

July 31, 2024

VIA ELECTRONIC MAIL

The PJM Board of Managers
Mark Takahashi, Chairman and
Manu Asthana, PJM President and CEO
PJM Interconnection L.L.C.
2750 Monroe Boulevard
Audubon, Pennsylvania 19408

RE: PJM 2022 Window 3 Upgrades Scope Changes
502 Jct-Woodside-Aspen 500 kV & Doubs Corridor Projects

Dear Board Members:

Last year, I wrote to you sharing my concerns regarding biased and unfair consideration of certain communities in PJM's Transmission Expansion Advisory Committee process.

*During its Oct. 3 TEAC, PJM staff indicated that they had failed to recommend certain proposed projects due to historic opposition to a previous transmission project in the same area (TrAILCo). However, PJM's consideration of historic opposition was not applied equally to other areas that have successfully opposed new transmission in the past. Jefferson County formed vehement and entrenched opposition to the PATH project between 2008-2012. That opposition was a factor in the PATH's project's ultimate cancellation by PJM. The proposed PATH project used the exact same route through Jefferson County that is now being recommended for PJM's new 500-kV project. A dozen years is not long enough for impacted communities to forget what happened last time. **The only difference between the TrAILCo opposition in Virginia in 2007 and the PATH opposition in West Virginia in 2010 is the deep pockets and political connections of the opposing community. Is PJM afraid of engaging important, well-funded opposition in one state, and instead preferring to engage less politically connected and funded opposition in another? This is the epitome of environmental injustice, where disadvantaged communities are expected to accept damaging new infrastructure over and over again.**¹*

My worries have become reality with the subject proposed scope change. The scope change replaces a greenfield route impacting a wealthy and politically connected community² with a greenfield route impacting less fortunate, disenfranchised individuals. No reason has been given for this scope change, except to state that a deal was made.

¹ Keryn Newman letter to the PJM Board of Managers, November 17, 2023

² U.S. News and World Report, The 15 Richest Counties in the U.S., December 2023. Available at: <https://www.usnews.com/news/healthiest-communities/slideshows/richest-counties-in-america?slide=16>

PJM forgets to mention that it was an active participant in negotiating that deal with utilities, elected officials, and the community that stands to benefit from the scope change. No notice was provided to the newly impacted community and they were excluded from the secret route negotiation meetings.

PJM has said over and over that it does not determine routes for the transmission projects it orders, however, the scope change is proof that PJM has acted outside its authority to influence the route of a transmission line it ordered. PJM also promotes the **big lie** about the scope change:

*“The line section from Woodside to Aspen will be rerouted from the originally proposed greenfield line route to an alternate route **within existing transmission line rights of way...**”³*

The reroute does **not** stay within existing rights of way. It was confirmed by FirstEnergy’s representative during the July 9, 2024 TEAC meeting that FirstEnergy would need to expand its existing right of way, including on properties that were previously unaffected by this project. Expanding an existing right of way is also greenfield siting and can ultimately be more destructive than a greenfield route.

Anything that requires new easements, in whole or in part, is greenfield development. Adding additional transmission to existing corridors can actually be more destructive than greenfield routes in areas without existing transmission. The reason for this is that new communities have been built up along the edges of transmission easements that have existed for a number of years, even decades. The existing easements are hemmed in on both sides by new homes, schools, fire stations, churches, businesses, parks, and other developments. Creating a new transmission corridor on a new easement directly adjacent to the existing corridor will require the destruction of the existing community. This is not brownfield development. In contrast, a new line on a greenfield easement can be carefully sited to avoid homes, schools, fire stations, churches, parks and businesses. New lines parallel to existing rights of way can be, and often is, more destructive to host communities than greenfield.

The scope change also takes completely new right of way in Maryland and introduces additional permitting risk in that state.

The scope change introduces a huge new risk to the project by proposing TWO new crossings of the C&O Canal National Historical Park, which requires permission of the National Park Service and triggers the environmental impact statement process. The originally approved project didn’t cross the C&O Canal at all.

The scope change comes with a price tag of an additional \$167.48M, sending the price tag for this project well over a billion dollars.

³ PJM TEAC Reliability Analysis Update, July 9, 2024 at page 43

Who benefits from this scope change? A few hundred people in Western Loudoun County, Virginia, who don't want a new transmission line in their back yards.

By acquiescing to the routing choices of one small community, PJM causes impacts to communities elsewhere, causes impacts to a cherished national park, and places the additional costs of keeping Western Loudoun pristine on ratepayers across the region, including those who would be newly impacted by this project as a result of PJM's scope change. Is the privately owned landscape of Western Loudoun *really* more important than a National Park?

The scope change creates higher permitting risks for the project and creates outsized impacts that do little to lower project risk. Before approving the scope change, PJM should be required to re-evaluate the risks of both routes to select the one with lower risk and lower cost.

The scope change also re-assigns additional parts of this project to incumbent utilities that are not held to the cost cap for the approved project submitted by NextEra. The cost cap was a factor in the project's selection and now that it is not being honored, perhaps it is time to re-bid this project in a new window. PJM initially made a terrible choice on this project and subsequent changes have drastically increased costs for consumers.

Requiring ratepayers to shoulder the cost of a reroute to remove impacts from one community and place them in another is unjust and unreasonable. There is absolutely no benefit to ratepayers across PJM from this reroute. Purporting that the reroute allows the project to be built faster does not take into account opposition to the new route, new permitting risks, and the delay caused by the crossings of the C&O Canal. PJM cannot demonstrate that the reroute will allow the project to proceed any faster. Historically, other communities that have asked to have transmission projects changed to reduce impacts have been required to pay for the changes.⁴ Perhaps Loudoun County should be required to pay the additional \$167M that spares its bucolic views by rerouting the transmission project into another state, while keeping in mind that this transmission project is solely required to power data centers in Loudoun County.

During PJM's initial discussions evaluating 2022 Window 3 projects, PJM stated that it was looking for a solution to de-bottleneck the Doubs-Goose Creek corridor. It rejected numerous proposals that connected with Doubs before heading south towards Goose Creek. PJM indicated that it selected the NextEra project because it did not utilize the crowded Doubs-Goose Creek corridor. Instead, it created a new corridor to reach data center load. However, the scope change moves the project onto the bottlenecked Doubs-Goose Creek corridor by going around the Doubs substation before entering the corridor. It takes up space in a crowded corridor for a project that doesn't even connect with

⁴ The Columbus Dispatch, December 3, 2019. "Anything alternative to AEP's original plan -- such as burying power lines -- would be done at the city's cost, Weisenauer said."

Available at <https://www.dispatch.com/story/news/local/dublin-villager/2019/12/03/ballantrae-residents-wary-aep-s/2164359007/>

Doubs. It prevents any more lines connecting through Doubs without expanding the Doubs – Goose Creek corridor.

PJM acknowledged the difficulty of this greenfield route in its Constructability and Financial Analysis Report on the Window 3 projects before it chose this project.

“There is significant risk of public opposition to the proposed route, which may lead to rerouting this segment along the existing corridor from Doubs to Goose Creek.”⁵

and

“...noted concerns with siting transmission projects in Loudoun County...”⁶

and

“anticipated challenges with permitting, property acquisition and public opposition given historical difficulty with permitting projects in Fauquier and **Loudoun** counties...”⁷

PJM expressed its fear of routing a new transmission project through an area that had rejected previous transmission projects, but selected this project anyhow. However, PJM and NextEra didn't even try to site this project before opting for the scope change. No routes were announced to the public, no public meetings were held. PJM simply rolled over under political pressure.

Surrounding communities are well aware of the historical injustice of pushing proposed transmission lines through Loudoun County onto surrounding communities in order not to upset the wealthy and politically connected who reside in Western Loudoun. Jefferson County, West Virginia, legend goes that a line proposed in the 1960's ended up here because politically connected persons in Loudoun didn't want it spoiling their land. In the mid-2000s, a different project (TrAIL) got pushed to the south to spare Loudoun County. Take a look at PJM's infrastructure map to note that Virginia's wine and horse country creates a “do not cross” zone, free from all the high-voltage transmission that surrounds it. When will all persons be treated equally?

It's particularly galling for other communities to have to shoulder the burden Loudoun County refuses in order to enable new transmission for the express purpose of powering Loudoun's data centers. Loudoun County keeps approving new data centers even though they know the data centers will require new transmission. Loudoun is addicted to the tax revenue that data centers provide. The tax revenue lowers the tax burden for Loudoun residents, including the ones who oppose the new transmission that feeds them. The arrogance is stunning.

⁵ PJM Constructability and Financial Analysis Report at P. 60, December 2023.

⁶ *Id* at 90.

⁷ *Id* at 85.

Environmental justice means the just treatment and meaningful involvement of all people, regardless of **income**, race, color, national origin, Tribal affiliation, or disability. Energy equity recognizes that disadvantaged communities have been historically marginalized and overburdened by energy projects. These concepts should also be applied to transmission siting, instead of putting the burden of new transmission on the same communities over and over again. Otherwise, a property near a transmission line easement is slowly carved up, piece by piece, until it is uninhabitable. Benefits for the many, impacts for the few. The sacrificial lambs have been selected due to their lower income levels and lack of political connections for decades, and the proposed scope change perpetuates this injustice.

Other impacted communities have suggested reroutes for this project but have been ignored by PJM and the utilities involved. I recently asked PJM how we can get our routing suggestions considered and was told that I needed to contact my elected representatives. PJM should not be selecting projects based on political considerations. Politics has no place in PJM's transmission planning exercises. PJM's planning process should be based strictly on electrical needs and costs. I urge you to cast a fair eye on the scope change and demand a better reason than secret political deal-making.

If the Board of Managers approves this scope change without a fair evaluation of impacts and costs, it sets a new precedent that will delay all proposed transmission projects while impacted communities use political pressure to reroute them out of their communities. Already, citizens in Maryland are proposing that a different greenfield project through Baltimore, Carroll and Frederick counties be rerouted elsewhere. And why shouldn't they get the same consideration as Western Loudoun? If they are successful, what about the next community to be targeted? Where does it all end?

The scope change introduces avoidable reliability and operational risk to the region by encouraging impacted communities to delay proposed transmission projects until they get their way. The Board of Managers should reject it and open a new window so that novel solutions for this need can be fairly proposed and evaluated. This one is too deeply mired in injustice and backroom deals.

Sincerely,

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