TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(E) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a pecial bearing under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for the construction, speciation and maintenance of a 115 kV overhead electric transmission line, and to spend the previous zoning hearings.

Property is to be posted and advertised as prescribed by Zoning Regulations.

1, 88 MM agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/Wordo solemnly declare and affirm, under the penalties of perjury, that I we are the legal owner(s) of the property which is the subject of this Petition.

tract purchaser or representative to be contacted

210 Allegheny Ave. 823-4111

Towson, Maryland

John B. Howard, Esquire

Attorney for Petitioner Legal Owner(s): Cantonek Burchant Baltimore Gas and Electric Company offin B. Howard George D. England - Vice President 210 Allegheny Avenue *** (Type or Print Name) Towson, Maryland 21204 ____ City and State Tilephone No. 823-41!1 Gas and Electric Bldg. Attorney for Pelitioner P O. Box 1475 234-5697

mound A. Delea (Type or Print Name) Martha a beken Baltimore, Maryland 21203 17th .l., Cas and Electric Bldg. WP. O. Box 1475

Baltimore, insyland -- 21203 -----Attorney's Telephone No.: 234-5697

ORDERED By The Zoning Commissioner of Baltimore County, this 30th day

71-253 X

To meet its burden, a petitioner need only show to the satisfaction of the Zoning Commissioner that the proposed use would be conducted without real detriment to the community and would not actually adversely affect the public interest. See Turner v. Hammond, 270 Md. 41, 55, 310 A.2d 543 (1973). When the petitioner produces credible and probative evidence on all of the specific issues established by the zoning regulations, then a special exception should be granted.

In this case, BGAE has shown that the proposed transmission line would be maintained without real detriment to the community and would not adversely affect the public interest. The evidence, as well as the fact that no protestant appeared, tends to show that the presently existing special exception use (the 500-KV transmission line) has not adversely impacted the community any more than such a transmission line would in any other location within the RC 4 zone. Indeed, because the poles supporting the new line would be much smaller in dimension than the towers carrying the existing line, the impact of the new line would be less edverse than that of the existing line.

In this case, there is no evidence whatsoever that the proposed transmission line will be detrimental to the health, safety, or general welfare of the locality, that it will tend to create congestion in the roads, streets, or

IN RE: PETITION FOR SPECIAL . BEFORE THE HEARING for the Construction, Operation, and Maintenance * of a 115-KV Overhead Electric Transmission Line and to Amend the Special Exception No. 71-253-X on Property

DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY

Previously Granted in Case * Case No. 88-210-SPH Located along a 200-foot-wide* Right-of-Way in the Fourth Election District of Baltimore County,

BALTIMORE GAS AND ELECTRIC COMPANY.

Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

.

The Petitioner in this case, Baltimore Gas and Electric Company ("BGLE"), has filed a petition for special hearing to obtain approval for an amendment to the special exception previously granted in Case No. 71-253-X. The previous special exception was granted pursuant to Section 1A03.3.B.8 of the Baltimore County Zoning Regulations ("BCZR") and authorized BG&E to construct, operate, and maintain a 500-KV overhead electric transmission line and towers within a 200-foot-wide right-of-way, known as the Conastone to Dobbs Transmission Line Right-of-Way, in the Fourth Election District of Baltimore County. BGAE here seeks to amend the special exception so that it may construct, operate, and maintain a new 115-KV overhead electric transmission line in the same "ight-of-way.

BG&E was represented at the special hearing by John B. Howard, Esquire and Martha A. Delea, Esquire. Appearing as witnesses for BG&E were Edward J. Schultz, Jr., a planning engineer for the company; Lawrence A. Rectanus, a principal engineer in the distribution and transmission engineering department of the company; and Walter A. Reiter, Jr., a licensed real estate appraiser associated with the firm of Real Property Consultants, Inc. There were no protestants or counse! for protestants present.

Testimony proffered by counsel for BGLE indicates that the right-of-way involved in this case is 200 feet wide and extends for a distance of approximately 2.7 miles. It lies entirely beyond the Metropolitan District of Baltimore County. The land within the right-of-way is zoned RC 4. It is currently occupied by a 500-KV overhead electric transmission line and towers, in accordance with BG&E's previous special *:ception.

BG&E is proposing to construct, operate, and maintain a 115-KV electric transmission line within the right-of-way on wooden poles of much smaller dimensions than the large metal towers carrying the existing 500-KV line. The record indicates that the proposed line would provide essential service to BG&E's White Rock substation in Carroll County. Although that substation is now served by one transmission line, the proposed line would routinely carry

by BGLF at the special hearing and that was labelled

lun MNastarania

Deputy Zoning Commissioner of

Ann M. Masterowicz

Baltimore County

Petitioner's Exhibit 2.

part of the load, and would act as a necessary "backup" linto carry all of the load in case of emergency.

The evidence proffered by BGAE's expert witnesses tends to establish that the requirements of both Section 411.1 and Section 502.1, BCZR, have been complied with. That evidence shows that the proposed transmission line is needed for the rendition of BG&E's service and that the location of the line would not seriously impair the value of use of neighboring property. The evidence also shows that the line would not have any of the adverse consequences listed in Section 502.1.

The issues raised when a special exception is amended are the same issues presented when the special exception was initially granted. A special exception use is a part of the comprehensive zoning plan sharing the presumption that it is in the interest of the general welfare, and therefore, valid. Schultz v. Pritts, 291 Md. 1, 11, 432 A.2d 1319 (1981). The appropriate standard to be used in determining whether the petition should be denied is "whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone. 291 Md. at 15.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines TO Zoning Commissioner

November 23, 1987

Norman E. Gerber, AICP FROM Director of Planning and Zoning

SURJECT Zoning Petition No. 88-210-SPH

This office is not opposed to this proposal within the existing right-of-way.

NEG: JCH: dme

cc: Ms. Shirley M. Hess. Legal Assistant, People's Counsel

ZONING OFFICE

alleys thorein, that it will create a potential hazard, that population, that it will interfere with adequate provisions for public requirements, conveniences, or improvements or

with adequate light and air, that it will be inconsistent with impermeable surface and vegetative retention provisions of the BCIR, or that it will be inconsistent with the purposes of the property's soning classification or in any other way inconsistent with the spirit and intent of the BCSR.

it will overcrowd land or cause undue concentration of

Pursuent to advertisement, posting of the property, and a public hearing held, and it appearing after due consideration of the evidence proffered that the requirements of Sections 411.1 and 502.1, BC22, have been met and that the health, safety, and general welfare of the community would not be adversely effected, the request made in the Petition for Special Hearing should be granted.

Therefore, IT IS ORDERED by the Deputy Loning Commissioner of Beltimore County, this II day of Womba 1987, that the request of the Baltimore Gas and Electric Company for permission to construct, operate, and maintain a 115-KV overhead electric transmission line, as included in the company's Petition for Special Hearing, is hereby GRANTED, subject to the following:

 The construction of the transmission line shall be in accordance with the site plan that was submitted

CP.5-008

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it Regulations

Baltimore County Fire Department Towson, Maryland 21204-2586

Paul II. Reincke August 26, 1987

J. Robert Haines **Commissioner** Office of Planning and Zoning Baltimore County Office Building Towson, 100 21204

Control of the second second second second

Re: Property Owner: Baltimore Gas and Electric Company

Location: S of Cockeys Mill Road by 2000 to 3600 feet and W. from I-795 and Stockedale Avenue, 12,745' to Carroll County Zoning Agenda: Meeting of 8/18/87 Item No.: 53

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or ____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A accord means of vehicle access is required for the site.
- () 3. The Vehicle dead end condition shown at
 - EXCENS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the Mational Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- (x) 7. The Pire Prevention Bureau has no comments at this time,

Market Carrier Commence of the Commence of the

Haltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21201



ZONING OFFICE

September 23, 1987



Item No. 53 Property Owner: Location:

Existing Zoning:

Proposed Zoning:

Area:

D'strict:

Coning Commissioner

County Office Building Towson, Maryland 21204

Meeting of August 18, 1987 Baltimore Gas & Electric Co. S of Cockeys Mill Road by 2000 feet to 3600 feet and W from I-795 and Stocksdale Avenue, 12,745 feet to Carroll County R.C.-4 Special hearing for the construction, operation and

maintenance of a 115 ky overhead electric transmission line, and to amend the previous hearing 71-253-X 158.52 acres 4th Election District

Dear Zoning Commissioner:

A field inspection was made of this site at the same time that an investigation of a recent fatal traffic accident was made, which occured on the curve of the Cockeys Mill Rd. frontage, where the driver lost control of the vehicle during rain on wet pavement on the curve and struck a BG & E pole on this site.

As a result of these inspections, it was found that the existing bank on the inside of the curve needs to be cleared and graded back in the area of the curve for 375 feet. This grading and clearing is between the two westernmost access points (as seen on the attached aerial photo) and will improve the sight distance for these access points. This grading will be needed to the ultimate right-of-way line which is 35 ft. off of the centerline of Cockeys Hill Rd.

In conjunction with this grading of the ultimate right-of-way, a drainage swall will need to be graded along the edge of the roadway also. A drainage swai! also needs to be graded another 500 ft. towards the east, along the existing bank in the areas where no swall exists.

At the time of application for permits, it is recommended that Cockeys Mill Rd. right-of-way be dedicated to Baltimore County a

Section 1A03-R. C.4 (WATERSHED PROTECTION) ZONES [Bill Nos. 98-75;

IA03.1-Findings and Legislative Policy. [Bill Nos. 98-75; 178-79]

The County Council finds that major, high-quality sources of water supply for the entire Baltimore metropolitan area and for other neighboring jurisdictions lie withi . Baltimore County and that continuing development in the critical watersheds of those water-supply sources is causing increased pollution and sedimentation in the impoundments, resulting in increasing water-treatment costs and decreasing water-storage capacity. The R. C. 4 soming classification and its regulations are established to provide for the protection of the water supplies of metropolitan Baltimore and neighboring jurisdictions by preventing contamination through unsuitable types or levels of development in their watersheds. [Bill Mos. 98-75;

1A03.2-Reseming by potition. [Bill Nos. 98-75; 178-79]

- No petition for reclassification of property in an R. C. 4 zone may be granted unless a registered professional engineer, architect, landscape architect, or land serveyor first certifies: [Bill Mos. 98-75; 178-79]
 - 1. That the percel of land under petition lies at least 200 feet from the property line of any public water reservoir; [8111 No. 178-79]
 - 2. That the parcel lies at least 300 feet from any 1st or 2ad order or greater stream that flows directly into a public water reservoir: [Bill No. 178-79]
 - 3. That the parcel lies at least 300 feet from any 3rd order or greater stream that flows directly or indirectly into a public water reservoir; [Bili No. 178-79]
 - 4. That no more than 30% of the percel has a slope of more than 20%; [Bill No. 178-79]
 - 5. That the parcel does not lie withinh 100-year floodplain; and [Bill No. 178-79]
 - 6. That, as shown by an environmental impact statement, the masser in which proposed reclassification will affect water quality in the watershed or any public water reservoir. [Bil! No. 178-79]

For the purpose of this subsection, streams are classified by order as shown on the map of stream orders adopted by the Planning Board on March 25, 1976. [Bill No. 178-79]

September 23, 1987

Zoning Commissioner County Office Building Towson, Maryland 21204

Item No. 53 Cont.

no cost, 35 ft. off of the centeline, with 20 ft. revertable slope easements.

Very truly yours,

Gregory K. Jones, P.E. Traffic Engineer III

GMJ:sb Attachment

cc. Pat O'Keif - Public Services M.S. 1301 John Slough - Highway Design M.S. 1204

1A03.3-Use Regulations.[Bill No. 98, 1975.]

A. Uses permitted as of right. The following uses, only are permitted as of right in R.C.4 zones [Bill No. 98, 1975.]

Parms, limited acreage, wholesale flower forms, estellite forms, and fermatten [Bill No. 98, 1975.]

34. Roblic schools, and privately spendered day care and normely propries for children before, during, and after copolar actent house as an ancillary reasing a capacit tuilding. (Bill No. 63, 1980; No. 47, 1982.)

Sec. 15:11 47-85

Telephone, telegraph, electrical-power, or other similar lines or othics-all underground; underground gas, water, or sever mains or storm drains; other underground cambrids except underground interstate and intercentinental pipe lines. [Bill No. 90, 1975.]

must be used or stored in accordance with the provisions of Persyraphs

b. Fermers' roadside stands (subject to the provisions of Section

d. Offices a studios of physicians, dentists, langers, architects,

some building as that serving as the professional person's

e. Parking spaces, including recreational vehicles (subject to

f. Swisming pools, tendis courts, garages, utility sheds or other

the provisions of Section 415A) [Bill No. 98, 1975.]

primary residence; dose not occupy more than 25 percent of the total firor area of that residence; and dose not involve the

employment of more than one non-resident employee. [8111 No. 98, 1975; No. 105, 1982.]

accessory structures or uses (subject to the height and area provisions for buildings as set forth in Section 400) [Rill No.

engineers, artists, musicions, or other professional persons, provided that any such office or studio is established within the

b, c, e, or f of Babaction 415.1 and Babaction 415.2m(1), an applicable [Bill No. 98, 1975.]

5. Trailers, provided that any trailer allowed under this provision

SA. Anternes used by CRTV systems operated by companies franchised under Title 2, Article VI, Division 2 of the Baltimore County Code 1978, if situated on property owned by the county, state or federal government or by a governmental agency. [Bill No. 220, 1981.]

6. Accessory uses or structures, theluding, but not limited to the

a. Macaraticas, uncontrolled [Mill Mp. 98, 1975.]

1. Dwellings, one-family detached [Bill No. 98, 1975.]

3. Open space, common (Bill No. 98, 1975.)

following: [Bill No. 96, 1975,]

404.6) 'BLIL No. 98, 1975.]

C. Nam occupations (Bill No. 98, 1975.)



Nev. 12/22

- 78. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians, or other professional persons as an accessory use, provided that any such office or studio is established within the size building as that serving as the professional person's primary residence; does not occupy more than 25 per cent of the total floor area of that residence; and does not involve the employment of more than one non-resident professional associate nor two other non-resident employees. [Bill No. 105, 1982,]
- 6. Public utility uses not permitted as of right, including underground interstate and intercontinental pipe lines (Bill No. 98,
- Riding stables [Bill No. 98, 1975.]
- 10. Shooting preserves including hunting and fishing preserves IBILL No. 98, 1975,]
- Shooting ranges, including, but not limited to, archery, pistol, skeet, trap, target (small hore rifle only) except that any such use existing at the time of date of enectment of this subsection may continue at the same level, provided that within 365 days of the enactment date of this legislation, they shall file for a use permit as prescribed under the now existing soming regulation Section 500.4 and turkey shoots (Bill No. 98, 1975,)
- 12. Trailers (subject to the provisions of Section 415.1d) (Bill No.
- 13. Volunteer-fire-company or ambulance-rescue facilities [Bill No.
- 14. Wireless transmitting and receiving structures, except that a radio antenna in conjunction with transmitting and receiving facilities used by a resident smatteur radio operator possessing an amateur radio operator's license issued by the Federal Communications Commission shall be considered an accessory structure, or, if attached to another structure, an accessory use, and, as such, is permitted without a special exception, provided: (a) that if it is an accessory structure, it shall be subject to the provisions of Section 400: (b) that if it is a rigid-structure antenna, it shall be no higher than 100 feet or the horizontal distance to the nearest property line, whichever is less, showe grade level, and no supporting structure thereof shall be closer than 50 feet to any property line; and, further, (c) that it does not extend closer to the street on which the lot fronts than the front building line. [Bill No. 98, 1975.]

98. 1975.1

Section 411 -PUBLIC UTILITY USES (B.C.Z.R., 1955.)

For public utility uses permitted only by Special Exceptions² in addition to the provisions of Section 502, the following regulations shall apply [B.C.Z.R., 1955.]

411.1—The use must be needed for the proper rendition of the public utility's service and the location thereof shall not seriously impair the use of neighboring property. [8.C.Z.R., 1955.]

411.2—In any residential zone in the Metropolitan District of Baltimore County, public utility buildings and structures, to the extent practicable, shall have an exterior appearance harmonious with the general character of the neighborhood, including architectural treatment, landscaping, screen planting and/or fencing, and plans therefor shall be approved by the Zoning Commissioner.

[8.C.Z R., 1955.]

411.3—Electric light and power transmission lines corrying more than 35,000 volts shall be governed by the following principles, standards, rules, conditions and safeguerds (in addition to the aforegoing): [B.C.Z.R., 1955.]

a. For the purposes of the control of the location and construction of such electric light and power transmission lines, there is hereby created an additional zone which shall conform to the present or future boundaries of the Metropolitan District of Baltimore County and be known as the Metropolitan Zone,³ Within the said Metropolitan Zone, but excluding Manufacturing Zones therein, the Zoning Commissioner or the Board of Zoning Appeals, upon appeal, shall have the power to require that such electric light and power transmission lines or portions thereof be located underground in cables or conduits. [8, C., Z. R., 1955.]

In the exercise of such power, the Zaning Commissioner and the Board of Zaning Appeals, ⁵ upon appeal, shall consider and be guided by the following factors and standards: [B.C.Z.R., 1955.]

(1) The crossing of much traviled highways or streets: \B.C.Z.R., 1955.!

(2) The proximity of the line to any school, church, theatre, club, museum, fair ground, race track or other place where persons may congregate; (B.C.Z.R., 1955.)

(3) The probability of extensive flying over the area and its general nearness to any airport: 18.C.Z.R., 1955.1

1. Section 410 repealed by Bill No. 140, 1962. 2. Thus (plural) in B.C.Z.R., 1955.

Thus (plural) in B.C.Z.R., 1955.
 Possibly conflicts with Paragraph 100.1.C.

Fossibly conflicts with Paragraph 100.1.C.
 Superseded by County Board of Appeals—see note 1, Section 401.

5. Superseded by County Board of Appeals -- see note 1, Section 401.

Form No. 4

Office of Public Service Commission

The preceding copy has been compared with the original

Proposed Order of Hearing Examiner in Case No. 7077 - In the matter of the application of Baltimore Gas and Electric Company for a Certificate of Public

Convenience and Necessity for the construction of a single circuit 115 FV

Transmission Line from its Northwest Substation, located on the south side of Cockeys Mill Road, 0.6 of a mile west of Reisterstown Road in Baltimore County, etc. on file in this office and I do HEREBY CERTIFY the same to be a correct transcript therefrom and of the whole thereof.

Wileses, my hand and the Seal of Office of the

Public Service Commission, at the city of

Baltimore, this

24th **day of**

one thousand nine hundred

November

and eighty-seven.

Secretary.

Rev. 12/82

Section 502-SPECIAL EXCEPTIONS [B.C.Z.R., 1955.]

(See Section 270-Schedule of Special Exceptions) (B.C.Z.R., 1955.)

NOTE: Certain types of uses are required to secure a permit to allow them to be placed in one or more mones in which their uncontrolled occurrence might cause unsatisfactory results of one kind or another. A few uses, such as dumps and junk yards, are inherently so objectionable as to make extra regulations and controls advisable even in the N.H. Bone, to which they are restricted. Others, like a cometery, do not fit into any of the mone categories, that is, residential, business, and industrial, and therefore must be located with discrimination in relation to their surroundings. All the items listed are proper uses of land, but have certain aspects which call for special consideration of each proposal. Because under certain conditions they could be detrimental to the health, safety, or general welfare of the public, the uses listed as Special Exceptions are permitted only if granted by the Boning Commissioner, and subject to an appeal to the Board of Boning Appeals.

[B.C.S.R., 1955.]

In oranting any Special Exception, the Soning Commissioner and the Board of Soning Appeals, upon appeal, shall be governed by the following principles and conditions. (B.C.E.R., 1955.)

502.1-Before any Special Exception may be granted, it must appear that the use for which the Special Exception is requested will not: [B.C.Z.R., 1955; Bill No. 45,

a. Be detrimental to the health, safety, or general welfare of the locality involved; [8.C.Z.R., 1955.]

b. Tend to create conquestion in roads, streets or alleys therein;
[B.C.I.R., 1955.]

c. Create a potential hazard from fire, panic or other dangers;

(B.C.I.R, 1955.)
d. Tend to overcrowd land and cause undue concentration of population;

[B.C.I.R., 1955.]
e. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, m. wentences,

or improvements; [B.C.Z.R., 1955.]

f. Interfere with adequate light and air; [B.C.Z.R., 1955, No. 45, 1982.]

q. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these

Zoning Regulations; nor [Bill No. 45, 1982.]

h. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations. [Bill No. 45, 1982.]

Superseded by County Board of Appeals—see note 1, Section 401.
 Superseded by County Board of Appeals—see note 1, Section 401.

PUBLIC SERVICE COMMISSION

ORDER NO. 67854

IN THE MATTER OF THE APPLICATION OF BALTINGRE GAS AND BLECTRIC CONPANY FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND MECESSITY FOR THE CONSTRUCTION OF A SINGLE CIRCUIT 115 KV TRANSPUSSION LINE PROM ITS MORTHWEST SUBSTATION, LOCATED ON THE SOUTH SIDE OF COCKETS MILL BOAD. 0.5 OF A MILE WEST OF HELSTERSTUDEN ROAD IN BALLTHURE COUNTY. IN A WESTERLY DIRECTION upproximentally 9.5 Miles to liberty PROAD THEM IN A SOUTHWASTERLY DIFFECTION APPROXIMATELY 1.3 MILES ALONG LIBERTY ROAD THEN IN A SCUMMESTIFILY DIRECTION APPROXI-PARTIELY 0.7 OF A MILE TO ITS WHITE MOCK SURSTATION LOCATED APPROXI-MATELY 0.2 OF A MILE MEST OF WHITE ROAD IN CAPROLL COUNTY.

ECTRIC COMPANY PUBLIC SERVICE COMMISSION
OF PUBLIC OF MARTIANO
ESSITY FOR THE
SINGLE CIRCUIT *
LINE FROM ITS
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COCKEYS MILL
MILE WEST OF *
IN BALITHORE
MEN DIRECTION *
LES TO LIBERTY SOUTHEASTERLY *
THEN IN A *
THOM APPROXICE TO ITS WHITE *

CASE NO. 7977

BEFORE THE

PROPOSED OFFICER OF HEARING EXHIBITION

Appearences:

Nartha A. Delea, for Baltimore Gos and Electric Company.

Carla G. Pettue, for the Staff of the Public Service Commission.

Erics J. Pieher, for the Office of People's Counsel.

Robert R. Clarks, pro se.

notere n. custas, pro se-

larry Helminiak, pro se.

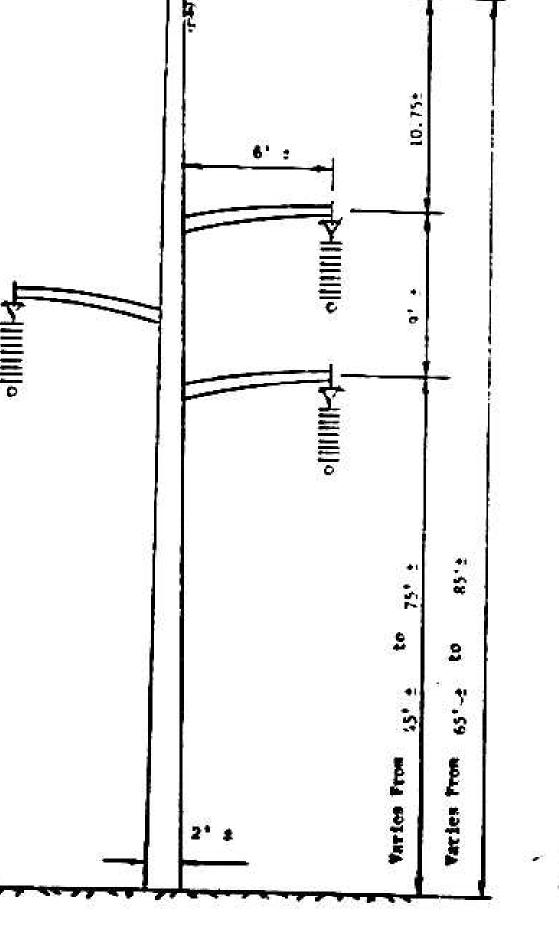
William O'Brien Pinch, pro se.

This case comes before the Commission by Application filed by the Baltimore Cas and Electric Company (hereinafter referred to as "BOAR" or "Company") on August 12, 1986. The Application requests a Certificate

Petitiona's

AUG 25 16C." PLINUC SERVICE COM'N OF MATCHING TYPICAL CIRCUIT

STRAIGHT LINE POLE



- l'étitionen's

KOT TO SCALE

STATE OF MARYLAND PUBLIC SERVICE COMMISSION

of Public Commentence and Necessity, pursuant to Section 54A of The Public Service Commission Law, ("the PSC Law") for the overhead construction of a single circuit 115 kV transmission line in Baltimore and Carroll Counties, Maryland as more specifically set forth in the caption of this proceeding.

According to the Application, 10.2 miles of the proposed new 115 kV transmission line will be located on the Company's existing transmission line rights-of-way and the remaining 1.3 mile portion will be constructed on private property on a new right-of-way (to be acquired by the Company) adjacent to Liberty Road in Carroll County. The transmission line will use a combination of steel and mood pole structures.

The Application further states that the estimated cost of the project is \$3,457,300 of which \$3,387,300 will be expended for the transmission line and an estimated \$70,000 for property rights and/or land acquisitions. In addition, the estimated cost of substation work associated with the project is \$2,212,700. The project, according to the Application, will be financed as an integral part of the Company's total construction program in the same manner as other additions to the Company's familities are financed. This includes internally generated funds, short-term borrowings and the issuance of securities. The estimated effect of the project will be to increase the average armual operating, maintenance, depreciation expenses and taxes (other than income taxes) by a total of \$172,090.

- 2 -

1/ Mi. App. Code art. 78 (1984 Cam. Suppl.).

PETITIONER(S) SIGN-IN SHEET

NAME	ACCRESS
Kleent Hoffman	210 Alleghena For
Martho Delea	25-E = 0. 50, +15 talfu. 14.2110
John Howard	XXV Alleghan Apre
Es. Schulte Jr	B-19 1471 Ballo Md. 4005
W. A. REITER JA	10 - Lucres de hie 21228
L. A. RECTANUS Lyer	P.C. Bux 1475 Bacyo Mo 21203
T.N FISHER JR	<u></u>
	

STATE OF MARYLAND
PUBLIC SERVICE COMMISSION

The Application notes that the proposed transmission line is needed to make firm the existing master substation at White Rock and alleviate the substandard voltage levels occurring during emergency conditions at the Liberty substation. The project will reinforce the 115 kV transmission supply to the Carroll County portion of the Company's electric system, eliminate equipment overloads during emergency conditions and electrical flow problems during normal operation, according to the Application. Thus, the project will improve reliability in the Carroll County portion of EG&E's electric system by providing a second supply circuit to the White Rock substation.

Pinally, the Application states that one alternate route for the proposed transmission line was considered and rejected by the Company. The route is basically the same as the route being proposed except that a portion of it would use the Company's 115 kV transmission line right-of-way located between London Bridge Road and Liberty Road that supplies service to Colonial Pipeline Company's facilities and the White Rook substation. This route was rejected because the Company would not be able to obtain the necessary outages on the existing 115 kV transmission like that are needed during construction of the new line.

By letter dated December 15, 1986, the Department of Natural Resources ("DRR") forwarded its initial recommendations to the Commission with respect to BOSE's application. According to the letter, DRR recommended that, given desconstruction of need, a Certificate of Public Convenience and Macessity be granted subject to the following conditions:

STATE OF MARYLAND PUBLIC SERVICE COMMISSION

- The sedimentation and erosion control plan which must be approved by the Baltimore and Carroll Soil Conservation Districts shall include provisions for seeding and mulching in the vicinity of all waterway crossings.
- 2. Construction within the floodplain of Norris Run shall not be permitted between October 1 and April 30.
- 3. The location of atructures at each waterway crossing shall be reviewed by the Department of Natural Resources. This shall be coordinated through the Power Plant Research Program after the preparation of final engineering plans.
- 4. Right-of-way clearing within 100 feet of each waterway crossing shall be conducted by hand labor.
- With the exception of danger trees, no vegetation within 100 feet of any waterway shall be removed. Any exceptions to this must be approved in writing by the Department of Natural Resources.
- 6. Prior to beginning construction, the applicant shall obtain a temporary waterway construction permit from the Water Resources Administration.
- 7. The applicant shall conduct an archeological survey of the proposed route, submit the results to the State Archeologist for review prior to construction, and take reasonable steps necessary to protect any significant archeological resources identified.

With regard to recommendation No. 2 above, the letter noted:

Much of the proposed route, particularly in the vicinity of materialy crossings, is characterized by steep terrain. Because of this, erosion and sediment control is of particular concern along the route. This is especially true in the vicinity of Norris Run, which is a Class III stream (Natural Trout Waters) supporting a population of native brook trout. The Department is therefore recommending that construction in the floodplain of this stream not be permitted from October 1 through April 30.

- 4 -

STATE OF MARYLAND PUBLIC SERVICE COMMISSION

Nr. Rectanus also testified that the proposed project is not in line with or is not within one mile of any public airport runway. He also stated that the project will not have any effect on air or water quality nor radio and television reception. Further, there are no historic or archeological sites within the vicinity of the proposed transmission line. Finally, introduced into evidence through this witness, were letters from various state agencies which indicated that the project would not be inconsistent with the individual agencies' plans.

The next witness for BG&E was John E. Ringsdorf, Jr., supervisor of plant accounting records. The witness estimated the following effect upon the Company's average armual expenses and taxes: operating expenses will increase by \$1,532; maintenance expenses will increase by \$17,653; depreciation expenses will increase by \$104,905; and taxes other than income taxes will increase by \$48,000. The total net estimated average armual increase in expenses is \$172,090. Mr. Ringsdorf stated that the project will be financed by internally generated funds, short-term borrowings and the issuance of securities, the nature and amount of which are not known and will be dependent upon market conditions and certain other factors existing at the time of issuance.

The final witness for BGME was Walter A. Reiter, Jr., a real estate appraiser retained by the Company to inspect the route of the proposed transmission line and the general vicinity and to present testimony regarding his findings.

Regarding the 1.3 mile portion of the line that will require acquisition of new rights-of-way, the witness stated that 13 properties will be crossed. The witness noted that where the proposed line weers off

STATE OF MARYLAND PUBLIC SERVICE COMMISSION

A hearing on the proposed transmission line was held on December 15, 1986, in Mestminster, Maryland after due notice was published in newspapers in general circulation in the area which would be affected by the project. Persons coming land which would be crossed by the transmission line were notified by certified mail of the date, time and place of the hearing. The County Countissioners of Carroll County and the Baltimore County Executive and County Council, the local governing bodies of the area in which the project would be located, did not participate in the hearing. By letter dated October 27, 1986, the President of the Board of Carroll County Commissioners noted to this Hearing Examiner that the County's Planning Commission had reviewed the proposal and had no objection to its implementation. By letter dated November 3, 1986, the Baltimore County Executive noted to this Hearing Examiner that the petitioner should be advised that a Special Exception will be required through the zoning process.

At the hearing, four witnesses testified in support of the Company's Application. The first witness was Edward J. Schultz, Jr., who stated that he is a senior engineer in the planning unit of the distribution and transmission engineering department. His major duties are to plan the subtransmission system and mester substations.

Mr. Schultz testified that the proposed transmission line was necessary in order to make firm the Company's White Rock master substation. In explaining this point further, Mr. Schultz testified that BGE's normal installation at a master substation requires two transmission lines and two transformers to supply the electrical load. This is so that if either transmission line or transformer is lost, the load could be

- 5 -

STATE OF MARYLAND

PUBLIC SERVICE COMMISSION

from the existing 500 kV line there are two unimproved parcels of land that are soned industrial restricted. The next property crossed by the proposed line is a small right-of-way entrance to the Carroll County Oun Club. Next the proposed line passes by four lots in an industrial park each one being soned industrial restricted. Two of those lots are developed and two are undeveloped. The line passes within a 50-foot building setback and also within an area reserved for utilities according to the witness. Next, the line passes over two properties soned business general, both of which are vacant. After that, the line passes over a residential property but there are no trees in the area and the residence is well set back from the road. Pinally, the line crosses to the south side of Liberty Road and continues along a farm property soned conservation, then passes in front of another residence and another farm property. At this point, the line turns southerly down along the existing Columbal Pipeline right-of-way.

In the concluding opinion of Mr. Reiter, none of the 13 properties will be impacted. In explaining further, Mr. Reiter noted that in the after situation, none of the remainders will suffer any loss in market value.

Mr. Richard Hollis, Staff Regimer with the Commission since 1971, testified for the Commission's Staff. In his pre-filed testimony, Mr. Hollis noted that the proposed line will provide a second source of 115 MV power into the White Rock substation. The witness stated that without a second 115 MV line, an outage of the existing 115 MV line into White Rock will result in unscomptably low voltages in the White Rock area

PUBLIC SERVICE COMMISSION

carried on the remaining transmission line and transformer. Currently, the White Hock master substation has a single transformer supplied by an existing single 115 kV line. The consequences of not installing this transmission line, according to Mr. Schultz, will be substandard voltage levels in the Elderaburg/Sykesville area, as well as damage to MGAE facilities resulting in longer term outages to the customers in the area. In concluding, Mr. Schultz stated that the proposed project will have no solverse impact on system stability, but will increase reliability considerably to the Sykesville/Elderaburg service area.

The next witness to testify was Lawrence A. Rectanus, a principal engineer in the distribution and transmission engineering department responsible for the routing and design of overhead and underground transmission facilities.

Ar. Rectamus explained that the Company proposes to construct a single circuit 115 kV line from its northwest master substation in Baltimore County, Maryland in a westerly direction 2.7 miles along the southern property line of its existing 500 kV transmission line to the Baltimore/Carroll County line and then continuing along the edge of the existing 500 kV transmission line an additional seven and a half miles to Liberty Road. At that point, it would then follow the north side of Liberty Road for approximately eight-tenths of a mile. Then it would cross over Liberty Road to the south side for approximately half a mile, then intersecting an existing 115 kV transmission line right-of-way, and in a southwestly direction, continue seven-tenths of a mile adjacent to the existing 115 kV line to the Company's White Rock substation.

-6-

STATE OF MARYLAND PUBLIC SERVICE COMMISSION

According to the witness, the line would typically be a single pole attructure made of either wood or steel varying in a height from 65 to 95 feet. The minimum ground clearance of the line will be 30 feet.

In describing the type of tree clearance proposed by the Company, the witness stated that selective clearing would be done along the route maintaining clearances below and adjacent to the line. The Company will trim, tap or cut any danger trees which might fall upon the line.

Mr. Rectanus also stated that one alternate route was extensively studied and subsequently rejected for a number of reasons. The alternate route is the existing 115 kV line right-of-way which currently supplies White Rock substation and the Colonial Pipeline distribution station at Morgan. The primary reason this alternate route was rejected was because the Company would not be able to obtain the necessary outages on the existing 115 kV line that are needed during construction of the new line. Secondly, the witness pointed out the severe disruction and inconvenience that would occur to residents in several developments that the existing right-of-way now traverses. The existing right-of-way is being utilized by these residents as tack yards. play areas, garden plots and so on. Finally, the clearing that would be necessary to build new roads and gain access to the ight-of-way for construction would increase soil and sedimentation erosion control concerns. Thus, in conclusion, in the opinion of the Company, the proposed route would affect a lesser number of people and would cause less environmental impact to the area.

- 7 -

STATE OF MARYLAND PUBLIC SERVICE COMMISSION

by as early as 1988. Testifying further, Mr. Hollis stated that the Harrisonville and Pinksburg substations now provide 34.5 kV emergency backup supply for the White Rock load, that is, certain 34.5 kV feeders from these two substations supply emergency power to customers served by White Rock in case the existing 115 kV line supply is interrupted. By 1988 these feeders will not be sufficient to provide such emergency supply. A second 115 kV circuit into White Rock substation will relieve this potential overload scenario.

Mr. Hollis further testified that the existing 115 kV line from Deer Park into White Rock substation provides power to the White Rock substation which is them stepped down to subtrememiasion and distribution voltages for the Company's retail oustoners. In addition, this line supplies power to the pumping and distribution facilities of the Colonial Pipeline Company on Norgan Run Road in Carroll County. The witness noted that the Colonial Pipeline facilities do not have an alternate source of power. He stated that according to the Company, the Colonial Pipeline load represents too large a load to be served by the 34,5 kV feedere which provide energency back-up supply for the White Rock area. Continuing. Mr. Hollis testified that with a second 115 kV line into the White Rock substation, an outage can be sustained on either 115 kV line without interrupting power into the Colonial Pipeline facilities. Also, the additional line will serve as an alternate source to allow maintenance on either line without disruption to Colonial Pipeline, according to the witness. Mr. Hollis noted, however, that Colonial Pipeline will remain susceptible to interruptions from cuteges on the dedicated part of the 115 KV line from White Rook to the Colonial Pipeline facilities.

STATE OF MARYLAND PUBLIC SERVICE COMMISSION

Next, Mr. Hollis expressed his concern over the fact that the center line of the pole route will lie three feet from the edge of State Highway property, along the Liberty Road portion of the proposed route. Mr. Hollis noted that placement of the line on structures so close to Liberty Road raises concern as to its vulnerability to vehicular accidents. Thus, he suggested that if the proposed line routing is approved that the Company be required to determine the feasibility of erecting vehicular barriers at those pole locations which are susceptible to accidents.

Pinally, Mr. Hollis recommends approval of the Company's Application, but he also recommends that the Company be directed to study the feasibility of a line routing along floute 850 as opposed to Route 26.

Essentially, Mr. Hollis suggests this routing change for several reasons set forth as follows:

- a) There will be a reduction in the visual impact of this line to vehicular traffic along Route 26, particularly in the section between Dorsey Crossroads and the intersection of Routes 26 and 850.
- b) There will be a reduction in the vulnerability of the pole structures to vehicular accidents. Route 850 serves local traffic.
- c) The Company's distribution lines in this area are routed along the original or older part of Liberty Road. This routing will permit both the proposed transmission line and the existing transmission lines to be ; laced on a common corridor. It may be possible to place all these lines on a common pole structure as well. In fact, the Company currently uses structures with both types of circuits.

PUBLIC SERVICE COMMISSION

The final witness to testify in this proceeding was Mr. William O. Pinch, Jr., Chairman of the Board of O'Brien Holding Company. O'Brien Holding Company is a family-comed corporation whose shareholders are comprised of Mr. Pinch and his brothers and sister. The O'Brien Holding Company owns one of the four lots over which the line will pass (described by Mr. Reiter in his testimony above) in the new industrial park located on the north side of Liberty Road just west of Klees Mill Road.

Mr. Finch objects to the routing of this line passing by his property for several reasons. In his opinion, the visual impact of the line will be obtrusive when advertising his business. He also expressed his belief that the line will detract considerably from the sesthetic value of his lot. While noting that he does not question the need for a new transmission line in the area, Mr. Pinch argued that the Company should be required to use the alternative route within its existing easement along the 115 kV Deer Park-White Rock line which lies between London Bridge Road and Liberty Road thereby avoiding any impact upon commercial builders or homeowners either on Liberty Road or Boute 805. Mr. Finch further noted his objection to Witness Rectanus' testimony that to use this alternative route would inconvenience existing homeowners and would necessitate construction of a maintenance road over their properties. Mr. Finch argued that since these reasons against the alternative route were not articulated in BG&E's application, the Commission should not consider them because he was not prepared to respond to them. He stated his belief that the Company had not fully explored the alternative route, and should therefore be directed to do so.

- 12 -

STATE OF MARYLAND PUBLIC SERVICE COMMISSION

As noted hereinabove, Mr. Hollis cited three reasons for suggesting the routing charge. The first reason is that there will be a reduction in the visual impact of the line to vehicular traffic along Route 26. However, the alternative route along Route 850 will increase the visual impact of the line not only to vehicular traffic along that route, but to numerous residences as well. The record reflects that approximately 21 residential homes are located on the stretch of Route 850 suggested as an alternative route by Staff. Considering this fact, I find that the proposal route along Route 26 is the least intrusive visually and therefore the preferable choice.

Mr. Hollis' second reason for suggesting the alternative route is that there will be a reduction in the vulnerability of the pole atructures to vehicular accidents since Route 850 serves local traffic. However, the record indicates that pole atructures built along Route 850 would only be approximately 8 to 9 feet from the paved roadway as opposed to the approximate 30 foot offset for poles along Route 26. The reason the poles are required to be so close to Route 850 is due to the fact that several of the residences are located only 20 to 30 feet off the paved roadway. Thus, while there may be less vulnerability of the pole atructures on Route 850 to vehicular accidents because of the possibly alover, less voluminous local traffic, logic dictates that vulnerability nevertheless increases due to the closer proximity of the pole atructures to the roadway.

Staff's final reason is that since the Company already has distribution lines along this alternative route, the proposed transmission line can be placed in the same common corridor, perhaps even using a

PUBLIC BERVICE COMMISSION

Mr. Pinch's final objection is that the PSC Law requires an application for a project such as this to be filed two years prior to commencement of construction unless good cause is shown otherwise.

Pinally, written comments were submitted by several affected property owners all of whom protested the proposed routing of the line over their respective properties. It is also noted that by letter dated January 19, 1987 DMR forwarded its final recommendations to the Commission with respect to BUSE's application. In its letter DMR reaffirmed its preference for the Applicant's proposed route. However, DMR withdrew its initial recommendation number 7 that an archeological survey of the proposed route be conducted to be replaced with the following:

7. Because no known or predicted archeological resources will be affected by this project an archeological survey is not required. If, however, archeological resources are encountered during construction, the Maryland Geological Survey, Division of Archeology should be notified immediately.

In addition, by letter dated January 29, 1987, the U.S. Pish and Wildlife Service ("FMS") recommended numerous conditions regarding Wetlands and Vegetation Removal which it fe't should be incorporated in the construction plans of BGAE. On Narch 16, 1987, EGAE responded by letter to FMS's recommendations noting that while it finds the wetlands recommendations acceptable, the recommendations concerning vegetation removal will pose service problems.

- 13 -

PUBLIC SERVICE COMMISSION

Reiter noted several significant problems with this alternative route.

Nr. Rectanus testified that:

We have numerous concerns relative to the Staff recommendation. The first concern involves the extension of the line adjacent to the 500-kV line south of point B or across Liberty Road. This area is an interchange, future interchange area for the proposed widening of Route 26. And at the present time we are in the process of relocating several of our facilities because the state and federal governments have adopted policies of not permitting lines to remain inside of right-of-way lines of through highways.

So that our feeling is that if we were to continue directly through that interchange at this point in time, if we were able to get the state's permission, and we would question as to whether they would give us that permission at this time, but if we were to do that, we feel that it is just a question of time until we would be required to relocate that line out of the state highway right-of-way. So that our first concern would be that we feel as though from point B we would still have to bring the line in an costorly direction three feet off the state road right-of-way down to Liberty Road as we are currently planning on doing. At that point we would then head south across Liberty Road and if we would go straight across Liberty Road, we would have to go through some properties that are residential homes in order to get down to the distribution line that is on Route 850.

The other possibility is to confirms to go around the state road right-of-way back to the 500-kV line which would move our line — in other words, we would come 800 feet east, go around the interchange, 800 feet wast down to 850 and then head east again. That would lengthen the line. It would increase the number of poles. It would increase the angles. It would increase the cost. We feel that there would be little benefit derived from that.

Once you get down to 850 the question then is one of rebuilding the existing line for 115-kV with the underbuild that is there. So you have the conserns of mintaining the service, maintaining those existing circuits that are there. The constructability of

PUBLIC SERVICE COMMISSION

Discussion and Findings

In determining whether a certificate of public convenience and necessity shall be granted, the Commission must give:

... due consideration of ... [the local] governing bodies, the need to meet present and future demands for service, effect on system stability and reliability, economics, aesthetics, historic sites, aviation safety as determined by the State Aviation Administration and the administrator of the Federal Aviation Administration, and, when applicable, the effect on air and water pollution.

According to the uncontroverted evidence on the record, the proposed transmission line is necessary in order to make firm the existing master substation at White Rock and alleviate the substandard voltage levels occurring during emergency conditions at the substation, as well as damage to BGAE facilities resulting in longer term outages to customers in the Eldersburg/Sykesville area.

Regarding the proposed project's effect on system stability and reliability. Company witness Schultz stated that the line will have no adverse impact on system stability, but will increase reliability considerably to the Eldersburg/Sykesville area.

The economics of the proposed project, as described by Company witness Ringadorf, appear to be reasonable. The Company's testimonial evidence that there will be no adverse impact upon historic sites,

- 14 -

PUBLIC SERVICE COMMISSION

aviation safety and air or water quality was not controverted. Except for the concern expressed by several property owners and Mr. Hollis regarding the route of the proposed line along Houte 26, there was no evidence that the proposed project will have an adverse impact upon sesthetics. Letters from various state agencies introduced into evidence indicated that the project would not be inconsistent with the individual agencies' plans. No recommendations were received from the local governing bodies of Baltimore and Carroll Counties, but, up... review, Carroll County's Planning Commission had no objection to the Company's proposal.

being vulnerable to vehicular accidents is obviously well-meaning, there is no record support for any action to be taken. Company witness Rectanus testified that the pole structures along Liberty Road will be approximately 25 to 30 feet from the edge of the roadway. Nothing in the record indicates that such a distance from the roadway causes a pole structure to be more or less vulnerable to vehicular accidents. In the Examiner's opinion, a bare expression of concern by a party does not require an action to be taken unless that concern is supported by sufficient evidence in the record or, by its very nature, requires some action to be taken. Accordingly, Staff's suggestion to require the Company to determine the feasibility of electing vehicular barriers is denied.

With respect to Staff's recommendation that the Company study the alternative of routing the proposed line along Route 850 as opposed to Route 26, I find that the record evidence is persuasive that the alternative is not in the public interest and, therefore, such a study is unnecessary.

- 15 -

PUBLIC SERVICE COMMISSION

that line would be difficult because of maintaining the service. And as I have already testified, Route 850 is a 20-foot wide roadway. There are no shoulders on the road. So that any construction equipment or any equipment at all that is on the road is seriously going to hamper any traffic that exists on that road at that point in time.

As I have testified, there are six homes on the north side. There are approximately 15 homes and a garage on the south side. It is a residential area. The south side is totally wooded, heavily wooded. The north side has a few trees which would be impacted by this line. But we would have an impact on approximately 21 residential units west of Riess Mill Road. East of Riess Mill Road we would have the same problem in maintaining the service, the constructability of the line if we would follow the Staff's request.

In addition to that, east of Kleen Mill Road the existing distribution line is within the state road right-of-way, the future taking. So that as a result that when Maryland Route 25 is dualised, we would be required to move as will our distribution facilities be required to move. It is on the north side of the old road which in essence has been abandoned because of the new road and is used as a service road. But that line and that old road is in the future lane of dualised Route 26. So that for us to rebuild in that area at this time we feel would be of little value because we would have to ultimately move and we would be back for another commission certificate at a later

So that we feel that the constructability is a problem. We feel that the line west of Klees Mill Food would be approximately eight feet off the traveled way. We don't feel that is a sufficient expent of clearance.

Mr. Reiter testified that:

Sr. in the route proposed by Mr. Hollis you have 19 instead of 13 properties and you have I would say six to eight properties that could suffer demage in the remainder as opposed to none in my opinion in the company's proposel.

3/ See Transcript pages 37 through 40.
5/ Man. et p. 106.

STATE OF MARYLAND

In summary, the witness stated:

Well, in my opinion, and of course mine is limited to the real estate aspects of it only, there is no question that as it affects real estate the line is better placed along the line proposed by the Company to it is along the line proposed by Mr. Hollis.

Therefore, after careful consideration of the record evidence, I find that the Company's proposed route is clearly preferable to Staff's suggested alternative route. Additionally, based upon the testimony of Company witnesses Schultz, Rectarus and Reiter, I find that the Company's proposed route is clearly preferable to the alternative route within its existing essensent along the 115 kv Deer Park-white Rock line which lies between London Bridge Road and Liberty Road. As made clear by the Company witnesses, the proposed route would affect a lesser number of people, cause less environmental impact to the area and result in less disruptive outages during its construction, than the alternatives suggested.

In sum, after due consideration of the various factors set forth in Section 54A of the PSC Less, it is my finding that the construction of the 115 kV transmission line, as proposed in this proceeding, is in the public interest.

The conditions for granting the Certificate which were recommended by the DMR were not contested by the Company; since they appear to be resconable they will be accepted. PMS's wetlands

^{2/} Md. Arm. Code art. 78, 5 54A (1984 Cum. Supp.)

^{5/ 10.} at p. 110.

STATE OF MARYLAND PUBLIC SERVICE COMMISSION

recommendations were not objected to by the Company and they also will be accepted. However, after considering the Company's response to PMS's vegetation removal recommendations, I agree with the Company that its proposed plans are a more acceptable solution in light of the service problems posed by PMS's recommendations.

with regard to Mr. Pinch's objection that the PSC Law requires an application for a project such as this to be filed two years prior to commencement of construction unless good cause is shown otherwise, I find that good cause was shown by the Company through witness Schultz's testimony, and the two-year provision is, accordingly, waived.

- As a final matter, several property owners expressed concern both orally and in writing as to the effect of the proposed project upon the use and/or value of their property. It is the Examiner's sincere hope that the concerns of these property owners are satisfactorily resolved by the Company during negotiations for purchase of easements and rights-of-way. It should be noted, however, that the courts of Maryland are the final determiner regarding the issue of just compensation.
- IT IS, THEREFORE, this 24th day of July, in the year Nineteen Hundred and Eighty-seven,
- ORDERED: (1) That a Certificate of Public Convenience and Necessity be granted to the Baltimore Gas and Electric Company for the construction of a 115 kV transmission line along the route set forth in the Company's Application.
- (2) That the following conditions are made part of the said Certificate of Public Convenience and Necessity:

- 20 -

53

Descriptions for Zoning Special Exception Baltimore Gas and Electric Company Transmission Line Right-of-Way.

All that existing fee-simple right-of-way 200 feet wide, lying and being in the 4th Election District of Baltimore County, State of Maryland, the centerline of which is described as follows:

Beginning for the same in the centerline of an existing strol tower transmission line, at a point in the southermost outline of Baltimore Gas and Electric Company's Northwest Master Substation, said point being distant 1450' more or less measured in a westerly direction along said southermost outline from its intersection with the centerline of the 150' wide right-of-way formerly Ganed by I sequebases Transmission Company of Maryland, now Baltimore Gas and Electric Company; said point of beginning also being located from the centerline of Cockeys Mill Road 5 04' 17' 00" E-2017.69' and 5 81' 23' 50" E-40' more or less measured along the westermost and southermost outline respectively of said substation; thence running with said centerline the two following courses and distances: \$ 37' 02' 00" W-695' more or less, and \$ 67' 02' 00" W-1250'; thence continuing to run with said existing centerline N 82' 58' 50" W-6750.59' crossing Old Goree Mill Road to a point distant N 89' 30' 40" E-230' more or less, measured along said existing centerline from the center of Ivy Mill Road; thence continuing to run with said centerline, crossing said road, \$ 89' 30' 40" W-4050' more or less to the middle of the Petapaco River, said River being the dividing line between Baltimore and Carroll Counties.

Saving and excepting those easement portions of the above 200' wide right-of-way crossing the property of the Mayor and City Council of Baltimore, the centerlines of which are described as follows:

- 1. Beginning for the same in the centerline of an existing steel tower transmission line, at a point in the easternment outline of the property of the Mayor and City Council of Baltimore, said point of beginning being located M 89 30' 40" E-230' more or less and S 82° 58' 50" E-380' more or less measured along said existing centerline from the center of Ivy Mill Road, thence running with said existing centerline M 82° 58' 50" M-380' more or less and S 89° 30' 40" M-2160' more or less, crossing said road to the southeastern outline of the property of W. F. Neyser.
- 2. Beginning for the same in the centerline of an existing steel tower transmission line, at a point in the southwestern outline of the property of W. F. Keyser, said point of beginning being located \$ 89° 30° 40° W-3140° sore or less measured along said existing centerline from the center of Tvy Mill Road, thence running with said existing centerline \$ 89° 30° 40° W-665° sore or less to the middle of the Petapaco River, said River being the dividing line between Baltimore and Carroll Counties.

The courses in the above described Percels are referred to the State of Maryland Grid Meridian.



PUBLIC SERVICE COMMISSION

- a) The sedimentation and erosion control plan which must be approved by the Baltimore and Carroll Soil Conservation Districts shall include provisions for seeding and mulching in the vininity of all waterway crossings.
- b) Construction within the floodplain of Norris Run shall not be permitted between October 1 and April 30.
- c) The location of structures at each materway crossing shall be reviewed by the Department of Natural Resources. This shall be coordinated through the Power Plant Research Program after the preparation of final engineering plans.
- d) Right-of-way clearing within 100 feet of each waterway crossing shall be conducted by hand labor.
- e) With the exception of danger trees, no vegetation within 100 feet of any waterway shall be removed. Any exceptions to this must be approved in writing by the Department of Natural Resources.
- f) Prior to beginning construction, the applicant shall obtain a temporary waterway construction permit from the Water Resources Administration.
- g) Because no known or predicted archeological resources will be affected by this project an archeological survey is not required. If, however, archeological resources are encountered during construction, the Maryland Geological Survey, Division of Archeology should be notified immediately.
- h) Some of the forested wetlands within the workplan area have a seasonal or temporary water regime. It is important that work performed in these areas is scheduled only during dry periods.
- No excavated material will be stockpiled within intermittent streams or other wetlands.
- Seeding and mulching should immediately follow soil exposure.

- 21 -

QUALIFICATIONS

Walter A. Reiter, Jr., J.D., A.S.A.

Appraisers' Society

Member - Maryland Bar

Loyola College - B.S. Degree

University of Maryland Law School -

Senior Member - American Society of

Member - Baltimore and Howard Counties

- Real Estate Appraiser, 1967 to present

Circuit Courts of Baltimore City & County,

Harford and Anne Arundel Counties

years -Real Estate and Appraisal

- AIREA - Courses I, II and Industrial VII

American Society of Appraisers - Going

Maryland Chapter - President and

Baltimore County Appraisers' Society -President and Director

Real Estate Board of Greater Baltimore -

Yorkridge Calvert Savings & Loan Assn. -

Allied, Agrico and Lebanon Chemical

Executive Committee and Director

Premium Savings and Loan Assn. - Vice

Society of Real Estate Appraisers -

Maryland Association of Realtors -

Howard, Frederick, Washington, Carroll,

Real Estate business since 1958

- The Johns Hopkins University - 12

AIRRA - Condemnation - Mock Trial

- U.S. Pederal Court (bankruptcy)

- Georgetown University

J.D. Degree

Appraisers

Principles

Director

Director

Plants

Towson State University

Business Evaluation

- American Society of Appraisers.

Director and Treasurer

President and Director

Rennemberg Industries

Advisory Director

Real Property Consultants, Inc. —

EDUCATION

CERTIFICATION

<u>EXPERIENCE</u>

INSTRUCTOR

CONTINUING

OFFICER OF

APPATELLE IN

CUALIFIED AS EXPERT WITNESS

STATE O MARYLAND

order of the Commission on August 25, 1987, unless before that date an appeal is noted with the Commission by any party to this proceeding, as provided in Section 20(c) of The Public Service Commission Law, or the Commission modifies or reverses the Proposed Order or initiates further proceedings in this matter as provided in Section 86(d) of The Public Service Commission Law.

Thomas E. Dewberry
Hearing Examiner
Public Service Commission of Maryland

HA. MORE COUNTY, MARYLAND

V SELLANEOUS CASH RECENT

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MIS 25 1987 PLULIC SERVICE CUM'N OF MARYLAND

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- 22 -

Western Electric
Maryland Shipbuilding & Drydock Company
Seagirt, Dundalk, South Locust Point,
Port Covington, Seland, Rukert Marine
Terminals
Ashland, BP, Gulf - BWI, Exxon Dundalk Marine Terminals

Industrial Sites -Camden Yards Union Stock Yards Brandon Shores Park

Leakin Park
Solley Road Energy Park
Fort Carroll Island

Railroads Penn Central Railroad
Chessie System
Several short lines
Busway

- Rasements - conservation, aerial, subterranean, surface, construction, perpetual, temporary Tenancies - life estates, leasehold interests Large industrial complexes - various uses Marine terminals Railroads - right-of-way, marshalling yards, terminals Large undeveloped sites - feasibility and land use studies, R41b studies Mursing homes and living care units Most types of retail commercial and office uses including shopping centers, banks, restaurants Cemeteries Oil depot and distribution terminals Machinery and equipment evaluations Live stock yards Working farms - horse, dairy, general crops Murgeries including Christmas tree farm Small business evaluations Truck terminals Mobile Home Parks & Marinas

VALUEATION OR DIGHATURE OF CARRIES

m. 41434

December 17, 1987

Martha A. Delea, Esquire Gas and Electric Building, 17th Floor P.O. Box 1475 Baltimore, Haryland 21203

John B. Howard, Esquire 210 Alleghamy Avenue Towers, Maryland 21204

Sef Cockeys Mill Road by 2000' to 3600' and W from I-795 and Stockedale Avenue, 12,745' to Carroll County Ath Election District; 3rd Councilmanic District Beltimore Cas & Electric Company - Prtitioner Case No. 88-210-37H

Deer Ms. Delee and Mr. Moverd:

Enclosed please find the decision rendered in the above-referenced case. Your Petition for Special Neuring has been granted, subject to the restriction noted in the attached Order.

in the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Yery truty yours,

AMM M. MASTAROWICZ Deputy Zoning Commissioner of Beltimore County

Militja Factorium

People's Counsel

File

John W. Mickey

Distribution and Transmission Engineering

(Baltimore Gos and Electric Company

. Real Property Consultants, Inc.

RE: PETITION FOR SPECIAL HEARING S/Cockeys Mill Rd. by 2000' to 3600' & W from I-795 & Stocksdale Ave., 12,745' to

: BEFORE THE ZONING COMMISSIONER

OF BALTIMORE COUNTY

BALTIMORE GAS & ELECTRIC CO., : Case No. 88-210-SPH

Carroll Co., 4th District

Petitioner

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ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

> Peter Max Zinmerman Deputy People's Counsel Room 227, Court House Towson, Maryland 21204 494-2188

I HEREBY CERTIFY that on this 13th day of November, 1987, a copy of the foregoing Entry of Appearance was mailed to Martha A. Delea, Esquire, 17th Floor, Gas & Electric Bldg., P. O. Box 1475, Baltimore, MD 21203; and John B. Howard, Esquire, 210 Allegheny Ave., Towson, MD 21204, Attorneys for Petitioner.

PETITION FOR SPECIAL HEARING

4th Election District - 3rd Councilmanic District Case No. 88-210-SPH

South of Cockeys Mill Road by 2000 feet to 3600 feet and West from I-795 and Stocksdale Avenue, 12,745 feet to Carroll County

DATE AND TIME: Wednesday, December 2, 1987, at 2:00 p.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue,

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and kegulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing to approve the construction, operation and maintenance of a 115 kV overhead electric transmission line and to amend the site plan and Order in Case Nos. 71-253-X and 72-99-A

Being the property of Beltimore Ges & Electric Co,, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuence of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

> J. BOSERT BAINES 2001NG CONTISSIONER OF BALTINGRE COURTY

Towner, Maryland 21204

November 19, 1987



Martha A. Deles, Esq. 17th Floor, Gas & Electric Beilding P. O. Box 1475 Beltimore, Maryland 21203

> Petition for Special Hearing S Cockeys Mill Road by 2000' to 3600' and W frtom 1-795 and Stockedele Avenue., 12,745' to Carroll County 4th Election District - 3rd Councilmanic District Beltimore Gas & Electric Co. - Petitioner Case number: 88-210-SPH

Dear Me. Deless

Please be advised that 109.57 is due for advertising and posting of the above-referenced property. All advertising and posting fees must be paid prior to the hearing. Do not remove the sign from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED

Please make your check payable to Baltimore County, Maryland and forward to the Zoning Office, County Office Building, Room 113, Towson, Maryland 21204.

> Zoning Commissioner of Baltimore County

November 5, 1987 Martha A. Delea, Esquire 17th Floor, Gas and Electric Building P.O. Box 1475

MOTICE OF HEARING

RE: PETITION FOR SPECIAL HEARING S of Cockeys Mill Rd. by 2000' to 3600' and W from 1-795 and Stocksdale Ave., 12,745' to Carroll County 4th Election District - 3rd Councilmenic District Baltimore Gas and Electric Co. - Petitioner Case No. 88-210-SPH

2:00 p.m.

Baltimore, Maryland 21203

Wednesday, December 2, 1987

PLACE: Rose 106. County Office Politics. 111 West Chescooche

Avens, Toron, Marrised

cc: John B. Howard, Esquire 210 Allegheny Avenue Towner, Maryland 21204

> Hr. Gregg Jones Traffic Engineering Burnes M.S. 3401

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LANDMARK COMMUNITY NEWSPAPERS OF MARYLAND, INC.

Posting and Advertising

8 8118 *** ** 10967: a POZEF

Westminster, Md. Nov. 12, 1987

THIS IS TO CERTIFY that the annexed Req. #M08686 P.C. #94808

- Carroll County Times, a daily newspaper published in Westminster, Carroll County, Maryland. Randalistown News, a weekly newspaper published
- in Baltimore County, Maryland. Community Times, a weekly newspaper published in Baltimore County, Maryland. LANDMARK COMMUNITY NEWSPAPERS OF MARYLAND, INC.

MONANK COMMUNITY NEWSPAPERS OF MARYLAND, INC.

THIS IS TO CERTIFY that the annexed ReguMO8686 P.O. #94808

Westminster, Md., Nov., 12, 19.67

- Carroll County Times, a daily newspaper published in Westminster, Carroll County, Manyland.
- Randalistown News, a weekly newspaper published in Baltimore County, Maryland
- Community Times, a weekly newspaper published in Baltimore County, Maryland

LANDMARK COMMUNITY NEWSPARERS OF MARYLAND, INC.

published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on NOV 12 10 8)

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was

THE JEFFERSOMAN,

Publisher





