

Testimony In Opposition

House Bill HB1270

Natural Resources - Wildland Areas - Overhead Transmission Lines

Hearing: Economic Matters Committee

Date: March 6, 2025 at 1:00pm

A cross-filed Senate bill (SB0399) was heard on February 11, 2025

I am writing in opposition to SB399 / HB1270 NextEra's proposal to change Maryland's Wildlands laws to allow for building the Mid-Atlantic Resiliency Link (MARL) transmission line through Garret County and Allegheny County in Western Maryland (**anywhere**). NextERA's portion of the MARL transmission line would take a new 200' easement 35 miles long through Garret County and Allegheny County in Western Maryland. This would be a brand new 200' easement through all three(3) wildlands, Bear Pen Wildland does not have any transmission line easements at all at this time. The new easement would similarly impact private property.

While SB399 / HB1270 specifically names Big Savage Mountain Wildland, Bear Pen Wildland and Dan's Mountain Wildland and specifically references NextERA, three issues strike me:

1. the plain language of the ACT includes the phrase "**and generally relating to wildland areas in the state**". **This one phrase opens up ALL of the wildland areas in Maryland - including areas within the OTHER 21 counties in Maryland the residents of which (ie. constituents) have no idea their scenic wildlands would no longer be protected.**
2. the ACT allows for **ANY number of transmission lines through wildlands as long as the lines are parallel to the existing lines** - the entire ~8000 acres of the wildlands in Garrett County and Allegheny County alone would then be "fair game" to site 500kV and / or 765kV transmission lines.
3. in granting a Certificate of Public Convenience and Necessity, Maryland Public Service Commission **Does Not have to consider environmental impacts for the wildlands at all.**

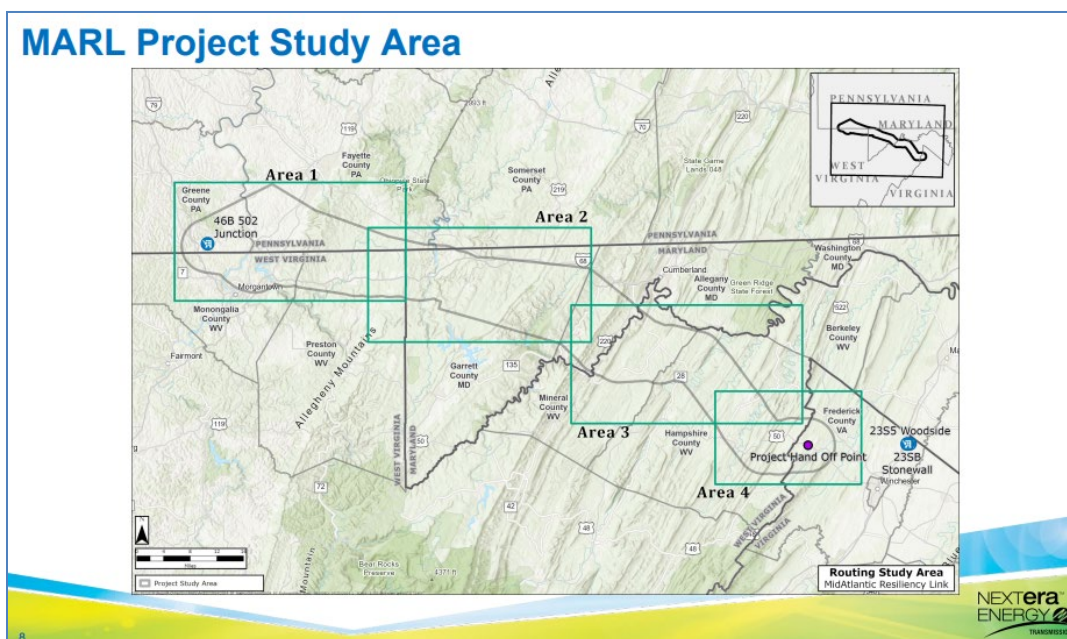


Figure 1: NextERA Routing Study Area: Notice that the study area for NextERA's portion ends in the vicinity of the West Virginia / Virginia border.

NextERA's portion of the Mid-Atlantic Resiliency Link (MARL) transmission line would take a new 200' easement 35 miles long through Garret County and Allegheny County in Western Maryland (~ 1000 acres) of property - both wildlands and private property. The thing is, NextERA's portion is the "tip of the iceberg". The MARL transmission line continues through Jefferson County, West Virginia and Loudoun County, Virginia over the Potomac River then through Frederick County and Montgomery County in Maryland over the Potomac River again and back into Loudoun County to connect to Data Center Alley. The entirety of the transmission line has far reaching impacts to four (4) Maryland counties - Garrett County, Allegheny County, Frederick County and Montgomery County.

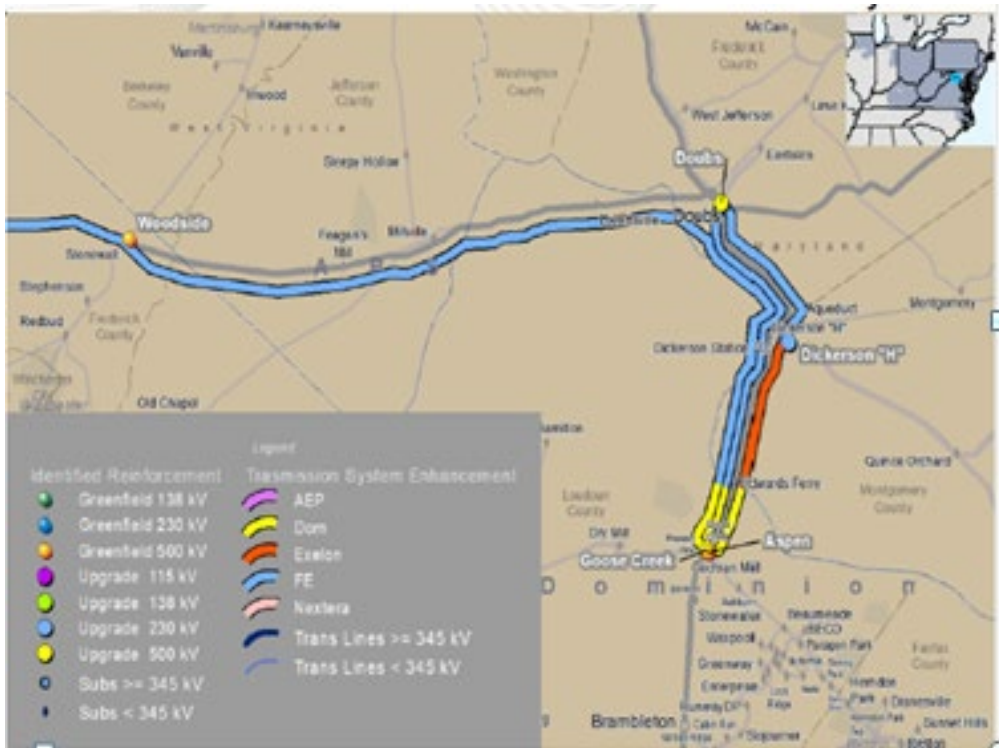


Figure 2: PJM Reliability Analysis Update - Item 10, July 9th 2024 - MARL ¹

The MARL transmission line originates at the 502 Junction in Pennsylvania, the source of the energy is the three coal-fired power plants closest to the 502 Junction that have excess capacity: Fort Martin Power Station, Harrison Power Station and the Mitchell Plant all of which are already more than 50 years old and reaching the "end of useful life" for coal generation units.

Generation Plant	Notes
Fort Martin Power Station	Two units built in 1967, 1968, 58 and 57 years old, Planned Retirement year 2035 ²
Harrison Power Station	Three units put into service 1972, 1973, 1974 (53, 52 and 51 years old), Planned Retirement year 2040 ³
Mitchell Plant	Two units built in 1971, 54 years old, Planned Retirement Year 2040 ⁴

¹ Attachment (2) Page 12, PJM Interconnection, L.L.C., Transmission Expansion Advisory Committee (TEAC) PJM Reliability Analysis Update - Item 10, July 9th 2024, Pages 42 to 44, and Background.
² Global Energy Monitor Wiki, Fort Martin Power Station, Available here: https://www.gem.wiki/Fort_Martin_power_station
³ Global Energy Monitor Wiki, Harrison Power Station, Available here: https://www.gem.wiki/Harrison_power_station

Additionally, as you well know, Transmission lines have a devastating effect on the value of the properties forced to host them as well as the properties within the view shed of the towers, a recent Virginia SCC case for a 500kV transmission line in Loudoun County may provide some insight as to the economic impact on property valuations.⁵ **The impact on property valuations due to the view shed issue on a 6.5 mile 500kV/230kV transmission line along Route 7 in Data Center Alley is between -1.0% and -19.2%. The valuation of the properties in this area, according to the expert witness hired by Loudoun County, will decrease by a combined \$252,025,000 in property value for the set of properties within the mass appraisal study area, where the differential reflects the damages that will be done by the installation of the 500kV/230kV transmission lines!** No easements were sited on residential private property for this line and the majority of the transmission line was sited along the Route 7 highway. This is the Aspen-Golden transmission line. The MARL transmission line will connect to the Aspen substation after traversing Frederick County, Maryland and Montgomery County, Maryland and crossing the Potomac River back into Loudoun.

With this level of impact a serious conversation needs to be had as to whether transmission lines to support Loudoun County's data centers should be hosted on ANY property in Maryland, be it a wildland or private property.

There does not need to be a choice between rural private property owners or wilderness conservation areas in Maryland. The choice is whether these lines are sited through Maryland at all.

⁴ Global Energy Monitor Wiki, Mitchell Plant, Available here: https://www.gem.wiki/Mitchell_Plant

⁵ Direct Testimony Of William C. Harvey, H, Com, Mai And Richard N. Olsen, Mai On Behalf Of Loudoun County, Virginia Before The State Corporation Commission Of Virginia (Case Nos. Pur-2024-00032 And Pur-2024-00044 Pur-2024-00032) (Collectively, The Consolidated Cases) Available here: <https://www.scc.virginia.gov/docketsearch/DOCS/80t201!.PDF>

- "The mass appraisal was to reflect the unimpaired and impaired value, if any impairment was found, of residential properties located along the approximate 4.5-mile long Route 7 segment of Harry Byrd Highway (Route 7) near Loudoun County Parkway to Belmont Ridge Road and the approximate 2.0-mile-long segment of Harry Byrd Highway (Route 7) near Ashburn Village Boulevard to Belmont Ridge Road in Loudoun County, Virginia that are expected to be affected by Class 5 (External Conditions) Detrimental Conditions caused by the planned 500/230 kV lines included in the Consolidated Cases as "overhead aerial lines and towers." " (Lines 51 - 58)
- "In this instance, the single characteristic that was isolated was the view disamenity that will be caused by Dominion's planned 500/230 kV lines and towers along the approximate 4.5-mile-long Route 7 segment of Harry Byrd Highway (Route 7) near Loudoun County Parkway to Belmont Ridge Road and the approximate 2.0-mile-long segment of Harry Byrd Highway (Route 7) near Ashburn Village Boulevard to Belmont Ridge Road in Loudoun County, Virginia." (Lines 248 - 253)
- "The case studies revealed a diminution in value due to the proximity of Dominion's pre-existing 500/230 kV lines and towers between -1.0% and -19.2% with an average (mean) diminution of -8.5%" (Lines 332 - 334)
- "The \$252,025,000 differential reflects the damages that are likely to result to the subject properties along the Route 7 segment when Dominion's planned 500/230 kV lines and towers along the Route 7 segment are constructed" (Lines 391 - 393) . Mr. Harvey used a "-8.5% adjustment attributable to the comparable Class 5 Detrimental conditions" (Line 387) but stated that "Had we used the upper end of the range of -19.2% to better reflect the impact resulting from Dominion's planned tower heights of up to 180-feet, the estimate of damages would more than double. (Line 403 - 405)
- MARL transmission line will connect to the Aspen substation

NextERA's transmission solution through Garret County and Allegheny County was not the only transmission solution proposed to PJM through its RTEP process.

Impacted property owners in West VA and far western Loudoun County suggested a siting for the MARL transmission line along highways in West Virginia then onto Route 7 at the West Virginia / Virginia border and directly into "Data Center Alley" (which is along Route 7) ⁶.

NextERA submitted the MARL transmission line for a DOE NIETC Corridor, which also included multiple routes that did not pass through Maryland. The DOE canceled the Mid-Atlantic NIETC in December of 2024.

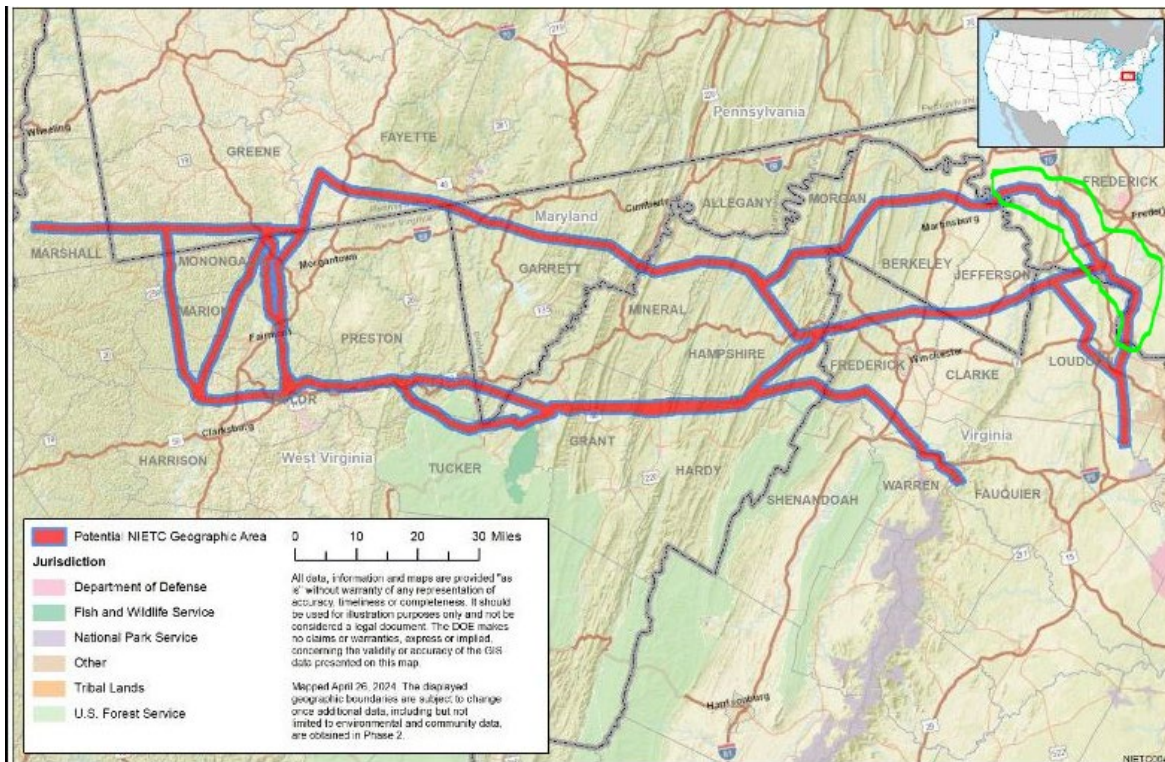


Figure 4: Mid-Atlantic NIETC⁷, The green highlighted area encompasses Garrett County, Allegheny County, Frederick County and Montgomery County in Maryland.

As I live in Loudoun County, Virginia, I wanted to provide information on the data center issue and energy situation in Loudoun County, for context on the multiple HVAC transmission lines impacting Maryland.

Data Center Alley is roughly 30 square miles in eastern Loudoun County. It consists of about 200 data centers with another ~117 additional sites in the pipeline. Data center property tax revenues comprise 31% of the Loudoun County Budget. This is not an "accident", this is a direct result of the Loudoun County Board of Supervisors continuing to approve new data centers and data center expansion. Exemptions are approved in

⁶ Loudoun County Virginia Data Center Capital of the World "A strategy for a changing Paradigm" by Supervisor Turner , Pg 10 : " A second line down Rte. 7 is probably next up. After that, Dominion will have likely used the last available routing to "Data Center Alley" that won't require using eminent domain."

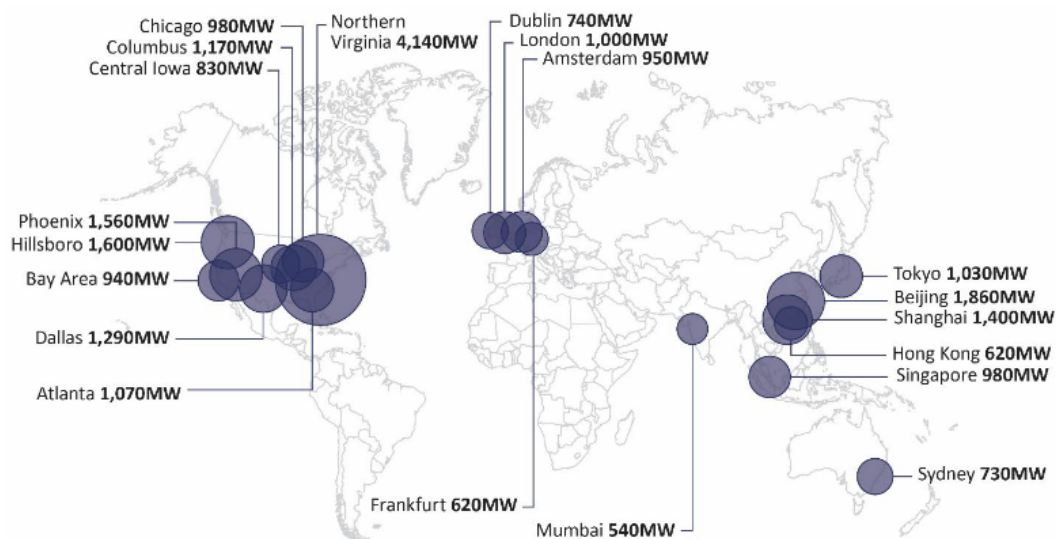
⁷ U.S. Department of Energy Grid Deployment Office Initiation of Phase 2 of National Interest Electric Transmission Corridor (NIETC) Designation Process: Preliminary List of Potential NIETCs Mid-Atlantic NIETC, Page 54; Available here: <https://www.energy.gov/sites/default/files/2024-05/PreliminaryListPotentialNIETCsPublicRelease.pdf>

spite of existing zoning regulations and thus far they have also refused to clarify/ fix the zoning that allows data centers "by right" under the guise of "office buildings". ⁸ (As an aside note: our Supervisors are not as interested in the "by right" usage of property by private property owners, who are their own constituents, much less your constituents' "by right" use of their property.⁹)

To really understand the data center situation in Loudoun, I would recommend you read "*Loudoun County Virginia Data Center Capital of the World "A strategy for a changing Paradigm"*" written by Supervisor Turner.¹⁰ The unconstrained data center development and expansion was the subject of a recent Joint Legislative Audit and Review Commission report for the Virginia Legislature¹¹.

FIGURE 1-3

Virginia has the most operational capacity of all global markets



SOURCE: JLARC analysis of Cushman & Wakefield 2024 Global Data Center Market Comparison.

Figure 3: Virginia JLARC Data Center Report : VA JLARC Report¹²

The VA JLARC Report found that data centers' power usage in Virginia is roughly equivalent to the electricity needs of 2 million Virginia households and is expected to double within 10 years. Within a 15 year timeframe the amount of energy that would need to be imported would increase by over 50% . ¹³

The VA JLARC Report continues: "Data centers are located across the state, but 80 percent of Virginia's data center industry is concentrated in three Northern Virginia localities: Loudoun, Prince William, and Fairfax...

Loudoun County alone accounts for approximately half of the state's data center industry in terms of

⁸ *Loudoun County Virginia Data Center Capital of the World "A strategy for a changing Paradigm"* by Supervisor Turner : Pg 7

Available here: [Loudoun County Virginia Data Center Capital of the World "A strategy for a changing Paradigm"](#)

⁹ Attachment (1) Pg 2 of a 2017 Dominion Energy Transmission Right of way agreement.

¹⁰ *Loudoun County Virginia Data Center Capital of the World "A strategy for a changing Paradigm"* by Supervisor Turner: Available here: <https://www.loudoun.gov/ArchiveCenter/ViewFile/Item/13979>

¹¹ Virginia Joint Legislative Audit and Review Commission report on Data Centers, "VA JLARC Report" Page 32. See Data Centers In Virginia : <https://jlarc.virginia.gov/landing-2024-data-centers-in-virginia.asp> Report: <https://jlarc.virginia.gov/pdfs/reports/Rpt598-2.pdf> ; Summary: <https://jlarc.virginia.gov/pdfs/presentations/Rpt598Pres-1.pdf>

¹² VA JLARC Report, Page 7

¹³ VA JLARC Report, Page 32

number of sites, building square footage, and estimated energy usage. The eastern part of the county north of Dulles International Airport has become known as “Data Center Alley” because of its high concentration of data centers. The remaining 20 percent of Virginia’s data center sites are in 11 other localities, with the most notable clusters in the Richmond region and Mecklenburg County.”¹⁴

This unconstrained data center development is the direct cause of the 500kv Mid-Atlantic Resiliency Link proposal. Loudoun County has only 800MW of base load generation and no plans to build more. The Integrated Resource plan by Dominion Electric¹⁵, recently filed with the Virginia State Corporation Commission, does not include new generation in the Loudoun County area.

Early in 2024, due to the multiple inter-state transmission lines proposed to go through / to Loudoun County to support the data centers, in the 2022 RTEP Window 3 projects that were approved by the PJM board, in December 11, 2023, an engineering firm was contracted by Loudoun County to do an Electrical Infrastructure Study. This study is the Kimley - Horn Power Transmission Evaluation of Loudoun County, Virginia Due Diligence Report.¹⁶

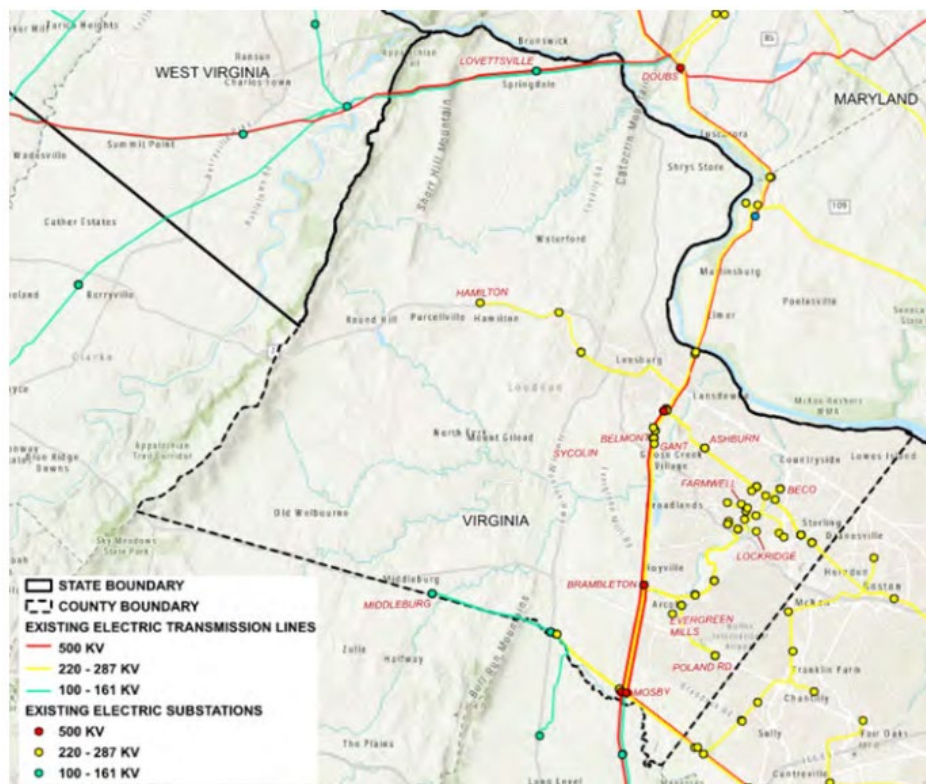


Figure 1: Existing Electric Transmission & Substations (HIFLD Modified)

¹⁴ VA JLARC Report, Page 6

¹⁵ Dominion 2024 IRP, Virginia State Corporation Commission Case No. PUR-2024-00184; Available here:

https://www.dominionenergy.com/-/media/pdfs/global/company/IRP/2024-IRP-w_o-Appendices.pdf

¹⁶ The "Loudoun Transmission Report" is referenced on Page 7 of Loudoun County Virginia Data Center Capital of the World "A strategy for a changing Paradigm" by Supervisor Turner and can be found here: <https://www.loudoun.gov/3432/Transportation-and-Land-Use-Committee> navigate to the 2024 folder, subfolder October 17, 2024 See Item 9 Electrical Infrastructure Study. The Kimley - Horn Power Transmission Evaluation of Loudoun County, Virginia Due Diligence Report is embedded in Item 9 as Attachment 2.

Figure 5: Existing Loudoun County, Virginia transmission lines¹⁷

Loudoun County' preferred path for high voltage transmission corridors is to use/expand existing corridors - of which there are two (2) - with Maryland providing the connecting piece between the two sides of the county. Virginia is a Dillon Rule state and Loudoun County has no authority to choose interstate transmission routes but that has not prevented the Loudoun County Board of Supervisors from mapping existing corridors and laying out a plan to modify the comprehensive plan to include transmission corridors to influence the both the regional and state transmission line development processes.

As reported by Loudoun Now: "... the consultant recommended **identifying and siting preferred transmission corridors to be considered by PJM Interconnection**, the region's power coordinator and the State Corporation Commission, which give final approval on power projects." ¹⁸

Loudoun County has already influenced the interstate transmission process through PJM, to re- route of the MARL transmission line. "PJM Transmission Coordination and Analysis Manager Augustine Caven said the proposed change is the result of "**successful collaboration**" between NextEra and the power providers who own the rights of way, **stakeholders and community members.**" ¹⁹

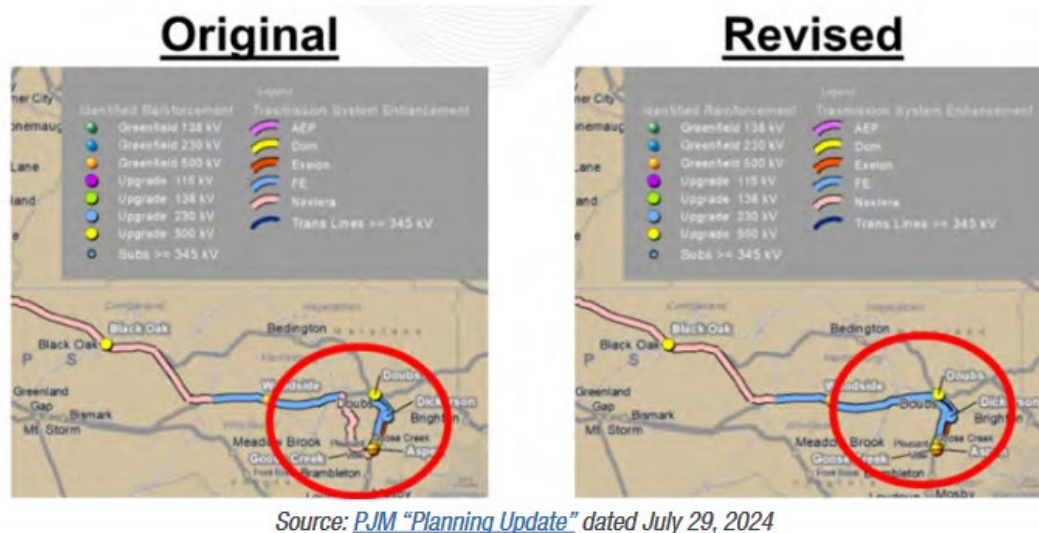


Figure 14: PJM Modification to NextEra 500kV Woodside to Aspen

Figure 6: Mid-Atlantic Resiliency Link routing change requested by Loudoun County²⁰

Loudoun County was given the proverbial "first bite" of the apple and since the Virginia SCC would not have had the jurisdiction to move the MARL transmission line into a neighboring state, PJM incorporated the requested re-route through Maryland into its RTEP as a "scope" change - with an added cost of \$167.48M to be socialized across all rate payers slipped the in-service date for that transmission line from 2029 to 2032.

¹⁷ Ibid, "Loudoun Transmission Report" Attachment (2), Page 10

¹⁸ Loudoun Now, "Supervisors to establish preferred Corridors for Transmission Lines"; Available here:

https://www.loudounnow.com/news/supervisors-to-establish-preferred-corridors-for-transmission-lines/article_aafb5dcc-c47e-11ef-a07f-033bed56218f.html

¹⁹ Loudoun Times Mirror , "PJM Considers Alternate Route for Western Loudoun Powerline" available here:

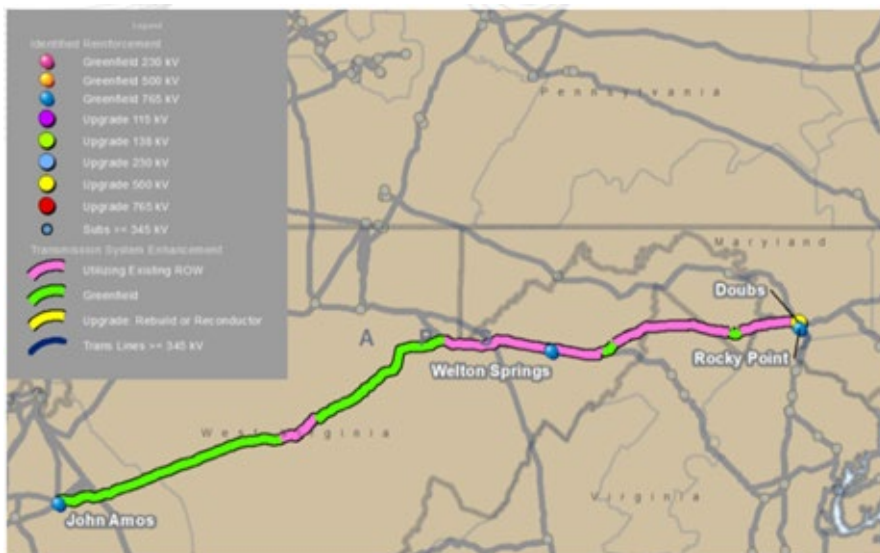
https://www.loudounnow.com/news/pjm-considers-alternate-route-for-western-loudoun-power-line/article_3faf7494-3e2e-11ef-a865-bb979c92b9ce.html

²⁰ Ibid, "Loudoun Transmission Report" Attachment (2), Page 24

MARL will require an expansion of the existing easements. The MARL transmission line was moved into Maryland by PJM to accommodate Loudoun County's request.²¹

Any assertion by NextERA that routing around Maryland's wilderness areas is more expensive or that avoiding Maryland all together would be more expensive doesn't hold water. Rate payers would save money simply by having PJM revert to the December 11, 2023 PJM Board approved project configuration

As Loudoun County continues its build out data centers, additional transmission lines will be needed to import energy into the county. On February 26, PJM announced its latest set of 500kV and 765kV transmission lines to support data center expansion and retiring fossil-fuel generation.²² Included is Project 262 - #708 Amos-WeltonSprings-Rocky Point 765kV transmission line that terminates at a new substation in Frederick County, Maryland.²³ This newly approved 765kV project this requires a new 200' easement for its entire 261 mile length through West Virginia, Virginia and into Maryland and is to be constructed using a V-frame and guyed-wire structure. **It will take at least 6,352 acres of land from rural property owners across fourteen (14) West Virginia counties, three (3) Virginia counties and one (1) Maryland county. It would impact 32 conservation easements. Project 262 crosses the Monongahela National Forest, Appalachian National Scenic Trail, Chesapeake & Ohio Canal National Historical Park, Harpers Ferry National Historical Park, Potomac Heritage National Scenic Trail and it will run parallel down the view shed of the Potomac River. ALL of these parks and scenic areas are also impacted by the MARL 500kv line. For communities in Jefferson County, West Virginia and western Loudoun County, Virginia, Project 262 Proposal #708 would be a THIRD HVAC transmission line through their communities and across their farms and property: the existing 500kV, a new 500kV that has not been constructed with a 138kV under built plus a 765kV guyed V-lattice structure beside it!**



²¹ Attachment (2), PJM Interconnection, L.L.C., Transmission Expansion Advisory Committee (TEAC) PJM Reliability Analysis Update - Item 10, July 9th 2024, Pages 42 to 44, and Background

²² PJM , "PJM Approves New Transmission Projects to Support Grid Reliability" Available here: <https://insidelines.pjm.com/pjm-board-approves-new-transmission-projects-to-support-grid-reliability/>

²³ Attachment (3)

Figure 6: PJM TEAC December 3, 2024, Proposal #708 Amos-WeltonSprings-Rocky Point 765kV²⁴

This new 765kV ends at a new substation in Frederick, Maryland, no additional outgoing lines have been included in this set of projects. This begs the question as to where new additional transmission lines will go from the proposed new 765kV substation in Frederick County, Maryland. If the energy is for Virginia's data centers it will traverse Frederick and Montgomery Counties and cross the Potomac River again to get to Data Center Alley". If any of the energy is needed for new data centers planned in Frederick and Montgomery Counties in Maryland, I wouldn't know where those are planned. The chart below is where the similarly routed PATH transmission line, defeated in 2012, was proposed to go in 2008.

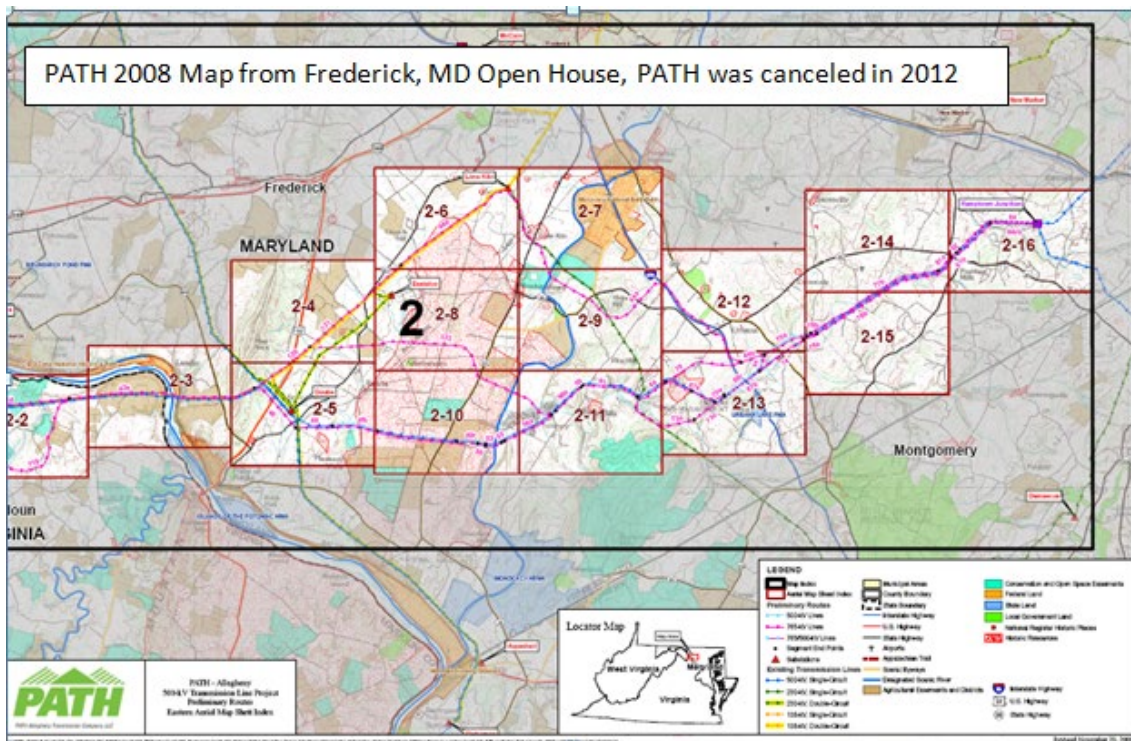


Figure 6: PATH route study area map displayed at the 2008 open house in Frederick, Maryland.

Perhaps when evaluating proposed transmission lines, the source of the energy should be considered. Project #708 originates at Appalachian Power's coal - fired John Amos Power Plant in West Virginia which has extra capacity. The John Amos Power Plant has three units that were commissioned in 1971, 1972 and 1973, at 50+ years old, it has already exceeded the average lifespan for coal fired generation plants.

It may be worth considering that while shutting down fossil-fuel generation in Maryland, PJM and its transmission owners are planning on importing coal-fired energy - over hundreds of miles of transmission lines at considerable cost to Maryland's rate payers. There are two additional PJM RTEP windows for proposing transmission line "solutions" for "retiring fossil-fuel generation" and "data centers" this year and surely more to come in the following years.

²⁴ PJM TEAC 2December 3 2024 - item 11 Reliability Analysis Update Pg78 Amos-WeltonSprings-Rocky Point 765kV, Available here: <https://www.pjm.com/-/media/DotCom/committees-groups/committees/teac/2024/20241203/20241203-item-11---reliability-analysis-update.pdf>

When viewed in this context you can surely see where the provision in this ACT that allows for **ANY** number of transmission lines through wildlands as long as they are parallel to the existing lines as well as "generally relating to wildland areas in the state" is cause for significant concern.

Private property owner's, particularly family farms, not wishing to hand over multiple acres to host transmission lines to support Loudoun County, Virginia's data centers, are also rightly concerned!

Interstate HVAC transmission lines are not the only solution for the unconstrained data center expansion / projected energy load in Loudoun County, Virginia. Virginia has many options for handling the data center energy issue. New generation in Virginia closer to the projected load would be the appropriate solution for a problem of this magnitude, as would lessening the density of the data center development in Loudoun County, Virginia.

None of Virginia's non-HVAC transmission options can be legislated by the Maryland General Assembly **BUT** the Maryland General Assembly can simply say **NO to these new transmission lines**, at which point the state of Virginia and Loudoun County, Virginia specifically will look toward developing other options to provide energy for their growing data center market.

Once again, it is not a choice between rural private property owners or wilderness conservation areas in Maryland . The choice is whether these lines are sited through Maryland at all.

I therefore recommend :

- vote **NO** on SB399 / HB1270 - NextERA's proposal to use conservation and wilderness areas for transmission lines to support data center development in Loudoun County, Virginia
- protect Maryland's private property owners from Eminent Domain takings to support data center development in Loudoun County, Virginia
- protect Maryland's scenic areas, farmland, wilderness and residential quality of life from the encroachment of data centers and the massive 500kV and 765Kv transmission lines to serve them
- provide and plan for co-located generation for data centers in Maryland or locate data centers closer to new or existing generation sources

Attachment (1)

Pg 2 of a 2017 Dominion Energy Transmission Right of way agreement.



Dominion Energy Virginia

Transmission Right of Way Agreement (VA) – (Page 2)

to or extensions of the Facilities as COMPANY may from time to time deem advisable, in its sole and absolute discretion.

GRANTOR may use the Easement Area for any purpose which is not inconsistent with the rights granted to COMPANY herein, provided that no improvements of any kind (including, but not limited to, water, sewer, telephone, electric, gas, cable or other utilities or communications facilities or equipment) may hereafter be constructed, placed or installed by GRANTOR or permitted by GRANTOR to be constructed, placed or installed on, over, under, through, across or in the Easement Area, without COMPANY's prior written consent thereto, which consent may be withheld in COMPANY's sole discretion if COMPANY determines that any such use may or could injure, interfere with or endanger the construction, installation, operation, maintenance or repair of any Facilities, interfere with the exercise by COMPANY of any rights, privileges or easements granted to COMPANY in this Agreement or violate any health or safety standard, rule or regulation now or hereafter in effect.

COMPANY shall at all times have the right, without any additional payment and without any liability to GRANTOR or any third party, to keep the Easement Area clear of (a) all buildings, improvements and structures (except agricultural fences), and (b) all trees, limbs, shrubs, landscaping, vegetation and crops and all stumps, roots and undergrowth; and COMPANY shall have the further right to trim, fell, cut or remove any tree, limb, shrub, landscaping, vegetation and crops which is located outside the Easement Area which, in the sole opinion of COMPANY, may endanger the safe or proper operation of the Facilities, or which in falling or being felled, cut or removed could come within ten (10) feet of any of the Facilities. All trees, limbs, shrubs, landscaping, vegetation, crops, stumps, roots and undergrowth removed, cut or felled by COMPANY may be disposed of by COMPANY within four (4) months after they are removed or felled. All trees, limbs, shrubs, landscaping, vegetation, crops, stumps, roots, and undergrowth cut or uprooted by COMPANY and not disposed of by COMPANY within four (4) months after they are cut or uprooted shall be the property of GRANTOR. All trees, limbs, shrubs, landscaping, vegetation, crops, stumps, roots, and undergrowth cut or felled by COMPANY (whether within or outside of the Easement Area) and not removed by COMPANY may be placed in piles within the Easement Area, subject to applicable regulatory requirements, where they will not block streams or drainage ditches. Notwithstanding any provision in this paragraph to the contrary, all trees felled or cut by COMPANY outside the Easement Area one year or more after COMPANY initially cuts trees outside the Easement Area shall remain the property of GRANTOR. Under no circumstances shall COMPANY be obligated to pay or provide additional compensation of any kind to GRANTOR for any trees felled or cut by COMPANY within or outside the Easement Area in the exercise by Company of its rights under this paragraph. COMPANY shall have the right, but not the obligation, to plant trees, shrubs, and other vegetation within the Easement Area at public road crossings.

For the purposes of constructing, inspecting, maintaining, or operating the Facilities within the Easement Area or on GRANTOR's property or properties adjacent to GRANTOR's property, COMPANY shall have the right of ingress and egress on, over, through, across and upon the property of GRANTOR. COMPANY shall have the further right of ingress to and egress from the rights of way, private roads, driveways and parking areas which may now or hereafter exist on the property of GRANTOR. All rights of

Attachment (2)

PJM Interconnection, L.L.C., Transmission Expansion Advisory Committee (TEAC) PJM Reliability Analysis Update - Item 10, July 9th 2024, Pages 42 to 44, and Background.

Available here: <https://www.pjm.com/-/media/committees-groups/committees/teac/2024/20240709/20240709-item-10---reliability-analysis-update.ashx>

These scope changes on pages 42 to 44 were approved by the PJM Board of Managers on August 7, 2024

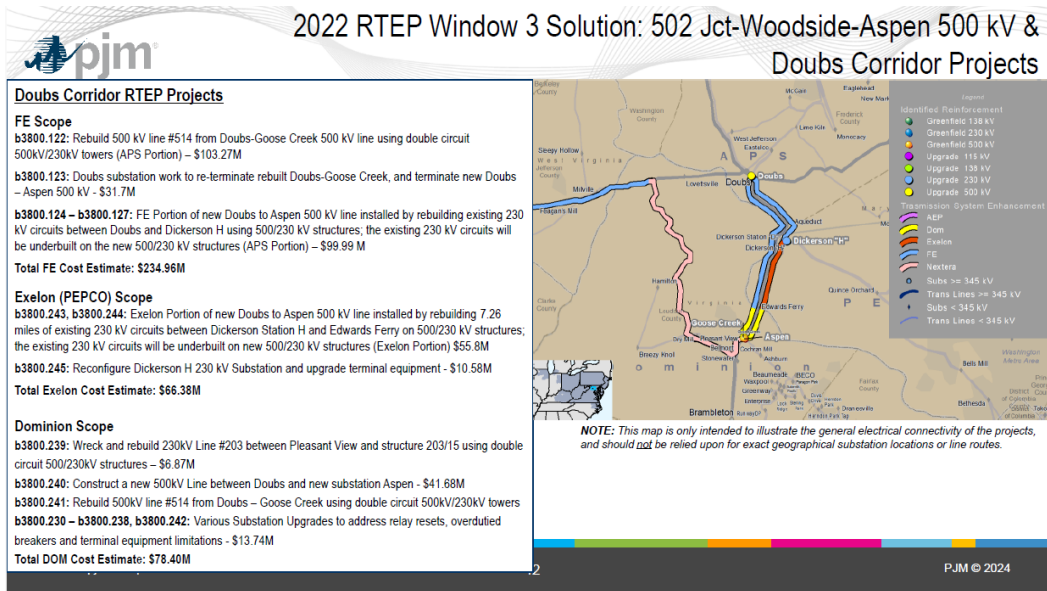


Figure 1: Pg 42: Doubs Corridor RTEP Projects This shows the original December 5, 2023 Mid-Atlantic Resiliency Link (MARL) project. It is the pink line on this slide and is entirely contained within Virginia.

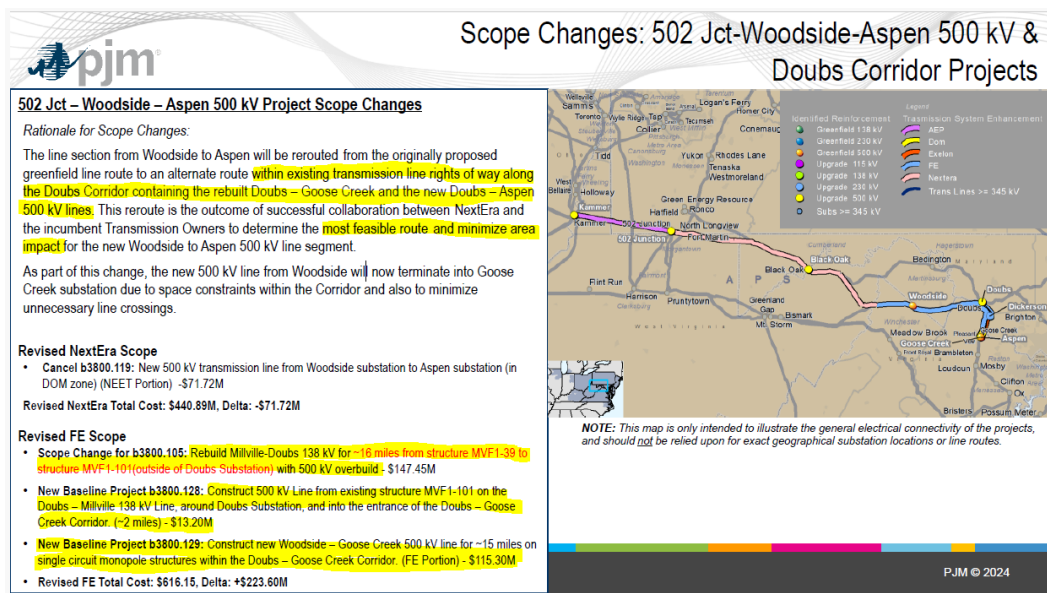


Figure 2: Pg 43. 502 Jct-Woodside-Aspen 500kV Project Scope Changes moving the route across the Potomac River and through Maryland

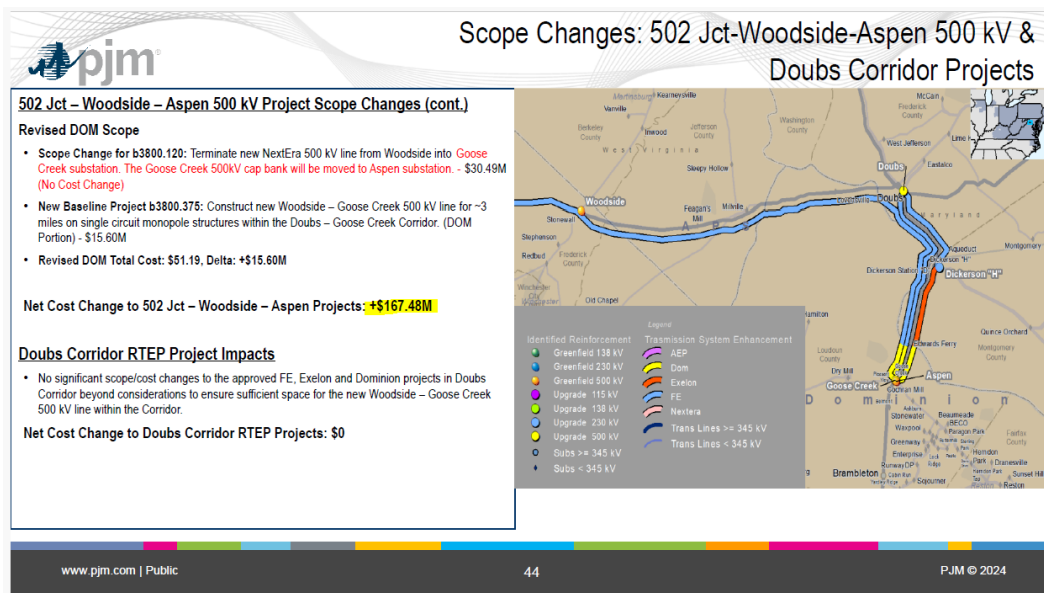


Figure 3: Pg 44. 502 Jct-Woodside-Aspen 500kV Project Scope Changes (cont.) - this shows the MARL transmission line rerouted as well as the \$167.48M cost increase.

Background

As to NextERA's proposed transmission project approved by the PJM Board of Managers, December 11, 2023, NextERA did not share routing studies or siting studies with the public in Loudoun County, Virginia. Neither did NextERA site the transmission line nor create an actual route for public comment. NextERA did not post any maps or hold any open citizen input or citizen feedback meetings at all in Loudoun County:

- no siting maps with routes to comment on,
- no alternate routes presented to the communities,
- no community meetings,
- no comment cards

In early April of 2024, the Waterford Foundation, Loudoun Transmission Line Alliance and Piedmont Environmental Council brought a resolution to the Loudoun County Board of Supervisors calling for the proposed transmission lines to be routed on existing transmission corridors.

"Echoing concerns from county residents and activist groups, county supervisors unanimously passed a resolution April 16 calling for NextEra Energy's proposed transmission lines to be routed on existing transmission corridors rather than building a new path through western Loudoun. ...

Instead of using the Woodside to Aspen route, a county staff report suggests, NextEra could "redirect the route from the Woodside substation to the Doubs substation" in Frederick County, Maryland, then cross the Potomac River going south to the Aspen substation. This would use existing Pepco and Dominion Energy corridors"

Supervisor Kristen Umstattd [stated] " One of the conversations that I've had with the NextEra folks indicates that, from their perspective, **some of the existing transmission corridors do not have adequate room to run additional lines because of how close they already are to existing residential communities**" ²⁵

On July 6, 2024 the Loudoun Transmission line Alliance released their MARL Power Line Impact Study ²⁶

- in spite of the fact that there was no actual sited route and no identified set of contiguous properties identified for the proposed transmission line easement - and still no routing or siting study maps shared with the public.

"We met with NextEra last week and we know that the impact report and the efforts that we've been making to raise community awareness have had an impact on them. They have definitely said they're giving a lot more consideration to using existing rights-of-way and working with Dominion and working with PJM," Manch said.²⁷

PJM was an active participant in negotiating the deal with utilities, elected officials, and the community that stands to benefit from the scope change. PJM and NextERA say they successfully collaborated with "stakeholders and community members".

²⁵ Loudoun Times Mirror, "Supervisors ask NextEra to use Existing Corridors for new transmission lines" by Jess Kirby April 17, 2024 , Available here: https://www.loudountimes.com/0local-or-not/1local/supervisors-ask-nextera-to-use-existing-corridors-for-new-transmission-lines/article_b85fa322-fcf3-11ee-a0d2-2f2e6ed6dcc0.html

²⁶ Loudoun Transmission Line Alliance Impact Study, Available here: <https://bloximages.chicago2.vip.townnews.com/loudounnow.com/content/tncms/assets/v3/editorial/5/92/5927e9a8-3b02-11ef-9b23-dfd96599b8cb/668845e77f836.pdf.pdf>

²⁷ Loudoun Now, "LTLA Releases MARL Power Line Impact Study NextERA to Consider Alternate Route" by Hanna Pampaloni, July 5, 2024 Available here: https://www.loudounnow.com/news/ltla-releases-marl-power-line-impact-study-nextera-to-consider-alternate-route/article_d03e72be-3b02-11ef-91c5-f3f36d46ebb1.html

"... PJM Transmission Coordination and Analysis Manager Augustine Caven said. He said the proposed change is the result of **successful collaboration** between NextEra and the power providers who own the rights of way, **stakeholders and community members**. ... Del. Geary Higgins (R-30) who has been working with residents, community groups, NextEra, PJM and Gov. Glenn Youngkin to have the line moved said, while it is still early in the process to change the route, he was hopeful.", "We have been advocating that this is the only reasonable and acceptable alternative since day one," he told *Loudoun Now*. "²⁸

In his press release, Del. Higgins recounts "over the last eight months we met with NextERA six times and PJM twice "²⁹

The majority of the replacement route (presented as a scope change) was assigned to FirstEnergy by PJM with an approximately three mile segment from the Potomac River to the Goose Creek substation assigned to Dominion. No part of the replacement route will be built by NextERA, whose proposal was selected based on a competitive bid. None of the incumbent transmission owners will be held to the original \$683.55M cost cap of the selected NextERA proposal. The replacement route avoids the mid section of western Loudoun County and shifts the impact farther west in Loudoun County and into two counties in Maryland. Additionally, the replacement route crosses the Chesapeake & Ohio Canal National Historic Park ("C&O Canal")³⁰ twice and impacts the Chesapeake & Ohio National Park, Harpers Ferry National Park and the Potomac Heritage National Scenic Trail. The scope change to replace the route has caused the in-service date for the project to shift out three years from 2028 to 2031 and has increased the project's cost by \$167.48M (See page 44 of the slides from PJM's July 9th, 2024 Transmission Expansion Advisory Committee meeting in Figure 3 above) . This scope change pushes this project's cost to well over \$1B .

²⁸ Loudoun Times Mirror , "PJM Considers Alternate Route for Western Loudoun Powerline" available here: https://www.loudounnow.com/news/pjm-considers-alternate-route-for-western-loudoun-power-line/article_3faf7494-3e2e-11ef-a865-bb979c92b9ce.html

²⁹ Delegate Geary Higgins Press Release Waterford, VA, July 9, 2024 Available here: <https://www.facebook.com/delegatehiggins/posts/major-transmission-line-update-most-likely-route-is-now-using-existing-right-of-122153961728153171/>

³⁰ C&O Canal Trust <https://www.canaltrust.org/about-us/about-the-co-canal/>