

Public Service Commission of West Virginia

201 Brooks Street, P.O. Box 812
Charleston, West Virginia 25323

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June 25, 2025

Honorable Delegate Frederick "Rick" Hillenbrand
West Virginia House of Delegates
Building 1, Room 218E
1900 Kanawha Blvd., East
Charleston, WV 25305-0470
rick.hillenbrand@wvhouse.gov

Re: MARL Protest Letter
RFA #25-024

Dear Delegate Hillenbrand:

My name is Wendy Braswell and I am the Director of the Legal Division at the Public Service Commission (Commission). Your letter to Chairman Charlotte Lane concerning the MidAtlantic Resiliency Link (MARL) project has been referred to me for a response. A copy of your letter is attached to this response.

At this time, the Commission has not received an application for a certificate of convenience and necessity for the MARL transmission project nor a Notice of Intent that an application will be filed. West Virginia law requires that unless a high voltage transmission line of 200,000 volts or more is built in the ordinary course of business, a certificate of convenience and necessity must first be obtained from the Commission approving the construction and proposed location of the transmission line (W. Va. Code § 24-2-11a). It is anticipated that the certificate application for the MARL transmission project will be filed in the autumn of 2025.

I am sharing information concerning the certificate application process to assist you in following the certificate application after it is filed. Notice of the proposed transmission line must be published two times by a newspaper in each county where the line is proposed to be located. Once the certificate application is filed, any member of the public may submit letters of comment, support, or protest. So long as filings are received within fifteen days of publication that protest the proposed transmission line or its location, a hearing must be held. Any person having a legal interest in the certificate application may file a petition requesting to

intervene in the proceeding, as described within Rule 12.6 of the Commission Rules of Practice and Procedure, and should provide a clear and concise statement of the grounds for intervention. After the case is filed, members of the public may also view details of the certificate application on the Commission web docket, subscribe to follow the case, and submit public comment through the Commission web site at <http://www.psc.state.wv.us/>

Your letter specifically raises concerns that the proposed adverse impacts of the MARL project outweigh its benefits for West Virginians, the estimated \$246 million cost to West Virginia for the MARL project, and the feasibility of burying high-voltage transmission lines. The concerns you raise in your letter are the type of issues that must be considered as part of the certificate application, pursuant to W. Va. Code § 24-2-11a (d), as follows:

(d) Within sixty days after the filing of the application, or if hearing is held on the application, within ninety days after final submission on oral argument or brief, the commission may approve the application if it finds that the proposed transmission line:

(1) Will economically, adequately and reliably contribute to meeting the present and anticipated requirements for electric power of the customers served by the applicant or is necessary and desirable for present and anticipated reliability of service for electric power for its service area or region;

(2) Will be in the best interest of West Virginia customers and its citizens; and

(3) Will result in an acceptable balance between reasonable power needs and reasonable environmental factors.

Further, the Commission may order conditions for approval of a transmission line certificate or modify the proposed transmission line project to achieve an acceptable balance between reasonable power needs and reasonable environmental factors, as permitted by W. Va. Code § 24-2-11a (e).

I hope this letter assists you in following and responding to the anticipated certificate application.

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Sincerely,



Wendy Braswell

Director, Legal Division

West Virginia State Bar I.D. No. 9406

WSB/jt

Attachment

CC: Andrew Gallagher, Director of Communications, Public Service Commission
of West Virginia

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RICK HILLENBRAND
(304) 340-3176

ENERGY AND PUBLIC WORKS

VICE CHAIR - ENVIRONMENT,
INFRASTRUCTURE AND TECHNOLOGY

JUDICIARY

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RFA #25-034

HOUSE OF DELEGATES
WEST VIRGINIA LEGISLATURE

June 6, 2025

Chairman Charlotte R. Lane
Public Service Commission of West Virginia
201 Brooks Street, P.O. Box 812
Charleston, WV 25323

Dear Chairman Lane:

Having engaged in several industry and constituent meetings, consulted with leaders and representatives from NextEra, FirstEnergy, and PJM, and heard from many constituents, I am writing to publicly oppose the MidAtlantic Resiliency Link (MARL) project. As currently proposed, the project's tangible and intangible adverse impacts significantly outweigh its benefits for West Virginians, particularly my constituents in Hampshire and Mineral Counties, whom I represent in House District 88.

NextEra estimates that, over 40 years, MARL could generate up to \$75 million in sales and property taxes for Mineral County and \$125 million for Hampshire County. Based on current population estimates (approximately 26,797 for Mineral and 24,033 for Hampshire), this translates to roughly to only \$70 and \$130 per resident annually, respectively. However, these figures fail to account for lost property tax revenue or depreciation affecting existing property owners, diminishing the net benefit.

As a strong advocate for energy development, I recognize the critical need for grid resiliency to meet West Virginia's and the nation's growing electricity demands. However, if, as MARL's developers state, the electricity will primarily benefit Virginia and its taxpayers, why should West Virginians bear a substantial cost? Federal Energy Regulatory Commission (FERC) Commissioner Mark Christie, in his January 22, 2025, comments on FERC Docket No. ER24-472-000 (page 17), emphasized, "A core principle of utility law and regulation for decades is that consumers can only be forced to pay costs for assets that are 'used and useful' to them." Yet, the Institute for Energy Economics and Financial Analysis' May 2025 report, West Virginia Ratepayers Footing the Bill for Infrastructure Build-Out, estimates that West Virginians will pay over \$246 million for MARL and at least \$345 million for the Valley Link project.

Beyond economic concerns, I have discussed with NextEra and PJM the feasibility of burying high-voltage transmission lines, as done in projects like the Champlain Hudson Power Express (CHPE), currently under construction, and the Interconexión Eléctrica Francia-España (INELFE) project, operational since 2015. Notably, NextEra representatives informed me that they operate the Trans Bay Cable, a 400 kV DC submarine and underground line in the San Francisco Bay Area, operational since 2010. Their stated reason for not burying MARL's lines—addressing only some of my constituents' concerns—is purely economic. Over a century ago, city planners required public transit systems to go underground at greater cost, leading to today's subway networks. Similarly, Germany's 435-mile, 525 kV HVDC SuedLink project is being built entirely underground due to public and political pressure. If MARL proceeds, I urge its developers to adopt similar innovative approaches.



HOUSE OF DELEGATES

WEST VIRGINIA LEGISLATURE

In the end, the MARL and Valley Link projects are about supplying electricity to Virginia—a state that refuses to generate enough power for its own needs yet has no qualms about exploiting West Virginia's land and people to make up the difference. They're happy to scar our mountains and rip off our communities just to keep their lights on. I say, "Not on my watch."

I strongly urge the Public Service Commission to reject the MARL and Valley Link projects as currently proposed. I believe neither of these projects' will significantly benefit West Virginians, and their objectives can be achieved without unfairly burdening our citizenry and landowners. If necessary, developers should consider abandoning these projects entirely.

Should the projects be abandoned, FERC Commissioner Christie's remarks in FERC Docket No. ER24-472-000 highlight a critical issue: "The CWIP (Construction Work in Progress) Incentive effectively makes consumers the bank for transmission developers, and the Abandoned Plant Incentive makes them the insurer of last resort." I support his call for FERC to reassess transmission developer incentives to protect ratepayers.

A handwritten signature in black ink that reads "Fredrick 'Rick' Hillenbrand".

Frederick "Rick" Hillenbrand
Delegate, West Virginia House of Delegates
District 88 – Hampshire and Mineral Counties

Copy to:

Governor Patrick Morrisey
Hampshire County Commission
Mineral County Commission