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February 21, 2011

Terry J. Romine, Executive Secretary  
Maryland Public Service Commission  
William Donald Schaefer Tower  
6 St. Paul Street  
Baltimore, Maryland 21202-6806

Case No. 9223

**Re: In the Matter of the Application of the Potomac Edison Company d/b/a Allegheny Power for a Certificate of Public Convenience and Necessity to Construct the Maryland Segments of a 765-KV Transmission Line and a Substation in Frederick County, Maryland.**

Dear Executive Secretary Romine:

Enclosed please find an original plus seventeen (17) paper copies and an electronic version of our letter to Hearing Examiner Sober requesting he deny the Applicant's Motion to Immediately Suspend the Procedural Schedule and Postpone Hearing scheduled for February 24, 2011.

Copies have been provided electronically to all Parties and Interested Persons on the service list; those not having electronic addresses have been sent a copy via surface mail.



John C. Armand  
Intervenor



Terri L. Armand  
Intervenor

Cc: Service List via Email and USPS

February 21, 2011

Mr. Dennis Sober  
Hearing Examiner  
Maryland Public Service Commission  
William Donald Schaefer Tower  
6 St. Paul Street  
Baltimore, Maryland 21202-6806

Case # 9223

Dear Hearing Examiner Sober:

As Intervenors in Case No. 9223, we, John C. Armand and Terri L. Armand, oppose the Applicant's Motion to Immediately Suspend the Procedural Schedule and Motion to Postpone Hearing. We support the Motion by attorney Amy Grasso on behalf of Sugarloaf Conservancy (submitted on February 21, 2011) and agree with the letter written by Stanley and Karen Baker (submitted on February 20, 2011) for all the reasons given in those two documents. We also oppose the Applicant's most recent motion for the same reasons detailed in our previous letter filed on February 1, 2011 in this case<sup>(1)</sup> and for the following additional reasons:

- 1) We believe that Potomac Edison's "Motion to Immediately Suspend the Procedural Schedule and Motion to Postpone Hearing" amounts to nothing more than yet another attempt by Potomac Edison/Allegheny/PATH to manipulate and protract these proceedings. We believe the Motion filed by the Applicant on February 18, 2011 – the Friday before a holiday weekend – is simply more of the same bad faith activity in an overall strategy by Potomac Edison/Allegheny/PATH to wear down the Intervenors (or, as we're better known in PATH circles, "*the 300 pound elephants*").<sup>(2)</sup>
- 2) Many Intervenors are away from home during this three-day holiday and therefore will have virtually no opportunity to voice their opposition to Applicant's motion for postponement. We believe this was an intentional move to catch Intervenors 'off guard'. It's unfair and it's prejudicial.
- 3) There are motions to dismiss pending before the Hearing Examiner which, if granted, would make this request, and any other postponement or delay requested by the Applicant a moot point.
- 4) The Applicant has made it abundantly clear that they will continue to hinge all proceedings in Maryland's PSC Case No. 9223 on decisions made in their parallel cases in Virginia and West Virginia. This supports our earlier request for a dismissal of the entire Application based on the obvious fact that it is exceedingly premature for Maryland to be hearing a case based on an ill-conceived, unnecessary project with an unknown future and a denied terminus.
- 5) The Applicant's frivolous motions continue to place an unjustifiable burden on Maryland taxpayers and Intervenors. The Applicant continues to throw its considerable weight around causing Intervenors to suffer both financially and emotionally. In this instance many Intervenors have once again spent hours

upon hours researching and responding to Motions to be heard at the hearing scheduled just three days from now. We have taken time away from our families and jobs to prepare for the hearing and many of us have already taken the day off work in order to attend the scheduled hearing on February 24<sup>th</sup>. Time off from work causes a serious financial hardship on many of us but is a mere drop in the bucket to the Applicant (especially since we're the ones paying for their legal team!)

- 6) We maintain that virtually every action taken and every motion submitted by the Applicant in Case No. 9223, whether it be requests for delays or misrepresenting facts, is motivated by the greedy 14.3% return they've been promised on this project, not by any altruistic motives to serve the needs of the public.

Based on all the foregoing data, we respectfully request that the Applicant's Motion to Immediately Suspend the Procedural Schedule and Postpone Hearing scheduled for February 24, 2011 be denied, and additionally request that the entire CPCN application is dismissed with prejudice. Enough is enough. It's time to let Potomac Edison/Allegheny/PATH know that Maryland is on to their disingenuous tactics and allow Maryland taxpayers, citizens and homeowners to get on with their lives.

Sincerely,



John Armand  
Intervenor



Terri Armand  
Intervenor

<sup>(1)</sup> Maryland PSC Case No. 9223, Jacket #163, Item #1

<sup>(2)</sup> American Electric Power 2009 live presentation to the Edison Electric Institute.  
<http://www.eei.org/meetings/Meeting%20Documents/txcasestudybarton.pdf>