

**BEFORE THE
PUBLIC SERVICE COMMISSION
OF MARYLAND**

In the Matter of the Application of)	
Baltimore Gas & Electric Company for a)	Case No. 9600
Certificate of Public Convenience and)	
Necessity to Construct the Key Crossing)	
Reliability Initiative Transmission Line)	
Project)	

**DEPARTMENT OF NATURAL RESOURCES/ POWER PLANT RESEARCH
PROGRAM'S MOTION TO AMEND THE MARCH 8, 2019 PROCEDURAL
SCHEDULE'S TIME IN WHICH TO FILE DIRECT TESTIMONY**

The Maryland Department of Natural Resources, Power Plant Research Program (hereafter, PPRP), through undersigned counsel, respectfully moves to amend the March 8, 2019 procedural schedule's time set for filing direct testimony, which requires non-applicant parties to filed their testimony and supporting materials on October 14, 2019. Due to emergent concerns raised by one of the reviewing agencies, as well as the fact that responses to some data requests that may affect the State's recommendation remain outstanding or have not been thoroughly reviewed, PPRP respectfully asks that the date for filing its testimony be extended until Monday, December 2, 2019. A filing on this date will still allow the recently announced second round of public hearings to proceed with the State's recommendation and supporting documents on file and available for public review in advance of the hearings.

At the March 7, 2019 pre-hearing conference in this proceeding, at which a procedural schedule was set, PPRP requested a filing date for its testimony of December 10, 2019 in order to have adequate time to review this complex project. BGE opposed this request, asking that a date of August 19, 2019 be set. After the hearing, on March 8, 2019 a procedural schedule was issued setting October 14, 2019 as PPRP's filing date. That notice discussed the issues that

PPRP raised, as well as those advanced by BGE, and set a schedule that balanced the needs of the parties based on the information available at that time.

Recently, while making final preparations for filing direct testimony, PPRP learned that there are two unresolved matters that could materially affect the State's recommendation, and for which discovery is ongoing and further discovery may be needed. First, controlling authority sets a threshold requirement for issuance of a Certificate of Public Convenience and Necessity (CPCN) of need. *See* MD. Annotated Code, Public Utilities Article §7-207. Because this project will be rate-based for Maryland customers, the issue of need for this expensive project is a necessary predicate to any further analysis. PPRP has determined that the load flow models used by BGE may not be accurate or complete, a fact which may affect the need analysis, and PPRP recently served data requests on both BGE and PJM Interconnection LLC to obtain more information. PJM informed PPRP yesterday that some of the responses will contain CEII protected information, thus requiring PPRP and its consultants to execute confidentiality agreements before the information can be released. With a filing date of October 15, 2019 (October 14, 2019 is a State holiday) rapidly approaching, it is clear that the responses to PPRP's concerns, even if timely and complete, will not allow adequate time for review and for the formulation of the State's position, which then must be approved by the seven State reviewing agencies.

Second, the Maryland Port Administration (MPA) has unresolved concerns about the impact that this project, if approved as proposed, will have on MPA's Hawkins Point Marine Terminal (HPMT) in Anne Arundel County. While HPMT is currently used for import of bulk products, MPA would like to convert the terminal into an auto import facility that will require the use of larger and heavier ships to transport the cargo. The current BGE transmission line

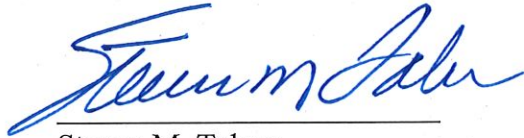
traverses HPMT via a substation on HPMT, then is submerged. During the course of this CPCN review, MPA met with BGE, and the Association of Bay Pilots to discuss concerns about vessel approach to the HPMT and the placement of two of the water-based poles in BGE's proposal. Subsequent meetings were held, but MPA has advised PPRP that they did not include MPA staff. MPA has now learned that historic data was used to determine if the proposed transmission towers located in the water will cause a navigational problem approaching HPMT. In addition, dredging will likely be required, and the impact of dredging on tower foundations must be assessed. It is MPA's understanding that the earlier meetings did not take into account future vessels sizes, which are considerably larger than in the past, or the impact of dredging.

MPA does not object to aerial transmission lines since BGE is willing to meet MPA's request for an air draft of 215' at Mean Lower Low Water. The remaining issue, however, is accommodating future vessel sizes and whether BGE's current tower placement is sufficient to allow safe access to HPMT. While the BGE Key Crossing Reliability Initiative Transmission Line Project tower design meets the required clearances at the main shipping channel, the MPA has insufficient information to ensure that the Hawkins Point Marine Terminal will remain accessible to these new ships. PPRP understands that MPA is working to gain the information it needs to make a determination on this issue, and expects that one or more data requests will be served on BGE to provide the required information.

For the reasons set forth above, PPRP respectfully requests that the Procedural Schedule in the instant case be amended to allow PPRP to file its direct testimony and recommendation on Monday, December 2, 2019. Applicant is opposed to this motion, and Staff and OPC do not oppose the motion.

Dated: October 8, 2019.

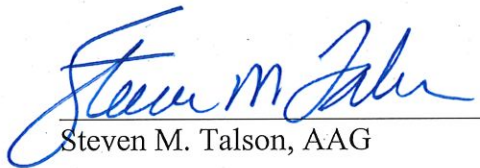
Respectfully submitted,



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Copies of this motion were served on all parties of record via e-mail on October 8, 2019.



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