PUBLIC SERVICE COMMISSION

OF WEST VIRGINIA

CHARLESTON

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IN RE: NEXTERA ENERGY TRANSMISSION*

MIDATLANTIC, INC. * 26-0075-E-CN

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HEARING TRANSCRIPT

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BEFORE: CHARLOTTE LANE, Chairman

RENEE LARRICK, Commissioner

WILLIAM RANEY, Commissioner

HEARING: Thursday, October 29, 2026

10:01 a.m.

LOCATION: PSC Howard M. Cunningham Hearing Room

201 Brooks Street

Charleston WV

Reporter: Emily Stewart

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P R O C E E D I N G S

CHAIR:

You all may sit down. Mr. Presley, is Mr. Callas coming today?

ATTORNEY PRESLEY:

Yes, he should be on his way. Should be here any minute.

CHAIR:

Okay. Ryan, do we have an update on our schedule of witnesses?

MR. BROWN:

Yes, we're working on that. I have a list right now of today's witnesses that's sort of updated. The list in front of you, I think we're up --- if we look at Thursday's list, we're up to Ms. Riggleman, who's number six on that list.

CHAIR:

Okay.

MR. BROWN:

Let me --- let me back up real quick. I was informed that --- so Mr. Davis is number four and he was up first, but I've been informed that he will not be here today and he's standing by his prefiled testimony, so we will move on. Ms. Mary Major testified yesterday,

so we were up to number six, with which is Linda Riggleman.

CHAIR:

Okay. Who testified yesterday?

MR. BROWN:

So if you look at Thursday's hearing, the first three elected prefiled testimony.

CHAIR:

Yeah.

MR. BROWN:

Mr. Davis won't be here. Ms. Mary Major testified yesterday when we called witnesses that were present yesterday. So we are up to number six, which is Linda Riggleman.

CHAIR:

Okay. Before we take our first intervener, because of the confusion about public utility property taxes, I am submitting a memo as a Commission Exhibit Number 1.

(Commission Exhibit 1 was marked for identification.)

CHAIR:

And Ryan, do you want to pass this out, please, to all of the parties? Oh, and give one to the Court Reporter, please. And I'm going to read into the

record the relevant information. It occurred to me that the testimony that we have had so far was all over the board about what taxes utility property pays. And I just want to clear the record.

So statewide assessment. In West Virginia, public utility property is assessed by the State under West Virginia Code Chapter 11-6. The Board of Public Works determines the assessed value of public utility property. The State Tax Commissioner, as chief executive of the State Tax Division, administers the preparation of tentative assessments for consideration and final determination by the Board of Public Works, including reviewing company information returns and preparing valuation recommendations. The State Auditor allocates the assessment values among the counties and calculates the county taxes assessed based on the assessment rates in each county.

The valuation is based on a combination of property net book cost and a calculated value of property based on net operating income. And I've got some examples, but I'm not going to read that into the record. It'll speak for itself.

After the Board of Public Works determines the total assessed value, the State Auditor apportions the assessed value among the counties in which the

utility operates. The allocation can be based on direct assignment of taxable income to a county or an allocation formula. The taxable value of large, high cost facilities that may be located in a single county, but which serve the entire utility system are not allocated to only the county containing the facility.

The State Auditor determines the taxes for each county using applicable levy rates of each county applied to the assessed valuation allocated to each county. Within a limited time period, a utility may appeal evaluation or petition for relief from an erroneous assessment pursuant to West Virginia Code.

A company operating large electric transmission facilities in West Virginia, but having no other utility operations in the state, are evaluated the same as public utilities that have production, transmission, and distribution operations in West Virginia. The lack of local generation or distribution operations or lack of local revenue and income does not mean that the transmission facilities must be valued solely by net book cost. Under the unit method, if applicable, the state may consider the value of the integrated transmission business as a whole and determine a portion of net operating income attributable to West Virginia and then apply the capitalization rate to that

net operating income.

And with that, I'm going to move that be in the record. And hopefully that will clear up the record as to how utility property is assessed and taxed in West Virginia.

Now let's go to our first intervener.

MR. BROWN:

Chairman. Chairman Lane, I've laid an updated list next to you there.

CHAIR:

Okay. Linda Riggleman. You want to be sworn in.

MS. RIGGLEMAN:

Okay. All right.

CHAIR:

Now you can stand there. Right there in the seat, yes.

MS. RIGGLEMAN:

Okay.

COURT REPORTER:

Can you please raise your right hand?

LINDA RIGGLEMAN, HAVING FIRST BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

CHAIR:

Do any parties wish to Cross Examine Mr. Goldman? Commissioner ---.

ATTORNEY WILLIAMS:

Yes, ma'am. I might ask one question. Just briefly. Yeah, it was low button now I have it on three.

CROSS EXAMINATION

BY ATTORNEY WILLIAMS:

Q. Ms. Riggleman, have you had a chance to listen to the hearing as we've had the prior few days?

A. Only bits and pieces.

Q. Okay.

A. What I pick up on Facebook at a time.

Q. Okay. What you've heard in your hearing, has that caused anything you want --- want to amend or add to your statement?

A. No, it hasn't.

Q. Okay, thank you.

CHAIR:

Commissioner Larrick.

COMMISSIONER LARRICK:

I have no questions.

CHAIR:

Commissioner Raney.

COMMISSIONER RANEY:

Ms. Riggleman, nice to see you this morning.

A. Thank you.

COMMISSIONER RANEY:

As I --- as we did yesterday, I always like to know a little more about the interveners, so tell us a little bit about yourself.

A. Okay. I am a lifelong resident of Hampshire County, West Virginia.

COMMISSIONER RANEY:

Okay.

A. My family has been in the orchard and fruit market business there since 1940. And my family and close family live on family property that was deeded to them as they grew up and got married, had families of their own, and.

COMMISSIONER RANEY:

And are you still in the orchard business?

A. Yes, we are.

COMMISSIONER RANEY:

Apples, peaches?

A. Apples, peaches, plums.

COMMISSIONER RANEY:

There you go. Okay. Thank you very much.

A. You're welcome.

COMMISSIONER RANEY:

It's nice to see you this morning.

A. All right, thank you.

CHAIR:

Okay. I don't have any questions. Thank you.

A. Okay, great. Thank you.

CHAIR:

Marsha Sowers. Alex Sowers. Felicia Peacemaker.

COURT REPORTER:

Please raise your right hand.

FELICIA PEACEMAKER, HAVING FIRST BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

CHAIR:

Do any of the parties wish to Cross Examine this witness?

ATTORNEY WILLIAMS:

I'll just ask the same question of Ms. Peacemaker.

CROSS EXAMINATION

BY ATTORNEY WILLIAMS:

Q. Ms. Peacemaker, have you had a chance to follow the hearing remotely?
A. Just a little bit.
Q. Has anything you've heard caused you to change or amend your statement in any way?
A. No, I think everyone's done a really good job.
Q. Thank you.

CHAIR:

Commissioner Larrick.

COMMISSIONER LARRICK:

No questions.

CHAIR:

Commissioner Raney.

COMMISSIONER RANEY:

Ms. Peacemaker, and I'm going to ask you the same question. Tell us a little bit about Ms. Peacemaker. About your little piece of heaven you talk about in your testimony as well as, it's a curious last name, so.
A. Well, that was my ex-husband's last name, so I can't take credit for that.

COMMISSIONER RANEY:

Can you explain a little bit about your husband's last name?
A. Ex-husband.

COMMISSIONER RANEY:

Okay.

A. I've been a lifelong resident in Hampshire County. I live on a generational property. My kids make the sixth generation to call the place home. So it's pretty ---.

COMMISSIONER RANEY:

And do they live on the property as well?

A. Uh-huh, I have three kids.

COMMISSIONER RANEY:

Okay.

A. Eight to six months.

COMMISSIONER RANEY:

That's a pretty good span.

A. Yeah.

COMMISSIONER RANEY:

Sure is.

A. Keeps you busy.

COMMISSIONER RANEY:

Good. And thank you very much. It's nice to see you this morning.

A. All right. Thank you all, too.

CHAIR:

Okay. I have no questions. Caroline Haynes.

MR. HAYNES:

As I noted last night, that's --- that's my wife. She's not here. I'm representing her.

CHAIR:

Michelle Wilkins.

MR. BROWN:

Chair, Ms. Wilkins brought some additional files this morning. She said that they were not.

CHAIR:

I'm sorry.

MR. BROWN:

Ms. Wilkins brought some additional documents this morning. She said that they weren't --- were not uploaded on the Commission docket. So I've provided that to the Court Reporter.

CHAIR:

Okay, thank you.

COURT REPORTER:

Can you please raise your right hand?

MICHELLE WILKINS, HAVING FIRST BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

WITNESS TESTIMONY

A. I've never been to --- I never did a hearing, SO I'm nervous. I have my questions, but you have my testimony. The written letter part of my testimony was put in, but my references to all the facts and all the support research was not loaded to the docket --- document. So that's what I brought.

And I have some specific questions. And that was in my testimony as well for you all. And again, I don't know how you operate, really. I guess I'm a typical West Virginian. If life has gone wrong and you don't have any issues that come to your face right directly in front of you, you let it go.

But anyway, my questions were we're not on my, our home on 893 Sirbaugh, Capon Bridge, we're not a transverse property. And I know NextEra is addressing transverse properties, but nothing has been - we never got any information or anything because supposedly we're not a transverse property.

However, when I went to the public library, which is the only map I saw, it had the circles for the towers, but it did not identify schools or homes or anything else on that map that was --- that was told that you guys received in February, where the towers are located according to schools and maps and all of that.

So I did some research, and I'm like, because I

couldn't find anything, what you use, I didn't know what you use in their application, what information they need to give you. But I did research and I saw that even in the UK, they have three pages of things that they ask of an energy company when they come in. And one of the things is where they were located for schools and homes and communities, and it's supposed to come right through Capon Bridge where we live. And then I started talking to my neighbors. And I have on my notes because I can't remember all that, all the --- the numbers, like 39.278348 which says specifically where we're at. But of all the --- our neighbors because the towers are --- are taking property from everybody on all sides of us.

So I'm trying to determine where our house is in the middle because I have six grandchildren, I'm going to have two more on the way. I want them to be able to visit us. And with all the documentation I gave you, it's concerning to me especially because there are health concerns and I put documentation in there. And my husband had cancer in the past, and the documentation is true studies that show if you've had cancer and if you're in a certain proximity to the line to the towers that it may affect you even more.

So as a non-transverse, it does affect us. And I was wondering if, as the PSC, if you would require

NextEra to compensate non-transverse property owners equally as transverse property owners. And even everyone to the extent that if for health reasons or the noise, if they want to move, that they will give us compensation for our property so we can move. And I --- and in the documentation is I did get a statement, well and that was another question.

In the paperwork, it says that land agents would be hired by NextEra and that of course we have a right to file an appeal if we don't get the right amount of money for our land or anyone can. My question was, if we can't file an appeal or go to that expense, if we have, why can't we use current market property assessments from our own land assessment and from real estate agents? And I even put that in the documented paperwork. You know, our house, right now, our home is worth over $400,000, not quite $500,000. And that's just for, that's for our home.

And in addition to that, we're beekeepers, and we get money from our bees. Our bees are going to die because the transmissions, and that's all in line. And with us, I'm retired, my husband's going to retire. And we use the income from our bees to help us with making our, you know, all of our bills. And the bees will definitely die. And I put all that research in, and we

currently sell to a local cafe and we sell to a resort that people come from all over the United States and buy our honey.

But when I put it in the paperwork, then I get a call that they didn't see where we were beekeepers. But there is a West Virginia Apiary Act that, and also, well, it's not only that Apiary Act, but we have 36 endangered species living in the Cacapon watershed. We have eagles going over our house every day, and I love it. I have 11 deer in my front yard. They're not going to be there when those lines come in. All that's going to move. It's going --- you know.

So I --- I just have a lot of questions, and because we never got contacted by NextEra in any way. I went to the public library and the map didn't give me enough information. NextEra says that we're 0.21 away. That's all I know is what they've told us, and I really don't know anything from the news either except of people being against NextEra because of how it's going to affect them. I haven't gotten --- I don't know how the PSC operates. I really don't. I never even thought of looking into it before this is happening.

So those are my questions. Could you answer them? Was there any way we can get compensation if we're not transverse?

CHAIR:

Let me ask you a question. Did you get a flyer from NextEra giving you information to contact them?

A. No. And I was buying the Hampshire Review. In fact, one of the documents that I sent was a front page article from the Hampshire Review, and it said nothing. I never got anything. I never saw something in the newspaper. I thought they were supposed to put in two times something in the newspaper to the residents about what was going on. I never saw that. Maybe someone else did, but I did not.

I sent you the copy of the Hampshire Review that was supposed to go in the docket. And even Senator Thorne got up, and he said that he had a letter in writing, but he hadn't signed it yet, with his concerns. I sent you a certified letter asking if I could get a copy of his letter saying what his concerns were because I was interested. I never got a copy of his letter. I did not get a response to that.

And I sent all my communication to the PSC and certified mail. I sent six different times and certified mail to the PSC, and I didn't get --- and I got --- the first time I wrote, I got a letter back from the letter from the attorney for the PSC stating that A, they was

--- when it was only 25A. NextEra was 25A and stating that the number had not been applied to the docket yet. And I would have to put information in the second time. And I think if you look at the record, I actually submitted my testimony three times. I wanted to make sure it got in because I have questions. And I think all West Virginians do, and we have always trust our government to take care of us.

CHAIR:

Okay. So you are saying that a lot of the information that you filed with the PSC did not get on --- in the docket?

A. Right.

CHAIR:

And you have now brought it today?

A. Yes.

CHAIR:

And you've given it to the Court Reporter?

A. Yes.

CHAIR:

So it now will get in to the docket.

A. Yes.

CHAIR:

And you were not given a number to talk to NextEra?

A. No.

CHAIR:

Okay. Mr. Presley can, after she finishes testifying today, can you make arrangements for her to talk with somebody from NextEra to get her questions answered?

ATTORNEY PRESLEY:

Yes, Your Honor, we'd be happy to do that.

CHAIR:

Okay, thank you.

A. Well, so can we possibly get compensation?

CHAIR:

Well, this is something that you will have to discuss with NextEra.

A. Okay.

CHAIR:

And he will make arrangements for you to be able to talk to NextEra and get --- and ask your questions.

A. Okay. So what does the PSC do? Because I don't know. What does the PSC do for us other than going to the company that wants to come in? I mean, how --- I know --- I mean, I guess I'm asking. If the decision's not made until March, what do you do with this information? And as far as what would --- would you act

at all on seeing that non-transverse properties also got compensated? On our behalf since we've been living here, I mean, we're residents. We've --- we've been paying for our --- we've been paying for our property and all of that. Is there nothing that you can do?

CHAIR:

Ma'am, at this point, we will be reviewing everything that's in the record, and we will be considering everything when we determine whether or not to grant the certificate to build this line. However, you need to discuss your concerns with NextEra and see what their answers are.

A. And then what would be my recourse if I didn't get answers or if they didn't give me any information that I felt I needed? Do I have a recourse? As a West Virginia resident and a property owner.

CHAIR:

It is our duty to look at the record and apply the law, determine whether or not this line can be built.

A. Okay.

CHAIR:

And the amount of compensation and who gets compensation, that would be between the landowner and NextEra. And if landowners are not satisfied, then

there are probably other avenues for them to attempt to get the issue resolved.

A. So if it says now that NextEra has the land --- the land agents, you can't change that to say that land agents and homeowner --- or landowners, selected parties, or, I mean, I don't know what you would use on legal terms, but that we couldn't have someone help that they would need to work together to determine the value of our property?

CHAIR:

Ma'am, that is a process that is outside of the purpose of this hearing.

A. Okay.

CHAIR:

And land purchases, easement purchases, et cetera, are something between the landowner and NextEra. And if the landowner is not satisfied, then there are other avenues that may be available to the landowner, but I am not in the position right now to outline those for you.

A. Okay. Are there any --- is there anything for the non-transverse landowners available as alternatives?

CHAIR:

Ma'am, I do not know. Okay.

A. So if I talk to NextEra, I can come and ask the PSC

those questions again after this hearing?

CHAIR:

You can discuss it with the staff of the Public Service Commission or you can also discuss it with the Consumer Advocate.

A. Okay. Okay.

CHAIR:

Now, do any of the parties have questions of this witness?

ATTORNEY WILLIAMS:

The only thing I would like to do is I'd like to make sure I have a copy of what's been provided to the Court Reporter so I can look it over and maybe talk a little bit about it on the break.

A. Thank you very much.

CHAIR:

Okay, thank you.

A. I appreciate it. Thank you.

COMMISSIONER RANEY:

Wait --- wait a minute, Ms. Wilkins. I want to know a little bit about you. I want to know how long you've been in Hampshire County and are you a native? And I see in ---.

A. No, I'm not a native.

COMMISSIONER RANEY:

What that make any difference? You live there now.

A. I live there now.

COMMISSIONER RANEY:

Where'd you come from?

A. I came from your best friend in Pennsylvania.

COMMISSIONER RANEY:

Okay.

A. Okay.

COMMISSIONER RANEY:

Yeah.

A. And if it helps any, I have an uncle that was in West Virginia, born in WVU, in his 20s, and he went to World War II and got a Purple Heart. He was killed. So does that help me?

COMMISSIONER RANEY:

If you need any help, I think you're doing pretty good on your own.

A. Okay, I'm trying.

COMMISSIONER RANEY:

I think you're --- I noticed in your testimony, curiously, you said that Capon Bridge had a McDonald's, but it went out of business. And that was good.

A. Yes, it was. Yes. Yes, it was. Because now it's

Twisted Timbers, and they have all home cooking and they do a lot of traditional West Virginia meals.

COMMISSIONER RANEY:

Do they?

A. And they sell our honey, so. And it's raw honey, and we have light and dark, the amber kind ---

COMMISSIONER RANEY:

Yeah?

A. --- that a lot of people want, so. But we're sold out right now.

COMMISSIONER RANEY:

Is it clover or what --- what do you use? Clover honey or?

A. No. No, we're in West Virginia. Wildflowers and trees and, you know, bees make honey from trees, too.

COMMISSIONER RANEY:

Sure. And you got a butcher shop, you said?

A. Yes, yes. And that butcher shop has gotten recognized as the best burger in the State of West Virginia. And they also, a lot of West Virginians don't know is they deliver to Winchester and they sell all over the region area, the regional area. And they also have cold smoked pork chops that if you have one, you'll still buy them.

COMMISSIONER RANEY:

Thank you, Ms. Wilkins. It's nice to see you this morning.

A. Well, it's nice to meet you. I'd like you to call Visit Capon Bridge.

COMMISSIONER RANEY:

Good. I may do that.

A. We do have some ---.

COMMISSIONER RANEY:

I'll go to Twisted Timbers to eat, I think. Is that ---?

A. Or farmers, Farmer's Daughter. Have them make it up for you right there.

COMMISSIONER RANEY:

Sure will.

A. Thank you very much.

COMMISSIONER RANEY:

All right. Yes, ma'am. Thank you.

CHAIR:

Is Greg Wilkins here?

COURT REPORTER:

Please raise your right hand.

GREG WILKINS, HAVING FIRST BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

COMMISSIONER RANEY:

Good morning.

A. Good morning.

CHAIR:

Do any of the parties have questions of this witness?

ATTORNEY WILLIAMS:

Just one question.

CROSS EXAMINATION

BY ATTORNEY WILLIAMS:

Q. Have you had a chance to listen to any portions of the hearing prior to today?

A. No, sir.

Q. Okay. I just wanted to see if you had anything else to add to your statement based on what you heard, you could do that.

A. My wife has done all the research on this.

Q. I figured. Figured she was already looking at that.

A. She keeps me in line, so.

Q. And --- and my name's Robert Williams. I'm with Consumer Aggregate Division, and we'll talk to you all on the break after I've had a chance to get your materials copied.

A. Thank you.

CHAIR:

Commissioner Larrick.

COMMISSIONER LARRICK:

No questions.

CHAIR:

Commissioner Raney.

COMMISSIONER RANEY:

Mr. Wilkins, my question, I think it's been answered by Mr. Williams' question to you, that you are tied and kin to Ms. Wilkins, who was up here just right before you, huh?

A. Yes. Yes, I am.

COMMISSIONER RANEY:

Are you a native of Hampshire County or did you come from Pennsylvania with her?

A. I'm originally from Hardy County, and then grew up in Maryland and moved back to West Virginia. I'm a pastor here at Independent Baptist Church at Capon Springs.

COMMISSIONER RANEY:

Oh, okay.

A. So that was the reason for moving back up. And then I currently drive a school bus for Hampshire County schools. I also am a caretaker at the Girl Scout camp, Camp White Rock in --- on Christian Church Road in Capon

Bridge as well. I'm a beekeeper and love ---.

COMMISSIONER RANEY:

And a butcher? Are you the butcher?

A. Well, I have butchered, but not as well as the butcher down the street.

COMMISSIONER RANEY:

Okay.

A. But anyway, it's all edible when I get finished.

COMMISSIONER RANEY:

That's fortunate.

A. But as a preacher, I would just like to say, Psalm 24:1. The Bible says the earth is the Lord's and the fullness thereof, the world and they that dwell therein. And so I believe that all, all this land belongs to God. Amen. And West Virginia is a beautiful state, and it's just sad. I'm --- I'm just curious. How many acres are they wanting to take out of West Virginia to build their lines? Do we know how many acres they want to take or?

COMMISSIONER RANEY:

The testimony through the course of the last three days, I think has indicated what the total acreage is, but I didn't commit it to memory.

A. Got you. Just sad to see so much beautiful land getting disrupted and then, you know, people who've lived here for generations with their homes, this generation

suddenly who's sitting here today and was here yesterday, their lives being uprooted because of what we're going to call progress. And I see how, you know, with the bringing in, like, the windmills and solar panels and how it just pollutes the land, and then eventually becomes obsolete.

And I kind of wonder, you know, with these power lines coming through, and I hear, you know, the news with Elon Musk saying, you know, we should put AI data centers in space to cool them instead of, you know, doing it this way, you know. Here you have people who've had their lives here in West Virginia for, you know, from generation to generation, and then this generation's going to be interrupted by having these lines brought through that may be obsolete in 30 years.

So, you know, what --- and that's how technology is. You know very well it's always changing. And so it's just --- it's just a real --- it's a sad thing to see, you know, lives affected, people losing their health from the stress of all this. You know, it's just a real sad thing to see. And so my testimony is, how is this going to benefit us in West Virginia? Because apparently this isn't going to us. This is going to the city, going to Virginia.

So how is this benefiting the people of West

Virginia who came here to enjoy the beauty of God's creation? And it's just really, it's disheartening. And I know the Lord is in control and his will be done. He is sovereign. But in the meantime, you know, to what purpose and then to what effect is this going to have on our lives if we decide to stay and live under these towers? I know they have their experts that say that this won't affect our health, but that's their experts. There's other experts that say differently. And so they're going to have their experts who's on their side.

But anyway, it's just really, you know, the effect that's going to have. And then, you know, so I worked, we worked all our lives, my wife and I, we own our house. And now suddenly the value of this house, is it going to go down because the power lines are going to be right next door? Besides the fact that I'm a cancer survivor, how is that going to affect my health in the future? And so, you know, we do have a lot of questions, and I guess we have to ask those things to the --- the moral folks.

But anyway, these are our concerns.

COMMISSIONER RANEY:

Yes, sir.

A. And then I don't know if I'm allowed to do this, but I also am an employer of the Girl Scouts Nation's Capital, and I think I'm allowed to ask, or just on their

behalf, they asked me, since I'm here, that I'm authorized to speak on the behalf of my employer, Girl Scouts Nation's Capital.

They are the largest counsel in the nation with 76,000 members. And they officially want to put on the record that they are wholly opposed this plan because it will affect our property that I work at 484 Pumphouse Road, 130 acre property that we have just added new bunk houses to one of the campsites there. And right there is where the lines want to come through.

And so how is this going to be a Girl Scouts who are coming from the city to come to West Virginia to enjoy the beauty, is it going to be safe for them to sleep in those bunk houses that are being radiated by these power lines? And so this may affect the folks that actually will come out there. They might be afraid to actually stay in that area. There's also archery, kayaking, and all that.

So the impact that this is going to have on their camp is also a concern as well. Thank you.

COMMISSIONER RANEY:

Did you --- did you give your statement regarding the Girl Scouts to the Court Reporter?

A. That was sent in by the CFO of the Girl Scouts.

COMMISSIONER RANEY:

Okay.

A. It got misplaced. They were supposed to be on the docket, but they supposedly got it straightened out and they called me on the way here. Since riding down.

COMMISSIONER RANEY:

All right.

A. So that's why.

COMMISSIONER RANEY:

Thank you, Mr. Wilkins. Nice to see you this morning.

CHAIR:

Thank you.

MR. BROWN:

Madam Chairman. I think there's --- I gave you a list of witnesses. I think Roger Brown is here. He's one more intervener. He's scheduled for tomorrow, but he's available today if you would like to take his testimony now.

ROGER BROWN, HAVING FIRST BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

CHAIR:

Do you want to state your name, please?

A. Roger Brown, resident of Mineral County.

CHAIR:

Are there any questions of this witness?

ATTORNEY WILLIAMS:

Just one quick question.

CROSS EXAMINATION

BY ATTORNEY WILLIAMS:

Q. Mr. Brown, have you been able to listen into portions of the hearing today? You've been here for a good bit of it?

A. I have.

Q. Based on the various statements you've heard and taken in over the course of these last few days, is there anything else you'd want to add or amend to your statement?

A. I do not.

Q. Thank you.

CHAIR:

Are there any questions of this witness? Commissioner Larrick.

COMMISSIONER LARRICK:

No questions.

CHAIR:

Commissioner Raney.

COMMISSIONER RANEY:

Mr. Brown, you've been very patient

sitting back there for three days.
A. And I've seen you a lot.
COMMISSIONER RANEY:
Almost.
A. Over the few months.
COMMISSIONER RANEY:
Well, I ain't much to look at, but that's. It's good to see you. But tell me a little bit about Mr. Brown?
A. Family farm established 1912.
COMMISSIONER RANEY:
Okay.
A. Grandfather moved from Hardy County to Mineral County.
COMMISSIONER RANEY:
Okay.
A. Lived in a cabin, started a family, started the farm. It's a 100 year old farm plus.
COMMISSIONER RANEY:
Is it in --- is the line going to be on the farm?
A. It is, and there's already an existing 500kv line there.
COMMISSIONER RANEY:
Okay.

A. But this one creates a new route that bypasses other properties. So it comes within 250 feet of our home. And we're ---.

COMMISSIONER RANEY:

Of your current home?

A. Current home. And then it runs through our pastures and fields and then extends on to the east.

COMMISSIONER RANEY:

Has the experience with the existing line been okay or?

A. It's way back in the woods, so it's.

COMMISSIONER RANEY:

It's a good bit further away from you?

A. It's been --- it's a way. This line creates a new route and comes to within a house and then within 200 feet of a campground we have.

COMMISSIONER RANEY:

I see.

A. For the family.

COMMISSIONER RANEY:

Okay.

A. So big impact. Huge impact.

COMMISSIONER RANEY:

I see. Have you had good experience with NextEra or have you had any discussions with them or?

A. I haven't had a bad experience. We were contacted initially by the land agents. They sent us the preliminary paperwork to sign to give them right of entry, which we denied. We haven't signed anything.

COMMISSIONER RANEY:

Yeah.

A. And we did have one follow up within the last month from the land agent. And his text or email said, we want to come and discuss the right of way. And at this point in time, me and my wife were not interested in talking to anybody based on what could happen here. So I don't want them on the property.

COMMISSIONER RANEY:

Understand. I understand. Thank you, Mr. Brown. It's nice to see you.

CHAIR:

Well Mr. Brown, I have a question. Have you considered talking to them and asking them to reroute the line?

A. No, I've not.

CHAIR:

Okay. Okay, thank you. I don't have any other questions.

COMMISSIONER RANEY:

Thank you, sir.

CHAIR:

Are there other people in the room who were scheduled to testify at some other point and would like to testify now? Yes, ma'am.

MS. BROOKE-ALT:

I was scheduled for Friday.

CHAIR:

I'm sorry, what?

MS. BROOKE-ALT:

I was scheduled for Friday.

CHAIR:

Okay, you can come up now.

COMMISSIONER RANEY:

Morning, Donna.

MS. BROOKE-ALT:

Good morning.

COURT REPORTER:

Please raise your right hand.

DONNA BROOKE-ALT, HAVING FIRST BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

CHAIR:

Would you state your name, please?

A. Donna Brooke-Alt.

CHAIR:

Are there any of the parties that wish to Cross Examine this witness?

ATTORNEY WILLIAMS:

I'll ask a similar question.

CROSS EXAMINATION

BY ATTORNEY WILLIAMS:

Q. Ms. Brooke-Alt, you --- you've been here active and questioning, and we're aware of some of your concerns already through your questions. Through the --- what you've heard during the hearing so far, do you have any additional statements or expansion you want to make on your filed statement?

A. No, I don't. Not that I haven't already mentioned.

Q. Thank you.

CHAIR:

Commissioner Larrick.

COMMISSIONER LARRICK:

No questions.

CHAIR:

Commissioner Raney.

COMMISSIONER RANEY:

Ms. Brooke-Alt, it's nice to see you.

A. Nice to see you.

COMMISSIONER RANEY:

I hope your husband's well and taking care of the farm.

A. Well, he's ---.

COMMISSIONER RANEY:

While you're down here. What?

A. He's doing a school tour right now for me, so.

COMMISSIONER RANEY:

I understand.

A. We'll see how he survives.

COMMISSIONER RANEY:

Okay. Good. Well, tell us a little bit. I --- I know a little bit about the farm, but tell us. Tell the audience here and the public a little more about it.

A. We are a multi-generational dairy farm, agritourism farm in Mineral County, West Virginia. My son is currently working to take over the farm and my brother's son is currently working to take over the dairy portion of the farm. But we do have greenhouses. We do a corn maze in the fall. We do lots of school tours with that. Bring them in, educate them about agriculture. It's amazing how so many kids and parents now, we're in the second generation that doesn't know where a glass of milk comes from.

So we try to keep education forefront, bring them

into the farm and share that information with them. And we also have an event building that we do.

COMMISSIONER RANEY:

That's good. There's also a 500kV line. That --- you mentioned that the other day.

A. We do. We have, Potomac Edison has five towers that are 500kV. They go across our property and split our farm in two.

COMMISSIONER RANEY:

And that was negotiated years and years ago, as I understand?

A. Correct, yes. When my father bought the farm, we believe the application and the paperwork had already been finished, finalized. I'm not sure. My father passed away when I was younger, so I don't know all the details. We've never been able to find all the paperwork.

But yes, about 1969, 1970, the lines went through. They've actually aged out and need replaced right now. So we're expecting Potomac Edison to come through and put new towers across our property.

COMMISSIONER RANEY:

So new towers as well as new wires?

A. Correct. Hopefully better insulated wires.

COMMISSIONER RANEY:

Yes. Good. It's always nice to see you, Donna. Thank you for being here.

A. Thank you.

CHAIR:

Thank you.

A. Thank you, Chairwoman.

CHAIR:

Are there other interveners in the audience that would like to testify today no matter what day you were scheduled? All right.

So that now brings us to Mr. Campbell.

MR. CAMPBELL:

Yes, ma'am.

CHAIR:

Now Mr. Hanna, it's 10:45 and we said we would do 11:00. Do you want to go now?

ATTORNEY HANNA:

Yes, we are --- we're ready to proceed.

ATTORNEY PRESLEY:

If I could just interject here? I think Mr. Callas is going to be handling the --- the WATI witnesses, and his expectation was that they would go on at 11:00. So we request a 15 minute break, so.

CHAIR:

Okay, that's fine. We'll take a 15 minute

break, and then we will be back.

SHORT BREAK TAKEN

ATTORNEY GRUNDMANN:

Your Honor, before they call the witness, I just wanted to let you know that I will be being replaced for the remainder of the hearing by Garner Marks. So he will be here on behalf of WVEUG for the remainder of the hearing.

CHAIR:

Okay, thank you.

COMMISSIONER RANEY:

Does he have any idea what kind of shoes he's trying to fill?

ATTORNEY GRUNDMANN:

He --- he understands it will be easier with me on.

COMMISSIONER RANEY:

Your way.

CHAIR:

So does that mean you're leaving now?

ATTORNEY GRUNDMANN:

I will be stepping out here momentarily.

CHAIR:

Okay.

ATTORNEY GRUNDMANN:

But any questions should be directed, like, as you call for parties, it would be Mr. Marks.

CHAIR:

Okay. Thank you for coming, and be careful driving home.

ATTORNEY GRUNDMANN:

Thank you.

CHAIR:

And Mr. Campbell.

ATTORNEY HANNA:

WATI calls Anthony Campbell to the stand.

COURT REPORTER:

Please raise your right hand.

ANTHONY CAMPBELL, HAVING FIRST BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

CHAIR:

And we probably also should note for the Record that Cynthia Wilson is here for John McGhee.

DIRECT EXAMINATION

BY ATTORNEY HANNA:

Q. Okay. Mr. Campbell, could you state your full name for the record, please, and ---.

A. Anthony --- sorry.

Q. Go ahead.
A. Anthony David Campbell.
Q. Where do you reside?
A. I reside in Mineral County.
Q. And are you here today testifying on behalf of West Virginians Against Transmission Injustice, otherwise known as WATI?
A. I am.
Q. And you are the president of that organization?
A. I am.
Q. Do you have in front of you two exhibits marked --- one marked WATI-AC-D and one WATI-AC-R?
A. I do.
Q. And is that your pre-filed direct and rebuttal testimony that's been filed in this case?
A. It is this.
Q. Do you --- well, first I'll ask you is that were those two exhibits prepared by you or under your supervision?
A. Yes.
Q. Do you have any corrections to either of those exhibits?
A. I do have one small typo that needs to be addressed. It's on the Direct Testimony on page six, line seven. It's just a small correction. There I have Capon

Springs. That should be Capon Bridge.
Q. Okay. Any other corrections or is that it?
A. That's it.
Q. If I were to ask you the same questions that are in that testimony, except for that correction and including the rebuttal testimony, would your answers be the same today?
A. They would.
Q. Are you willing to adopt that testimony as your sworn testimony in this case?
A. I am.

ATTORNEY HANNA:

As the exhibits have already been into evidence by the Commission, the witness is available for Cross Examination.

CHAIR:

Mr. Callas.

ATTORNEY CALLAS:

Yes. Good morning. Thank you, Madam Chairman.

CROSS EXAMINATION

BY ATTORNEY CALLAS:

Q. Good morning, Mr. Campbell.
A. Good morning, Mr. Callas.
Q. Let me say out of the gate that I appreciate your

commitment to this process, your involvement and the measured, steady tone of your pre-filed testimony.
A. Appreciate that, thank you.
Q. Also, because Mr. Williamson is not here, he surely would have recognized and noted your service through being a colonel in armed service --- services, and I appreciate that as well.

I have a number of questions about your Direct Testimony. Starting, I'll reference. Give you page references as we move along here. Starting at page eight, lines four through six, you indicate that one of the reasons you believe the purpose of this paragraph is why is --- why is MARL not in public interest or West Virginia's interest? You say the project has no West Virginia delivery point or substation designed to provide retail distribution service to West Virginia homes, farms, and businesses.

Is that something that you understand to be a requirement for this Commission's approval of a high voltage transmission facility? Or do you know?
A. Sir, I believe it's part of the consideration that the Commissioner will look at.
Q. Okay. And why do you --- why do you think that a high voltage transmission line providing retail distribution service is something that the Commission

should expect in an application like this?
A. I'm sorry, can you --- I'm sorry. Can you say it again, please?
Q. Yeah. Why do you think that the provision of direct retail distribution service is something the Commission should expect out of an applicant for an interstate high voltage transmission line?
A. Sir, I've been listening to testimony for this week and I believe that's what's been. I believe what PJM said and NextEra said is that it will impact distribution at the retail level.
Q. It'll benefit it?
A. Yes, sir.
Q. Do you believe that's --- that's the case?
A. I'm --- I'm not sure. I think I'm with Commissioner Raney. I'm not sure I understand how the transmission line that's starting in Greene County, Pennsylvania, with an endpoint in Alvin County that's powering data centers, affects my local distribution that is given to me by Potomac Edison. So no, sir, I don't --- I don't --- I don't understand that. I don't see it.
Q. You did hear Dr. Abdulsalam and Mr. Colley's testimony on that very point, did you not?
A. Yes, sir, I did.
Q. Do you have any reason to disagree with any of the

assertions that they made on that point?
A. Sir, I don't --- I'm not an engineer. I can't disagree with their assertions. I just don't understand it.
Q. Okay. You indicate at lines seven and eight that MARL was selected, this is your characterization of it, primarily to address regional conditions. Do you believe that an application that is designed to address regional conditions is something that is not worthy of this Commission's approval under the applicable statute?
A. Yeah, absolutely not. I think it's very, very applicable. I think they should consider that. I think they should also weigh that against the benefit to West Virginia.
Q. Are you familiar with the TrAIL proceeding from about 20 years ago?
A. Sir, vaguely. Just very vaguely.
Q. Do you know whether that applicant intended to, or does now, provide retail load service to any retail customers in West Virginia?
A. Sir, I do not. My --- my only real understanding of the TrAIL project was that they had secured a right of way. And then after the Public Service Commission approved that route, there were a lot of deviations that required additional litigation. That's --- that's about

the extent of my knowledge of TrAIL.
Q. Addition --- yeah. There were, in fact, a number of changes that happened that --- that came back before this Commission were approved. Did you know that?
A. No --- yes, sir, I --- I knew that. Yeah.
Q. You say on --- on page nine in the question and answer that begins on page --- line 10, that material questions remain, and then you list a laundry list of areas where you believe material questions remain. And we'll talk about each one of those, but as a general principle, do you believe that because an intervener or group of interveners or the staff can identify material issues that are uncertain or not yet determined that that means that the Commission should not nonetheless approve an application?
A. No, I'm not --- I'm not saying that. I think that those considerations, you know, changing environment, the data used to justify the load that was used to justify the MARL should be part of the consideration that the Commission looks at when they make that decision.
Q. Okay. So the fact that material questions remain or remain unresolved, in your words, is not an impediment to approval. It's just something that is part of the background of any transmission project in a dynamic atmosphere?

A. I agree, and I think that's why we're doing these hearings.
Q. Okay. Have you reviewed the --- the rebuttal testimony of the applicant?
A. I'm not sure, sir.
Q. The NextEra rebuttal --- pre-filed rebuttal testimony?
A. I probably --- I probably looked at it once. I'm going to say, you know, I've got some memory about it.
Q. Okay.
A. I got it.
Q. Because the way, one of the ways that an evidentiary proceeding like this works is that there's pre-filed testimony by the applicant and then responsive testimony by parties such as WATI, and then there's rebuttal that takes the allegedly unresolved issues that are pointed out in the intervener Direct Testimony and responds to it.

So my --- my reason for my question is whether you have any basis to conclude not having carefully reviewed the rebuttal testimony of the applicant, whether some of the material questions that you expressed here in your Direct Testimony actually were resolved, were addressed in that rebuttal testimony.
A. Yes, sir. I believe some of them were addressed.

I'm not sure they were resolved. I do remember once, and I can't --- I don't have a line committed to memory, but I do remember one of our concerns is that there was no independent verification of the load demand, future load demand that justified the MARL. And if my memory's correct, I believe Dr. Abdulsalam's rebuttal said that, in fact, they did not verify the load requested by Dominion Power. Dominion.

Q. Is that your understanding of Dr. Abdulsalam's rebuttal testimony?

A. Part of it, yes, sir.

Q. You indicate that in this same paragraph that material questions remain, whether projected loads are current, verified, and sufficiently certain. What is the level of certainty that you are advising the Commission needs to be achieved in order for a load forecast and resulting reliability violations to be actionable?

A. Sir, I don't have a number. I would just say before the Commission, as the Commission looks at this and before you approve it, I would ask you to make sure that in fact this MARL line is really needed. Because you know, you know what the consequences of this construction line's going to be. You've heard it from so many witnesses and interveners that this will forever alter landscape, farms, families.

Once this line is approved and constructed, it's a forever change. So I'm asking for a level of certainty that would make --- that would. Would justify the destruction of the --- the destruction --- destruction that's going to happen to West Virginia.

Q. So when I read your text saying that questions remain about whether projected levels are current, verified, and sufficiently certain, you're not saying that you believe they are not or the evidence doesn't show that they are. You're saying you want the Commission to make sure that they are?

A. Yes, sir. As you know --- as you noted, I'm a retired colonel. I'm certain Mr. Callas appreciates acknowledging that. I am familiar with planning. You know, in the military we do, do planning process. You know, one thing, one of the, you know, tenets of planning is that no plan survives first contact with the enemy.

Well, a little funnier. Mike Tyson's famous for saying everybody's got a plan until they're punched in the face. And so what I would suggest is that the conditions that existed when the MARL application was approved have changed.

Q. When you say approved, you mean when --- when --- when ---?

A. By PJM.

Q. Was ordered occurred as a result of 2022, Window 3?
A. Yes, sir. Prior to.
Q. Okay. You acknowledge, and the --- the testimony, both direct and rebuttal of the PJM witnesses, that says that that was not the last look at whether this project is needed?
A. And that's correct.
Q. In fact, it's been looked at again and again and again, and the need for MARL as well as additional facilities has been demonstrated over and over again?
A. That's what they --- that's what they testified. Yes, sir.
Q. And you have no basis to conclude that that's --- that's an inaccurate application of their processes in determining the need?
A. Well, I would --- I would say that they're. I think the last three days have shown that they, PJM has been adapting their validation process, and it was good to hear that they, you know, hired a third party to look at --- independently look at forecast loads. I think it's Charles River. I think that's a step in the right --- that's obviously the right step, and I'm not second guessing that, but I would hope that that same valid, that same process existed and continues to exist as --- as the Commission looks at the MARL project.

Q. The fact that PJM continues to refine its processes, and you know, it's doing so this year and presumably will continue to do so. Do you believe that is a reasonable basis to undermine or question the work on load forecasting that it's done through the beginning of 2026?
A. Sure, I'm not trying to undermine the forecasting. In fact, you know, honestly, I think PJM does a great job. I've --- I've got lights on in my house. But I'm --- what I'm asking is that before the MARL line is approved that that --- that the Commission considered the changing environment, and last year has shown a lot of dynamic change as far as load forecasting, data center demand, which could impact the MARL line.

I'm asking the Commission to consider that.

Q. You indicate that one of the things that's not been resolved is whether generation in transmission conditions have changed. One of those changes asserted by the staff is the Brandon Shores' reliability must run orders that expire in May of 2031. And there was a PJM supplemental analysis identified in Mister --- Dr. Abdulsalam's rebuttal testimony that spoke to that issue.

Do you have any reason to question that supplemental analysis and the fact that it shows that in 2032 when those two units are, in fact, out of service, that indeed is still present?

A. No, sir, I don't have reason to doubt his points. It's just --- that's just one of many examples.
Q. Well, tell me what --- are there any other generation and transmission conditions that you're thinking of that have changed that need to be considered?
A. Well, that's a great question. You know, of course, all information I get is probably, you know, I call open source off the publicly, you know, public domain. And I know that just recently, AEP Ohio put some scrutiny to some of the, you know, prospective load demand in your area and it dropped significantly. I --- I did hear that PJM had not considered that whole load forecast in their equations. They did a partial.

But what I'm saying is that --- what I'm trying to explain, Mr. Callas, is that there are a lot of changes going on right now. They're going to dramatically impact up or down load forecasting for the future.
Q. And presumably, that is maybe not to the --- to the extent or the drama that you've characterized, but that happens every year, doesn't it?
A. Probably, yes, sir.
Q. And that's why there is a new load forecast and a new RTAP done every year?
A. Yes, sir.
Q. You indicate that one of the things that remains

unresolved is whether reasonable alternatives have been evaluated. Is it your testimony that there was insufficient evidence about the evaluation of reasonable alternatives to the MARL line in this case?

A. Sir, I think, you know, PJM from, you know, from a layman's perspective view of this, PJM has one tool. I think Mr. Haynes kind of alluded to that during his Cross. Is that, you know, if your only tool was transmission line, the solution's going to be a transmission line.

And so what I would --- what I'd ask is that are there other potential solutions to this demand load in Northern Virginia that could be load, you know, generation, load generation placed closer to the load? There's a lot of solutions other than the transmission line. And I would like to know, I would hope the Commission would look at that. What are those other solutions that may not be under the realm of PJM that may be applicable?

Q. Everyone acknowledges that PJM has limited authority to site required the construction of generation in any location. Correct?

A. Sorry, what was the question?

Q. Yes.

A. I thought it was the same. I'm sorry, what was

that?
Q. Everyone acknowledges or --- well, do you acknowledge that PJM has limited authority to direct the siting of generation at any location?
A. Absolutely. I think a lot falls within the states. The individual states.
Q. So PJM is required, as an obligation, to identify reliability violations, to identify resolutions to those violations, and to order construction facilities that will address them within its scope of authority. Do you acknowledge that the proposal of transmission resources is an appropriate response from PJM?
A. I think for PJM that is an appropriate response, yes. I mean I think, that's why I stated their solution's transmission.
Q. Yeah. And is it --- is there anything that's wrong with it?
A. No, not for PJM. Absolutely not.
Q. Okay. So I'll ask the question again about reasonable alternatives. Do you believe that the --- and the evidence has been insufficient in this case that reasonable alternatives to MARL were, in fact, evaluated?
A. I'm sorry, I'm just --- could you just rephrase that one more time?
Q. Yes. Do you believe that the evidence in this case

has been insufficient to demonstrate that reasonable alternatives to the MARL line were, in fact, evaluated?
A. Let me think I can answer that for a second. I think there may be alternatives that could address this situation that were not addressed in these hearings. They were not presented by PJM.
Q. Alternatives that are within PJM's control to authorize?
A. No, sir, not within their control.
Q. Okay. You indicate that among the issues that remain unresolved is whether the proposed route is final, complete, and constructible. Do you believe the evidence in this case has been insufficient to demonstrate that the proposed route, MARL route, is final, complete, and constructible?
A. Sir, I don't think it's final. I think as areas are going on, there's big changes made to the route.
Q. Okay, that's fair. And as you indicated earlier, sometimes there are changes to the route here and there that are negotiated and submitted to the regulator for approval. But apart from those kinds of changes, the general scope of the route, which is what was proposed, plus the six route revisions that have been filed, do you believe that that constitutes a final route for purposes of the Commission's evaluation?

A. I would hope, Mr. Callas, that before this Commission has to make a decision that the final route would have been submitted so that impacts to landowners can be considered. I know there's probably been some recent, there are going to be recent law changes that are going to affect the folks that didn't know a week ago that they were going to be effectively impacted.

So I would ask, Mr. Callas, that before this decision is made by this Commission that the final route be submitted so that they can do a good assessment of the impact of West Virginians.

Q. Is there any evidence that the route that's been proposed is not constructible?

A. Sir, I'm not an engineer. I couldn't speak to that.

Q. Is there any evidence that the notice that was provided in accordance with the statutory requirements in this Commission's orders was inadequate?

A. Sir, I think there's been demonstrated cases where it was inadequate. In fact, if my memory's correct, a couple of these --- couple of the towns had --- next to here had to rerun the notifications because it wasn't done properly. So I believe that happened in Preston and Hampshire County. I think they had to run it three times. There's folks that have been ---.

Q. I'm sorry, let me interrupt you.

A. Yes, sir.
Q. Are you talking about a newspaper publication or?
A. Yes, sir.
Q. Okay.
A. Yes, sir. I think it's part of the requirement. I think there's folks that were left off the list. As you've heard during last week, there's a lot of folks that live adjacent or near, you know, near --- near the routes have had no notification of the route.
Q. Do you understand that there are statutory requirements for who must receive certified mail notice of the route and who is not required to receive it?
A. I do, sir. Thank you.
Q. So are you saying that --- that TrAIL Co. did not effectively, with one or two exceptions that it corrected later, meet those statutory requirements?
A. I would --- I would suggest that. I guess it's, you know, statutory versus common sense. If a line's going to run ten feet off your --- from your property line, it's going to be, like, I forgot the --- the one lady's name from Hampshire County that spoke yesterday.

ATTORNEY HANNA:

I'm --- I'm going to, just I'm sorry, just sort of objection. I think Mr. Callas made it --- made a misstatement there. I think you referenced TrAIL Co.?

ATTORNEY CALLAS:

Just now?

CHAIR:

You did.

ATTORNEY CALLAS:

Yes, I'm talking about MARL. Sorry.

A. Okay.

ATTORNEY HANNA:

Okay.

A. Okay, thank you. Thank you. Mr. Callas, I understood what you were asking me.

BY ATTORNEY CALLAS:

Q. Yeah, thank you.

A. So could you ask me the question again? Because I think I got lost there.

Q. Yeah, I think I've gotten lost, too. Let me --- let me start again.

A. Okay.

Q. You've said unresolved whether notice has been adequate. You are part of an organization that has done an enormous amount to provide and create public awareness. There are hundreds and hundreds and hundreds of comment letters, over 100 interveners. Do you believe that all of that put together along with the compliance of the applicant with the statutory requirements for

certified mail notice evidences that notice has been inadequate in this case for purposes of the Commission's approval?

A. I --- I do. Actually I do, Mr. Callas. In fact I think, you know, Keith mentioned there's almost 10,000 comments protesting this line. But yet today, we run into folks, of all the meetings that we've conducted, of all the things that we've done to try to inform people, folks today, they're still surprised that the Mid-Atlantic Resiliency Link is going to be closer to home. And I would suggest that had there been a broader circulation of information from NextEra to begin this, their --- this level of confusion and not understanding would not exist.

Q. You indicate that among the issues that remains unresolved is what cost West Virginia ratepayers may bear. What is the basis for that contention?

A. I'm sorry, what's --- what the cost? Because I don't think --- that's --- that's a great question. I've sat here for three days and tried to listen to testimony, and I was honestly surprised, Mr. Callas, that there's not been a cost benefit analysis conducted for this --- for this line. So we don't know what that cost is.

Q. That --- that's --- that's not what you say in your testimony, and that's not the question that I asked.

A. Well, I thought I was asking --- answering you.
Q. You say the issue of what costs ratepayers may bear.
A. Ratepayers.
Q. Ratepayers.
A. I think they're ratepayers.
Q. Has not been --- that there are material questions about that. The applicant here sponsored testimony about the rate impacts, and in fact WATI's other witness provides evidence on that as well.
A. Yes, sir.
Q. Is that correct?
A. Yep.
Q. So what remains unresolved on that --- on that point?
A. Well, I --- I'll let her address the rate. The rate questions. I'll defer to her if that's okay, Mr. Callas.
Q. At pages 14 to 15 of your Direct Testimony.
A. Yes, sir.
Q. You present a comparison for the Commission. You say that an individual property owner's rights and concerns deserve the same serious consideration as the interests of customers whose projected demand is used to justify the project. Do you understand that PJM's analysis, its load forecasting, its identification of liability violations, is an effort to weigh the interests

of landowners here with the interests of any identified large customer in some other location?
A. Sir, maybe I'm confused. I don't think PJM takes into account interests of landowners. Maybe ratepayers, but not landowners.
Q. Yeah.
A. What I was trying to imply is that the West Virginians --- West Virginians are going to get --- our rates will go up for this line. How much, I think that's under debate if I understood yesterday's testimony correctly. West Virginians will lose --- will lose some property right most likely, and they're going to lose benefit to the property.

I've done some reading. I understand that last year, Loudoun County Commission received 1.1 --- I'm sorry, one --- yeah, $1.1 billion in tax revenue from infrastructure, data center infrastructure. I believe the top ten data --- data center companies in Loudoun County last year received $1.1 trillion in profit from those --- for that infrastructure.

So I'm asking, Mr. Gallus, is that that --- that those two things be put in comparison. The cost of West Virginia versus cost of benefit to the consumer, the large load data.
Q. And I'm --- I'm asking you.

A. Yeah.
Q. To consider or to reflect on, is that what PJM is doing? It does not have, as a component of its interest or its mandate or its efforts, looking at customers that need power in another their location, determining whether they should have that power and figuring out a way to get it to them. It identifies reliability violations for the regional system and seeks to address them without regard to the nature of the load.
Isn't that correct?
A. Yeah, I believe probably, PJM's probably agnostic to that. I --- I would agree with that.
Q. Yeah. That's exactly what we want, isn't it?
A. Well, sure, you may want that. I --- I want --- I want the people who will site this project to take that into consideration.
Q. Do you or does your group place any importance on the potential impacts to West Virginia customers of the occurrence of the reliability violations? The consequences of the occurrence of reliability violations in West Virginia if adequate facilities aren't constructed to address them?
A. Sorry, could you rephrase that one more time, Mr. Callas?
Q. Yes.

A. Thanks.
Q. Do you or does your group assign any importance to the consequences of the occurrences of the reliability violations that PJM has identified if facilities are not constructed to address them?
A. So does WATI take consideration? I think you're asking grid reliability?
Q. I'm --- I'm asking about the consequences that witnesses have addressed of failing to address grid reliability concerns.
A. So does WATI take that into consideration? Probably. I think it's more important whether or not --- I mean, yeah, yes, we want the grid to remain active.
Q. There has been testimony in the case and testimony talked about during this hearing of the real potential for brownout, blackout, voltage drop, voltage collapse, multiday outages that would affect the region, including West Virginia customers. I'm asking, is that a consideration that WATI finds important at all?
A. Sure, absolutely. If I remember the testimony - Mr. Callas, if I remember the testimony that was given, it was one of the --- one of the cross examiners asked what was --- what was the percentage of that, likelihood of that happening? And they couldn't attribute a number to that. So are we --- are we --- are we concerned about

blackouts and brownouts? Yeah, sure.
Q. But not enough to do anything about it?
A. You want me to fix the problem?
Q. I --- there's process designed to address the problem. I'm saying, are you telling the Commission it should not be concerned about those outcomes?
A. No, I'm not saying that at all. I'm just asking for them to take it under consideration.
Q. If it is concerned about those outcomes, do you think it ought to act to --- to approve solutions?
A. I think they should take that, look at the evidence, and every other --- the other criteria and balance it.
Q. You indicate on page 16 of your testimony, lines 10 and 11 in a --- in a question and answer about changing circumstances. That the Commission should decide upon current circumstances, not only those existing when MARL was selected. Will you acknowledge that the applicant's evidence here goes far beyond the analyses that were done in 2022 and 2023 when MARL was selected and they go through the RTAP that was issued at the beginning of this year?
A. So the question is, as next year as data gone through --- from 2022 evaluation through the current state?
Q. Yes, I'm --- the evidence has been that the need has

shown up year after year after year, not just when MARL was selected, as you indicate here.

A. I --- I guess the best way I could answer that is I think I've kind of addressed this before in my testimony, but I'll hit it again. Is that the situation is changing. It seems the last year the change has been very dynamic. And I --- I would ask that before the Commission approve this, if they --- when they consider this for approval, that they would take in consideration the changing environment. Has --- has it changed? The environment changed enough to alter the? I believe that sort of happened with the PATH project, if I'm not mistaken.

Q. You indicate at the bottom of page 18 that, and this is a discussion of utility announcements about demand that --- that the examples you provided earlier in the testimony demonstrate that announced demand and request for service are not automatically equivalent to projects that will be constructed and operate as forecast.

Do you see that testimony?

A. Eighteen (18)? I'm sorry, page 18, what line?

Q. Yeah. Yeah, beginning on line 20.

A. Twenty (20). Okay. I do, sir.

Q. Do you acknowledge that the rebuttal testimony of Mr. Gledhill and his explanation of it on the stand a few

days ago suggests that PJM does far more than simply accept announced demand and requests for service when it evaluates load --- large load additions to its load forecast?

A. Yes, I did hear his testimony. I think they now --- they now assign a score firm --- firm or something like that. I believe that's a process that just started within the last 18, maybe 24 months. I believe that, if I'm not mistaken, I think that was directed by FERC. But I couldn't say.

Q. Okay. So when you offer this statement at the beginning of line 20, you're not suggesting that that, what --- that is what PJM currently does. You're saying that's just something that should be done?

A. I'm trying to --- what I guess I'm trying to share there is that when there's been more scrutiny placed on potential demand, the --- the demand always seems to fall.

Q. Thank you, Mr. Campbell. That's all I have.

A. Thank you.

CHAIR:

Mr. Harkins?

ATTORNEY HARKINS:

No questions, thank you.

CHAIR:

Mr. Marks?

ATTORNEY MARKS:

No questions, thank you.

CHAIR:

Okay, Ms. Wilson?

ATTORNEY C. WILSON:

No questions.

CHAIR:

Mr. Stephens?

ATTORNEY STEPHENS:

No questions for this witness, Madam Chair. Thank you.

CHAIR:

Mr. Williams? Mr. Auville?

ATTORNEY AUVILLE:

No questions, Your Honor. Thank you.

CHAIR:

Ms. Wilson?

ATTORNEY V. WILSON:

No questions. Thank you.

CHAIR:

Are there any interveners that have questions of this witness?

ATTORNEY AUVILLE:

Never mind. I think it's --- oh, Ms.

Gruber has her hand raised.

CHAIR:

So Ms. Gruber, you have a question?

MS. GRUBER:

Can you hear me now?

CHAIR:

Yes.

MS. GRUBER:

Okay, sorry.

CROSS EXAMINATION

BY MS. GRUBER:

Q. I was talking to Mr. Campbell. I'm just trying to clarify. In your testimony, you were talking about these plans being submitted and they've already been changed several times. And as we've learned over this hearing, that there are going to be two more 600 --- 765 lines that are needed. I think what we're --- what you were trying to say is, are they needed in West Virginia?

The route has to come through --- does the route have to come through West Virginia as opposed to any other route? When you were talking about offering possibilities, is that what you were talking about?

A. Ms. Gruber, I would --- I was --- I don't think I was specifically talking about the 765 line. I just asked --- I was ---.

Q. I'm sorry, I understand that was not specific, but you were --- you were discussing how the plans are still --- still changing and still have not been finalized. And my question is, when you were talking about the root of the project, did you --- were you saying that it doesn't need to actually have to go through West Virginia since it's not benefiting West Virginia?

A. That's how I testified to. I --- I was saying that the right route has not been finalized, so it's hard to determine the actual impact to landowners in West Virginians until it was finalized.

Q. Thank you, sir.

A. You're welcome.

MS. GRUBER:

That's all, ma'am.

CHAIR:

Yes, ma'am.

MS. WILKINS:

I have a question.

CHAIR:

Would you please go up to the microphone, please?

MS. WILKINS:

Do you think ---?

CHAIR:

Oh, and --- and speak your name for the Court Reporter.

ATTORNEY HARKINS:

I know, Michelle.

CHAIR:

I know, but we need --- for the Court Reporter.

MS. WILKINS:

Okay, Michelle Wilkins.

CROSS EXAMINATION

BY MS. WILKINS:

Q. And do you think the route needs to go through West Virginia if we are not getting a benefit anyway in any way?

A. I'd like to see the route just go away, quite honestly, Ms. Wilkins. But that's not what's been put in front of the Commission. The Commission, right now the plan for the route is through West Virginia, so. Would I like to see the route go somewhere else? Yes, I would like to see the route go somewhere else, but still it's going to go in someone else's backyard. And so what I'd like to see is whether this, the conditions they warrant the route being made.

Q. Okay. I have a question. For instance, back in the early 1900s, I know that natural gas was taken by Ohio

--- by an Ohio company. Oops. By an Ohio company from West Virginia to Ohio. And West Virginians, like landowners, didn't receive payment or most of them didn't for that natural gas. And I know now someone that lives in Ohio with natural gas today on their property and they receive monthly checks. And, but those West Virginians that the gas comes from still, to my knowledge, receive nothing.

And I guess I'm concerned because I'm a non-transverse landowner that if they don't buy my property so I can move, I'll be looking at these lines and West Virginia will not get a benefit.

Do you think? I mean every --- every resident should get, that owns property, should get a benefit, a direct, tangible benefit to the --- from this line. Do you agree with that?

A. First of all, I'm a history major but I did study 1900 West Virginia gas. But I do understand your question. You're asking me if West Virginia should get more than a one time benefit if this line is true?

Q. Yeah.

A. Yeah, I would agree to that.

Q. Okay. Do you think? Well personally, do you think the line, for instance, I came from Pennsylvania. The line could also transfer --- go across Pennsylvania and

down. It wouldn't need to come to West Virginia at all. Do you agree, it could?

A. It could. Yeah, absolutely.

Q. So what I was wondering about is the cost for PMJ. What would be the cost for them to construct the line across Pennsylvania down into Virginia or come across West Virginia? Have they done a cost analysis on their side on which is cheaper for them or which is more cost effective? I mean, do we have --- does --- does West Virginia PSC get numbers from the PJM or NextEra, whoever it is, or from the other states about the cost that PJM is saying it's taking to go into their state and what their benefits are? Have we compared West Virginians' benefits from having the transmission lines with the benefits that other states are getting? I mean, how do --- I make --- have you ever had anybody talk about that?

A. I --- I can't answer. I can't answer that. I --- I don't think that was discussed during the testimonies. I didn't hear that.

Q. Okay.

A. I --- I can't answer that.

Q. Okay. Well I know --- I know that WATI is trying to help West Virginians, and I'm currently a West Virginian. And I am just seeking answers, and I'm looking to anyone that will help us. And that's why we made the trip here,

and I don't know yet. And I'm just. I'm praying that Ms. Lane, Mr. Raney and Ms. Larrick see --- address all these questions before making the decision in March. So thank you for your testimony.

A. If I could. Michelle and Greg, I appreciate all the hard work you've guys done helping --- helping out. Great, thank you.

CHAIR:

Okay. Commissioner Larrick.

COMMISSIONER LARRICK:

I have no questions.

MR. EVANS:

Commissioner, I --- I do have a question, please.

CHAIR:

Oh, okay. Now, I want to make sure that you are Cross Examining him ---

MR. EVANS:

Yes.

CHAIR:

--- on his testimony?

MR. EVANS:

Yes.

CHAIR:

Okay.

CROSS EXAMINATION

BY MR. EVANS:

Q. Colonel, thank you for your service.

A. You're welcome, Mr. Lantz.

Q. The discussion ---.

CHAIR:

Okay. Would you state your name again for the record?

MR. EVANS:

I'm sorry, ma'am. Lantz Evans, Hampshire County, an affected landowner.

BY MR. EVANS:

Q. The discussion between you and NextEra's attorney there, NextEra's attorney was really hammering the blackouts, brownouts that if this line didn't go through. My question to you is, as a country boy, if there's no substations and no withdrawal from a --- for a distribution system off of this MARL line in West Virginia, you know, I've heard this blackout of West Virginia, West Virginia's going to go black. I don't get it. If there's no withdrawal from the MARL for a distribution system, how's this going to help West Virginia's distribution?

A. I think Mr. Callas asked me that same question. I couldn't answer because I didn't understand it. I --- I

will say, prior to --- my last assignment in the army, I was stationed down near Williamsburg, Virginia. Pretty built up area. And I would have blackouts that lasted three weeks, and I was pretty surprised. So I moved to West Virginia. I bought a generator because I thought I was going to get blackouts. And I'll tell you, I've never had to turn that generator on.

Q. Thank you.

CHAIR:

Commissioner Larrick.

COMMISSIONER LARRICK:

I have no questions.

CHAIR:

Commissioner Raney.

COMMISSIONER RANEY:

Yes, ma'am. I've got a couple. Mr. Campbell.

A. Yes, sir.

COMMISSIONER RANEY:

Into your Direct Testimony, and I'll begin. Bear with me. I'll be a little slow going through the pages, I suspect. But on page seven, you of course indicate that you --- you hope the Commission will deny the implication. But in lines 19 through 21, you talk about what you talked to Mr. Callas about or what

Mr. Callas talked to you about. It's the fact that they have not demonstrated the real need for this. And with that as a basis, honest what your thoughts were when you heard PJM say, look here, this 500kv line is --- is okay, but we're going to have to have a 765 come right in behind it.

A. My thoughts were, where is this at? You know, I. You know, I originally heard last year that next year, it applied for --- they got back to PJM for a --- to basically change the --- change your DEA to add another 500 kilovolt line. I think that was discussed in your testimony. That makes a lot of sense, I guess, you know.

But I think it was Dr. Abdulsalam to address that they didn't really consider greater than a 500. I'm not sure I understood the reason why on that one. Now we're, you know, now, you know, Valley Link or Valley North wants to put a 765. You know, I've looked at some of the data for energy demand in Virginia. Right now, Virginia imports 30 percent of electricity. I think it was --- I think it was testified that it's the highest percentage of any state in the US. I believe I saw a forecast that by 2040, your demand --- their import demands will go up to 70 percent, almost largely all to data centers. So when it's the stop, Commissioner Raney's when is it going to be enough? How many transmission lines have to be

built through our state to satisfy north Virginia?

COMMISSIONER RANEY:

Were you surprised?

A. Well, I'll be honest with you. I knew about this Valley North last year, so I know about that. I see that ---.

COMMISSIONER RANEY:

Because he, I didn't think he was talking about that one, but.

A. Well, I kind of hope he was because if there's another one, we're in trouble.

COMMISSIONER RANEY:

Well in my mind, I did not think so. I thought he was talking about 500's going to be. We're going to do this right now. It's not enough. We need another 765 up north.

A. Yeah. Yeah, I think he tested to find 500 --- 500 through West Virginia, 765 through West Virginia, and then another up through Virginia.

COMMISSIONER RANEY:

Well that ---.

A. And that's --- that's I guess the next RTAP, right?

COMMISSIONER RANEY:

Yeah. We go to page, let me see here, page eight and I think we've discussed everything on

that, so. The cost. You and Mr. Callas talked a great deal on page nine about the unresolved questions. And I take from your answers to Mr. Callas that you don't feel that any of those eight things, including the specific measurable benefits to West Virginia, have adequately been answered?

A. And I, yeah, I agree. Commissioner Raney, I don't think they've been answered, I don't believe. But Ultimately, that's your decision, but as a West Virginian, I don't think they have been.

COMMISSIONER RANEY:

You mentioned the constructability. I think, and Mr. Callas, you can correct me if I'm wrong, but I thought I remembered one route change request coming from NextEra that one of the reasons for the route change was a question of constructability?

ATTORNEY CALLAS:

That's right. I think it was number five.

COMMISSIONER RANEY:

I mean I was kind of left with the exchange that you all had that there had never been a question about constructability. But I --- I thought NextEra questioned themselves about constructability.

ATTORNEY CALLAS:

And --- and identified a problem and

resolved it.

COMMISSIONER RANEY:

Okay. Go to page 12 of your direct. And again, not to replow ground that's been plowed, but you've had a great deal of comment, I presume, about the behavior and actions of --- of land agents throughout the four county area?

A. Absolutely, absolutely. We --- we've got to --- I don't have on top of my head how many meetings we've conducted, it's been a lot. You know, part of our --- part of our mission was to inform and the other part was to educate. I will say that the two complaints I hear, I've heard in every meeting across all four counties was land agent misconduct and route, people not understand where the route was. A lot of folks have a lot of trouble with the route.

But going back to your --- your question Mr. Raney, I've heard. I mean, you know, I've heard a lot of that's been brought up during this wee, but, you know. Folks, you know, folks being told that if they didn't sign that they were --- they were going to lose their electricity, that this was already approved by the FERC, that the --- that this does not have to go through the Public Service Commission. I've heard so many things.

You know sir, you've hear it once and you say okay,

maybe --- maybe that --- maybe that's not accurate. We have dozens of meetings. We go to four counties, you hear continually the same information. Tends to be, makes you believe it's credible. And in my discovery, I put that email to include that email that was --- there was, you know, evidence of one bad behavior, one probably bad behavior, but one demonstrated bad behavior.

COMMISSIONER RANEY:

Go to page 14 of your direct. And line six, let me see. Be line five through seven I guess that you suggest that we weigh the concentrated burdens against the specific measurable benefits. You got any fifth grade suggestions as to how exactly we do that easily and consciously?

A. Well, I would say I --- I wish I wasn't your position, but right now I wish I were in your position. How do you do that? You know, what's the --- what's the overall effect on West Virginia? Should --- you know, I've heard from some --- some landowners, some of them sitting in this room that if they understood that the benefit for these lines would be for West Virginia or I've heard, you know, with this power hospital or, you know, something that they would understand that. But when they --- and they understand that this load is just predominantly going to feed data centers, they --- they

have a hard time accepting that.

And so I would help --- hope that you would take that into consideration the sacrifice that's going to be made, and it's going to be a sacrifice, Mr. Raney, of West Virginians for this line.

COMMISSIONER RANEY:

Do you --- excuse me. You and Mr. Callas talked about the level of certainty. Would the absolute ultimate level of certainty be that every landowner that will be involved in this would give them voluntary acknowledgement or approval?

A. Well, I tell you that, that'll probably make your decision easier. It doesn't still alleviate the burden of West Virginians. It does alleviate the burden to impacted landowners, not adjacent landowners, not ratepayers. But it would probably help you in your decision making. That's not the only, you know, That's not the only burden being put on West Virginians.

COMMISSIONER RANEY:

Think that's achievable? Think it's possible?

A. 100 percent? No, absolutely not.

COMMISSIONER RANEY:

Going to page 17. I was curious with your term red team, and let you talk a little bit about that

and how that ---

A. Yes, sir.

COMMISSIONER RANEY:

--- you think that relates to the line.

A. I think you may have a little experience of red teaming. So one of the things that we do in military planning is, you know, there's a confirmation bias. And so as you develop a plan, you put a lot of sweat equity to delegate that plan. You kind of fall in love with that plan.

And so what --- sometimes what you need is you need an outside independent team to go back and basically, we sometimes we call it order boarding. To pick apart that plan and see where the faults are, where --- where the deficiencies are. And I would suggest that maybe PJM kind of falls in love with their own plans, too. There ought to be a separate team --- a separate entity that goes in there, red teams those, you know, those proposals.

COMMISSIONER RANEY:

You all talked a great deal about the load, the verification of that, so. Takes care of that one. The. On page 21, lines six through eight, we talk about a certificate may then serve as statutory prerequisite when the applicant petitions according to

the condemned property. Do you feel that NextEra has eminent domain authority at this point?

A. No, sir, they do not.

COMMISSIONER RANEY:

Do you have any idea what would give them in eminent domain authority?

A. I believe approval of their application would give them that.

COMMISSIONER RANEY:

You put on the page down there to say what WATI's concerned does not have equivalent unilateral --- we, the Commission, does not have equivalent unilateral authority to place a final cap on the project's federally regulated transmission revenue requirement and yada, yada, yada.

A. Yes, sir.

COMMISSIONER RANEY:

Is that just simply your feeling there's too many cooks in the kitchen?

A. Well.

COMMISSIONER RANEY:

With this thing as to who's going to approve what and which part belongs to who?

A. Well, so, you know, there's --- it's an interesting, you know. It's an interesting triangle, right? So you

got PJM that's governed by FERC, who comes up with, you know, manages our regional grid and they come up with the proposal. You know, they --- they put out the proposal and they come up with solutions.

And then FERC, as I understand, they come up with what's the rate of return that a, you know, company can earn on that. And those conditions. And the state --- the states, they have to approve the route and the certificate, but they can influence --- to my understanding, and maybe the following witness can address this better, but it's not within the state's regulatory authority to --- to regulate the rate that's going to be charged. Maybe they can impact how it's applied. They can't impact what's the --- the total rate.

COMMISSIONER RANEY:

Equate that to a circular firing squad?

A. Yeah, yeah. Yep. Sometimes --- I hope I can't say that it would be appropriate. Yes, sir.

COMMISSIONER RANEY:

Okay. And then 23, you talk about things to do. I don't want to go over what Mr. Callas has already done, so let's. Move on --- I'll move to your rebuttal.

A. Yes, sir.

COMMISSIONER RANEY:

Your --- on page two of your rebuttal, you talk about on lines ten through, 10 and 11. You talk about you want to show recent cancellations and withdrawals, delays, and planned data centers. Those are the --- are you referring to the ones that were in your Direct Testimony?

A. Yes, sir. And there's others. I --- I think I included rebuttal. There's, and after I've submitted my rebuttal, continued cancellations and changes to loads. It's an ongoing process and it's pretty dramatic.

COMMISSIONER RANEY:

Okay. And that's the ones Amazon and County Cliffs notes that ---

A. Yes, sir.

COMMISSIONER RANEY:

--- you articulated?

A. Yes, sir.

COMMISSIONER RANEY:

Okay. The. You reemphasize your concern about the clarity of the --- the forecast that are the basis of these. Is that?

A. Yes, sir.

COMMISSIONER RANEY:

But it hasn't gotten any better with your

rebuttal testimony?

A. I think they're getting better. I would --- I would give PJM some credit. I think they're trying to get better. But, you know, I think what we've seen across the country is a scrutiny, you know, as, you know, from my understanding, Mr. Raney, is that a data center developer may put in a --- a proposal in eight different locations. Who's going to --- who's going to --- who's going to build it faster? You know, and I know, I heard that PJM does a different weight --- weighing of the validation of that, but it still exists. You know, there's 100 --- you know, if you have 300 data centers in Loudoun County, you want 300 more. You know, there's a lot --- that's --- if you --- if you put all that on top of each other, that --- that's a lot of forecasts that's pretty speculated.

And every example I've --- I've defined, you know, I'm not saying it's all of them. But every time I've looked at this, Mr. Raney, and I've seen states apply a higher pressure threshold to validate that load. They've all dropped. They've all dropped pretty significant. So when people are asked to put up money or shut up, a lot of them shut up and move away. So that's what we're seeing.

COMMISSIONER RANEY:

All right. I go to the attachment, I presume it's an attachment, Commissioner See's concurrence with PJM's reliability backstop procurement. And in the second paragraph, Commissioner See says as I have said before, customers that drive new costs should bear appropriate responsibility for them. Existing customers should not be left paying the cost. The better information, one down, there's better information about where it went if my load is growing. Also provides a stronger foundation for determining who should bear the cost associated with serving that growth.

And I can't get out of my head, not only about this particular line and what Commissioner See says, but what Commissioner See might think about the fact that --- that they --- they came in here the day before yesterday and said that not only need this 500kV line, but need a 765kV line.

A. Yeah. Yeah, I believe the FERC, you know, the FERC is starting to --- I think the FERC is starting to look at the changing circumstances. And so if I understood that right, if I read it four or five times, it took me that many times to try to get through it. That they are starting to look at this, you know, who's consuming the new load. They're seeing that largely, it's data centers. And as we just discussed, a lot of that's

speculative.

COMMISSIONER RANEY:

Right.

A. And then they're saying, is it fair? They're asking. They're asking is it fair to put the burden for the cost of the construction of those lines on a ratepayer and not a large data consumer? And you know, I think this came up during testimony. And I think someone implied that this ruling was didn't really apply to the MARL line. And I would --- I would disagree with that, Mr. Raney.

I think if, you know, if a --- if a large data center builder renowned --- also required not only to build their infrastructure but now pick up a large percentage of the cost of that transmission line, I think you're going to see demand go down significantly if they have to pay additional cost.

COMMISSIONER RANEY:

Thank you, Colonel Campbell. It's nice to see you.

A. Yes, sir.

COMMISSIONER RANEY:

And I'd like Mister, Counsel, it was tough on you this morning.

A. He wasn't too tough.

COMMISSIONER RANEY:

He's not, he's a nice guy. The way you've handled WATI and everything and the people that have been involved, and it's been very much appreciated by me and I think by the remainder of the Commission.

A. Sure. If --- if I could ---.

COMMISSIONER RANEY:

It's very special.

A. Thank you, sir. If I could say that I came --- I came --- I'm not a native of West Virginia. I'm not really native to any state. My dad was in the Army for 25 years, and I've moved around my whole life. Dad retired, I went, I --- I went in the Army, enlisted, was combat engineering, became an officer and retired. You know, community officer, and I moved around everywhere. And I started visiting West Virginia. And I kind of fell in love with it so much that I decided to live here, built a home.

And I would tell you, like, I was kind of a, spending a couple years up on myself on my sawmill, just trying to process life a little bit. And this --- this WATI has allowed me to get outside of my --- my little bubble. And I've met some great people across the state, and I really appreciate that.

COMMISSIONER RANEY:

Where were you born?

A. Sir, I was born in the Idaho Falls. I was born in Idaho Falls. I'm a twin brother, I've got a twin. We were born on my Dad's birthday on February 6th. My dad was in Vietnam.

COMMISSIONER RANEY:

Okay.

A. Yes, sir.

COMMISSIONER RANEY:

Bless your heart. Thank you, Mr. Campbell. Thank you, Madam Chairman.

CHAIR:

Mr. Campbell, if MARL said or if the Commission required MARL to build at least one substation in West Virginia, would the residents of West Virginia also object to a substation in West Virginia as part of this MARL process?

A. To be honest with you, ma'am, madam, I would think that they would look at that as a payoff. We're not --- we're not --- we don't have the need for additional electricity. Put in substation in Hampshire, Mineral, Preston Counties, it's not going to give us the additional capacity that we need. I believe substations are made when there's a need for them. We don't need them. We've got plenty of electricity.

CHAIR:

Even if new load came into the area, you don't see a need for a substation?

A. Ma'am, I'm not an expert, but my understanding is, before they built --- they don't build speculative substations. They don't say --- it's not like Field of Dreams, build it, they will come, right? It's not like build a substation that's going to attract industry.

I think you have to have industry. And then the local electrical provider, in this case Potomac Edison, would look at how do we get electricity to that infrastructure? And if they can do it with existing, you know, substations in the area, they do it. And if there's not, if they can't meet that, then they --- they would build another substation. This --- that's my understanding.

CHAIR:

How many members does WATI have?

A. That's a great question. I actually thought Mr. Callas was going to ask me that. Officially, we have four members. They're all in this room. I'm the president. Brian Hoffman, you've heard of him. He's --- he's the vice president. Sarah Evans. She's --- she's a firecracker. She's our secretary, and Sheryl Brown's our treasurer. So officially, we have four members.

We're --- we're not like a. We don't --- we don't pass out membership cards, right? We're --- but we have a lot of folks that participate. I know, I think I saw on the Facebook page they --- we have 6,000 folks that --- I wouldn't say they're all supporters. You're not --- we don't have --- it's not a club, you know. It's just a movement.

CHAIR:

Okay. Thank you. I don't have any questions. Mr. Hanna, do you have Redirect?

ATTORNEY HANNA:

No redirect, Your Honor. Thank you.

CHAIR:

Okay. Thank you, Mr. Campbell.

A. Thank you for the opportunity.

CHAIR:

Mr. Hanna, do you want to call your next witness?

ATTORNEY HANNA:

Yes. WATI calls Catherine Kunkel to the stand.

CHAIR:

Please raise your right hand.

CATHERINE KUNKEL, HAVING FIRST BEEN DULY SWORN, TESTIFIED

AS FOLLOWS:

DIRECT EXAMINATION

BY ATTORNEY HANNA:

Q. Hello, Ms. Kunkel. Could you please state your full name and occupation for the record?

A. My name is Catherine Kunkel, C-A-T-H-E-R-I-N-E K-U-N-K-E-L. I am a consultant for WATI in this proceeding.

Q. Where do you reside?

A. In Charleston.

Q. And by whom are you employed and in what capacity?

A. I am an independent consultant, and I have multiple clients.

Q. Do you have before you an exhibit marked WATI-CMK-D?

A. I do, yes.

Q. Was that exhibit prepared by you or under your supervision?

A. Yes.

Q. And is that exhibit the direct --- the pre-filed Direct Testimony that's been filed in this case?

A. Yes.

Q. Are you willing to adopt the testimony as your sworn testimony in this case?

A. Yes.

Q. If I were to ask you the same questions that are in

that testimony, would your answers be the same?
A. Yes.
Q. Do you have any corrections to that testimony?
A. No.

ATTORNEY HANNA:

As the exhibit has already been moved into evidence, the --- Ms. Kunkel is available for Cross Examination.

CHAIR:

Mr. Callas?

ATTORNEY CALLAS:

Yes.

CROSS EXAMINATION
BY ATTORNEY CALLAS:
Q. Good afternoon, Ms. Kunkel.
A. Good afternoon.
Q. What is this statutory authority for determining approval of lines in West Virginia over 200kV?
A. I'm not an attorney. I don't have the statute in front of me, but I believe it is that the line be found to be in the best interest of West Virginia customers and citizens.
Q. Best interest?
A. Yeah.
Q. Okay. You've been involved in lots of Commission

proceedings. Is it common to evaluate a request made by an applicant in a case with reference to the statutory standard for approval?

A. Yes.

Q. In fact, outset of this case, Chairman Lane asked the parties to evaluate and offer evidence on whether the line should be approved or not with reference to the governing statutory standard, and she read what the components of it were.

Do you recall what those were?

A. Unfortunately, I do not. What I recall about the governing statute is what I stated to you previously just now.

Q. Okay. Is it common in your experience as a witness before the Commission to reference Commission precedent that might be relevant to what the applicant is seeking?

A. Broadly speaking, yes. I believe parties often rely on precedent.

Q. Okay. Did --- did you consult with any Commission precedent on comparable applications in the past in forming your recommendations?

A. No. The scope of my testimony was to address the economic impact on West Virginia ratepayers, which I believe should be considered as part of the overall question of whether the line is in the best interest of

West Virginia customers.
Q. Okay. You --- and you do offer some testimony about economic costs to ratepayers, but that's not --- that's not the extent of your testimony, is it?
A. Correct. Correct.
Q. I'd like to look at page three of your Direct Testimony, Ms. Kunkel. And particularly, lines 13 through 15. This is part of the question and answer in which you are summarizing your conclusions. You say here that, in line 13, rather than assigning responsibility for problems, and by that it's reliability violations, to --- to the data centers, PJM proposed a transmission solution whose costs will be borne by all ratepayers in the region.

Now, you've heard testimony about PJM's cost allocation authority. There's a process that incorporates a component of to all zones and component of who's causing the problem. Do you believe that PJM has any authority to assign cost responsibility to any group of, quote, data centers, unquote, as an alternative to following the DFAX and load share mechanisms that we've talked about?
A. I believe that PJM would have to propose a change to its tariff before FERC and have that be approved if it was going to change as cost allocation for transmission

projects. But I do think that this question of whether other ratepayers are bearing the costs for the cost causation question in rate setting. In other words, you know, who is causing costs on the system and are they properly paying for those costs is something that has increasingly come up. And I believe Commissioner Raney referenced it with the concurring opinion of Commissioner See in another case in FERC.

So there is, I think overall, increasingly a question as data center loads become increasingly prevalent in PJM of should the cost allocation be reformed so that those costs are more appropriately borne by the data centers that are imposing costs, infrastructure costs on the system?

Q. I think all that is to say that currently, without a change to PJM's tariff, no, they are not able simply to assign costs for transmission lines to one or more data centers?

A. That's correct. It would require a change to the tariff, as I said.

Q. So PJM is doing only what it is authorized to do right now in determining the allocations of costs for projects that are assigned to meet reliability needs. Is that correct?

A. Yes. Although I don't believe there's anything that

is stopping PJM from proactively seeking to --- to change its tariff.

Q. So it's --- it's not that PJM isn't following the cost allocation process that is currently in force, it's that you'd rather see a different one be in place?

A. I agree, yes.

Q. In --- in that scenario, do you have any recommendations on how PJM would assign costs and to whom? Let me give you an example to illustrate my question. Existing data centers, new data centers, loads other than data centers, data centers that are announced but not constructed. How --- how would it go about doing what you were suggesting should be done?

A. I believe. Well, I want to say two things in response to your question. First of all, I don't believe PJM has the authority to directly set retail rates in terms of the rate for a specific data center. So I believe what PJM would be probably limited to doing, and again, I'm not an attorney, but I believe they would probably be limited to setting the rate for the dominion zone or perhaps a specific load serving entity that has a high concentration of data center load and then leaving it to that load serving entity which is regulated by the state commission in Virginia to determine the sort of specific question you asked of how to apportion that to

individual data center customers.
Q. It is true though that the, through the solution based DFAX process, that the zones that do cause the problems that are sought to be addressed by the reliability proposal do get a larger share of the costs?
A. They do get a larger share of the costs, yes.
Q. And in fact we, as was illustrated yesterday during Ms. Menhorn's testimony, the largest share of the largest share, cost share of the project does go to the Dominion zone. Isn't that correct?
A. That is correct, yes.
Q. Have you evaluated what portion of the overall cost of the project under current allocation methods actually would be borne by West Virginia customers?
A. I did, yes. I mean that was the ---.
Q. Not --- not in rate or dollar terms, but as a proportion of the whole?
A. Oh, as a percentage. I believe that was --- it was part of the calculations I did, but I could not. I would have to go back into my spreadsheet to pull out that specific number. I don't recall what it is.
Q. Do you have an estimate whether it's less than half or less than a quarter?
A. It would be less than half, yes.
Q. So there are a lot of other zones paying for the

cost of this line as well if it's both?
A. Right. I mean, part of the --- the current cost allocation methodology, as you said, is that, you know, 50 percent goes to the zones that are most utilizing the line, which as you indicated at this point, is majority Dominion. And then half is split amongst the rest of all the zones in PJM based on their zonal share of the peak load. So that means every zone in PJM is bearing some fraction of this cost, including for example, in northern New Jersey.
Q. Or Chicago?
A. Sure.
Q. The same is true for all reliability based projects that --- that have been built and allocated out for many, many years?
A. That's correct.
Q. So when Mon power comes in and proposes new expanded net energy cost rates that incorporate transmission costs, part of those costs include, right now whether we realize it or not, costs for reliability based projects in all corners of PJM that, under that same allocation methodology we --- we are paying for?
A. That's correct, and I think that question in recent years has become whether that traditional method of cost allocation has become somewhat out of date or does not

serve what is currently going on in PJM because the proliferation of data center loads in Northern Virginia is so great and is driving so much infrastructure spending that perhaps that historic method of --- of allocating costs, which I think kind of implicitly assume that growth is relatively even, perhaps across PJM. So I'm paying for your transmission line over there, but then someday will pay for my transmission line over here. Perhaps that's not adequate when so much of the growth is concentrated in a specific sector in a specific geographic location.

Q. But until those rules change, we're proceeding and constrained to proceed under the arrangements that are currently in place and that have been for a long time?

A. Yes.

Q. Should PJM, in your view, stop its efforts to define reliability violations? Stop --- pause is a better word efforts to define and order reliability violation solutions until it has a --- there's a mechanism in place that's more along the lines that you describe?

A. No, I believe those things should be concurrent in terms of reforming the cost allocation. But I mean, obviously, PJM is charged with ensuring the reliability of the grid and cannot simply abandon that.

Q. It can't simply stop?

A. Right.
Q. It can't simply stop because there are preferences expressed out in the world or among Commissioners for a different cost allocation scheme to stop ensuring the reliability of the system?
A. Correct.
Q. Do you have any sense of how long, given your experience with PJM and FERC and PJM processes and, you know, the many participants in cases at FERC that relate to zonal and RTO cost allocation, how long it might take to make the kinds of changes that you were talking about?
A. I don't think I want to speculate on that. I've not actually been involved in a case before FERC, so I'm not sure what their statutory requirements might be for that type of proceeding.
Q. Is it fair to say it could be --- could years?
A. Again, I don't know. I don't know what kind of --- there might be a statutory limit on a tariff proceeding in FERC, and I don't know what that is.
Q. At page four of your testimony at the very top, Ms. Kunkel, you say that under PJM's current rules, these data centers, and it's not clear which ones we're talking about, but some group of data centers will not pay the full cost of the infrastructure needed to serve them. Is that simply another expression of your preference to have

a different allocation methodology for costs?
A. Yeah, I think that's a restatement of what we've just been discussing and I was, sorry for being unclear, referring to the data centers in Northern Virginia.
Q. Okay. And you believe that, for example, if MARL were needed and that were the reason why, that you believe rather than the allocation methodologies to zones that we've talked about, that some group of data centers ought to be paying the full cost of this project?
A. I believe it would be that the data centers need to be paying at least a much greater share of the project than they are currently slated to pay.
Q. Back --- turning back to page three at the bottom, you say that this case is about asking West Virginians to pay and give a plan for, in your words, a transmission line that might not be needed. What is the frame of reference that you offer for whether or not this project is needed?
A. Well, the full line there is a transmission line that might not --- might not be needed if not for the rapid growth of data centers in Virginia. And I don't. I don't believe that PJM ran any scenario in their reliability analysis of this project of whether the need for this project would still exists under scenarios of lower data center load forecast. And it is also clear to

me in --- in the PJM documents that I read that came out around the time of RTAP Window 3 that the window itself was opened because of reliability. Excuse me, reliability problems that were identified primarily due to data center load growth in the Dominion and APS zone. So that's what I was referring to with that statement.

Q. The, you have not evaluated, I take it in your testimony or otherwise, the extent to which the analyses that PJM has offered here that show the violations are or not accurate?

A. No, I'm not a transmission engineer. I did not redo any of PJM's modeling.

Q. You state at the bottom of page three, you're talking about Virginia, a state which has aggressively pursued the data center industry because not --- despite not having the electrical infrastructure in place to serve it. You know, whether or not that claim is accurate is a large one. Is that a factor that you believe PJM is permitted to consider in its RTAP analyses?

A. The RTAP analysis is specifically around modeling the transmission system and identifying reliability violations. It's not, you know, questioning whether --- how state public policy plays into those reliability violations. I mean, interestingly, PJM does have an

existing cost allocation methodology that has to do with public policy driven transmission lines. For example, several years ago, offshore wind in New Jersey, that required transmission was considered a public policy transmission project. And I believe actually one of the former FERC Commissioners, Mark Christie, raised a question in one of the proceedings about whether Virginia's public policy to promote data center development should perhaps fall into that category as well. So to make a long story short, it goes back to cost allocation.

Q. Yes. And other --- and to --- to put a cap on that, PJM is not really able to make value judgments about whether or not the --- the appearance of load in any given zone ought to be managed or addressed by people in that zone. It simply has to do the analysis and develop the solutions?

A. That's correct.

Q. I mean this, I read this as something of an expression of your testimony here about seems like it's not fair. Is that a fair way to characterize it?

A. I do think cost causation is a --- is a bedrock principle of utility regulation. And so, yes, more colloquially is not fair that other ratepayers pay costs that are caused by other users of the system.

Q. But PJM is not able to make value judgments of that sort in applying its analysis?
A. Correct. I feel like I answered this question previously.
Q. Yes, I think you did. Thank you. Page seven of your testimony, we are talking about components of the Western Cluster solution. In the middle of the page there, you mentioned the Woodside substation, which is a component of this overall project. And you indicate that there's --- there's a lawsuit there by some local residents. And there will be some kind of hearing next year.

Is what that reflects simply residents opposing facilitate --- a facility and using their petition, their participation in the legal process to try to block its approval?
A. I did not read the case in detail. I read some articles about the case. My understanding is there's a question involved of whether --- of the appropriate land use within a homeowner's association or some, what --- whether it was. Whether it's appropriate for that specific land to be used for a substation.
Q. There's a legal challenge there by --- by persons who don't want to see the substation built, just like there are legal challenges in this case. Do --- people

who don't want to see this line built. And the same is true or likely to be true in the other siting certificate applications for --- before the other three states, right?

A. Correct.

Q. Is there a reason you believe that NextEra should have a contingency plan for whether that substation should not be built?

A. Well, I think where --- where I was trying to go with this is that I think it's important for this Commission to consider that this piece --- that this project, the Western Cluster solution of which MARL is a part, has two other components that are not part of MARL, but are key in my understanding to realizing the benefits of MARL. One is the FirstEnergy transmission line that MARL line connects right into. And then the other is this terminating substation in Virginia.

And I think it more goes to the question of perhaps conditioning the approval of this line on making sure that those other facilities are actually received their approval because they're, my understanding, and the fact that there's no contingency in place if those other pieces are not built means that MARL could, in the worst case scenario, be built and not useful if the other pieces do not come to fruition.

CHAIR:

Mr. Callas.

ATTORNEY CALLAS:

Yes.

CHAIR:

It's time for our lunch break.

ATTORNEY CALLAS:

Thank you.

CHAIR:

We will be back at 1:30.

SHORT BREAK TAKEN

CHAIR:

You all may sit down. And Mr. Callas, you can resume your cross examination of Ms. Kunkel.

ATTORNEY CALLAS:

Thank you, Madam Chairman.

BY ATTORNEY CALLAS:

Q. Hello again, Ms. Kunkel.

A. Hello.

Q. I'm now on page 11 of your testimony where I'll draw your attention to the statement at line 12, which I think is similar to something you said earlier in your examination. PJM did not evaluate any scenarios with lower data center load growth in Virginia as part of its assessment of the need for the Western Cluster solution,

which is essentially this project. Is that correct?
A. Correct.
Q. PJM does have a load forecast process that takes into account an informed assessment of large load adjustments, according to Mr. Gledhill. Is that correct?
A. That's correct.
Q. And there's further evidence that PJM is working actively to refine that process going forward?
A. Correct.
Q. But right now, they produce every year a single load forecast. It has lots of different parts, but overall a single load forecast. And one of the purposes of that load forecast, among others, is to inform the RTAP?
A. Correct.
Q. That load forecast reflects what it believes to be the most likely outcome, notwithstanding the many uncertainties and unknowables that are inherent in projecting load into the future. Is that correct?
A. That's correct.
Q. And it's been using the same process for many years under its applicable angles, both as to the load forecasting process and as to its incorporation into the RTAP. Is that correct?
A. Generally speaking, yes. I think the large load forecast portion of the load forecast may have changed

recently because of the prevalence of large loads. But if your question is simply whether PJM has had a load forecasting process that informs the RTAP, then yes.

Q. Yeah. Depending on the assumptions that you used, if you were looking to do a sensitivity scenario about the load that's associated with data centers or for any other reason, depending on the assumptions you could make that as small --- you could make the result as large or small as the assumptions would allow?

A. You could certainly put in many different assumptions about data centers, I would agree.

Q. And presumably in any, you know, in any sensitivity analyses --- analysis involving data centers, you could pare back the load assumptions such that maybe if, once incorporated into the RTAP, some or even all of the projected violations would go away?

A. Possibly. I mean, that --- that is kind of what I'm saying here. That there was not --- that analysis was not done, so whether or to what extent any violations would persist absent the rapid growth in data center load in Northern Virginia, I doubt it. But the analysis has not been done.

Q. Okay. So if PJM did prepare the scenarios, assuming lower data center load growth, that you have said it did not do, how would you propose that PJM use that in the

context of the RTAP?
A. I mean, I think it would be interesting in helping to understand what are --- what is the driver for the MARL line. I think if it were the case that a substantial portion or all of the reliability violations disappear in a scenario with no data center load or lower data center load, I think that would support the contention for reform of cost allocation of this transmission project.
Q. Okay, but we're not talking about cost allocation here. We're talking about whether the identification of violations is an actionable one for purposes of the RTAP analysis.
A. Right. And I'm not --- I'm not disputing that PJM has a base caseload forecast and that PJM, that I, you know, I do believe it is reasonable for PJM to plan five to seven years in the future based on the load that it expects will materialize on the system at that time. I believe that it is reasonable for PJM to do that. I also think that different sensitivities could inform what --- what solutions might be seen to be reasonable and could inform PJM's decisions around cost allocation and other related issues.
And I --- I say this in part also because I think data center demand is inherently more uncertain than

traditional residential, commercial, and industrial loads, in part because individual data center projects can be so large that one project not materializing can have a substantial effect at the level of utility resource planning. And also because there are systemic financial risks across the whole industry that could result in forecasts not materializing at the level expected.

Q. I understand those concerns about how data centers appear in load forecasts, but my question is, assuming it does its base case forecast and the sensitivity, what --- which one do you believe should be used to identify reliability violations?

A. I believe it would be reasonable to use the base case forecast.

Q. Okay. And that's exactly what's happened here?

A. Correct.

Q. So to the extent that you offer the criticism that it didn't do a lower load growth sensitivity analysis and use it as the basis for identifying the violations, that's not where you're --- that's not what your contention is here?

A. That's not my contention, and I didn't say that MARL should have used --- that PJM should have used a different forecast to identify violations.

Q. Did you, or to your knowledge, has anyone else produced a load forecast sensitivity analysis of the kind you think PJM should have done?
A. I have not. I'm not aware of another party doing that.
Q. Beginning on page 12, you offer a number of reasons why you think in the future, data center demand may not materialize to the extent projected. Is that true?
A. That is true.
Q. And, you know, there --- there are quite a few of them relating to weaknesses in the AI business model and profitability concerns, potential for a bubble and what if the bubble bursts, et cetera. Each of these assumptions about what might happen in the future essentially are speculations on how data center load might develop in the future. Isn't that correct?
A. I would characterize them as risks in terms of, you know, as PJM is planning to build large scale infrastructure in response to forecasted data center demand to be cognizant of the risk that this may not materialize as forecasted.
Q. There's a difference, is there not? Between being aware of, cognizant of, potential risks in load forecasting and deciding without firm evidence to adopt them so as to reduce the load forecast?

A. That's true. I did not advocate that, or I did not specifically say that PJM should change the load for the base load forecasts.
Q. But you are saying that you think the need for MARL is not demonstrated because these risks exist?
A. I'm saying that the need for MARL is primarily driven by data center load forecast, which is inherently uncertain. I --- I am not disputing the fact that with the base case load forecast that includes large amounts of data center demand, PJM found reliability violations.
Q. Or that the base case load forecast was unprofitably or incorrectly put together?
A. Correct.
Q. Or is unreliable for the purposes it's been offered for?
A. Correct. I think it has a higher degree of uncertainty than past load forecasts because of data center demand.
Q. You --- you talk about a potential cooling off of the market, a bubble bursting that could lead to bankruptcies, et cetera. Would you assume that if --- if in fact that happens over time, that it would not be a cataclysmic, all at one thing, but would be something that might develop over months or years?
A. I think it's reasonable, months or years. Yes.

Q. In other words, because it would be potentially a gradual thing, it, you know, it would be felt in successive future load forecasts and RTAPs, not all at once?
A. It would certainly show up in future RTAPs.
Q. The possibility of a data center cooling off or bubble bursting, maybe in your view, greater now, but has existed for some time since the 2022 Window 3 was opened?
A. Not sure I would completely agree with that statement in the sense of the level of financial investment, the level of --- that the debt and equity markets in the United States have become caught up in AI investment is certainly much larger and there's much more exposure to that now than there was in 2022.
Q. So is that a greater risk to the load forecasts?
A. I would say there's a greater. Yes, I would say --- I would, yes.
Q. But some of those risks, at least to the --- they haven't happened all at once either. They've been growing over time and maybe were a component of previous or might have been felt in previous load forecasts going back to 2022. Is that a fair statement?
A. I'm not --- I'm not sure. Could you rephrase that question?
Q. Yes. We think these risks are prominent now, but

they may have still been present in earlier versions of the load forecast before 2026?
A. To a lesser degree.
Q. Nevertheless, the load forecasts and their translation into the RTAP successively from 2022 through the beginning of this year have shown a greater and greater need for MARL and a larger and larger expected load growth over time, have they not?
A. I'm not sure that I would say that they have shown a greater need for MARL. I mean, they have certainly showed greater forecasts of data center demand. But my understanding was that subsequent RTAPs were not remodeling the need for MARL as opposed to sort of assuming that projects from the previous RTAPs got built.
Q. That's true. That's true. It is --- it is the case though that subsequent RTAPs have both assumed the need for MARL and shown that the load growth is greater than had been projected the previous year and more reliability violations requiring more transmission reinforcements have been subsequently determined to be needed?
A. It is certainly the case that the data center --- the forecast of data center load growth in Northern Virginia have grown and subsequent RTAPs have proposed additional projects to bring more power to serve that demand.

Q. If a sudden bubble bursting that took the legs out of the markets, let's say, of data center development were to occur, and that had a dramatic effect on forecasts of --- of load, what are PJM's options with regard to the projects that its already identified as needful?

A. I mean, depending on where --- when this bubble bursting would occur and what stage the projects are in, I don't know that PJM would have the capability to withdraw the project. For example, the way that the PATH project was withdrawn when was it was determined to not be needed under subsequent load forecast.

However, I mean the MARL project obviously has a significant construction time and there could be a scenario where AI load growth continues roughly as forecast until early --- in the early 2000-30s, and then the market collapses and MARL has already been built and at that point, they're not going to unbuild it.

Q. And that is a risk for every project that's recommended under the RTAP or otherwise. There's always potential for less need for it down the road?

A. Correct. And what I'm saying is that I think the risk of overbuilding is particularly acute in this scenario of data center load, which goes back again also to the question of cost allocation and the data centers

paying for the infrastructure that was being built to serve them.

Q. Okay. Is the risk of overbuilding, in your view, a reason not to approve the building at all?

A. I think it is a reason to be more careful about evaluating the need for the project and also whether other alternatives have been fully considered. Because the --- I believe that the --- the load forecast and the violations that were identified were identified starting in the 2027-2028 delivery year, whereas MARL is not to be in service until 2031. And PJM is already taking actions in terms of encouraging more generation and in terms of trying to propose methods of data center curtailment that could mitigate some of the reliability issues associated with greater data center load growth. And I don't believe that those were considered. Well, they certainly weren't in place and I don't believe they were considered as alternatives when MARL was being discussed.

Q. That's certainly true. Some of the things you mentioned, they weren't in place. They are, in fact, they're not really in place yet?

A. Also true.

Q. Right. And we don't know how long it's going to take before they are in place?

A. That is true. Although I believe the expectations

is that they be in place sooner than MARL.
Q. Okay. Nevertheless, the Commission has before it a, you know, a thumbs up or thumbs down determination to make on this project being presented now. And I'd like to know whether the potential for changes in the future you believe is enough to ignore the demonstrated repeated reliability violations that have been shown for the last four years by rejecting this project?
A. I believe that the Commission has, frankly, a challenging decision in terms of whether or not this project is in the --- the public interest. And I think the --- the cost of the project for West Virginia ratepayers and who benefits from the project are --- need to be part of that calculation. But I do not feel positioned to say exactly how that --- those factors should be balanced.
Q. You --- you and r --- your client in this case have recommended that the --- that the project ---
A. Right.
Q. --- not be approved?
A. Right.
Q. So that sounds like a very definitive recommendation.
A. True, true. My --- our opinion is that it is not in the best interest of West Virginia ratepayers.

Q. Dr. Abdulsalam said that PJM does not have a dog in this race while he was on the stand a few days ago as to, and I think what he meant by that is we're --- we don't have a vested interest in any particular outcome other than ensuring transmission system reliability. Do you agree with that?
A. I recall his testimony.
Q. Any reason to question that assessment?
A. That PJM does not have a dog in the fight?
Q. No, there's no evidence presented in this case that they are anything other than unbiased, neutral actors seeking to discharge their obligations to ensure the reliability of the bulk electric system using the tools that they have at their disposal?
A. I believe that PJM is. Has a mission to ensure the reliability of the bulk electric system. I do, as I just said, question whether all the available methods or alternatives were under consideration at the time that MARL was approved by --- by the PJM board, including as we just discussed, you know, the new initiatives to cite to bring online new generation and to potentially curtail data center moves at peak demand times.
Q. Let's talk about incentivizing generation. PJM has a process to do that. How --- what --- what can you read into the success? Well, that's quite the word. What do

you read into the results of the efforts of the reliability pricing model to incentivize capacity additions over the last several years? What does the data tell you?

A. I mean, I think it has not been sufficient and I think that's why PJM has underway additional processes including this bilateral matchmaking RFP and the backstop procurement auction to --- that are specifically designed to try to bring more capacity to the system than what the reliability pricing model had procured.

Q. For --- for many years, it seemed like the RPM and the base residual auctions were, you know, doing the job. The capacity prices they cleared in the auctions were up one year and down another. You know, move back and forth. It's only been recently that they've kind of gone through the roof and not always been so clear. Is that correct?

A. Correct.

Q. So it isn't that they don't have --- haven't had a mechanism to try to incentivize generation. It's just that we're kind of in a different landscape now where it isn't as successful as it has been?

A. Right. The large increase in forecasted data center load, again, has upended how PJM has historically done things or the historical ways of doing things are not

well suited to these conditions.
Q. Data centers and AI are controversial, sometimes welcomed, sometimes opposed. What is the profile that you see in West Virginia on both of those scores?
A. I --- it's definitely not within the scope of my testimony. Anecdotally, I have seen a lot of opposition to oppose data centers in West Virginia, but I certainly --- I have not looked for nor seen sort of comprehensive surveys of public opinion about it in West Virginia.
Q. Well, as --- as reflected in political activities, one would think that there --- there was some promise and they've been sought to be encouraged. Would you say that?
A. I would say certainly the legislature. I'm familiar with HP 2014 from a couple years ago that sought --- that seeks to encourage data center development, yes.
Q. Do you recommend to this Commission that it incorporate value judgments as to the worth, societal worth of data centers or AI when it's determining whether or not it should grant or deny an application like this?
A. I think that --- I mean, back to what we discussed before, the --- the. The standard is whether this application is in --- this project is in the best interest of West Virginia ratepayers. And I think the fact that the project is primarily built to service load

growth and economic development in another state is. Should be part of that weighing of the interest.
Q. How should that be weighed?
A. Again, I think that the Commission should, excuse me. I think the Commission, again, our recommendation is that the project be denied as not in the best interest of West Virginia ratepayers. So our assessment is that the --- the applicant has not met its burden of proof to show benefits to West Virginia consumers.
Q. Is that the nature of the statutory test to show benefits or in the public interest? Is that how it reads in the statute? Or do you have any idea?
A. I believe the phrase is in --- in the best interest, which I would assume would --- would imply that the benefits outweigh the costs in some way.
Q. What do you draw that language from?
A. Which, I don't have the statute in front.
Q. Did you review the statute before you provided your testimony?
A. Actually, I'm sorry. I do have our responses to discovery. That was in there. West Virginia Code Section 24.2(11)(a), be in the best interest of West Virginia customers and its citizens.
Q. And tell me where you read that language that you just quoted?

A. Well, I'm looking at a response to discovery questions. Your question 1-10. Our response quoted that section of code, but I don't have the full code in front of me right now.
Q. Is PJM able to discriminate, to --- to make value judgments about what the nature and source cause of load growth is and determine that some load growth is valuable and worthy of addressing through the RTAP process and some is not?
A. PJM simply prepares a base caseload forecast. No, it does not make judgments about the loads that are in that forecast.
Q. In fact, it has no authority to do that?
A. I don't believe so.
Q. If the load growth that was the underpinning of a load of the RTAP analysis that underpins this application were F150 manufacturing in Hampshire County as opposed to data center growth in Loudoun County, would that affect your recommendation at all?
A. I do not know. It's a hypothetical scenario. I think it would be different, certainly. I don't know what --- I don't know where we would come down.
Q. Well, what about solar panel construction in Hampshire County? Would that change the --- you and your client's view of the waiting as compared with data center

development in Loudoun County?
A. Similarly, I do not know. But economic development in West Virginia would be a different purpose obviously for this line.
Q. But you can't say whether you're? Well, you've certainly pointed out that all the --- all the reason for this line is data centers in Virginia, and you've said that's a bad thing about it. What I want to know --- what I want to know is if it were a different load factor determiner and it were in West Virginia, didn't have anything to do with data centers, but it was something that, you know, maybe people would find more palatable, would that change your point of view?
A. It's hard. It's hard to speculate on something that hypothetical right now. But I do think that it is plausible to me that there would be less opposition to a line that was seen also as offering economic developments in the area that it was passing through.
Q. But under both of those scenarios, if you'll indulge the hypothetical, the reliability violations and the impacts of those reliability violations, were they ever to come to pass, would be the same?
A. Potentially. Again, also there's the potential that data center load growth in Northern Virginia could have a sort of more systemic collapse than I think in the

hypothetical that you're talking about.
Q. Fair enough. In Dr. Abdulsalam's rebuttal testimony he presents, I think it's at page 13 or 14. A description of a revised sort of supplemental analysis that takes into account, essentially takes MARL out and assumes the two other 765s and assumes Brandon Shores is gone after 2031 and says there absolutely is need. Have you reviewed any of that analysis or evaluated it at all?
A. I read Mr. Abdulsalam's rebuttal testimony. I did not redo in any way his analysis.
Q. No --- no basis to question it's accuracy? The accuracy of what's he attempting to show there?
A. No. I will say that my understanding is that the retirements of Brandon Shores and Wagner are being addressed by other RTAP projects such as the Brandon Shores Mitigation Project, other than MARL.
Q. That's true. And --- and presumably those would be incorporated with the same analysis?
A. I assume that's what he did, but I don't know.
Q. I appreciate your time. Thank you.
A. Thank you.

CHAIR:

Mr. Harkins?

ATTORNEY HARKINS:

No questions. Thank you.

CHAIR:

Mr. Marks?

ATTORNEY MARKS:

No questions. Thank you.

CHAIR:

Ms. Wilson?

ATTORNEY C. WILSON:

No questions.

CHAIR:

Mr. Stephens?

ATTORNEY STEPHENS:

Thank you, Madam Chairman. I --- I do have maybe one or two for Ms. Kunkel.

CROSS EXAMINATION

BY ATTORNEY STEPHENS:

Q. Ms. Kunkel, during Mr. Callas's Cross Examination, I believe he asked about are there any public policy or governmental? Is there any governmental action here in West Virginia recently aimed at spurring on data center development? Do you recall that question?

A. I do recall that line of questioning, yeah.

Q. And I believe your response was you cited just your awareness of House Bill 2014. Is that correct?

A. Correct, yes.

Q. Did --- did House Bill 2014, did it provide an

incentive to data center developers to develop or --- or I guess co-locate generation on site with their data centers?
A. Yes. It was designed to encourage that kind of micro grid setup, yes.
Q. Okay. And is it further maybe your understanding of that legislation that only I believe ten percent of the gross energy generated on site could be placed on the grid or sold on the PJM market?
A. I don't remember that exact percentage, but I recall something along those lines.
Q. Okay. And are you aware of any data centers planned for Northern Virginia, whether that be in the Dominion zone or otherwise, that are anticipated to have on site generation, whether that's behind the meter? Sometimes we --- we get confused or stumble on the terminology, but on site generation to offset their, otherwise their demand on the grid?
A. I'm less familiar with specific projects in Virginia. I know a number of projects have backup diesel generation, but I believe that that is --- is different because it's designed to be backup generation, not full time running. So I'm not aware of specifics behind the meter data center projects in Virginia, but I also would not be surprised if there were, so.

Q. You're just not aware of them?
A. I'm just not aware of them.
Q. But --- the --- the backup diesel generators you reference, based on your knowledge of the industry, how long could one of those data centers run those for, presumably for backup power, when maybe power is too expensive to be purchased or otherwise?
A. I mean, my understanding is that they're typically limited by environmental emissions to run a certain number of hours of the year, and I'm not sure exactly what that is.
Q. But they are emissions constrained?
A. Yeah.
Q. So you can --- you can only run them for so long?
A. Right. You certainly would not be running them all year long as your source of power, for example. For an extreme example.
Q. All right, thank you.

ATTORNEY STEPHENS:

I believe that's all I have.

CHAIR:

Mr. Auville?

ATTORNEY AUVILLE:

No questions. Thank you, Your Honor.

CHAIR:

Ms. Wilson?

ATTORNEY V. WILSON:

No questions. Thank you.

CHAIR:

Interveners?

MS. GRUBER:

No questions, ma'am. Thank you.

CHAIR:

Okay, thank you. Commissioner Larrick.

COMMISSIONER LARRICK:

No questions.

CHAIR:

Commissioner Raney.

COMMISSIONER RANEY:

Yes, ma'am, I've got a couple. Ms. Kunkel, nice to see you.

A. Good to see you.

COMMISSIONER RANEY:

Trying to track through your Direct Testimony here. On your page four, you recommend that we deny the application. And as Mr. Callas and you have been talking that you don't feel that the company has met its burden of proof. Can you in simplistic forms tell me what it is that you think they need to do to --- to meet that test?

A. I think. Well, I will say the reason I feel like they have not met the burden of proof is that this appears to be a project that is designed to serve growing data center demand in Northern Virginia that has been, you know, encouraged by State of Virginia public policy. And that, whose costs are being borne imparted by West Virginia ratepayers. So that's why I feel, I opine that it is not in the best interest of West Virginia ratepayers to be paying for, and as we heard from other interveners, sacrificing parts of their property for a line that serves to benefit an out of state industry, so.

COMMISSIONER RANEY:

Fair enough. Let's see. I think you all talked about this a little earlier. Go to page seven where you talk about the Woodside substation.

A. Yes.

COMMISSIONER RANEY:

And you talk about the legal environment surrounding that. In your opinion, what happens if it's not built?

A. I believe I heard one of the NextEra or PJM witnesses confirm that the Woodside substation, the term ultimate terminus of the Western Cluster solution, is critical to the project. And so, and as I noted, they have not provided or expressed any alternative plan that

they would have if the substation is not built. So I don't really know what NextEra would do in that situation because there does not appear to be a backup plan for that possibility.

COMMISSIONER RANEY:

As an energy consultant, do you think that that would be a terminal act if it's not approved?

A. It would certainly be a terminal act for the project as it is currently conceived. Whether it could be rerouted and, you know, to a different substation, I would imagine that as a possibility, but I have not heard of that as a backup plan.

COMMISSIONER RANEY:

Right. Over to page 13 and talk about the --- the bubble bursting and the bankruptcies and all that. And again, as an energy consultant, very knowledgeable in that area, and I think I heard you say that you feel like you're deficient, but do you think West Virginia needs additional transmission capacity? I mean.

A. You mean?

COMMISSIONER RANEY:

You hear about the consideration of MARL and --- and everything, but just generally as we sit here today.

A. I mean, I think with the energy demand that exists in West Virginia today and, you know, capacity to serve that demand, I have not heard and I would be somewhat surprised if there was a need for additional high voltage transmission to serve existing needs in West Virginia.

COMMISSIONER RANEY:

I've --- I've had a number of people that are knowledgeable, and this is outside of MARL, but to talk about that one of the difficult balances that we've got to achieve somehow is as we look down the road, there is a need for transmission capacity, whether you're talking about Virginia or Ohio or wherever it may be. That we do, in fact, need some here if we're going to begin to make more power. Is that, do you ---

A. I mean, I think ---.

COMMISSIONER RANEY:

--- agree or disagree?

A. Well, I think if there. If there are plans to significantly increase generation capacity within the State of West Virginia, then I could see additional transmission. I would not be surprised if additional transmission were also needed, but I am not. That's very hypothetical and I've not looked into that in any detail.

COMMISSIONER RANEY:

Okay. Over on page 18, you talk about

first 15 years of the project, ratepayers will pay more than $210 million. And then on down, it says total cost nearly $90 million to be borne by the residential ratepayers. And I presume from that statement that the remainder of that will be paid, in your opinion, by commercial and industrial ratepayers?

A. Correct, yes. Yes.

COMMISSIONER RANEY:

Okay. Curious about page 23. You talk about the abandoned plant incentive.

A. Yes.

COMMISSIONER RANEY:

And recovering 100 percent of the cost to that point. Is that FERC saying that we got to pay that? Is that PJM saying we got to pay it or?

A. That --- that is a FERC decision.

COMMISSIONER RANEY:

So if they build half this thing, we're going to have to pay for it because of FERC? Or somebody's going to have to pay for it?

A. Right. I mean, I think it's. FERC would have to make a determination that those costs were prudently incurred. But yes, they have upfront stated that they would allow in, know, the transmission rates to recover the abandoned costs.

COMMISSIONER RANEY:

Do we have, as a state, anything to say about that? Should portions of this unfinished line be in West Virginia?

A. I honestly. I would think that the Commission could get involved in the FERC proceeding. But beyond that, in terms of denying the --- but I mean it would be. It would be part of the wholesale transmission rate that is under FERC's jurisdiction as opposed to retail rates under the Commission jurisdiction, if that's what you're asking.

COMMISSIONER RANEY:

I started out this whole thing on Monday and asked witnesses, probably inappropriately, but that if West Virginia decides not to allow any recovery of cost, will MARL be built? Well I find out, you know, FERC's got a different opinion about that. We're going to pay for something no matter what we say about it. But if we would not allow any recovery, do you feel like MARL would go forward? And, let me say too. When Maryland, Virginia, and Pennsylvania pay for it you think? Just feel sorry for us?

A. I feel challenged by the hypothetical vote. I'm --- I'm not a lawyer, but I struggle to see how the Commission could do that, given that the transmission

cost is of FERC. Is under FERC's jurisdiction.

COMMISSIONER RANEY:

Page 24 goes into the same area. Thank you, Ms. Kunkel. I appreciate it very much.

A. Thank you.

COMMISSIONER RANEY:

Your answers. Thank you, Madam Chairman.

CHAIR:

Okay. Thank --- thank you. I just have a couple questions. You were here yesterday when Ms. Menhorn spoke?

A. Actually, unfortunately, I was not. I had to leave early yesterday.

CHAIR:

Okay. Well, in her testimony, she indicated that in 2032, the average Mon Power customer will be paying $1.12 per month, attributable to the MARL line. And the APCO customers will be paying $0.17 per month. Do you agree with that analysis?

A. I don't have those numbers in front of me, but it sounds roughly correct.

CHAIR:

Okay, thank you. Okay. I don't have any other questions. Mr. Hanna, Redirect?

ATTORNEY HANNA:

No Redirect. Thank you.

CHAIR:

Thank you, Ms. Kunkel.

A. Thank you.

MR. BROWN:

Madam Chairman.

CHAIR:

Yes.

MR. BROWN:

I believe we have three interveners on online. I'll bring that sheet up for you.

CHAIR:

Okay, thank you. Be patient a little bit longer, Mr. Egnatoff.

MR. EGNATOFF:

I'll --- I'll go when you want me to go.

CHAIR:

Okay. The first intervener online is Jacqueline Mier.

MS. MIER:

Hello? Can you hear me?

CHAIR:

Yes, is this Jacqueline Mier?

MS. MIER:

Hello, this is Jacqueline Mier.

CHAIR:

Okay. You need to be sworn in.

MS. MIER:

Okay.

COURT REPORTER:

Can you please raise your right hand?

JACQUELINE MIER, HAVING FIRST BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

A. Can you hear me?

CHAIR:

Yes. You need to maybe get a little bit closer to your microphone.

A. Okay. Can you hear me now?

CHAIR:

Yes, yes. Are there any questions of this witness?

ATTORNEY WILLIAMS:

Ms. Lane, I'll just ask a brief question.

CROSS EXAMINATION

BY ATTORNEY WILLIAMS:

Q. Ms. Mier, have you been able to watch any or follow any portion of this hearing the last few days?

A. Just mostly today. Unfortunately, we've had some

family health issues.
Q. Okay, thank you.
A. Yes. But we're very interested and involved.
Q. Thanks. I was going to ask you if anything you've heard so far from what you've followed, have you changed or modified your position for your testimony?
A. No.
Q. Okay, thank you.
A. No, I have not. I've listened this --- we've --- we've been listening today.
Q. Okay.

CHAIR:

Okay. Commissioner Larrick.

COMMISSIONER LARRICK:

No questions.

CHAIR:

Commissioner Raney.

COMMISSIONER RANEY:

Yes, ma'am. I'll say ask the same questions, Ms. Mier. I don't --- well, you heard some questions this morning, but I'll ask you to give us a little background about Ms. Mier, where you came from, where you currently live, and your specific interest in this whole issue.
A. Yeah. Well, I am a veteran. I mean, a retired army

nurse working at West Virginia University for the last 30 years. I've been in the International Travel Clinic, and I have lived on the back --- over the backwaters of Cheat Lake for the last 32 years on 15 acres overlooking the lake. So I am on the alternate line of the MARL line.

I've attended the public meetings up at Bruceton, and I also do volunteer at a watershed, Friends of Deckers Creek gardening there. So I am aware of watershed concerns generally. I also am a forager and we do not spray here, but the Mon power line is behind me. The current Mon power line I do not see it. It's down that hill behind me, between me and Pennsylvania line. And they do have to ask me for any spraying or cutting of trees currently, as I stated in my letter.

So I am extremely concerned about the impact not only on the --- the flora and fauna in my area, but also on the tourism industry since I am overlooking the rail trail of Cheat Lake and we have had a huge, huge increase in tourism in our area. And I believe that that is a large financial resource for West Virginia.

And my daughter and I, since I am now retired, 75 years old, on a Social Security income have been planning on probably doing a hip camp type of camping on my 15 acres here overlooking Cheat Lake. I am --- I am a kayaker. We were going to host campers here. I think

that would impact our future proposed income.

And I just don't like the fact that I don't think we need it. I don't think western Virginia will benefit from it. I believe our rates will go up. I personally have invested in solar energy on my rooftop, and I think that we should seek alternative energy sources and not --- not clear cut our beautiful forests. I moved out here for a reason. West Virginia is wild and wonderful. Let's keep it that way.

I also personally have experienced the negative impacts of --- of some of the practices of NextEra land men. Being the father of Maya's --- being the partner of Maya's father, I helped him with some of his health issues, and you will hear about that in a minute. So they definitely impacted his health, and I was the one taking him to the hospital.

So anyway, I'm definitely oppose it and I will not be changing my mind. Thank you very much.

COMMISSIONER RANEY:

Were you on one of the very early proposed routes where --- where you currently live?

A. Yes, I do. I live --- so I live above the backwaters of the Cheat Lake. So if the power line comes behind my house, it will cross over my neighbor's property behind my house on my property. I will see it

because it will be so much higher. I don't currently see the Mon power lines. That's, you know, so I'll see it. It's beyond --- it will be unfortunate, but it will definitely cross over the Cheat Lake rail trail. It will cross over our beautiful lower part of the Cheat Lake where the dam is, where the rail trail goes under it, where we have boating, kayaking, fishing.

The tourists come to see our --- our leaves, the changing of our leaves, our beautiful area. And, you know, what are they going to see? Power lines. We have eagles nest there. We have hawks, eagles, eaglets, you know. And I don't think you'd want that in your backyard either. So, yeah, we will --- we will be right here, right with it.

COMMISSIONER RANEY:

Okay. Thank you, ma'am.

A. Thank you.

COMMISSIONER RANEY:

Thank you, Madam Chairman.

CHAIR:

Ma'am, we're sorry for your loss. And it certainly speaks to your dedication to this subject that you are willing to testify today under what has to be trying circumstances. So I appreciate your willingness to do that, and I think that your daughter wants to speak

also?

MS. MEIR-THOMAS:

Yes, I'm right here. Thank you, madam. I really appreciate your sentiments.

CHAIR:

Okay. So thank you, Ms. Meir. And now we'll have Maya Meir speak.

MS. MEIR-THOMAS:

Yes, hello. Do I need to be --- I'm sorry. Do I need to be sworn in or anything?

CHAIR:

Yes. Yes, you do.

COURT REPORTER:

Can you please raise your right hand?

MS. MEIR-THOMAS:

Yes, ma'am.

MAYA MEIR-THOMAS, HAVING FIRST BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

CHAIR:

Are there any parties that wish to question this witness? Commissioner Larrick?

COMMISSIONER LARRICK:

I have no questions.

CHAIR:

Commissioner Raney?

COMMISSIONER RANEY:

No, ma'am, I don't think I have any questions of Maya. I presume that they would be very similar to her mother answers and understand where they are. So thank you very much, and thank you, Madam Chairman.

CHAIR:

Okay, thank you. And thank you for participating today.

MS. MEIR:

She --- she has some comments.

CHAIR:

Oh, okay. Go ahead and make your comments.

WITNESS TESTIMONY

A. So as in addition to my mother's 15 acres, we also own around 40 acres on the Sand Springs area. This is above Lake of the Woods, between that and rear. My father, Charles Thomas, wanted nothing more than to be here. He was a Vietnam US Air Force signet, Secret Service veteran, and he was a board certified appraiser,

appraiser by trade. Sat on the appraisal board, was heavily trained in eminent domain.

Unfortunately, his untimely passing occurred and he cannot be here. So I'm doing my best to testify on his behalf today.

I know that he would say that this project does not meet the burden of proof for the West Virginia Code 54-2-21, certificate of public convenience and the statutory mandatory dismissal. If the utility fails to file a certified copy of the approved CCN with its property condemnation petition, the Court is required to immediately dismiss the condemnation action.

We've unfortunately had some negative experiences with the NextEra MARL staff. We --- originally it was supposed to come, we have an existing power line behind us and it was supposed to run with that line. We had to sell some properties under duress, not that we desired to do so whatsoever. And that new landowner, the route changed after that, and the landmen told the new landowners that we knew about it on sale, which was not correct whatsoever. And it seemed intentionally fabricated to pin landowners against each other, create confusion, and negatively impacted our community and landowner health.

We --- there were threats of eminent domain

verbally, and then they were later denied after the passing of my father. My father did mention that the offer that was offered for the right of way was offensively low in his --- in his thought process as a --- as an appraiser and with recent comparable sales. We also had --- they lied to the landowners saying that if they didn't sign the contract now, there wouldn't be a deal in the future, which seems inconsistent with both the NextEra and PSC processes and own expectations from what I understand, particularly as West Virginia is a jury evaluation state.

It also lied and got our neighbors to recently sign a project saying it was a done deal in order to convince them, which seemed a bit fear mongering. We had those landowners, you know, crying to us saying they dumped their entire life savings into this project enter into their house, and now they were being told --- threatened in the domain and they stopped building for a time.

And the landman showed up at our house while we were grieving, and seemed to make almost every bid for connection. And in a way, seemed to try to catch me saying that I blamed them for my father's death, which I did not say, but it almost seemed intentional, as if they were trying to get me to, you know, in a trap or something. And I will say my father, before he passed,

my mother had to take him to the hospital after he said he spoke to the landman. And my father is a very protective man, and he's very quiet and keeps to himself unless he thinks that there is a bully or injustice happening in which he, as I said, sat on the board appraisers --- the appraisal board and he had testified in the past when fraud was happening.

So. So the fact that eminent domain was being threatened before it was even being given approval by the PSC was extremely upsetting to him. And he --- he had told me that he thinks they got him too upset, which is why he had high troponin in his blood, which indicates heart attack.

And I also am trained. I --- I have worked in ecotourism before. I have a degree from West Virginia for eco --- ecology in wildlife and fisheries management. So we have a historical spring on our property from the 1800s and have tried to contact the historical society about it during the Washington survey period. And that cold water creek actually flows into Lake of the Woods. I was very sad to hear that they would --- withdrew their testimony. Sadly many of them are out of staters and not full time Appalachians.

But they had previously voiced concerns to me about the effects of damaging our cold water creek and stream

head, affecting some of the cold water fisheries.

As we know, deforestation, you know, our forests provide a magnitude of ecosystem services. They help prevent, you know, increase of climate change temperatures. When you --- when you cut a huge line, particularly with the geology of West Virginia, that can create a lot of stormwater runoff. It can create sedimentation in some of these cold water streams. I work with acid mine drainage from the last time West Virginians kind of got the --- the bad end of the stick when we grew our infrastructure to the benefit of very few and left our communities with toxic waste and to no benefit, long term benefit of West Virginians.

And I think that, as West Virginians, we need to learn from that and be very mindful about our infrastructure growth and assure that we use every possibility to look at the burden against the benefit and what the long term effects are going to be to West Virginia citizens and what the actual benefits will be.

Ecotourism is a $9.4 billion industry, more than energy and mining. It creates 61,000 jobs in the state. We were planning to do, which we have in the past, ecotourism and recreation on our farm. We were hoping to utilize that again in order to help financially sustain the --- the property, but we are fearful that this line

will completely eliminate the opportunity for us to do so. And as --- as the --- and it just doesn't seem like just compensation, particularly as the benefit is not. Does not benefit West Virginians. It seems to be more out of state entities.

West Virginia does not seem to have a power problem, and it doesn't seem to meet the burden of proof or justify. This project doesn't seem to justify the Code due to the fact that West Virginians themselves are not seeing a benefit, and instead are seeing higher rates. Their land's affected, their possible income stream's affected, their environment's affected for the benefit of, who? That, you know, outside entities and data centers? It --- it feels like we've already learned this. I mean, our history with the battle of Blair Mountain and why we, you know, the term redneck came about and A&D, you know. Please, let's learn from our mistakes and be extremely mindful when we grow infrastructure and how we can prevent damage and sustain the natural resources and the ecosystem services and benefits to our health and our community.

And thank you very much for your time listening to landowner testimonies and considering, you know, the effects upon us as you navigate this process. We're very grateful for it. My father wanted nothing more than to

be here, to give his expertise, and I'm --- I'm doing the best I can on his behalf, but we very much miss him. And he wanted to be here to try to protect nature and his community. And I truly hope that the Commission decides in favor of --- of West Virginians.

Thank you for your time. I'm really grateful.

CHAIR:

Thank you, Ms. Meir-Thomas. We appreciate your remarks, and we will be considering the remarks of everybody that have participated in this proceeding.

A. Thank you very much.

CHAIR:

We are now ready for our final witness.

ATTORNEY V. WILSON:

All right. Staff will call Daniel Egnatoff.

MR. BROWN:

Madam Chair --- I'll just turn mine off. Michael Clower. There was a third intervener on there, sorry.

CHAIR:

I'm sorry. It's right here in front of me. Mr. Clower. Mr. Clower, are you on mute?

MS. GRUBER:

Madam Chairman?

CHAIR:

Yes.

MS. GRUBER:

Kristi Gruber. While we're waiting on the next witness, can I just add that my experience with the MARL landman is just like she had.

CHAIR:

Okay. Thank you for your remarks. Mr. Clower, are you on?

MR. BROWN:

I checked with IT, and I think the issue's on Mr. Clower's end. He needs to unmic --- he needs to unmute on his end. We've unmuted it on our end, and he's.

CHAIR:

Mr. Clower, you need to unmute your mic.

COMMISSIONER RANEY:

And when was he scheduled to speak?

MR. BROWN:

Mr. Clower was not actually on the list. There was a little bit of confusion about different types of pleadings that he had filed. So the Commission had. He essentially filed two petitions to intervene, but the second one seemed to be more testimony, so we deemed it that and then contacted him to see if he still wanted to

testify. And so he called me today and said he did. So we're --- we tried to hook this up with him today.

CHAIR:

Okay. We will go ahead and proceed with staff witness. And then if Mr. Clower unmutes his mic, we can pause and let him testify.

ATTORNEY V. WILSON:

Staff calls Daniel Egnatoff to the stand.

CHAIR:

It's like a drumroll.

COURT REPORTER:

Please raise your right hand.

DANIEL EGNATOFF, HAVING FIRST BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

COMMISSIONER RANEY:

You --- you best wanted to eat and drink that.

A. I have, sir.

COMMISSIONER RANEY:

Okay.

A. But I don't know of anything wrong.

ATTORNEY V. WILSON:

All right. We're going to try this again.

DIRECT EXAMINATION

BY ATTORNEY V. WILSON:

Q. Do you --- can you please state your name for the record?

A. My name is Daniel ---. My name is Daniel Egnatoff.

Q. Okay. And can you spell that, please?

A. D-A-N-I-E-L. Last name E-G-N-A-T-O-F-F.

Q. And on who --- and who --- who are you testifying on behalf of?

A. I am a technical analyst with the Public Service Commission of West Virginia's Engineering Division.

Q. Okay. Can you please just tell us a little bit about your --- your background and what you do here at the Commission?

A. I handle essentially any technical matter that is assigned to me, but largely electric and gas cases. Mostly electric these days, including customer complaints, utility petitions, and apparently the occasional 500kV transmission line.

Q. All right, thank you. And did you prepare Direct Testimony that was filed in this case on September the 8th, 2026?

A. I did.

Q. And do you have any corrections to that testimony?

A. I have one correction.

Q. Okay.
A. And I believe it is page, excuse me. Well, I had a page number in my mind, but I appear to have lost it.
Q. Is that on page nine?
A. I believed it was, but I am on page nine and I'm not seeing the correction I wished to make, so.
Q. Page nine, Bates stamp page 13?
A. I'm on --- I'm on Bates nine. Sorry, that fixed it for me. Okay. So page nine of my testimony, that is Bates page 13. I state of the five route revisions submitted for placing the right of way of the MARL project outside the siting corridor, that number should be three. So that is page nine, line one, where the error is.
Q. All right, thank you. Do you have any other corrections? Is that it?
A. No.
Q. Okay. And based on --- you've been here for the --- for the entire hear --- all the hearing proceedings thus far?
A. Yes, I sit down for a few minutes a couple times, but I've heard almost everything.
Q. And based on what you heard, would you change anything that's in your testimony as filed?
A. No, ma'am.

Q. Okay. And do you adopt this as your testimony?
A. I do.

ATTORNEY V. WILSON:

And it's already been admitted to the record. And so with that, staff will turn the witness over for Cross Examination.

CHAIR:

Mr. Callas? Mr. Callas?

ATTORNEY CALLAS:

Yes. Thank you, Madam Chairman.

CROSS EXAMINATION

BY ATTORNEY CALLAS:

Q. Good afternoon, Mr. Egnatoff.
A. Good afternoon.
Q. I'm going to have some exhibits distributed kind of as I get starting here. Perhaps Mr. Worrell, back of room, can --- can help with that. And let me just indicate what those are to facilitate our use of them later. They're --- they're two documents. One is a copy that I've annotated just a bit of 24-2-11a, West Virginia Code 24-2-11a. The second is an abridged and somewhat annotated, by me, copy of the Commission's August 1st, 2008 order in the TrAIL case. That, and they're --- they're being distributed as kind of this package, and I'd like to have those marked in that order as NEET MA

Cross Exhibits 1 and 2.

(NEET MA Cross Exhibit 1 was marked for identification.)

(NEET MA Cross Exhibit 2 was marked for identification.)

BY ATTORNEY CALLAS:

Q. And I'll --- and I said that the second of those was abridged, and I'll tell you how. There were, in that order, three, I think it was three attachments at the end that I've not included just for purposes of, I'd say remedy, but it's still 130 some pages long. I don't intend to dwell on every page, but there are some places I would like to ask Mr. Egnatoff his views about. Okay.

Mr. Egnatoff, what were the goals of your investigation as you've outlined them at page 14 of your testimony? And my references will be to your page numbers, not the Bates numbers.

A. I appreciate that. Let me get there. As stated beginning on line 16 of that page, I sought to determine the need for the MARL project, the benefits that the MARL project might bring to the state, and the impact that the MARL project would have if it were constructed.

Q. Okay. And then you say on the next page that you reviewed the application and supplements, got some additional information from the applicant and did some of

your own independent research and field work. Is that correct?
A. That's correct.
Q. Did you make your recommendations or even for this, for that matter, structure your evaluation of the application and your recommendations with reference to the statutory test that is set forth in 24-2-11a?
A. I structure my, I guess my recommendations and my --- my investigation of the application based on, first off, what the person who assigned me to the application suggests. That's always an important. I believe you may have met James Ellers. He worked, I think, the TrAIL case, I apologize. Path and TrAIL were both before my time, and sometimes I call one the other, so.
Q. Yeah, Mr. Ellers did --- was involved in at least one of those. Yeah.
A. And then obviously, with the assistance of legal division staff, I --- I don't seek to interpret sections of West Virginia Code without guidance from folks who are more qualified in that than I am.
Q. Okay. Well, tell me, was there any guidance provided to you as to what the statutory test is? What, you know, you were making a recommendation of whether the Commission approve or disapprove this application and when you're --- whether you stopped to consider or got

any advice with regard to what the test is?
A. Again, I can't really speak to legal matters. And I'm not sure what your --- you can kind of rephrase. I'm not sure what you're getting at here.
Q. Yeah, okay. The --- the first of our Cross Examination exhibits is a two pager that's identified as 24-2-11a.
A. Yes.
Q. I'll represent that on the second page of that, under subsection D, there's a three part test, statutory test. And the Commission will approve the application if it finds, and there are three things that are listed there as subdivisions of subsection D. Did you consider or frame your recommendations with regard to any of these three components?
A. I do want to specify because I understand that we're in conversation rather than typing words out. But you said the Commission will approve and this sentence says the Commission may approve.
Q. May approve, you're right.
A. And I certainly don't want to assign my employer's responsibility where that's not supported, so.
Q. I appreciate your clarification. Please go on.
A. I see the three, and I apologize. I got a little distracted. I see the three part test, I think it's

boxed on this exhibit that you've laid out.
Q. Okay. And I'm asking, did any of these components of the test that the statute --- statute instructs be considered inform your evaluation and recommendation?
A. I --- I think my testimony speaks for itself. I believe those issues are fairly well addressed to him.
Q. Okay. So is that a yes, you did consult these, or no, you did not?
A. I did not directly consult West Virginia code 24-2-11a in preparing my testimony. I, again, relied on what our legal division and my management told me my responsibilities in this case were. And in terms of what my investigation should look like and --- and prosecuted my job duties as I believed I should.
Q. Okay. Is there any component of your testimony that evaluates for the Commission, making a specific reference to subdivision one here, whether the project as applied for will economically, adequately, and reliably contribute to meeting the present and anticipated requirements for electric power of the customer served by the applicant? I'll stop there.
A. Again, I'm --- I'm --- I understand that you presented this an excerpt to avoid much longer documents. So I'm not suggesting that that was. But I don't want to be in a position where I'm interpreting a section of West

Virginia code.
Q. I'm not asking you to interpret it. I'm asking ---
A. I mean, I ---.
Q. --- whether you considered it when you made your recommendation?
A. I know that the applicant does not serve customers in West Virginia.
Q. Okay. Which is why I stopped at the or. And this is am the Commission has said, and you will see in the second exhibit that we have, this is a disjunctive test, this first part.

So I'll ask about the second part of the disjunctive test. Did you make any recommendation in your --- in your testimony about whether this project is, quote, necessary and desirable for present and anticipated reliability of service for electric power for its service area or region, unquote?
A. I, again, I'll let my testimony speak for itself. What's in my testimony is hat's in my testimony.
Q. Well, can't you answer whether you did that or not?
A. I --- I have answered that question --- if --- if you don't believe that what's in my testimony answers this question, then we can discuss whether that's the case.
Q. Okay. I don't believe that it does, and we --- we

will get to that. But suffice it to say, you made no reference to this part of the test in your testimony. Would you agree with that?

A. I, again, that's a statement that you made. I.

Q. It is true or it's not true?

CHAIR:

Mr. Callas, he's answered the question. Go on.

ATTORNEY CALLAS:

I --- I will go on. He's not answered the question. Either he made reference to this specific part of the test or he did not. That's easily determined by his testimony. I just need an acknowledgment that he did not.

COMMISSIONER RANEY:

That's not true.

ATTORNEY V. WILSON:

And he --- he's answered the question to the best of his ability.

A. Mr. Callas, I ---.

ATTORNEY V. WILSON:

And to the --- to the extent it's your ---.

A. I can't tell you whether this test is in my testimony because I'm not qualified to interpret this

test as a non-attorney. So if, as an attorney, you don't think this test is in my testimony, then that's fine, and we can have a conversation about that. But I can't interpret the law for you.

CHAIR:

And Mr. Callas, we can all read his testimony, we can all read the statute, and we can all reach our own conclusions.

ATTORNEY CALLAS:

Madam Chairman, at the beginning of this hearing you asked us to focus on this very test.

CHAIR:

I know, and I think we've kept --- we've kept. We've adhered to what the test is. And Mr. Egnatoff said he's not going to interpret the law. He gave us his testimony, and we can interpret his testimony as we see fit.

ATTORNEY V. WILSON:

And also, I would like to add that --- that Mr. Egnatoff is the technical analyst for the Engineering Division. He's not a utilities analyst.

BY ATTORNEY CALLAS:

Q. Mr. Egnatoff, you were the only witness that staff offered in this case, right?

A. That's correct.

Q. And the entirety of the staff recommendation is found in your testimony?
A. I believe you're correct, yes.
Q. Did you review and consult electric rule nine in rendering your testimony and offer any recommendations as to whether the requirements of electric rule nine were met?
A. I'm familiar with electric rule nine. I'm not sure what specific requirements you're discussing when you ask me that question.
Q. Well, I --- I guess I could ask for about any or all of them. They govern the required components of a citing --- an EHV sighting application. Asking whether you consulted and applied any of those in your recommendations.
A. I --- I hate to do this to you again. My testimony has what's in it, in it. So if your position's that I didn't do that, then that's your position.
Q. Do you have any opinion on whether the applicant did or did not satisfy the requirements of electric rule nine in its application?

CHAIR:

Mr. Callas, forgive me, but could you tell me what electric rule nine is?

ATTORNEY CALLAS:

Yes. I suppose if we had not complied with it, we --- we would all be hearing about it. But it is the components that must be included in an application under Section 11a.

ATTORNEY V. WILSON:

And I --- and I'm going to object to the question. I mean, to the extent that he has something, a question that's directed to Mr. Egnatoff's testimony, that --- that's fine. This is something that's outside of the scope of his testimony.

BY ATTORNEY CALLAS:

Q. Is it common in your view, in your experience, Mr. Egnatoff, for staff to reference Commission precedent on --- on comparable cases when making its recommendations?

A. I have seen it done. I'm not normally the staff member in the position to reference precedent. That's normally more of a legal staff thing, but I know that it happens.

Q. The legal staff doesn't ever submit testimony. Right?

A. That's correct. I'm not suggesting that they're the right people to ask about that right now. I'm not --- I'm not normally the person who's in the position to cite previous cases, but I know that it does happen.

Q. Okay. For example, Utilities Division folks might

do that from time to time?
A. Again, I know that it happens. I --- I'm not intimately familiar with how they do things.
Q. Did you consult any other comparable Commission orders to determine how you ought to frame and draw your recommendations in this case?
A. I consulted a variety of filings in previous Commission proceedings. I mean orders, testimony, other cases before other state commissions, et cetera. And you know, these are --- these don't happen every day.
Q. Okay. Can you be more specific as to what you did consult? Specifically as to this Commission's rulings on Section 11a applications for 500kV multistate transmission lines?
A. I --- I believe we may have tried to address this in a data request that we got as well. I can't really tell you every document I've accessed. The web docket is open on my computer all the time. It's, accessing it is essentially my entire job. So when it comes to exactly which previous Commission proceedings I accessed as part of my research for this case, that's --- that's not really a list of that can produce.
Q. Did you consult the August 1st, 2008 order in Trans-Allegheny Interstate Lime Company Case Number 07-0508-E-CN?

A. I believe that may be the --- is that this document?
Q. It is.
A. Okay. I have --- I mean, I've seen this order. I can't tell you that I've read it page --- front to back or could tell you exactly what's in it exhaustively.
Q. Do you have any idea of what --- what's before the Commission in that case?
A. I believe that was the line that we ---.

ATTORNEY V. WILSON:

Again, I'm going to object to this question. I mean, are we going to spend two hours here just discussing what Mr. Egnatoff read, the things that he used in his testimony or cited in his testimony?

ATTORNEY CALLAS:

We are going to --- I would propose, Your Honor, to go through many components of that order that illustrate how this Commission looked at, evaluated the RTAP and load forecasting processes that are identically presented in this case.

CHAIR:

To what end?

ATTORNEY CALLAS:

To determine the extent to which this witness's recommendations comport with the statute and the Commission's own determinations on what's important

in an 11a case.

ATTORNEY AUVILLE:

I believe Mr. Callas is trying to say since the Commission granted TrAIL Co. that they have to grant this case and that he didn't have the right to make a different interpretation of the evidence that was presented in this case.

ATTORNEY CALLAS:

I'm not saying that at all.

ATTORNEY AUVILLE:

I --- I believe that is where he's headed.

ATTORNEY CALLAS:

I'm not saying that at all. I'm saying it is well for the Commission to know whether the staff witness has considered how this Commission has ruled on a very similar application whether he considered the same things the Commission did or not. That is the kind of comparison that is repeated in many, many evidentiary proceedings before this Commission. I'm sure you'll agree.

CHAIR:

The Commission has always said that its prior order, we are not bound by prior orders or prior rulings. And although we try to be consistent, we are not bound by prior rules. And I think that it is fair

that this witness presented testimony. We can analyze his testimony, and in our wisdom, we can look at our prior rulings, and then we will make a decision on how we decide this case.

But I'm not sure that I'm prepared to listen to questions relating to a 132 page order that was done in 2008. I think that Mr. Egnatoff can testify to his findings and he can give his reasons.

ATTORNEY CALLAS:

I appreciate the Commission's determination on that issue. That will save us some time. I don't want to concede that the material in that order is not relevant to this case. It is. Mr. Egnatoff ---.

CHAIR:

Mr. Callas, I've got a great idea. Why don't you ask the Commission to consider what we did in the 2008 case when we make our decision?

ATTORNEY CALLAS:

I fully intend to do that.

ATTORNEY AUVILLE:

He --- he's free to brief the issue to his heart's content, Your Honor.

BY ATTORNEY CALLAS:

Q. Mr. Egnatoff, did any aspect of the Commission's

thinking or decision making in that order inform your recommendations in this case or not?
A. Not that I specifically referenced that case to obtain. Again, I had thankfully, at the time, access to someone who worked on this case when I was preparing to work on this case. So it's possible that some experience he obtained working in that case filtered through into this case. But I, you know, I wasn't cross referencing back and forth and in that --- in that way, I guess is. I'll just end the sentence there.
Q. Do you agree that PJM has a critical statutory role to identify reliability problems and participate in regional planning for the construction of facilities to resolve them?
A. Yes, I agree.

ATTORNEY STEPHENS:

Madam Chairman, I --- I hesitate to overstep because this is not my witness, but I think Mr. Callas is continuing to call upon Mr. Egnatoff to make legal conclusions. He specifically asked about the statutory directive or mission of PJM. That's for legal argument. That's for briefing, respectfully.

CHAIR:

Mr. Stephens is correct. Mr. Stephens is correct. Let's not ask this witness to make legal

conclusions.

BY ATTORNEY CALLAS:

Q. At page 14 of your testimony, Mr. Egnatoff, we --- we were just there. That's where we began for today. And you said you requested additional data from the applicant. By my account, to record a data request to the applicants. Is that your recollection?

A. I --- I believe that's correct.

Q. Okay. Were any of them specifically related to PJM's analysis?

A. I believe --- I believe many of the first round were. I --- I forward questions internally and it's not entirely up to me which questions get batched with which.

Q. So I --- I appreciate that. I think of those four, I think it's fair to characterize that stack two and stack three were really related to cross PJM issues.

Let me ask, did you --- you requested, in for example Staff 2.5, you requested a number of work papers, power flow analyses, a lot of technical detail from PJM. What was the purpose of those requests?

A. That I could review --- that I could review them as part of my processing of the case.

Q. Okay. And did you, in fact, say, run power flow analyses or validate the material that you were provided as it relates to the reliability violations that are the

basis of this case?
A. I don't recall specifically Staff 2.5. I mean, when I. Hate to admit this, but when I request information, I don't always use all of the answers that I get, so.
Q. Sure. And can you tell us what you did do with regard --- with all the information about the reliability violations that you requested from PJM?
A. Well, one of the things that I started this whole process with in terms of evaluating PJM's load flow analysis and --- and demand forecasts was comparing them to historic numbers because there is, as has been heavily discussed in this hearing, you could call it a share cliff in terms of the demand forecast of the Dominion zone. And I was initially curious, you know, when did this start? When did Dominion start saying, essentially ringing the alarm bell, we're going to need all of the energy that's available, please feed us everything you can? And that was basically the first thing that I did in terms of reviewing PJM's load forecast data.
Q. Okay.
A. Was --- was compare it to PJM's historical load forecast data.
Q. Okay. And what did you find by that comparison?
A. I found, again, that that sheer cliff has cropped up. I don't want to say recently because we're talking

about 2022, 2023, when the RTAP was originally done, but that was fairly recent then. At that point, they were looking at this explosion of demand inside the Dominion zone. That was, by PJM's words, I believe, unprecedented or something similar. And I don't think it's controversial to say that PJM said, we've never dealt with this before. This is a lot.

Q. Yes. Okay. Did you do any analyses that tending to validate or invalidate the reliability violations that PJM identified?

A. No, that's not typically been a purview of staff and I didn't do that in this case.

Q. Okay. So it's not part of your --- your testimony that those analyses are invalid in any way or flawed?

A. No, I --- I'm not questioning the math that PJM does. I --- I think that they're probably pretty good at that challenge.

Q. Okay. When they say there are liability violations and here's where they are and here's how they measure as expressed in Dr. Abdulsalam's testimony and exhibits, you --- you take that --- that for? You accept those conclusions?

A. I will qualify, and I think, I hate to do this to you, I'm not trying to make your life hard, but I will qualify that PJM models have inputs. And to the extent

that the inputs are provided, I think the outputs comport with those inputs. So a lot of my critique of --- of some of the PJM statements in this case has been that I don't know that some of the inputs were necessarily as set in stone or as reliable as we'd like them to be. But I don't think that PJM took those inputs, threw them into the air and made their own determination.

Q. It had some reasonable basis for claiming?

A. Yes.

Q. Let --- let's talk about the load forecast that you received. I think you did, somewhere in staff data request two and three request those. Did you evaluate those and offer any opinions about them in your testimony?

A. Can you describe? I apologize, I don't have copies of the data requests in front of me.

Q. Yeah.

A. Can you describe what was requested at least?

Q. Yeah, I am sure I can find that. I think that was actually part of Staff 2.3. Yeah, it was at 2.16. You asked for. You said --- you said that in the intro that data request Commission staff would like to replicate the PJM forecast models using the same data that was used by PJM, and you described further what data you were looking for each zonal regression. And you were provided with 12

outputs in PDF and Excel formats. Did you review that material?
A. I did. Unfortunately, would like to and succeed in or are able to are two different statements. So that was not work that ended up being done by staff, but as is I suspect the case in a lot of situations when you think you might need information, you're asked for the information and then you don't necessarily end up using all of it.
Q. Okay, I appreciate that. Do you have any basis to contend that the load forecasting that was the basis of the initial or any subsequent identification of MARL as --- as a needful project was done incorrectly?
A. Was done incorrectly?
Q. Yes.
A. No. Again, I contest that some --- I contend that some of the inputs to that load forecasting process --- no, let me qualify. PJM's load forecasting, I don't have any issue with. The issue that I lay out in my testimony, I believe fairly extensively, is that PJM adopts, as part of its load forecasting, inputs from other load serving entities, utilities. I --- I am guilty of using the term interchangeably and I suspect that Dr. Abdulsalam and Mr. Gledhill would tell me that they are not. So if --- if that's incorrect, then I

apologize.

But they --- they incorporate by reference or by adopting load forecasts from other utilities. And among those is a load forecast from a utility whose state regulator has told it that its large load is too permissive. And I think that there is significant concern, if not evidence, that load forecasts from that utility have colored PJM's analysis of the needs of the system to an extent that may have caused PJM to overstay the likely future data center load inside the Dominion zone. Not necessarily --- Dominion and Novak, but the Dominion zone.

Q. Okay. I'd like to turn your attention to page 45 of Mister --- Dr. Abdulsalam's Direct Testimony. I'm sure it's up there in one of those two books in front of you.

A. I. Okay. Page 45 you said?

Q. Yes.

A. And I do appreciate these binders. They --- they save me from hauling them back and forth. I am there.

Q. Okay. Here, Dr. Abdulsalam identifies sets of reliability violations, voltage and thermal, in 2027 and 2028 study years. Could you just describe what you understand to be the difference between thermal and voltage violations and how they apply here?

A. I am not Dr. Abdulsalam, so I'll just ---

Q. I understand.
A. --- preface with that that I'm not a transmission engineer. Voltage violation is when voltage is not what it's supposed to be. So my understanding is that in this situation, he's talking voltage being lower than it's supposed to be. But at the Commission, we certainly deal with voltage violations on the high end as well. And thermal violations are, again, I'm --- I'm reaching a little bit. More of an overcurrent condition where a facility is carrying more current than it's intended to. And one of the unfortunate consequences of sort of entropy is that everything eventually turns to heat.
Q. Okay. That answer got very good all of a sudden at the end.
A. Apologies.
Q. There's a map on page three, I'm sorry, map three on page 47 of his testimony that identifies locations of various non-convergences, thermal loads, et cetera. Do you have any basis to suggest that these locations or liability violations as expressed in the testimony surrounding this map are inaccurately identified?
A. Inaccurately identified, we --- the analysis the PJ and did, no. I, again, I don't have. I don't believe that PJM did its analysis incorrectly. So I don't know if we can head off any questions about that.

Q. Sure, sure. And maybe we could just stipulate it identified number of violations in given years that predicated the need for this line. And you concede that those identifications were accurate?

ATTORNEY V. WILSON:

I'm --- I'm going to object to that. I just. I mean, Dr. Abdulsalam's testimony speaks for itself. He's already been here. He's testified as --- as to that.

CHAIR:

Mr. Callas, what was your question again, please?

ATTORNEY CALLAS:

Yeah, yeah. I --- I would like to know whether the witness disputes the identification and timing of reliability violations and their location as expressed in the Abdulsalam test.

CHAIR:

He can answer that if he can.

A. Again, I --- I will caveat a little bit that I believe you use the words predicated the --- the MARL project or something to that effect. I don't think these reliability violations, as we'll probably discuss later about the RTAP in various solutions, necessarily predicate the MARL project. They're identification of

violations and multiple possible electrical solutions to those violations were presented to PJM.

So to say that they necessarily result in the MARL project might be a little bit of an oversimplification, although at this point where we're sitting it is the MARL project that's been suggested.

BY ATTORNEY CALLAS:

Q. Yes.

A. But again, I don't have any reason to believe that PJM did this analysis incorrectly or that the locations of the violations noted on the PJM system based on the inputs that PJM received are incorrect.

Q. We've heard testimony from both Dr. Abdulsalam and Mr. Colley that there's, you know. If --- if PJM is not able to use additional methods to address non-convergences, violations, and they occur because it has a toolbox of things it can do if it sees bad things happening, right?

A. Yes.

Q. But if it's not able to do those successfully and in time that there could be the risk of brownouts, blackouts, voltage collapse that could result in outages, even multiday outages and those could be felt in West Virginia. Do you dispute any of that? Any of that assessment?

A. As I believe is laid out in my testimony, I don't think. Let me clarify my phrasing here. The likelihood of an event like that occurring as a result of the lack of the MARL project essentially I think is --- is quite small. Dr. Abdulsalam testified, and I can tell you that I've toured PJM's facility in Pennsylvania. There are a wide variety of multilayered safeguards in place to prevent say if I decide that I want to build a ten gigawatt data center in my backyard and just hack down the nearest power line and plug it in, I would not be able to brownout the entire grid doing that. That's just not the way that the transmission grid at large works. Safeguards exist to prevent that.

And what we're --- the characteristics of the load that we're talking about in this case in the Dominion zone, the data center load, are that they are large load customers that coordinate directly with their distribution utility to receive service. So the assumption that we would see these, I'll call them technical failures, that being the electricity literally does not get where it's supposed to be going the way it's supposed to. It's predicated on the notion that utilities in the Dominion zone, knowing that they cannot serve these large load customers plug them in anyway. And not only is that not in our best interest, it's not

even in their best interest. They don't have an incentive to do that because they would also go offline.

So I find it a little. I find it very unlikely that that sort of thing would occur the way that it is described. And that is, of course, assuming that Dominion in Virginia is willing to behave in a way that I suspect this Commission would absolutely lambast an electric utility in West Virginia for behaving. Our utilities have obligations towards safe and reliable service. And I, you know, I'm not a Virginia State Corporation Commission employee, but I --- I don't suspect they get off easy in that regard either.

Q. So your two themes of your answer. One is PJM has a lot --- has a lot of tools and safeguards and applies them well. And for that reason, is not likely to allow a situation that could cause that outcome to transpire. Is that part of it?

A. Yes, sir.

Q. And the second part is utilities in Northern Virginia are unlikely to hook up large loads if they think that will compromise their system integrity?

A. That's correct.

Q. And between those two safeguards, you believe the Commission need not worry about the PJM expressed need for additional transmission capacity?

A. Between those two safeguards, I think that it's unlikely that the sort of fire and brimstone predictions as stated in Dr. Abdulsalam's testimony are likely to come to pass. I don't --- I don't ever state that the Commission doesn't need to worry about anything. I think it's their job to worry about a great many things.

But I. Some of the prognosticating outlined in Dr. Abdulsalam's testimony struck me as very worst case scenario, and I wanted it to be clear that I don't view that scenario as likely.

Q. Do you believe it is not PJM's obligation to look at the worst case scenario and try to plan for it and protect against it?

A. I believe that it's PJM's obligation to, you know, ensure a safe and reliable grade. I don't know their mission statement by heart, but in planning it is not always appropriate to plan for the worst case scenario because, as our West Virginia utilities will tell you, you know. You could --- you can cut every tree in the state. That will stop the tree related outages that many customers complain of, but it's not a reasonable use of resources. And the ratepayers, you'd be happy about that until you got your next electric bill, let's just say that.

And in planning, there is an obligation to come up

with reasonable solutions to things that you think might happen, not things that could happen if lightning struck every transmission tower in the state of Ohio at the same time, although I --- I don't think that would actually do much, so.

Q. I'd like to turn your attention to Mr. Gledhill's rebuttal testimony.

A. Yes.

Q. It should be.

A. Blue binder.

Q. Three tabs away, I think.

A. What --- is there a page I'm going to?

Q. Yes, page --- page three. Yes.

A. I am there.

Q. Okay. I'll represent that in this passage of his rebuttal testimony, he's addressing your assertion that PJM makes no effort to validate load forecasts. That entities submit them and pass them through wholesale to --- to PJM, which accepts them uncritically. Mr. Gledhill goes on to dispute your characterization. Were you here for his testimony on the stand?

A. I believe that was Tuesday.

Q. That sounds right. He offered a number of tiers of discrimination of --- of load projections relating to large load additions. First of all, will you agree with

me that there's a difference between use of utility load forecast, which I think you said they don't do, and use of responses to large load addition requests that they do make of the LSEs and EDCs?

A. I --- they need to, make it subject to check, that PJM doesn't use utility load forecasts. I --- could --- could you clarify that again? I'm sorry.

Q. Yeah, yeah. You, I think your testimony is that PJM uses its. Makes no effort to validate load forecast submitted by LS load serving entities, LSEs?

A. LSEs, that's correct.

Q. And I wanted --- what I heard him say is that, you know, we don't really use their load forecast, but we do use the information they provide in response to our requests for large load additions.

A. I don't recall his statements in enough detail to be willing to, I mean, subject to check. We can proceed based on that idea.

Q. Yeah, because it's --- it's the large load additions that you were saying ought to be taken with a grain of salt and paired back to what is actually likely to happen. Am I saying that right?

A. I believe so. Give me just one moment.

Q. Yeah.

A. I think this may be my microphone. Is that better?

Okay, maybe.
Q. Sounds good.
A. Yes. The large load addition process was, or load forecast adjustment process, I believe maybe what PJM calls it, was what produced the Window 3, the 2022 Window 3 RTAP type, which eventually got us sitting here, so.
Q. And --- and that's the, that large load addition consideration process is what you are making observations on?
A. Yes.
Q. Not the --- not the utilities underlying load forecasts?
A. Well, the ---.
Q. Which could be different?
A. Correct. The utilities underlying load forecast could be different. I'm not making observations on those because largely I don't have visibility into how they do those. And that's one of the criticisms that I --- that I noted was that it's hard for me. You know, I'll call back to the --- the gas plant case that the Chairman and a couple other people have referenced a few times during this proceeding.

When a utility comes to us and says we've got a large load coming and we need to build more generation, we can say show us, you know, what's your scorecard?

Show us your criteria for including this large load in your forecast. How sure are you? What steps do you take, et cetera?

When we get this case, and essentially what's happened is Dominion has done that to PJM. They say, look, we've got all these large load additions. And PJM comes to us and they say, look, Dominion's got all these large load additions. And we say, well, can you show us their scorecard? And they say no.

And that is the source of the idea that PJM doesn't give us the opportunity to validate those forecasts. And based on the responses we've gotten from PJM in this case, the steps that they take to validate those --- those large load additions, I'll say, are not necessarily exhaustive to the extent that they are even commensurate with the efforts taken by utilities in recent years to validate their own large load additions.

I mean, you know, I talked about the examples of AEP Ohio and Exelon and --- and Dominion itself. The Virginia State Corporation Commission has suggested to Dominion that there are steps it needs to take to make sure that the forecasted load in its large load queue is real. And Dominion, those are not steps Dominion's currently taking. So that suggestion is a tightening of Dominion's large load queue, and would very likely prune

out at least one prospective data center customer.
Q. Okay. Did --- in Mr. Gledhill's rebuttal testimony at page six, he --- he addresses these very two claims, specifically AEP Ohio that you just made. And is it accurate to say that he suggests that the --- the amount that they removed from their load forecast was not what was submitted to PJM as a large load --- large load adjustment in the first place?
A. That's correct.
Q. Do you have any reason to dispute that assertion?
A. I read that in his rebuttal, yes.
Q. Do you have any reason to dispute it?
A. Again, I don't know very much about AEP Ohio. I --- we don't regulate them, so I --- I can't tell you what they submit and don't submit to PJM.
Q. Well, what he --- what he's saying is you are making these contentions about these utilities pulling stuff out of their own projections of large load additions. But he's saying that's not what they gave us and that's not what we used.
A. Well, what I will note is that on that page of Mr. Gledhill's testimony, he states, starting at line 12, PJM pushed out the ramp for some of the demand it considered too aggressive. And if --- if I can call back to Mr. Gledhill's testimony on the stand or Cross on the stand,

what he --- the ramp up he described was, you know, a customer this size, we don't assume that they're just going to flip a switch and have full load, just drop onto the grid once. He was not, and I --- I understand it's a case by case basis, I'm not suggesting this was a failure on his part in terms of answering, but it was not entirely clear what exactly that percentage looks like year over year. And again, each of these customers is different.

But if I'm looking at a data center with a projected load of, to use the Prince William County Digital Gateway example, 2.7 gigawatts. That's --- that's the size of Amos, that thing's huge. If the first year ramp for that facility was ten percent, we have utility scale solar generation facilities in this state that are significantly smaller than that. So that is still a quantity of load that is significant in terms of its presence or absence in a load forecast.

In fact, Brandon Shores is about half the size of this prince --- in terms of capacity. Obviously one's negative, one's positive. But of this Prince Williams Digital Gateway. And PJM considered it to be an event worthy of extending 2022 Window 3's solution period when Brandon Shores announced its retirement. I think, I don't recall if it was in Dr. Abdulsalam's direct or

rebuttal, but I believe he stated that when 2022 Window 3 opened, Brandon Shores had not announced its retirement yet. And the window was extended after Brandon Shores announced its retirement. Which, again, gave submitters or respondents to that window the opportunity to address that need as well.

But Brandon Shores is, I should not go off memory, but I want to say in the neighborhood of 1.7 gigawatts. It's --- it's significantly smaller than the 2.7 that we're talking about on Prince William and PJM considered that to be something they needed to respond to in the very near term. And we don't know which prospective load was included in forecasts that utilities sent PJM or which of that load PJM included in its --- excuse me, in large load adjustments that those utilities sent PJM or which of those PJM included in its projections and at what level it included that in its projections.

So the concern that some of that load is in those projections is not at all unfounded.

Q. And the fact that you do not know one way or another is a basis for you to contend that the load forecast underpinning the need for MARL is unsubstantiated?

A. It's a basis for me to contend that the need for MARL is unsubstantiated. I don't --- again, the load forecast is kind of secondary in terms of the applicant

has a responsibility to --- to demonstrate certain things to us. And I don't believe the applicant adequately demonstrated the need for the MARL project.

Q. At page 21 of your testimony, you talk about political risk.

A. And that's testimony page 21?

Q. Yes, yes.

A. Okay.

Q. That's right.

A. I am there.

Q. You say that PJM does not factor in political risk and that non-trivial political risk exists. How do you believe that political risk should be factored into load forecasts?

A. I am not a PJM planner. That's never been, again I --- I think that we --- this may have come up in the response to the data request. I can identify what I see to be a shortcoming in an application without then essentially having to correct it. I --- I believe that there is significant risk associated with the political and regulatory environment around these load clusters. Whether that's federal, whether that's state. There is --- there is a lot up in the air, and a lot of that's been discussed this week.

And where that all comes down, I --- we're --- the

applicant is really relying pretty heavily on these things landing a very specific way. And I suspect we will talk more about that as we get further into --- into our Cross. But that's really what I was getting at there. I don't seek to provide a correction to the applicant's application. That's, I --- I don't know the Commission staff has typically done that. But it's not something I sought to do in this case.

Q. No, granted, I'm not asking you to correct anything. I am asking you to, if you believe that that's something that should be considered, explain how it is that you think PJM ought to do it under its current structure and load forecasting processes.

A. Well, I mean, we're --- we've heard some testimony on that, I believe from Ms. Kunkel when you asked her questions. The, again, I'm not a PJM planner. PJM is very experienced with system planning. I am not experienced with system planning. So I don't seek to assign weights or generate cases or anything like that. Based on that, those facts, the fact that they were omitted is, to me, a significant problem.

Q. Which is omitted? What is omitted?

A. The fact the political and regulatory uncertainty around this load cluster was not particularly factored in to PJM's analysis. Seems to me, I mean, I don't know if

--- if you walk downtown for lunch, there are say no to data center stickers on every intersection between me and where I get lunch when I'm down here. So the --- the groundswell of people with strong opinions about this issue in both directions is very real.

Q. You mentioned the PJM show cause order on page 22 of your testimony. Do you make a specific recommendation on how this particular data point, this observation, should be incorporated into PJM's reliability violation analysis?

A. No, I don't believe that proceeding has completed yet essentially. I believe that FERC has required PJM to do some things and maybe PJM now has, I --- the --- the dates are not exactly in my mind, but I suspect that if PJM is to do something in terms of changing its cost allocation or whatever FERC believes to be the way that things should be handled, FERC will have PJM do that.

Q. Any --- any result of that would be sometime in the future would be prospective?

A. I --- it will be in the future. I would not say that it would necessarily be prospective. In ---.

Q. What --- what do you mean by that?

A. March of this year I believe it was. FERC, I think it was brought up by Mr. Head in his Cross of Ms. Menhorn yesterday. The PJM de minimis threshold or de minimis

rule I believe they called it, and the --- the technicals of the rule are not really material to what I'm getting at here. FERC told PJM to change something. And not only did FERC tell PJM to change something, FERC said, and by the way, go back 11 years and change it from there with interest. And that was a distinctly retroactive FERC order, so.

Q. Sure.

A. And again, I --- different cases, I can't necessarily guarantee you that the same thing would happen here, but the language that FERC used to describe that de minimis treatment rule, the technical term is not in my --- in my mouth right now, I'm sorry, was unjust and unreasonable, which is the same terminology FERC used to describe the way that PJM currently allocates some costs. So to my nonexpert eye, again, I'm --- I'm just reading it. I'm not decoding it like --- like an expert in FERC orders or even a lawyer would. There is not a lot preventing FERC from making a decision that it made in regard to these cost allocations retroactive to some extent if it saw the need for that.

Q. But here we're not talking about cost allocations. We're talking about reliability violations. Do you have any reason to think the outcome of the FERC order is going to affect the various RTAP analyses that we've?

A. Yeah. So the FERC order is about cost allocations.
Q. Exactly.
A. Right.
Q. It's not about reliability violations.
A. Okay. So the --- the issues of cost allocation and reliability violation are, I don't want to say inseparable, but very closely tied together in this instance. Because what we're talking about are large load customers. And to oversimplify, a data center is a machine that turns electricity into money. Just that --- that is their primary input is electricity, and to some extent, chips and such.

To the extent that a data center company, a company looking to site or build a data center believes that it can get cheap electricity, subsidized transmission build out, things like that in the vicinity, that affects their siting choices. Those are the inputs that they use in their business when they decide where they want to go. And if those conditions change, as we've seen and as is laid out in my testimony in a couple PJM utilities that I specifically note, those data centers will uproots and leave. I mean in many cases, they do not have significant investments in terms of site control, anything like that. They basically come to the local utility and said hey, we would like to build this massive

facility. Can you, you know, what would be involved? And they've done that maybe six or seven or eight times at different places in the same utility or to different utilities in the same zone or in different zones.

The end effect of one of those zones or a FERC, and essentially making it an all of PJM thing that no, you know, that's. Because again the FERC show cause order, I don't want to mis-summarize it or pretend that I know what FERC's going to decide, but the --- the thrust of the FERC order seems to imply that there is something unjust about the way that PJM currently allocates transmission costs for large load customers.

So it follows logically that whatever FERC decides might increase the share that large load customers pay for their own interconnections. That is the sort of economic input that makes a data center go, you know what? I think I'd like to go further west maybe, you know, there's this new development in --- in whatever state. So that's the reason that these two issues are like this. Because to the extent that cost allocation favors data centers, that increases the data center load that we see in sort of this self-fulfilling cycle.

And if that cycle breaks, then we may see significant drops in whether projected data center load or the rate at which projected data center load actually

materializes, depending on how responsive LSEs are to those changing market conditions and whether the data center companies that no longer intend to build data centers bother to call the LSEs and let them know those plans have been cancelled.

Q. All of those things, all those actions, reactions would be prospective and would not affect the outcomes of the RTAP analyses that have been submitted with this case. Is that correct?

A. Again, I --- I can't promise that State Commission rulemakings or anything like that would be purely prospective. I don't know what Virginia's rules are. I --- I know that FERC can apparently make retroactive orders, but I can't promise that all of those things would be prospective.

You know, if a data center is halfway down Dominion's large load queue and realizes that under some changed tariff from FERC that requires it to pay all of its transmission costs, it will somehow be on the hook for all of MARL, I think that data center will work very hard to make that decision retroactive because they would want to go somewhere where they don't have to pay for all of MARL. And for the record, that somewhere could be in West Virginia.

Q. At page 13 and 14 of Dr. Abdulsalam's rebuttal

testimony, he describes a supplemental analysis using a seven year out 2024 window one of 2032 power flow base case.

A. I apologize. You said 13 and 14 ---

Q. Yes.

A. --- of Dr. Abdulsalam's rebuttal?

Q. That's right.

A. Okay.

Q. Sorry about that.

A. You've got me. You've got me --- I've got me talking and refilling my water a lot.

Q. Yeah, go ahead.

A. So, yes, I'm there.

Q. He talked about a supplemental analysis in which he models, they model, PJM models, valuing north and south in and removes MARL and --- and through --- through that analysis tries to determine whether violations still occur with model --- with MARL out. At a time when Brandon Shores R&R has ended.

Did you request any information or underpinnings of that analysis in discovery?

A. I do not recall that I --- that we requested any additional discovery in response to rebuttal. I can't promise anything, but I don't believe that we did.

Q. Did you evaluate any of that analysis?

A. I --- I examined it. I can't say that I evaluated it or attempt to --- or attempted to repeat it.
Q. He indicates that that analysis reveals that the Valley Link Transmission projects, plural, do not remit --- render MARL unnecessary or redundant even in the near term. And he identifies what the various voltage and thermal analyses showed as to violations. Do you have any basis to --- to doubt, to question the results of that analysis?
A. Again with the previous caveats about inputs, no. I --- I believe that PJM does their math right. And to be clear, I believe Dr. Abdulsalam was responding to a note in my testimony that I don't want to say Valley Link because the Valley Link project is a sum of components as many transmission projects, including MARL are. But there is a Joshua Falls to Yeat 765kV transmission line that is part of Valley Link. I believe it's called Valley South on their --- on their website.

That line was the core of one of MARL's alternatives, and that alternative was not selected by PJM. And --- and, you know, they do their own analysis. I'm sure that that is a highly, highly contentious process inside PJM, which --- which solutions get selected and which don't. But one of the issues that they laid out with that line was constructability

concerns, given that it was a greenfield project.

MARL is also a greenfield project by our definition. In terms of it is largely not passing over previously disrupted land. It's next to an existing right of way, but that doesn't make it not greenfield to us. You know, PJM and they have a different definition. And the issue that I laid out in my testimony was that it seemed that PJM had said, no, we can build this or this, and I guess we'll build this and also this. I guess we need both. And sitting --- sitting here during his Cross Exam period, I believe Dr. Abdulsalam may have said there is a second 765kV in West Virginia which would make a third total. And --- and I may have misunderstood him. It may have been that by both, he meant both components of Valley Link.

Q. Yes.

A. But that's --- that's a lot of transmission. And I understand that in PJM's view, that transmission is all necessary and we've been provided with, you know, their justification for that belief. But when we see, oh, this is an alternative to this and we're building both, that raises some red flags in terms of planning adequacy, because I mean about, I'll use the colloquialism, buy once, cry once. But the idea of we've got a problem, let's solve it, let's not kick the problem down the road,

let's solve the problem.
Q. You'll agree that it's not the same problem. MARL and Valley --- Joshua Falls to Yeat were both considered as solutions to 2022 Window 3. One was selected, the other one was not. Joshua False to Yeat wasn't considered again until the 2024 RTAP.
A. Well, so again, they're composed of multiple components.
Q. Yes, could be --- because the demands were greater two years later.
A. But again, yeah. But Joshua Falls to Yeat was held up as an alternative to MARL.
Q. Sure.
A. But as the core of an alternative to MARL. There were other parts of that proposal. So it was solving the same problem and.
Q. It was not solving the same problem.
A. It --- the 2022 Window 3 RTAP laid out the problem that MARL ostensibly solves, and Joshua Falls to Yeat was submitted to solve that same problem.
Q. But it was later submitted and approved to solve a different set of problems after MARL was already incorporated into the analysis.
A. Right.
Q. Is that not correct?

A. I mean, I understand the PJM RTAP process and then when Joshua Falls Yeat/Valley North, South, Valley Link, whatever we want to call it collectively was submitted. I understand it was submitted later. And the PJM identified what it believed to be a need. And I don't want to say sited, I --- I do not remember word that they use, but --- but authorized this solution, selected the solution.

But what I'm pointing out is that MARL was selected to solve a problem. That problem was laid out in 2022 Windows 3. And now here we are, I think it was 2024, Window 1, again, when Valley Link was selected. Another line that solved the same problem, because it did, it was suggested as a solution to the same problem that MARL solved. So it does solve the same problem. It suggests that the problem that MARL solves is not solved by MARL.

And I understand that PJM's position is we solved it with MARL and then it got worse. I --- I understand that that's what PJM is claiming. But the fact that there is not a shovel in the ground for MARL yet. There are state commissions that are significantly behind our schedule in terms of approving MARL or not approving it. And we already have to come back and solve the problem again.

Because the problem at its core, and I don't want to oversimplify, is that there is not enough supply to meet

load inside the Dominion zone in Northern Virginia. That's what's --- that's what's going on. MARL and Valley Link both endeavor to bring Northern Virginia the energy that it needs to do the things that it's doing.

So again, we tried to solve the problem with MARL and the solution didn't stick. So now we're trying to solve the problem of Valley Link and the solution may still not stick. We --- we may still need more transmission to satisfy the demands of data center ally as they've been presented to us and to PJM.

CHAIR:

Mr. Callas, let's take a ten minute break.

ATTORNEY CALLAS:

Thank you, Your Honor.

SHORT BREAK TAKEN

CHAIR:

Were Cross Examination 1 and 2 admitted into the record?

ATTORNEY CALLAS:

No, I don't think so. Number one is just the statute, and the statute is what the statute is. And --- and number two, I never got to ask any questions about it, so.

CHAIR:

Okay. All right. We may proceed.

BY ATTORNEY CALLAS:

Q. Mr. Egnatoff, I'd like to talk about your recommended conditions on a Commission approval if the Commission approves the project. There is a list of those, along with some commentary, that appears as attachment one to Ms. McCormick's rebuttal testimony, if you'd like to pull that out.

A. I am working my way there now. I do have some familiarity with them, so you may be able to start talking before I get there.

Q. Okay. No, well, I --- I have a very abridged kind of approach here that I'd like to --- to take on with you that was facilitated by your counsel's cooperation about it. So I just want to get a few things on the record and then be done.

A. All right, I'm there.

Q. Okay. There's a list of, in this exhibit, let's see, 15 conditions. And there --- there's a column that explains what it is and NEET MA's kind of response to it, some of which they agree to, some of which they propose some changes to. And what those changes are, and then a reference to who talked about it in the --- in the rebuttal case. Have you seen this --- this list before?

A. Yes, I have.

Q. Okay. I'll represent to you that before your time

on the stand, your counsel indicated that --- that there were a number of conditions as to which the response by NEET MA was agree, subject to recommended change. And then there was a change that was proposed, and that she indicated here are ones that we're okay with the change on.

A. Sorry, yes. Correct.

Q. Yes. And I would like to ask you to confirm the ones that she circled for me here.

A. Of course.

Q. One of them was number two, relating to erosion issues?

A. Correct. That --- that change is acceptable to me, yes.

Q. Okay. How about number five, as to removal of soil?

A. That change is acceptable, yes.

Q. Okay. How about number eight, as to clearance or, I'm sorry, clearing and herbicides, et cetera, et cetera?

A. Agree, the change is acceptable.

Q. And finally, number 11, as to coming back to the Commission for changes?

A. Yes, agree to that.

Q. Okay. Although we didn't really get a chance to talk about a number of decisional issues in the TrAIL order, is it fair to say that many, if not all, of these

recommended staff conditions came from the Commission's conditions in the TrAIL order?
A. I don't want to say they came from there. I mean, they --- they are --- I believe they're also present in that order, but I don't want to say that they were sourced from there. In some cases, they were sourced from advice of people I've worked with or just notes that I. Things that I noted while doing field work in terms of conditions that would be a positive in terms of reducing landowner impacts.
Q. Are you saying that the staff didn't look to the Commission order and pull its conditions and recommend them in your testimony here?
A. I mean, the conditions are, they're there. They're in my testimony. The fact that they --- I guess what I'm getting at is the fact that they appear in the TrAIL order doesn't necessarily mean that that's the first place that something like that occurred to me.
Q. Okay.
A. So I do want to take some credit for having my own ideas on these.
Q. Okay.
A. On some of these conditions.
Q. Credit --- credit is --- is given, Mr. Egnatoff. I have no more questions. Thank you.

CHAIR:

Mr. Hanna?

ATTORNEY HANNA:

No questions. Thank you.

CHAIR:

Mr. Harkins?

ATTORNEY HARKINS:

No questions. Thank you.

CHAIR:

Mr. Marks?

ATTORNEY MARKS:

No questions. Thank you.

CHAIR:

Ms. Wilson?

ATTORNEY C. WILSON:

No questions.

CHAIR:

Mr. Stephens.

ATTORNEY STEPHENS:

I have a few, Madam Chairman. Thank you.

CROSS EXAMINATION

BY ATTORNEY STEPHENS:

Q. Good afternoon, Mr. Egnatoff.

A. Afternoon.

Q. I think you know who I am, so I won't introduce.

A. Yes, sir.
Q. In --- in reviewing this application, what --- what constraints do you feel like were placed on you maybe beyond the obvious one of time?
A. Time was certainly the biggest constraint along with, you know, I. Unfortunately this is not my only case. So if I --- if I've been able then, you know, four or five weeks in the field, that's obviously not feasible with having to do literally anything else as part of my job. But other than that, I mean, you know, I. We could talk about oh, yeah, I would have spent $10 million on --- on getting myself and all of my coworkers trained on this very expensive transmission modeling software so we could bring that capability, all this stuff. I --- those things stop being constraints and start being it would be nice if very quickly.

So I don't want to say there were any meaningful constraints placed on my ability to investigate the case.
Q. Sure, but it sounds like from your response that there are, out of necessity, beyond the time constraints, there are fiscal constraints on what the staff can do or accomplish in a case like this. Right?
A. Well, I --- I mean I don't make purchasing decisions. And in terms of wanting to spend money and not being allowed to, no one ever refused to cut my

hotels for field work or anything like that.
Q. Sure.
A. So again, there --- there are certainly capabilities that we don't usually have in house at the Commission in terms of load flow modeling, things like that. And I never really requested that we --- we add those capabilities in house because, again, I think TrAIL was. How long ago was TrAIL? It was a while ago, and we do not typically see these very often.

So the idea of asking that a whole new division be added to the Commission for the sake of --- of doing X, Y, or Z in this case, that wasn't really something that was on the table. But yeah, sorry, go ahead.
Q. Oh, certainly. No, I appreciate that. So along the same lines, it also would make prudent fiscal sense to hire an outside consultant or consultants using the same amount of resources?
A. I can't speak to what makes prudent fiscal sense or what doesn't. That also, you know, if I start talking about what. Whether I --- what I believe the prudency of purchasing decisions to be, I think there are some people sitting to my left that make those decisions.
Q. Sure.
A. So I don't want to be in a position of criticizing their decision making.

Q. Sure.
A. But I --- I have the resources that I had and I --- and I provided my recommendation on time, so it didn't stop me from processing the case.
Q. Sure, certainly. And I don't mean to suggest that your review is deficient in any way, Mr. Egnatoff. I just want to stress that. But were you specifically, you were present for the Cross Examination of Dr. Abdulsalam earlier in the week, right?
A. Yes, I was.
Q. Do you recall by chance me asking him about the cost for the license or licenses necessary? They could not ---
A. I do.
Q. --- obtain the load flow modeling software?
A. Yes, I do.
Q. Okay. So you recall that? I believe it was his testimony that he was not at liberty to disclose that, presumably because it's subject to a confidentiality provision in the licensing agreement. I don't know, but I'm assuming that.
A. I don't want to assign that answer to him. I know that he couldn't disclose it. I don't know if that's because he's unwilling or that he doesn't know.
Q. Sure. So, but in any event, you do recall that he

would not disclose that for whatever reason. Right?
A. I --- I apologize. I'm not trying to --- I promise I'm not trying to make your life harder on purpose, but the difference between would and could. I don't want to assign Dr. Abdulsalam an intent to conceal information where I don't know that it existed. He did not disclose that for whatever reason.
Q. Sure. I'm not suggesting there was any.
A. Right.
Q. Malintent. I'm just asking if that's your recollection?
A. Yeah. Whether it was because he was unable or --- or he felt he was bound by some agreement, he did not disclose that when asked.
Q. Sure. But is it reasonable to assume that that's an inexpensive license based on your experience?
A. Based on my experience, I would assume that the license for the piece of software that PJM uses to accomplish that task is not cheap. There are, in some cases, alternative pieces of software that maybe don't have the same, I don't want to say reputation, but when it comes to accomplishing critical tasks like what PJM does, there are some requirements above and beyond. It has to work when I press the button, and I'm not familiar enough with that industry to know. There may be software

that works when you press the button most of the time that is significantly cheaper than what PJM uses. I would not suspect that what PJM uses is a cheap piece of software.

Q. Do you have any idea? I don't mean to ask you to speculate, but based on your experience, would you be able to make a ballpark estimate of what a one year license might cost?

A. I --- I would not. That's not something I've ever looked at.

Q. Okay, thank you. That's all I have, Mr. Egnatoff.

CHAIR:

Mr. Auville?

ATTORNEY AVUILLE:

No questions, Your Honor. Thank you.

CHAIR:

Are there any interveners who wish to ask him questions? Commissioner Larrick.

COMMISSIONER LARRICK:

I have no questions.

CHAIR:

Commissioner Raney?

COMMISSIONER RANEY:

Yes, ma'am. I've got a couple. I think most of them have been answered, Mr. Egnatoff.

A. I hope so. I've really gone on in response to a couple of these.

COMMISSIONER RANEY:

Spent a lot of time talking. That's the. Let me see here. I got page nine noted.

A. Is that of my testimony?

COMMISSIONER RANEY:

It's your testimony. Yes, sir.

A. Yes, sir. I am there.

COMMISSIONER RANEY:

Yeah. Talk about the route revisions that leave you concerned.

A. Yes.

COMMISSIONER RANEY:

And can you explain that in a little greater detail and what that sentence does?

A. Yes. So the --- the nature of a couple of the route revisions raises some concerns in my mind as to. We know that PJM expressed what it believed to be a severe and depressing need for the MARL project. And I believe it may have been alluded to a couple times in --- in earlier Cross on Monday, which feels like a lifetime ago at this point, but the. I think it's fair to say that the MARL project either is accelerated or has the goal of being accelerated. We've seen NextEra talk about having a goal

of getting this thing in service by December 2029.

And when I see route revisions, specifically I believe of the nature of Route Revision 5. Is that the one that I described? There was one that was raised based on a constructability issue. And what NextEra told us in the application was that they had done an almost exhaustive level of due diligence in terms of finding out what the route looked like and addressing any concerns along the route.

And I believe the phrase that was used, and I think it's actually in this document, it's in this binder, again, helpfully placed in front of me. Mr. Callas is never going to do this again if I reference something and score a point against him with a binder he put on the desk in front of me, but okay. So that is the route revision supplement. Here it is, okay.

Route revision, I'm so sorry. I'm making you listen to me flipping pages. Okay, Route Revision 4. It is on page, Bates page 10 of the route revision supplement. Route Revision 4 was based on an engineering and construction review and determined that a topographic and steep terrain concern existed that presented a constructability Issue.

COMMISSIONER RANEY:

Okay.

A. I've --- I've never known West Virginia to be a state where the shape of the ground changes rapidly and without notice, especially at that scale. So the idea that there was a terrain based constructability issue along the route that had not been addressed --- that had not been. Again, I know that it was caught before this document was submitted, but we learned about it on July 30th, and I don't want to say that's the 11th hour, but it's at least the 9th or 10th at that point. That was the last. July 30th was the Thursday of the week of fieldwork that I did for this case. And I tried to leave my field work as late as possible to give any one of these people who wanted to call me the chance to get to me before I went on the road and lost cell service in northern West Virginia.

So this was, as far as I was concerned, pretty late in the game. And NextEra had basically came to us and said, the shape of the ground will not --- we don't --- we're worried won't allow us to construct this line as we originally planned and we need to change it. When I see something like that, already knowing that we're talking about an urgent need and already hearing, again for the last four days, from landowners who say things like. Which apparently have been, have been validated with the news of, I forget the man's last name, but the one land

agent who was behaving inappropriately. Landowners reported, you know, some high pressure tactics.

And I had concerns that it seemed like NextEra wanted to get this done. They really, they wanted to get it done. They wanted to get the application before us, and then kind of let everything else iron itself out later.

So that was what raised concerns for me, especially with Route Revision 4. Route Revision 3 raised its own concerns separate from that. There was a --- there was a notice issue, there was a landowner identification issue.

COMMISSIONER RANEY:

Okay.

A. I think those things have --- have been covered or will be covered, but there was a. I think there --- I don't want to say there's some confusion in the timeline, but NextEra told us that they identified specific people at specific times and we learned about those people much later. And as Commission staff, that gives us less of an opportunity to ask this person, you know, did you like the way that you were handled? Did --- were they nice to you? Did they address your concerns? That kind of thing.

And then other route revisions, again, they vary in kind of how much they make me concerned. When the West

Virginia DNR, which I believe was the cause of Route Revision 1, sends you a --- sends you an email or a letter or comment or whatever it was and says, hey, can you do this? And you respond to that I, you know. Broadly speaking, I don't have a problem with NextEra responding to comments from other state agencies.

But it's --- it's when it comes to, we cited this extremely efficient and very constructible and --- and impacts minimize route. And then we hear, but also a landowner sent us a comment and he has a better route in every way. So we're changing it. And I know, from experience, that no one will ever know these people's properties as well as they will.

So I think NextEra should absolutely be taking landowner feedback into account. But, you know, we've heard about their experience and their team of absolute experts working on this and --- and the number of thousands of miles of line they've constructed. And then we hear, but, you know, Joe --- Joe Blow in Hampshire county, he showed us a way we could do it better, and that I'm glad they listened. But it --- it makes me wonder why that wasn't kind of caught when they were initially routing over to a close property.

COMMISSIONER RANEY:

I understand. Thank you. Page 26, and

---.

A. And that's of my testimony again?

COMMISSIONER RANEY:

Yes.

A. Okay.

COMMISSIONER RANEY:

Your testimony, page 26. And you get into talking about the 765. And when I read that, I begin to think I must have lived under a rock somewhere because, you know, when --- when he suggested that, and you got into this a few minutes ago. Sammy, I'm calling him because I can't say his last name, so I can't pronounce it. He's talking about a 765 line that's different than the Valley line. Right?

A. So this was the source of maybe. I --- I think I understood him to say that too. And to be frank, I know that Valley Link exists. I mean, people talk to me about it while I was on the road. I've seen the --- the notices. But when it comes to lines that PJM has selected, I don't necessarily know about all of them before they reach us, or at least before they get closer to reaching us. So it sounded to my memory like he said something about another 765kV line. But I think when I referenced that, Mr. Callas shook his head. So it may be that Dr. Abdulsalam was talking about the two components

of the 765kV Valley Link solution, one of which is in West Virginia, more valuable, and one of which is in Virginia.

COMMISSIONER RANEY:

Okay. Well, I'm still. I'm wondering about it.

A. Well, if --- if there is another 765kV line necessary, I am almost certain that you will hear about it.

COMMISSIONER RANEY:

I'm sure we will. I just, I'm still shocked that, you know, to hear about it.

A. It is --- it is a lot of transmission. And the.

COMMISSIONER RANEY:

Yeah.

A. The --- the MARL project, again, was developed based on the need that PJM saw at the time. And we have heard that PJM will go back and cancel projects, like they did PATH when the need sort of vanished for that. But it doesn't seem like PJM is willing to go back and look at MARL and say, what if this was two five hundreds? What if this was a 765? Because it seems like you could, you know, you could take the zone map and you could assign each zone demand or the load that it's going to contribute. And on the Dominion zone, you could just

write the word yes with a big black Sharpie. And I --- I think I wrote YSE with my hand. It's been a long day.

But the. So it seems like PJM should be taking every opportunity to route additional transmission into that zone, given this need that they've identified. And it does not seem to me, and again, I'm not accusing PJM of operating counter to its statutory charter or anything like that. These may not be things it's allowed to consider. But if I was trying to minimize the impact to West Virginia of providing as much energy as possible to Virginia, MARL would not be a 500kv line because 765kv lines exist.

And at least now, maybe they didn't know in 2022-2023 when they initially produced the MARL solution, but at least now it seems to me that we're looking at the Dominion zone, according to PJM, if we go off their estimates, which I'm not necessarily 100 percent willing to do, but if we go with it. It seems like the answer is yes, we need more transmission. We need more transmission yesterday, we need more transmission tomorrow.

And for the MARL project to a parallel existing transmission for a lot of its length, I don't remember the exact percentage, not be double circuited onto any of those two towers as constructed to minimize impacts. And

we've heard that some of the limitations that exist on double circuiting.

I will also note that you folks regulate the people that they would need to double circuit with. So I don't know if that would help come to a solution or not in terms of some of the hurdles that exist. But we're not double circuiting with existing transmission, and we're not looking at installing the MARL a project with advanced conductors or with an existing double circuit capability. Because at this point, it seems to be the assumption from PJM that the load from the Dominion zone is just going to continue being a vertical line.

So I don't want to call it short sighted, but it seems like we're solving the problem we have now when we know that the problem will be worse in the future.

COMMISSIONER RANEY:

You can quote that. All right. Let me see. You've mentioned this several times, but do you feel like we're in need of additional transmission capacity in West Virginia as we sit right now?

A. As, again, I'm not a transmission planner. As we sit today, I am not aware of a need for additional transmission capacity to serve current generation and load in the State of West Virginia. You asked previous witness ---?

COMMISSIONER RANEY:

Did you get our?

A. Yeah.

COMMISSIONER RANEY:

Operation out of the state?

A. Yeah.

COMMISSIONER RANEY:

So we don't need additional capacity?

A. So --- so you'd asked a previous witness about generation, and I work siting cases specific worked, they --- they stopped coming in now because of the tax credit change, but solar siting cases under --- under our rules for those. And because of that, I am intimately familiar with the PJM queue. And that is the PJM generation queue.

So if you are an exempt wholesale generator and you want to hook to the PJM system to sell your energy, then you tell PJM that you want to do that. You tell them where you want to hook in, and I imagine pay some money, and they do an analysis to decide whether transmission upgrades are needed to get your load to where it needs --- to get your capacity to where it needs to be. And you pay for that.

So as part of interconnecting to the PJM grid as a generator, you pay for the transmission upgrades that are

necessary to get you onto the grid.

So in the event that future generation in West Virginia required additional transmission, PJM has got a process for that. It is a process that they have been honing over the last few years because there were a lot of solar applicants and there were not previously a lot of thermal applicants. You don't see 20 coal plants filed a year. So they --- they've made some changes to that process now to try to kind of separate those queues and let everyone move in an orderly fashion.

But my understanding is that process, while it may take some time, works fairly well in terms of making sure, again, that we're not dropping a two gigawatt natural gas combined cycle plant onto a transmission grid that can't export its load to wherever it needs to be. And it's --- it's the same thing with load. If a West Virginia utility identified or PJM identified that load existed in West Virginia that needed additional transmission, then that could be itself the subject of an RTAP. You know, RTAPs don't have to be about the Dominion zone. They can also be about Nucor in APCO for instance, which is not a good example, but it could be about a large load inside West Virginia as well, so.

COMMISSIONER RANEY:

Okay. Well, let's see. We discussed

that. Get around page 40, you start talking about the other agencies. And I think you ultimately decided or --- or made the statement that you --- you feel like all these other agencies need to have their approvals in before construction starts, certainly. But was I misinterpreting that you felt like they ought to also be in before we make an ultimate decision?

A. So I can tell you from experience in other siting cases, especially in the solar ones, but I also, I did CPV Shay as well, which was a combined cycle plant, and that in some cases the timelines for some of those permits do not permit them to be obtained when we approve the project. Because our approval lasts a certain amount of time. The other agency's approval may last a significantly smaller amount of time. So what we've seen in other cases is essentially, you know, here are the permits we think we'll need. Here's the coordination that we've done with those agencies. We're proving that we've talked to them, basically.

And then typically the understanding, if not the outright statement from the Commission, is you have to have all of your other permits in place before you start building this. So if --- if you elected, if you, the Commission, not you specifically, elected to approve the project, then you could say, you know, but make sure

everyone else says it's okay too. Because I promise you a Public Service Commission siting certificate isn't going to matter if they don't talk to Fish and Wildlife.

COMMISSIONER RANEY:

I take from that you think it's probably a good idea for the Commission to make that statement? In an order

A. It is a statement that I have recommended in many other siting cases, and it is a condition that I recommended in this one as well. So I think that that's a good idea. But again, I'm not --- I'm not an expert in all those other agencies. It may be that they've got it handled and we don't need to.

COMMISSIONER RANEY:

The, it's perhaps it's almost a rhetorical question, but do you feel like PJM was on their game pr not on their game when they allowed, encouraged, or somehow authorized the closure of baseload generation?

A. So I ---.

COMMISSIONER RANEY:

In separate regions?

A. I will preface, I'm not a PJM expert. I've --- I've learned a lot, especially over the last few years, but the folks who were here earlier this week know far more about PJM than I probably ever will.

My understanding is that PJM's options when it comes to telling power plant what to do in terms of retiring or not retiring are more limited than it might like. So while PJM obviously dispatches power plants, tells them when to run, when to not run, if a power plant just says we've decided to close our doors, you know, a change in state law or just the economics don't work, whatever the reasoning is, I'm not sure how much power PJM has to say, excuse me, no, you can't do that.

We know that the reliability must run for Brandon Shores exists. I believe that was issued by FERC as opposed to PJM. And I think PJM was a party to that proceeding, and I don't know the extent --- no, I don't know why --- why it was a party, what arguments it was making. It may have been that it came to this proceeding and said please don't let this plant close, FERC. Please make them keep running.

And that may be all PJM can do. I don't have any guarantees about what PJM's options are, but my understanding is that they don't really. Plants don't really require approval from PJM to retire.

COMMISSIONER RANEY:

The way you describe that, help me out there to understand. I mean they're doing with Brandon Shores and everything now, now that they've been asked, I

guess. But are they dependent on the states to do that? To say look here, we're not --- we don't want that. If they don't have an opinion about it, who are they relying on to say now they get all excited, MARL come and say this is going to fix all our violations. Did they not have any violations when these baseload plants were closed?

A. So ---.

COMMISSIONER RANEY:

And they had no opinion about it?

A. I --- I imagine that PJM has a way of making its opinion on something known. I --- I don't follow all of their press releases or anything like that, but.

COMMISSIONER RANEY:

I --- I would suspect ---.

A. But I --- I would suspect that they, they make their opinions known to as many people as we'll listen to. But when it comes to violations PJM identified, when RTAP Window 3 started, Brandon Shores retirement was not announced. That was prior to Brandon Shores announcing its retirement plans, and PJM opened that window in response to load growth. That was --- that was the reason. The, or at least I'm representing that that's the reason, but someone in the room may disagree.

But during that window, Brandon Shores announced

that it was planning to retire in 2025. And PJM said oh okay, ring the alarm bell. We're extending this window. Because now we have another problem that needs to be solved. Brandon Shores not only provides capacity, I believe it provided some voltage stabilize --- stabilization, which it continues to provide since it's still operating. And PJM said okay, who can solve both of these problems now? And that's how we got this.

I don't know that PJM. PJM obviously has the ability to say somebody built this transmission line. I don't know that PJM has the ability to say somebody stopped this power plant from shutting down or somebody built this power plant, which may be the reason that all these solutions that we're seeing are transmission based because PJM can send market signals for --- for a generation. It can say oh, capacity prices are higher now. Please build generation, it will be more profitable. They can't say somebody go build a power plant right there, like they can a transmission line. And PJM isn't really saying right there, but you kind of get my drift.

COMMISSIONER RANEY:

Rearview mirror's pretty clear, isn't it?

A. It certainly is.

COMMISSIONER RANEY:

Mr. Callas got into this, I think, and I don't have, and I may misstate this, but it was either Ms. McCormick or Ms. Powers had an annex to or an attachment to their testimony regarding the conditions that you articulated.

A. Yes.

COMMISSIONER RANEY:

And I know Mr. Callas asked about two, five, eight, 11, but generally speaking were their responses to that acceptable in your view?

A. I mean, we have disagreements about the --- the other conditions. Whether those disagreements are there was a specific bit of language in their modification that --- that I, you know, wasn't comfortable with or that we weren't comfortable with, or in some cases NextEra's response to the condition was that they disagree. And, you know, in that case, we disagree. It doesn't sound like there was language there ---.

COMMISSIONER RANEY:

There was just a couple of those, I mean.

A. Yeah. I think that largely NextEra tried to provide, you know, I guess negotiating positions or alternatives to those conditions where they thought they were reasonable.

COMMISSIONER RANEY:

Okay. Thank you, Mr. Egnatoff. Appreciate it very much. Thank you, Madam Chairman.

A. I will note it looks like there is a hand up, but I don't know if that's.

CHAIR:

Okay.

COMMISSIONER RANEY:

Ms. Gruber.

CHAIR:

Ms. Gruber, do you have questions?

MS. GRUBER:

Ma'am, I just wanted to make a comment. In reference to the 765 line. When the landman was on my property, he was pushing me to make a deal because in another year or so, he's going to be back to take the next 250 feet of my property for the second line, the 765 line, and my property would be much --- would be worth less at that point. So, and confirmed that's how I found out about the 765 line. That they needed the second line in order to make this all work.

So I just wanted that added into the record to confirm what was going on. I appreciate that. Thank you.

A. And I will note that some of the property owners that I visited, and I think this is in my testimony, were

also due to be impacted by Valley North. So that is not incompatible with the 765 line in question being Valley North.

CHAIR:

Okay. Mr. Egnatoff, assuming that PJM's projections are correct and assuming that the load actually comes to fruition, and that all of those data centers in Virginia are actually built, does this 500kV line, is it sufficient to serve the load for the foreseeable future?

A. That is not PJM's position. They --- they claim that they need the 500kV line, and also the Valley Lake projects, the two. One of which is in West Virginia. I'm not a transmission analyst. I haven't replicated that math, but that's what they say.

CHAIR:

Would a 765 line instead of the 500kV line serve this load, assuming it all comes to fruition, for the foreseeable future?

A. I do not know. I can --- I can sort of make the general statement that 765 lines typically carry more energy than 500 lines do, so would as a result be able to serve more load. But 765, two 765s and a 500, if you add them together arithmetically, is more than 765. So I --- I can't tell you whether a 765kV version of MARL would

eliminate the need for the Valley North and South projects.

CHAIR:

Okay, thank you.

MR. RYAN:

Madam Chairman, I believe, believe that Ms. Meir has her hand raised.

CHAIR:

Okay. Ms. Meir, do you have a question?

MS. MEIR-THOMAS:

Just a comment. When Mr. Egnatoff was talking about rerouting us and our --- our neighbors were in part affected by that as we had sold property to them. And originally, the line was not there and then it got rerouted. And I believe my father had mentioned that he thought, instead of following the original, the --- the --- the power line that was already there, they switched because they may have made a deal with Greer. Thank you for your time.

CHAIR:

Thank you. Ms. Wilson, do you have any Redirect?

ATTORNEY V. WILSON:

Staff has no Redirect.

CHAIR:

Mr. Egnatoff, you are excused. Thank you for your testimony.

A. Thank you, ma'am.

CHAIR:

Mr. Brown, do we have any update on any remaining interveners?

MR. BROWN:

I believe that Ms. Harp.

MS. HARP:

Yeah, we were able to get a hold of the intervener scheduled for Friday and Monday. And as of right now, there are only two that are scheduled for Friday that we could not get a hold of. So potentially, we have two tomorrow.

CHAIR:

And we're going to do those remotely?

ATTORNEY HEAD:

And we also have Mr. Clower, if he can --- is able to unmute his microphone.

CHAIR:

Okay. So if we have two or three intervenors tomorrow, have we taken care of the Monday intervener?

MR. BROWN:

Yes.

MS. HARP:

Yes.

CHAIR:

All right. So we should be able to conclude this proceeding tomorrow?

MS. HARP:

Correct. Now, they haven't responded to me, so I don't know if they plan to show up in person or remote or if they don't plan to show up at all.

CHAIR:

Okay. So can you try calling them again tonight and letting us know so that we know what to do tomorrow?

MS. HARP:

They didn't provide telephone numbers, but I have emailed twice now, so I'm hopeful I'll hear something soon.

MR. BROWN:

And would you want to attempt to get Mister --- try one more time with Mr. Clower tonight to see if he ---?

CHAIR:

Yes. Mr. Clower, can you unmute your microphone? We have admitted Mr. Clower's testimony into the record?

MR. BROWN:

We have.

CHAIR:

Okay. All right. So we have three more interveners, and we don't know yet whether they will appear remotely or in person. But it's my understanding that nobody has any Cross Examination of them. Is that correct?

ATTORNEY CALLAS:

Yes, ma'am.

CHAIR:

All right. Let's go ---.

ATTORNEY WILLIAMS:

Nothing beyond the little short thing I asked everyone today.

CHAIR:

I'm sorry, what?

ATTORNEY WILLIAMS:

Nothing beyond the scope of what I asked the other people today.

CHAIR:

All right. Let's go off the record for a minute, and we don't need to go off streaming.

OFF RECORD DISCUSSION

CHAIR:

We will ask for expedited transcripts. And initial briefs will be due Friday, November 13th. And reply briefs will be due Monday, November 23rd.

ATTORNEY CALLAS:

Your --- Your Honor, I have to say that I think we have already established a briefing schedule in an earlier order in this case. Yeah, I think Monday the 23rd of November is the initial brief date I'm told.

ATTORNEY V. WILSON:

That is correct.

ATTORNEY HANNA:

That is also my understanding, and then December there's the reply brief. I think December, I forgot which date that is.

ATTORNEY V. WILSON:

It's the 4th. Reply briefs are December the 4th.

MR. BROWN:

I think when we issued that initially, I didn't take into consideration the court reporter and the length of the testimony. So we can amend that from the order or whatever the parties would like to do today with the Commission's approval.

CHAIR:

All right. So under the original order,

when were the --- when were the initial briefs due?

ATTORNEY WILLIAMS:

The 23rd, I believe.

CHAIR:

November 23rd?

ATTORNEY V. WILSON:

Yes.

CHAIR:

And then reply?

ATTORNEY V. WILSON:

December the 4th.

CHAIR:

What is the problem with the earlier dates that I suggested? The 13th and the 23rd?

ATTORNEY CALLAS:

I think that would be a real challenge, Your Honor. That --- I think that would basically give us about ten days after getting the transcript.

CHAIR:

Okay. Let me just note. All right, we will go with the December 4th --- no, November 23rd and December 4th. But it was the Commission's intention to get this order out by the end of the year. Now, this may screw that up because we might not have enough time, but I just wanted to let you know what our intention had

been, that we were trying to be expeditious.

ATTORNEY CALLAS:

We --- we appreciate that. I --- I think the schedule allows for the Commission to better significantly the, what I believe is the March statutory deadline, and also have briefing as we've scheduled it already.

CHAIR:

Okay. Ma'am, could you change that to mess it up instead of screw it up? Thank you.

COURT REPORTER:

Do you still want the transcripts --- the transcripts expedited? Yes?

MR. BROWN:

Yes.

CHAIR:

We still need it expedited.

ATTORNEY CALLAS:

And --- and Your Honor, if it helps by statute, I think you have 90 days after submission of briefs to issue your decision.

CHAIR:

As I reminded Mr. Callas, we know what the statute says.

ATTORNEY WILLIAMS:

You don't have to press by the end of the year if you don't want to.

CHAIR:

Well, I said that was our intention, but we will try. Okay. Thank you all. You've all been patient. We've learned a lot. Everything will be considered, and I wish you all well. Happy Thanksgiving, and safe going home.

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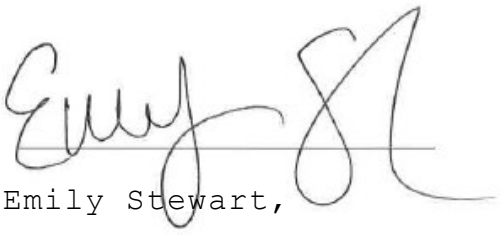
HEARING CONCLUDED AT 3:38 P.M.

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CERTIFICATE

I hereby certify, as the stenographic reporter, that the foregoing proceedings were taken stenographically by me, and thereafter reduced to typewriting by me or under my direction; and that this transcript is a true and accurate record to the best of my ability.

I certify that the attached transcript meets the requirements set forth within article twenty-seven, chapter forty-seven of the West Virginia Code.



Emily Stewart,

Court Reporter