etc.) would be far less; and
- the health effects of the electromagnetic field (EMF) would be substantially less.

The Piedmont Environmental Council (PEC) hired an expert on powerline construction to testify in their case regarding the benefits of burying the powerline. This testimony has been posted on the DCSE documents webpage (<http://ceds.org/DCSE.html>) under the heading of Piedmont Environmental Council (PEC) then *Underground powerline testimony*.

The PEC expert described the buried lines as follows: Dominion Virginia Power proposes using single trenches, each of which would contain a pair of Direct Current Solid Dielectric Cables. Each trench would be 18 inches wide and spaced 10 feet apart. A separate trench would be used for each pair of cables. Each trench would be filled with a low thermal resistivity backfill material (such as limestone) which would be compacted to a high density. The trench would then be covered by a thick concrete slab. Joint bays or manholes for cable jointing would be positioned at intervals of approximately 2,000 feet.

MAPP will likely argue that burying the powerline is too expensive. Since we need to prepare counter-arguments I attempted to come up with some costs. I did this by using the testimony of PEC's expert and data from the MAPP website. If my numbers are right then it looks like the cost for an aboveground line is about \$4.3 million/mile versus \$6.4 million/mile for a buried powerline. In other words, burying the powerline increases construction cost by 50%. However, I believe that when we factor in the reduced maintenance cost of a buried powerline then contrast this against costs avoided, like property value loss, then the 50% difference will shrink considerably.

REDUCE POWERLINE HEIGHT & CAPACITY

According to PEC's real estate appraisal expert:

Most high-voltage transmission lines in the United States are rated between 115 and 765 kilovolts (kV). Lines carrying voltages below 345 kV are ordinary high-voltage lines; above 345 kV are extra high-voltage lines.

Before the introduction of extra high-voltage transmission lines, the concern about transmission lines was their impact on the landscape's aesthetic appearance. However,

with the increased use of extra high-voltage lines, the public has shown concerns over the stronger electromagnetic fields (EMF) they produce and potential health hazards from direct exposure. (see Property value loss under PEC on the [DCSE website](#))

The distinction between high-voltage and extra high-voltage may create a logical argument for why the MAPP powerline should be reduced from 500 kV in Dorchester County to something less than 345 kV. Dorchester County is rather unique in having a relatively flat terrain compared to most other parts of the MAPP project area. We could make the case that the flat terrain increases the number of properties devalued and the adverse health effects. This assumes the powerline would be obscured from view in hillier areas and the hills would reduce the area affected by powerline electromagnetic fields.

I assume there is a relationship between powerline capacity, height, and right-of-way width. If further research verifies this assumption then reducing the capacity of the powerline to something below 345 kV may result in powerline supports which are far less than 10- to 16-stories high and a right-of-way width substantially less than 350 feet. The perception of greater risk cited by the PEC expert also is another argument in favor of burying the powerline, particularly where the capacity exceeds 345 kV.

Reducing powerline height and right-of-way width reduces:

- visual impact and property value loss;
- the area lost to beneficial uses (farming, forests, etc.) would be less; and
- the health effects of the electromagnetic field (EMF) should be less.

POSTPONE POWERLINE CONSTRUCTION

The Urbana Loop project was defeated, in part, because the Maryland Public Service Commission (PSC) Hearing Examiner found that the project was not needed. But the Hearing Examiner also noted that the project may be needed at some point in the future. So the possibility remains that the applicant may resubmit their Certificate for Public Convenience & Necessity (CPCN) application in the future and receive a favorable recommendation based upon a more imminent need. Nevertheless, as part of preparing our case to block a CPCN we should research arguments for why the MAPP project is not needed now.

FIND A LEAST HARMFUL LOCATION IN DORCHESTER COUNTY

This is an alternative we must approach very carefully. One tactic employed by advocates of linear-project, like a powerline or highway, is to propose alignments designed to get one group of citizens fighting against another. However, there may well be locations in Dorchester County where powerline impacts would be substantially reduced. For example, it is possible that the powerline might be buried within the median or adjacent to Route 50. I assume that most Dorchester County residents would find this preferable to an above-ground powerline, though not as desirable as no powerline at all.

COMPENSATE RESIDENTS FOR ADVERSE EFFECTS OF POWERLINE

Research results presented above show that the powerline would reduce the value of nearby properties by an average of 13.5%. I assume that MAPP would need to offer those living near the powerline far more than the 13.5% reduction in property value. And given the legitimate reasons to be concerned about health effects there may be no amount that would prompt those living near the powerline to drop their opposition. But if you wish I can research best compensation packages offered to those living along other powerline projects so you can negotiate for the most favorable deal.

NO MAPP POWERLINE IN DORCHESTER COUNTY

While this alternative completely resolves all impacts to Dorchester County residents, it remains to be seen how realistic it is to achieve. Bumping the powerline out of Dorchester into a neighboring county may be an unwise strategy in the long run. DCSE could find that most of its limited resources are going to fighting kindred citizen groups in an adjoining county, when instead we should be pooling our resources to deal with the MAPP project proper.

NO MAPP PROJECT ANYWHERE

It appears that valid reasons exist for questioning the need for the MAPP project. As stated earlier, the need for the project - to increase electric power reliability - may be without substance. In fact, there appear to be a number of alternatives that would be better for all of us in the long run: conservation, reliance upon electricity sources far less harmful than coal-fired power plants, etc. In the next section of this analysis I describe some regional and national efforts to reduce the proliferation of coal-fired power plants and new transmission lines. By supporting these efforts we may succeed in scaling down MAPP or perhaps even eliminate it altogether.

STRATEGY OPTIONS

Following is a review of the strategy options available to DCSE for resolving project impacts by forcing implementation of one or more of the alternatives presented above. As with the impacts and alternatives, other strategy options will likely emerge as research continues.

WIN THE SUPPORT OF THE DORCHESTER COUNTY COMMISSIONERS

Opposition from the Frederick County Commissioners was a significant factor in the defeat of the Urban Loop project. I understand the Dorchester County Commissioners are under the impression that they have little say in whether and where the MAPP line is built within their County. We should search among DCSE supporters for those who have a good relationship with one or more of the County Commissioners and ask these allies to request a meeting. At the meeting we would present why we think the powerline impacts are unreasonable, our preferred alternative(s), describe the base of support backing our position, then press the Commissioners to come out against the MAPP project until DCSE's concerns are fully resolved.

Review Dorchester Comprehensive Plan for Supportive Text

Conflicts with the Comprehensive Plan was the primary technical-legal basis for the Frederick County Commissioners opposing the Urbana Loop project. A pdf version of the current (1996) comprehensive plan is posted on the DCSE documents webpage (<http://ceds.org/DCSE.html>).

We should review the comprehensive plan in detail to identify all the conflicts between the MAPP project and the goals-objectives set forth in the plan. We should do the same with other plans, such as the Dorchester County Critical Areas Program, which is also posted on the DCSE documents webpage.

Expand the Number of Dorchester Voters Supporting DCSE

Our success in winning support for our preferred alternatives will be directly related to the number of Dorchester County voters and movers-shakers backing us. As stated earlier, the “corridor” in which the powerline could be located is at least 2.7-miles wide. In other words, the 27-mile long powerline could be proposed in an area covering 73 square miles or 14% of Dorchester County.

I doubt that MAPP informed all of the people who live in this 73 square-mile area that a powerline may be built nearby. I suggest that we make amends for this oversight by contacting all of the voters living in this area, beginning with the *Frequent Voters*. These are the folks who vote in just about every election and tend to be the most active members of a community. In other words, these are the folks who are most likely to respond to a well-reasoned appeal for support. I have requested an electronic file containing all of the voters registered in the county. I suggest that we do a test mailing to about 100 of the frequent voters. This test will give us a solid read on how much support we can get from the 10% of County residents who are frequent voters.

NEGOTIATE WITH MAPP & STATE AGENCIES

It only makes sense to attempt to negotiate with the applicant if we identify alternatives which fully resolve our concerns yet allow MAPP to achieve most of their goals. However, as our clout increases and MAPP comes to view DCSE as an increasing threat then we can negotiate for other things such as providing documents or scheduling critical events at times more convenient to DCSE.

The Maryland Department of Natural Resources (DNR) Power Plant Research Program (PPRP) coordinates the environmental review of the MAPP project. Testimony from PPRP was another significant factor prompting the Public Service Commission (PSC) Hearing Examiner to recommend a denial in the Urban Loop case. We need to maintain a good relationship with Ms. Sandra Patty, other PPRP staff, and DNR Secretary Griffin in hopes of having their support for our position before the Hearing Examiner and for other strategy options.

There are a number of other State agencies who will submit comments to PPRP on the environmental effects of the MAPP project. It will be in our best interests to educate the lead person for each agency regarding the merits of our arguments in hopes of convincing each to support our position. I have asked Ms. Patty for a listing of the lead people for each of these agencies.

There is a Maryland Office of the People's Counsel (OPC). The OPC supported the Hearing Examiner's recommendation in the Urbana Loop project. We should explore the possibility of influencing OPC to support our position.

BLOCK CPCN

The Maryland Public Service Commission (PSC) must issue a Certificate for Public Convenience & Necessity (CPCN) for the MAPP project to proceed. Following is an excerpt from the portion of State law (Section 7-207(e) of the Public Utility Companies Article) setting forth the factors the PSC must consider in reaching a decision on a CPCN application:

- (e) *The Commission shall take final action on an application for a certificate of public convenience and necessity only after due consideration of:*
 - (1) *the recommendation of the governing body of each county or municipal corporation in which any portion of the construction of the generating station or overhead transmission line is proposed to be located; and*
 - (2) *the effect of the generating station or overhead transmission line on:*
 - (i) *the stability and reliability of the electric system;*
 - (ii) *economics;*
 - (iii) *esthetics;*
 - (iv) *historic sites;*
 - (v) *aviation safety as determined by the Maryland Aviation Administration and the administrator of the Federal Aviation Administration;*
 - (vi) *when applicable, air and water pollution; and*
 - (vii) *the availability of means for the required timely disposal of wastes produced by any generating station.*

Following is a summary of the actions involved in convincing the PSC to deny the CPCN, assuming the applicant fails to fully resolve our concerns.

Research Past PSC Powerline Decisions

We know that the PSC denied the Urbana Loop CPCN. Was this unique or does the PSC routinely deny powerline CPCNs? What factors tend to prompt the PSC to deny powerline CPCNs or add conditions requiring alternatives such as those which would resolve our concerns? These are questions that must be answered in order to prepare our case before the PSC Hearing Examiner. The best way to get these answers is to review other PSC decisions involving similar powerline projects. Sandra Patty, of the PRRP, offered to provide me with a list of the case numbers for past powerline projects in Maryland. With these case numbers we can review each decision. The following analysis from the Urbana Loop case illustrates what we can learn from these decisions:

URBANA LOOP PSC ORDER ANALYSIS

Allegheny Power proposed the Urbana Loop as a 2.1-mile, 230 kilovolt (kV) powerline project in southeast Frederick County, MD. Of course the MAPP powerline is a 230-mile project consisting of a 500 kV powerline in Dorchester County.

The following factors prompted the PSC Hearing Examiner to recommend denial of the CPCN:

- A. The Frederick County Commissioners came out strongly against the project due to how the powerline would detract from the appearance of Sugarloaf Mountain.*
- B. There was not a clear need for the powerline, which may indicate that the Hearing Examiner would recommend approval at some point in the future when the need is more imminent.*
- C. The Frederick County Comprehensive Plan designated the project area for low density development in part to protect the viewshed of Sugarloaf Mountain, thus showing that the County's opposition was based on long-standing principles.*
- D. Frederick County also showed that alternatives existed which would be more compatible with their Comprehensive Plan.*
- E. There were a large number of individuals who opposed the project. The opposition was mostly based on esthetic impacts.*
- F. The applicant argued that esthetic impacts would be minimal; differing little from the impact of other powerline projects. The Maryland Department of Natural Resources (DNR) Power Plant Research Program (PPRP) criticized the applicant's analysis of esthetic impacts as simplistic and with little credibility.*
- G. The Hearing Examiner also questioned whether a 230 kV powerline was the appropriate solution.*
- H. The Hearing Examiner disagreed with DNR on the impact to historic sites.*

The applicant appealed the Hearing Examiner's proposed order to the PSC. The PSC denied the applicant's appeal and upheld the Hearing Examiner's recommendation to deny the CPCN.

Based upon the preceding analysis of the Urbana Loop case, our strategy for blocking the issuance of a CPCN for MAPP in Dorchester County may consist of the following objectives:

1. *Develop arguments for how the MAPP project fails to comply with the Dorchester County Comprehensive Plan and related documents.*
2. *Document adverse effects to Dorchester County versions of the Sugarloaf Mountain sacred cow, such as Blackwater Refuge, the US 50 corridor to Ocean City, Vienna historic district, and others which you know far better than me.*
3. *Demonstrate that the powerline is either not needed, a lesser line will suffice, or other alternatives are available. Later today I hope to send you another message reporting on arguments for why similar powerlines were not needed in Virginia and Pennsylvania.*
4. *Demonstrate that a large percentage of Dorchester County voters and political movers-shakers support the position of DCSE. Many of you are the movers and shakers. I have requested the registered voters list so we can do a survey.*
5. *Convince the Dorchester County Commissioners to come out strongly against any alignments proposed by MAPP which pose an undue threat to County residents.*
6. *Work with the PSC Office of Peoples Counsel to win their support for the DCSE position.*

The Urbana Loop decision is posted on the DCSE website (<http://ceds.org/DCSE.html>) Under the heading of Maryland Public Service Commission.

Hire A Good Attorney

It is likely that our principal legal challenge to the MAPP project will be made before the PSC hearing examiner. We should search for an attorney who has successfully argued cases before the PSC, preferably on behalf of citizens. We may come across the names of these attorneys as part of the review of other PSC decisions. For example, while reviewing the Urbana Loop decision I noted that attorney Robert G. Marmet testified against the project.

I contacted Mr. Marmet to see if he might have interest in representing DCSE, assuming you later found him acceptable. Unfortunately Mr. Marmet is not licensed to practice in Maryland. But he is a Transmission Project Legal Analyst for the Piedmont Environmental Council (PEC). Bob is willing to meet with us to share what PEC has learned from their two-year battle with a similar powerline in Virginia. I asked if he could refer us to any Maryland attorneys with PSC experience. He did not and doubted any of these attorneys would represent citizens opposed to a powerline. But, again, a review of other PSC decisions may identify such an attorney. There's also a chance the attorney who represented Frederick County in the Urbana Loop case may be able to help DCSE. But a more likely outcome is that we'll turn to one of the attorneys with a good reputation for helping citizens with cases other than powerlines. There are 25 of these attorneys in the Community & Environmental Defense Services network in Maryland. I can think of several who might be particularly good. I can then bring them up to

speed on the PSC CPCN process and how best to structure a winning case thanks to the review of other powerline decisions.

Retain Credible Expert Witnesses

We will need at least one, possibly a several, experts to present the facts supporting our case. The likelihood of convincing the Hearing Examiner we are right will depend not only on how articulate our experts are but their credentials as well. MAPP experts will attempt to convince the Hearing Examiner that our experts are wrong. Part of what will determine whom the Hearing Examiner believes will be the credentials of the opposing experts. If our experts have Bachelor degrees and MAPP has PhD's then the Hearing Examiner will likely make close calls in favor of MAPP.

The Piedmont Environmental Council used eight expert witnesses in their case and it appears that other opponents to the same 500 kV powerline put on testimony from another 14 experts. To illustrate the type of experts we might need I offer the following experts PEC presented in their case against the Virginia powerline:

- Hyde Merrill, PhD - Electrical Engineering;
- Benjamin Sovacool, PhD - Grid Security;
- Dan Violette, PhD - Energy Efficiency;
- Kristina Hill, PhD - Landscape Architecture;
- Mr. William Harvey on real estate valuation;
- Ms. Jennifer Hallock on scenic and cultural damages in Rappahannock;
- Ms. Kimberly Abe on scenic and cultural damages in Fauquier County;
- Mr. Watsun Randolph on the scenic, cultural and historic impact; and
- Mr. Gerry Sheerin on the potential for placing the powerline underground.

Some of these experts came from as far away as Utah and Ontario. If PEC hired all of these experts then their case probably cost \$50,000 to \$100,000.

In comparison, the Urbana Loop case appears to have involved far fewer expert witnesses and relied heavily upon county and state employees who are "free." One needs to be careful when relying upon government employees for expert testimony. It is not uncommon for these witnesses to wilt on the witness stand.

DCSE may reap considerable benefits by tapping experts who testified in other recent powerline cases, such as those retained by PEC. I asked Bob Marmet if its okay for us to contact the PEC experts, which is fine with him. These experienced experts will spend less time acquainting themselves with powerline basics, which means a lower fee. More importantly these experts will better anticipate the applicant's counter-arguments. And of greatest importance, we will have a good sense of how strong these experts are on the witness stand. The last thing we need is to invest thousands of dollars in an expert who wilts during cross-examination.

BLOCK OTHER PERMITS-APPROVALS

In addition to the CPCN, the MAPP project will need a number of county, state, and federal permits and other approvals, such as: Stormwater permits required for construction; tidal and non-tidal wetlands; Maryland Coastal Zone Management Program; State-listed fisheries resources and species protection; Chesapeake Bay Critical Areas Act; solid waste disposal – construction and demolition debris; local building permits – for construction activity; new roadway access permit; utility occupancy of SHA-owned land; National Historic Preservation Act; MHT Act; Forest Conservation (MDNR); grading permit; and sediment and erosion control.

These permits and approvals vary considerable with respect to the likelihood of being blocked by our actions. For example, CEDS research has shown that once the Maryland Department of the Environment (MDE) decides to issue a *nontidal* wetland permit then the likelihood of reversing this action on appeal is exceedingly remote. However, our clients have won several big cases, such as Four Seasons on Kent Island, by blocking the issuance of a *tidal* wetland permit. We must also contend with the authority of the Public Service Commission and possibly the Federal Energy Regulatory Commission to intervene (overturn) a decision to deny a permit-approval.

AMEND STATE LAW

There will probably be opportunities to implement our preferred alternative(s) by amending state law. For example, we can probably make a valid case that the flat topography of Dorchester County and the abundance of sensitive environmental resources make it an unusually poor location for an extra high-voltage above ground powerline. It is possible we might convince the Dorchester County delegation to the Maryland General Assembly to introduce a law prohibiting above ground extra high-voltage powerlines in Dorchester County.

This type of legislation is actually fairly common. A bill passed last year put a hold on a landfill proposed for a site in Queen Anne's County.

As DCSE amasses additional support and political clout, we should request a meeting with the State Senators and Delegates who represent Dorchester County, Specifically, once we identify preferred alternatives we should poll the DCSE membership to see who has a good relationship with Senator Richard Colburn and Delegates: Rudolph Cane, Adelaide Eckardt, and Jeanne Haddaway. This person would request a meeting with one or more of these four State legislators.

SUPPORT REGIONAL & NATIONAL EFFORTS

For the past two years the Piedmont Environmental Council (PEC) has been fighting a 500 kV powerline in northern Virginia. The powerline is part of a larger network of transmission improvements proposed by PJM (<http://www.pjm.com>) which oversees electricity delivery to 51 million people living in 13 states (Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia and the District of Columbia).

The PEC website contains a review of a decision by two judges who recommended denying approval for a portion of the PJM transmission improvements in southwest Pennsylvania. PEC characterizes the decision as claiming that the motivation behind the improvements is to transport cheaper energy from the western portion of the PJM service area to eastern areas. PEC also states that the judges found that the Pennsylvania project was more about economics than legitimate concerns about reliability of electric service. Apparently it's easier to build new coal-fired powerplants in the western states compared to those in the east - hence the lower energy cost.

With respect to alternatives, the PEC website contains the following quote:

“Non-transmission solutions to the alleged reliability issues, such as conservation, demand-side management, the effect of potential carbon caps on demand, and distributed generation, were not studied by TrAILCo.”

There are a number of organizations fighting the proliferation of new coal-fired power plants at the regional and national level. In theory, as these groups succeed in reducing the motivation of PJM and others to expand transmission capacity in the east, the likelihood that new powerline lines will be built in the east should diminish. If these assumptions prove correct, then supporting the efforts of regional and national organizations should be part of an overall strategy to defeat the MAPP project in Dorchester County. For further detail on these efforts, visit the following websites:

- Sierra Club: <http://www.sierraclub.org/coal>.
- the Mid-Atlantic Concerned Citizens Energy Coalition: <http://www.maccec.org/>
- the Energy Conservation Council of Pennsylvania: <http://www.energyconservationcouncil.org/>
- Environment New Jersey: <http://newjersey.sierraclub.org/PressReleases/0042.asp>