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**Public Service Commission
of West Virginia**

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September 8, 2026

Karen Buckley
Executive Secretary
Public Service Commission
PO Box 812
Charleston, WV 25323

Re: **CASE NO. 26-0075-E-CN**
NEXTERA ENERGY TRANSMISSION MIDATLANTIC, INC.
Application for a certificate of public convenience and necessity
authorizing the construction, financing, ownership, and operation of
the West Virginia portions of the Mid-Atlantic Resiliency Link Project

Enclosed for filing in the above-referenced case, please find Staff's
Prefiled Testimony in the form of the "***Prepared Direct Testimony of Daniel W.
Egnatoff.***"

A copy has been served upon all parties of record.

Sincerely,

A handwritten signature in blue ink, appearing to read "V. L. Wilson", is written over a faint, larger signature.

VICTORIA L. WILSON
Staff Attorney
West Virginia State Bar I.D. No. 10607

and

Lucas R. Head
Staff Attorney
WV State Bar I.D. No. 11146

VLW/LH/pw
Enclosures

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PREPARED DIRECT TESTIMONY OF DANIEL W. EGNATOFF

CASE NO. 26-0075-E-CN



NextEra Energy Transmission MidAtlantic, Inc.

CASE NO. 26-0075-E-CN

PREPARED DIRECT TESTIMONY OF
DANIEL W. EGNATOFF
ENGINEERING DIVISION

ON BEHALF OF THE STAFF OF THE
PUBLIC SERVICE COMMISSION OF WEST VIRGINIA

September 8, 2026



1 **Q. PLEASE STATE YOUR NAME, BUSINESS ADDRESS, AND**
2 **OCCUPATION.**

3
4 **A.** My name is Daniel W. Egnatoff and my business address is 201 Brooks
5 Street, Charleston, West Virginia 25301. I am a Technical Analyst at the
6 Public Service Commission of West Virginia.

7
8 **Q. PLEASE STATE YOUR EDUCATIONAL AND PROFESSIONAL**
9 **BACKGROUND.**

10
11 **A.** I earned a Bachelor of Science in Mechanical Engineering and History from
12 Marshall University in December of 2018. I earned my Engineer in Training
13 (EIT) licensure in June of 2019. I have been employed by the Public Service
14 Commission of West Virginia since October 2019.

15
16 **Q. WHAT ARE YOUR RESPONSIBILITIES IN YOUR CURRENT POSITION?**

17
18 **A.** I provide engineering input on cases before the Commission, including
19 customers' formal complaints, siting certificate applications, and other
20 filings. The majority of my caseload involves electric utilities.

1

2 **Q. WHAT IS THE PURPOSE OF YOUR DIRECT TESTIMONY?**

3

4 **A.** The purpose of my testimony is to discuss the Engineering Division's
5 evaluation of the application filed in Case No. 26-0075-E-CN.

6

7 **Q. WHAT IS THE NATURE OF THE APPLICATION?**

8

9 **A.** NextEra Energy Transmission Mid-Atlantic (NEET MA or the Applicant)
10 seeks the following:

11 a. A waiver of Tariff Rule 42.

12 b. A siting certificate for the West Virginia portion of the Mid-Atlantic
13 Resiliency Link Project (MARL, the MARL Project, or the Project).

14 c. A determination that NEET MA is a "public utility" under West Virginia
15 law.

16 d. Either a waiver of W. Va. Code 24-2-12 with respect to existing affiliate
17 agreements or the approval of those existing agreements.

18

19 **Q. CAN YOU DESCRIBE THE MARL PROJECT?**

20

1 **A.** The proposed project consists of approximately 107.5 miles of 500,000-volt
2 (500 kilovolt, or 500 kV) transmission line, 58.9 miles of which are planned
3 to be in West Virginia. This line can be broadly divided into the following
4 sections:

5

6 1. A 2.7-mile segment from 502 Junction substation to the Pennsylvania-
7 West Virginia border.

8 2. An approximately 3-mile segment, followed by an approximately 0.8-mile
9 segment, on the West Virginia side of the Pennsylvania-West Virginia
10 border. These segments are connected by an 8-mile portion in
11 Pennsylvania.

12 3. An 18.7-mile segment across the northeastern corner of Monongalia
13 County and the northern portion of Preston County to the Maryland-West
14 Virginia border.

15 4. A 35.2-mile segment across the Maryland panhandle to the Black Oak
16 substation in Allegany County, Maryland.

17 5. A 37.1-mile segment across West Virginia's Eastern panhandle, passing
18 through Mineral and Hampshire counties to the West Virginia-Virginia
19 border near Frederick, Virginia.

20 6. A final 2.4-mile segment in Virginia to a proposed handoff point.

1

2 NEET MA only seeks Commission approval of the West Virginia sections of
3 the line – segments 2, 3, and 5.

4

5 **Q. HAVE THERE BEEN CHANGES TO THE APPLICATION SINCE IT WAS**
6 **FILED?**

7

8 **A.** Yes. The Applicant initially submitted its application on January 30, 2026. In
9 the application, NEET MA provided a projection of rate impact, as required
10 by Rule. This projection indicated that rate impacts would be confined to the
11 PJM Allegheny Power (APS) zone, served by the First Energy companies.
12 On March 4, 2026, NEET MA filed a supplement to the application. This
13 supplement altered these rate impacts, reducing the impact to customers
14 within the First Energy service territory while incorporating a rate impact to
15 AEP customers (served by Appalachian Power Company and Wheeling
16 Power Company). This is consistent with the typical allocation of costs within
17 PJM.

18

19 The Applicant filed a second supplement to the application on July 30, 2026.

20 This supplement, described as a “Route Revision Supplement”, alters the

1 route of the MARL project beyond the edges of the siting corridor that the
2 Applicant initially established.

3

4 **Q. WHAT IS THE NATURE OF THE CHANGES TO THE ROUTE?**

5

6 **A.** The second supplement altered the route of the MARL project. Both the
7 alterations to the route themselves and the reasons for the alterations are
8 worthy of comment. For each Route Revision (RR) below, I have provided a
9 summary:

10

11

RR 1

12

13 The West Virginia Division of Natural Resources (WV DNR) requested that
14 the Applicant relocate a portion of the line to avoid or minimize forest
15 fragmentation in the White Horse Mountain Wildlife Management Area in
16 Hampshire County, West Virginia. This revision shifts the proposed route
17 southwest, paralleling existing transmission infrastructure for 0.4 additional
18 miles.

1

RR 2

2

3

At the request of an impacted landowner, the centerline of the proposed project was adjusted to be further away from a residential dwelling on their property. This change includes 0.2 acres of additional ROW corridor, 0.4 acres of additional access road, and 3.1 more acres of temporary wire work areas to support conductor installation.

8

9

RR 3

10

11

At the request of an impacted landowner, the centerline of the proposed project was adjusted to be further away from a residential dwelling under construction on their property. This structure initially fell within the ROW of the transmission line. The Applicant had not identified the presence of this structure when the Application was filed. This route revision increases landowner impacts, causing one property owner to be directly impacted who was not previously.

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RR 4

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RR 5

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The Applicant determined, during an engineering review, that terrain associated with an existing transmission crossing was a constructability concern. This revision angles the line more sharply from structure 95-2(A) into the existing Potomac Edison 138kV transmission corridor, paralleling it from an earlier point. This route revision increases landowner impacts, causing two property owners to be directly impacted who were not previously.

At the request of an impacted landowner, the Applicant relocated a proposed structure to a more suitable position in relation to other structures already on the property. This revision involves a small decrease in the ROW corridor, but a 4.8-acre increase in temporary wire work area.

For each Route Revision, the Applicant claimed that the Revision "will not result in a material change to the Project; therefore, it will not result in Application Impacts nor necessitate Evidence Modification."

1 **Q. IS THERE FLEXIBILITY IN THE PROPOSED ROUTE?**

2

3 **A.** Yes. NEET MA provided the Commission with a primary route ("Route A")
4 and several alternates that were considered, lettered B through F. These
5 alternates are large-scale alternatives to the primary proposed route, shifting
6 it by multiple miles in some cases. NEET MA's routing analysis indicated
7 that Route A performed the best in the criteria that it sought to optimize. This
8 is the route that the Commission is being asked to approve.

9

10 At a smaller scale, NEET MA included a "siting corridor" on detail maps. This
11 corridor, which is larger than the proposed right-of-way (ROW), is intended
12 to account for any factors during construction that might force the line from
13 the path in the application. NEET MA represents to the Commission that,
14 while the line may not adhere exactly to the tower locations and rights-of-
15 way depicted in these maps, it will be constructed within the siting corridor.

16

17 **Q. DO THESE ROUTE REVISIONS FALL OUTSIDE THE FLEXIBILITY**
18 **ALREADY OFFERED BY THE SITING CORRIDOR?**

19

1 **A.** Of the five route revisions submitted, four place the right-of-way of the MARL
2 Project outside the Siting Corridor defined in the application.
3

4 **Q.** **WHAT CONCERNS DO THE ROUTE REVISIONS RAISE?**
5

6 **A.** The Route Revisions leave me concerned that the Applicant did not conduct
7 a due-diligence analysis of the route prior to presenting it to the Commission
8 for approval, that the Applicant may find it necessary to make further
9 revisions even later in the process, and that the Applicant has not kept the
10 Commission and its staff informed as to issues in this case.
11

12 **Revision 3**
13

14 Route Revision 3 raises significant concerns. NEET MA describes an
15 additional "New Affected Landowner" resulting from this Route Revision.
16 However, a footnote indicates the following: "The number of Landowners did
17 not change; however, one of the Landowners sold their property to a new
18 Landowner who was not noticed during the April 2026 notifications. NEET
19 MA is providing notice to this new Landowner contemporaneously with this
20 Supplement."

1

2 During scheduling of field work, which will be discussed below, I was
3 contacted by an impacted landowner that I believe to be the New Affected
4 Landowner described in Revision 3. The landowner purchased the property
5 in July 2025. The Applicant's notice, sent nine months later, did not include
6 the landowner. The first contact that the Revision 3 landowner received
7 regarding the Project was on June 18, 2026, by phone, from one of NEET
8 MA's contractors. Even after becoming aware of its failure to notify a directly-
9 impacted landowner, NEET MA did not a) serve proper notice to that
10 landowner or b) inform the Commission or its Staff of that fact until the filing
11 of the Route Revision Supplement approximately six weeks later, in which it
12 provided no information regarding that landowner beyond a single footnote.

13

14 Given that NEET MA failed to properly notify a landowner who purchased
15 property in mid-2025, and that NEET MA then also failed to notify the
16 Commission that this had occurred until it realized it would need to alter its
17 route to avoid a nearly-complete residential structure, it is reasonable to
18 assume that other landowners in similar situations may exist, whether the
19 Applicant is currently aware of them or not.

20

Revision 4

Revision 4 alters the proposed path of the line due to the terrain within the proposed right-of-way. This constructability concern should have been noted and corrected before the application was filed. In fact, according to witness Heater, 3-inch-resolution data for the study area was gathered between December 2023 and February 2024, which was then used to confirm constructability.¹ NEET MA, then, had access to the appropriate data to identify the problem area for approximately two years prior to filing the proposed route.

This revision's impact is significant. Two property owners who were previously not directly impacted are now included in the revised route. These landowners were apparently notified "contemporaneously" with the July 30 filing.

NEET MA found it necessary to make routing changes based on geography six months after the filing of the application. This makes it clear that NEET

¹ Application, Bates p. 2967-2968

1 MA did not exercise a reasonable level of due diligence during its initial
2 routing study. It is reasonable to assume that other constructability or
3 engineering issues may exist that require further revision to the route.

4
5 **Revision 5**

6
7 Revision 5 is presented as having been made at the request of a property
8 owner to place a proposed structure in a more suitable location relative to
9 other structures on the property. NEET MA also states that this revision
10 reduces heavy angles and makes the overall design of the segment
11 straighter and more efficient.

12
13 According to NEET MA, public outreach began in February 2025, nearly a
14 year before the filing of the application. Witness McCormick describes, in
15 detail, the amount of outreach the Applicant attempted, including that "The
16 Routing Team reached out to commenters to gather more information and
17 then reviewed the information to develop additional route segments that
18 would address the comment."²

² Application, Bates p. 1559

1

2 The route NEET MA initially presented was supposedly studied exhaustively
3 to produce the most efficient, least impactful transmission corridor possible.

4 It was also, NEET MA tells the Commission, created in close collaboration
5 with the community. I am therefore concerned that it has apparently been
6 improved, in both impact and efficiency, at the request of a landowner, six
7 months after the filing of the application. This revision raises questions as to
8 whether NEET MA's routing study and associated public outreach was
9 materially complete when the application was filed with the Commission.

10

11 **Landowner Notice**

12

13 In the last paragraph of the Route Revision Supplement, NEET MA states
14 that it "has mailed or will mail a certified letter including the Notice of Filing
15 to each New Affected Landowner". Despite its statements earlier in the
16 Supplement, NEET MA does not actually represent that the New Affected
17 Landowners were notified contemporaneously with the July 30 filing, offers
18 no timeline as to when they will be notified, and does not commit to informing
19 the Commission or its Staff when these landowners have been notified.

20

1 NEET MA proposed that the intervention deadline for the Newly Affected
2 Landowners in Revisions 3 and 4 be extended to 30 days after the sending
3 of these certified letters. If the letters were sent the day the Route Revision
4 Supplement was filed, NEET MA's proposal left any Newly Affected
5 Landowner who wishes to participate in this case with 39 days to:

- 6 • Receive and read the notice.
- 7 • Parse a 3,358-page application for any relevant information it might
8 contain about NEET MA's practices regarding its rights-of-way.
- 9 • Determine if they wish to intervene based on that information.
- 10 • Submit a petition to intervene.
- 11 • Exchange any relevant discovery.
- 12 • Write and submit direct testimony.

13
14 **Q. WHAT WAS THE GOAL OF YOUR INVESTIGATION?**

15
16 **A.** I sought to determine the need for the MARL Project, the benefits that the
17 MARL Project might bring to the state, and the impact that the MARL Project
18 would have if it were constructed.

1 **Q. HOW DID YOU CONDUCT YOUR INVESTIGATION?**

2

3 **A.** I reviewed the Application and its various supplements as filed, requested
4 additional data from the Applicant, and conducted independent research
5 and field work.

6

7 **Q. WHEN DID YOU CONDUCT YOUR FIELD INVESTIGATIONS?**

8

9 **A.** I spent the week of July 26 to August 1, 2026 in the Study Area.

10

11 **Q. DID YOU LIMIT YOUR FIELD INVESTIGATION TO LANDOWNERS**
12 **WHOSE PROPERTY IS DIRECTLY IMPACTED BY THE MARL**
13 **PROJECT?**

14

15 **A.** No. Several of the people visited during my investigation in the field reside
16 in the study area, but do not own property that the MARL Project is projected
17 to cross. These people are also impacted by the Project. My goal was to
18 gain as much information as I could from as many people as possible.

1 **Q. DID YOU LIMIT YOUR FIELD INVESTIGATION TO INTERVENORS?**

2

3 **A.** No. The intervenor list, as described below, served as a useful starting point
4 for contacts, but was not the only method used to contact potentially-
5 impacted property owners.

6

7 **Q. HOW DID YOU GO ABOUT LOCATING AND CONTACTING IMPACTED**
8 **LANDOWNERS?**

9

10 **A.** Before the application was filed, I was contacted by several interested
11 parties, including members of community organizations that have since
12 intervened in this proceeding. When I scheduled my field work, I provided
13 those individuals with contact information that they could share with anyone
14 interested in a site visit. My understanding is that this information was shared
15 to social media platforms as well as by individual communication (i.e. word
16 of mouth, text messages and calls between people, etc.).

17

18 I also, with the assistance of other Engineering staff, contacted every person
19 who submitted a request to intervene in the case. At the time that this
20 outreach was done, that number was over 160. Those who responded to

1 these contacts were asked for their availability during the field work period.
2 Each of these people were also told that they could share my contact
3 information with any interested person, which produced additional second-
4 and third-order contacts.

5

6 Once I finalized my list of interested and available property owners, I created
7 a rough schedule that I believed would allow me to visit each person and
8 document the impact the MARL project would have on their property.

9

10 During the period I set aside for this work, I continued to receive
11 communication from individuals regarding scheduling. As much as possible,
12 I integrated these people into my site visit schedule.

13

14 **Q. WERE YOU CONTACTED BY ANYONE WHOSE PROPERTY YOU DID**
15 **NOT VISIT?**

16

17 **A.** Yes. Some contacted property owners who indicated that they wanted a site
18 visit later changed their minds or had unresolvable schedule conflicts.
19 Others contacted me and did not leave contact information to allow
20 themselves to be reached.

1

2 In a very few cases, I was contacted by a property owner after my schedule
3 had already taken me out of their vicinity. If, for instance, I had already
4 finished my Eastern-panhandle investigation and moved on to the
5 Morgantown vicinity, a caller from Capon Bridge requesting a site visit would
6 have required a four-hour round-trip drive, which would disrupt the rest of
7 the schedule and reduce the number of visits I could conduct.

8

9

Need for the MARL Project

10

11 **Q. WHY DOES THE APPLICANT CLAIM IT NEEDS TO CONSTRUCT THE**
12 **PROJECT?**

13

14 **A.** The Applicant states that the PJM RTO identified the electrical need for this
15 project in its 2022 RTEP Window 3 process, claiming that the transmission
16 grid in the vicinity is at risk of widespread thermal overloads. This claim is
17 based on PJM forecasts of electrical supply and demand, including the
18 proposed deactivation of several generation facilities and the addition of
19 data center loads in Virginia. The Applicant and PJM argue that "if the
20 Project is not constructed, the bulk 500kV transmission system currently

1 serving West Virginia and the surrounding PJM region is at risk of becoming
2 severely overloaded.”

3

4 Window 3 was opened in response to load forecast adjustments submitted
5 to PJM by Load-Serving Entities (LSEs) in Virginia. The Window 3
6 documentation is clear that the need for transmission upgrades is driven
7 primarily by data center load growth in the region and compounded by a
8 series of planned generator retirements.

9

10 **Q. DOES PJM ATTEMPT TO VALIDATE THE LOAD FORECASTS**
11 **SUBMITTED TO IT BY OTHER ENTITIES?**

12

13 **A.** No. By its own admission, PJM makes no effort to validate load forecasts
14 submitted to it by LSEs. PJM does not evaluate or account for these utilities’
15 vetting processes for prospective large-load customers, nor does it have
16 knowledge of the standards to which these prospective customers are held.

17

18 **Q. WHAT ARE YOUR CONCERNS REGARDING THE ACCURACY OF**
19 **LSEs’ LOAD FORECASTS?**

20

1 **A.** Multiple examples exist within PJM of LSEs revising their load forecasts
2 drastically downward after applying additional requirements to prospective
3 data center customers:

4
5 AEP Ohio trimmed over 24 GW of load from its forecast after it implemented
6 a new tariff that shifted more of the costs of interconnecting data center
7 customers onto those customers.³ Exelon, the parent company of six LSEs
8 in multiple states, removed 7 GW from its “high-probability” forecast and 18
9 GW from its “future pipeline” in a single quarter.⁴

10
11 There is significant evidence that the large-load vetting process of some
12 LSEs is overly permissive, allowing customers that are unlikely to actually
13 take service be factored into load forecasts. This creates a risk of expensive
14 and unnecessary overbuild of transmission resources to serve load that may
15 never materialize.

16
17 **Q.** **DO YOU HAVE ACCESS TO THE INFORMATION YOU WOULD NEED**
18 **TO DETERMINE WHETHER THE LOAD FORECAST IS REASONABLE?**

³ <https://www.aepohio.com/company/news/view?releaseID=10753>

⁴ Q1 '26 (sl. 18) <https://investors.exeloncorp.com/static-files/6245757c-517f-41cb-8ea9-176744eb15dc>

Q2 '26 (sl. 15) <https://investors.exeloncorp.com/static-files/732a9c29-a3ed-4987-b10a-833f44672a4d>

1

2 **A.** No. The entities that submitted these load forecasts are not involved in this
3 process, having passed their load forecasts wholesale through PJM, which
4 accepted them uncritically and integrated them into a load forecast
5 adjustment that then produced the MARL Project.

6

7 **Q. ARE THERE FACTORS THAT PJM DOES NOT CONSIDER THAT MAY**
8 **REDUCE LOAD GROWTH?**

9

10 **A.** Yes. PJM explicitly states that it does not factor political risk into its load
11 growth analysis. However, non-trivial political risk exists in the data center
12 industry, and failing to account for it limits the usefulness of the forecast and
13 introduces possible error.

14

15 The load center to be served by the MARL Project is located in northern
16 Virginia. On July 31, 2026, the Virginia State Corporation Commission
17 ordered Dominion, the utility that serves the majority of data center load in
18 the state, to prepare modifications to its tariff for extensions to direct-connect

1 transmission customers.⁵ These modifications are intended to increase the
2 share of the cost of interconnection that is borne by the interconnecting
3 entity. Large-load customers in this region are likely to find themselves
4 paying more for interconnection in the future, which may change long-term
5 plans for expansion.

6
7 The Federal Energy Regulatory Commission (FERC) has also issued a
8 show-cause order to six grid operators, including PJM, in response to
9 allegations that transmission tariffs allow the shifting of costs from cost-
10 causing large load customers to other classes of customer.⁶ This process is
11 ongoing and, like the Virginia tariff changes, may introduce additional costs
12 to large-load interconnection that chill the growth of this sector.

13
14 These are not likely to be the last moves regulators and governments make
15 on this topic. A substantial majority (70%) of Americans oppose the
16 construction of data centers in their area, most commonly citing strain on

⁵ <https://www.scc.virginia.gov/docketsearch/DOCS/8dt001!.PDF>

⁶ <https://www.ferc.gov/news-events/news/fact-sheet-ferc-takes-action-supercharge-americas-grid-efficiency-reliability-and>

1 utility infrastructure and rising utility costs.⁷ The force of this public pressure
2 acts on government officials at all levels.

3
4 Examples from the LSEs discussed earlier also inform this risk; in the case
5 of AEP Ohio, the tariff change assigns additional costs to the prospective
6 customer. The fact that so many prospective customers dropped out of the
7 process upon this change illustrates the cost-sensitivity of the developers of
8 these facilities and their willingness to relocate or cancel projects in
9 response to changes in economic inputs.

10
11 **Q. IS PJM'S ANALYSIS ACCURATE TO THE CURRENT STATE OF THE**
12 **BULK TRANSMISSION SYSTEM?**

13
14 **A.** No. As mentioned earlier, the MARL Project is partially justified by the
15 deactivation of certain generation resources. The planned 2025 retirement
16 of the Brandon Shores generation facility in Maryland is specifically
17 mentioned. From the testimony of Dr. Abdulsalam:

18

⁷ <https://news.gallup.com/poll/709772/americans-oppose-data-centers-area.aspx>

1 "As part of the 2022 RTEP cycle, PJM also directed that certain Immediate-
2 need Reliability Projects be incorporated into the 2022 RTEP, which were
3 needed to (i) enable the integration of the forecasted data center load in the
4 DOM (Virginia) zone up to and including year 2025 and (ii) address reliability
5 violations caused by the proposed deactivation of a number of generation
6 facilities, most notably the Brandon Shores generation units in Maryland
7 (BGE zone)."

8
9 On August 18, 2026, FERC issued an Order Accepting Amended Reliability-
10 Must-Run (RMR) Rate Schedules for the Brandon Shores generation facility.
11 The new RMR status of the plant sets its retirement date in 2031.⁸
12 Furthermore, on May 1, 2025, months before the filing of the Application,
13 FERC approved a settlement allowing the owner of the Brandon Shores
14 facility to continue operating the plant until May 31, 2029.⁹

15
16 At the time that the application was filed, the transmission analysis
17 supporting the need for the MARL Project was badly outdated. It is now even

⁸ FERC Docket ER26-2739, Accession # 20260818-3043

⁹ FERC Docket ER24-1787, Accession # 20250501-3108

1 more so. Given that PJM was involved in this settlement,¹⁰ it is reasonable
2 to expect that it was aware of it prior to the filing of the Application.

3

4 The Application included the assumption that a generation facility, which
5 was operational when the Application and filed and remains so today, would
6 retire seven months prior to the Application being filed. This is a fatal
7 deficiency in the analysis supporting the need for the MARL line.

8

9 **Q. ARE OTHER TRANSMISSION PROJECTS IN PROGRESS THAT MAY**
10 **INVALIDATE THE NEED FOR THE MARL PROJECT?**

11

12 **A.** Yes. Dr. Abdulsalam describes a 765 kV transmission project from the
13 Joshua Falls substation to the Yeats substation as an alternative to the
14 MARL Project that was proposed to PJM.¹¹ This proposal was rolled into the
15 PJM Combination – 765 kV Scenario (the “765 kV Solution”) shortlist
16 alternative. Dr. Abdulsalam states that this scenario “meets 2022 Window 3
17 needs, but offers greater flexibility to meet needs further in the South as the
18 load will likely shift southward in future years.”

¹⁰ <https://ir.talenenergy.com/news-releases/news-release-details/talen-energy-other-parties-reach-reliability-must-run-settlement>

¹¹ Application, Bates p. 1728

1

2 Staff identified the positive traits of this 765 kV Solution in May 2026. In a
3 request for information to PJM, Staff asked why the MARL Project was
4 selected over the shorter, more flexible 765 kV Solution. The response
5 indicated that “routing, siting, and construction risks due to [the solution’s]
6 predominantly greenfield nature” caused the MARL Project to be selected
7 over the 765 kV Solution.

8

9 The 756 kV Solution was rejected for these reasons. However, on February
10 13, 2026, a press release indicated that the Joshua Falls-Yeat 765 kV
11 transmission project at the core of the 765 kV Solution is slated for
12 construction.¹²

13

14 **Q. DOES THE JOSHUA FALLS-YEAT PROJECT PASS THROUGH WEST**
15 **VIRGINIA?**

16

17 **A.** No. The Joshua Falls-Yeats Project is located entirely within Virginia.

18

¹² <https://vltransmission.com/joshua-falls-to-yeat/>

1 **Q. DOES THE REJECTED PJM 765 kV COMBINATION SCENARIO PASS**
2 **THROUGH WEST VIRGINIA?**

3
4 **A. No.**

5
6 **Q. IS IT REASONABLE TO STATE THAT WEST VIRGINIA'S ENERGY**
7 **INFRASTRUCTURE IS AT SEVERE RISK IF THE MARL PROJECT IS**
8 **NOT BUILT?**

9
10 **A.** No. The growth in data center load is ultimately served by LSEs. It is
11 unreasonable to assume that these LSEs would abandon all efforts at safe
12 and reliable operation, connecting and energizing individual high-load
13 customers with the knowledge that doing so would overload the
14 transmission grid and cause widespread damage. The availability of energy
15 is one of the economic inputs that large-load customers typically consider
16 when siting their facilities. If less energy is available, those customers are
17 likely to site elsewhere.

18
19 **Q. WHAT IS THE MOST LIKELY IMPACT ON THE TRANSMISSION GRID IF**
20 **THE MARL PROJECT IS NOT CONSTRUCTED?**

1

2 **A.** The most likely outcome of the MARL Project not being built is the energizing
3 of fewer data centers in Virginia.

4

5

Benefit to West Virginia

6

7 **Q. DOES THE MARL PROJECT BENEFIT WEST VIRGINIA?**

8

9 **A.** In the testimony of Dr. Sami Abdulsalam, PJM describes the benefits of the
10 MARL Project to West Virginia. He includes:

- 11 • That the MARL Project “establishes valuable infrastructure” that offers
12 “opportunities to serve and enable future load along its route”.
- 13 • That all customers are served by all transmission infrastructure, so the
14 MARL Project serves West Virginians by enhancing the reliability and
15 capacity of the transmission system.
- 16 • That the MARL Project carries hypothetical future benefits for West
17 Virginia electric generation facilities, increasing their ability to export to a
18 wider area and avoid becoming “bottlenecked” as existing infrastructure
19 is used more.

20

1 **Q. DO YOU AGREE WITH DR. ABDULSALAM?**

2

3 **A.** The effects of the MARL Project that Dr. Abdulsalam lists are correct
4 statements. Whether these effects are meaningful benefits to West Virginia
5 is a separate matter.

6

7 Dr. Abdulsalam's first point would be technically true of any transmission
8 line, constructed in any location, for any reason, but is less true for the MARL
9 Project than for many other projects. One of the features of the MARL
10 Project is that it parallels existing transmission infrastructure for much of its
11 length. This limits its utility in extending transmission access to currently-
12 underserved areas. In addition, increased access to transmission
13 infrastructure is only a benefit to the state if there is evidence that such
14 infrastructure is likely to be used and useful to utilities or customers in the
15 state. No such evidence has been presented in this case.

16

17 Dr. Abdulsalam's second point is, again, widely applicable to transmission
18 infrastructure. Any transmission line between any two substations enhances
19 the reliability and capacity of the transmission system. This benefit is only
20 material to West Virginia if a need for such increased reliability or capacity

1 in West Virginia can be demonstrated. It has not been demonstrated by any
2 evidence presented in this case.

3

4 Dr. Abdulsalam's third point argues that West Virginia generation facilities
5 benefit from increased transmission infrastructure. In general, this is true.
6 However, the supposed risk of West Virginia generation being unable to
7 dispatch because transmission is insufficient to permit it requires evidence.
8 PJM has not produced evidence that West Virginia generation facilities are
9 currently transmission-constrained, nor has it produced evidence that they
10 are likely to be transmission-constrained in the future.

11

12 **Q. DO YOU BELIEVE THAT THE MARL PROJECT CARRIES MATERIAL,**
13 **USEFUL BENEFITS FOR WEST VIRGINIA?**

14

15 **A. No.**

1

3

4

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20

- Benefit to West Virginians

Property Value and Financial Hardship

Nearly all impacted landowners, whether directly or indirectly, expressed the belief that property located near high-voltage transmission lines is typically worth less than comparable property that is not. In some cases, these property owners indicated that even the existence of the application had chilled the market for parcels or properties near the path of the proposed line.

Uncertainty

Many impacted property owners described detailed, long-term plans for properties, including personal residences, residential and business development, conservation, and agriculture, that they had ceased when notice of the MARL Project was delivered. These owners have already been impacted by the MARL Project, whether the Commission approves it or not. One family stopped construction on a residence that was very near completion upon notice that the structure would be within the line's right-of-way.

1 **Loss of Land Use**

2 Multiple property owners use their land for agriculture (both crops and
3 pasture), recreation, or conservation. To some extent, transmission owners
4 can work with landowners to permit certain land uses inside the transmission
5 right-of-way, but impacted property owners reported that the Applicant had
6 not offered them any assurances on this topic.

7

8 **Health and Safety**

9 Residents and landowners repeatedly expressed concern that living near a
10 high-voltage transmission line could have negative health impacts on
11 humans and other animals. This includes the effects of pesticides on plants
12 and water supplies, the effects of electromagnetic fields on living things, and
13 the noise associated with the line.

14

15 **Behavior of Applicant Representatives**

16 Few contacted landowners described positive interactions with the
17 employees of the Applicant and its contractors. High-pressure tactics,
18 repeated unsolicited contacts, and misrepresentation of the process
19 (implying that the MARL Project is “inevitable”) were repeatedly described
20 by landowners, even those who live counties away from each other.

1

2 Benefit to West Virginians

3 Many impacted landowners believe that the MARL Project will not benefit
4 West Virginians at all and that it is only being constructed as an "extension
5 cord" between Pennsylvania and Virginia.

6

7 Q. WHAT OTHER INFORMATION DID YOU GATHER IN THE FIELD?

8

9 **A.** When property owners indicated an area of concern for a possible impact
10 (typically, but not always, viewshed or noise), I recorded a GPS location for
11 that area. When I returned to the office, I mapped these locations with the
12 path of the MARL Project to determine the severity of the impact.

13

14 **Q. WHAT ARE THE IMPACTS OF THE MARL PROJECT'S PREFERENCE**
15 **FOR PARALLELING EXISTING TRANSMISSION?**

16

17 **A.** While the Applicant appears to have minimized the number of impacted
18 landowners whose property does not already have a transmission right-of-
19 way crossing it, the corollary of this effect is that many of the properties
20 crossed by the MARL Project already have one or more easements present.

1 Some people stand to lose substantial portions of their parcels to a parallel
2 138kV and 500kV (350ft total), or two parallel 500kV (400ft total),
3 easements.

4

5 **Q. DID THE APPLICANT SUCCEED IN MINIMIZING IMPACTS TO**
6 **LANDOWNERS?**

7

8 **A.** Even after submitting Route Revision 3, which addressed the presence of a
9 home that the Applicant missed inside its right-of-way, a residence still exists
10 within the ROW of the MARL Project. Between mileposts 104.2 and 104.3,
11 dozens of feet from the planned location of a support structure, a residential
12 dwelling and outbuilding are visible, having been identified as such by the
13 Applicant's consultant as the map was prepared.

14

15 Several properties visited during field work, as well as other residential
16 structures identified from a desktop review of the Project map, also place
17 the MARL Project's right-of-way within a very short distance of a residential
18 structure or outbuilding, often placing these structures within the Siting
19 Corridor.

20

1 Distances of 80 feet or less are a common occurrence. One home is a mere
2 35 feet from the Project's right-of-way, placing both that person and their
3 next-door neighbor entirely within the Siting Corridor. Another home's north
4 wing is less than 20 feet from the edge of the right-of-way. In a particularly
5 striking case, the MARL Project passes approximately 150 feet north of a
6 home, then turns and passes approximately 90 feet to the east of the same
7 home, surrounding it on two sides.

8
9 **Q. HAS THE APPLICANT OFFERED TO BUY IMPACTED PROPERTY**
10 **OWNERS' PROPERTIES?**

11
12 **A.** I have no evidence that the Applicant has made such offers. None of the
13 landowners I spoke to during field work indicated that an offer had been
14 made on their property, nor has NEET MA stated that it has made this offer.

15
16 **Q. WOULD IT BE REASONABLE FOR THE APPLICANT TO OFFER TO**
17 **BUY IMPACTED PROPERTY OWNERS' PROPERTIES?**

18
19 **A.** Yes. Multiple landowners reported feeling "trapped" on their property, its
20 value having decreased with the MARL Project projected to pass through it.

1 While not all of these landowners will necessarily wish to sell their property
2 and live elsewhere, those that do should be given the option.

3

4 **Q. HAVE THERE BEEN SUBSTANTIAL PUBLIC COMMENTS ON THE**
5 **PROJECT?**

6

7 **A.** Yes. The MARL Project, and this case by extension, have received
8 significant public attention. Prior to the filing of the application, the
9 Commission's public comment system had already logged several thousand
10 comments, largely in opposition. As of September 4, 2026, there have been
11 7,902 public comments in protest of the MARL Project and 153 comments
12 in support. The vast majority of the comments in opposition to the Project
13 restate concerns also raised by landowners during field work (which is
14 reasonable, given that multiple landowners reported having submitted public
15 comments). Comments in support of the Project suggest that it will improve
16 service reliability and enhance the security of the transmission grid.

1 **Q. CAN YOU SUMMARIZE YOUR FINDINGS?**

2

3 **A.** The basis of the analysis that supports the need for the MARL Project was
4 outdated before the Application was filed. Since it was filed, this analysis
5 has become even more outdated, to the point that one of the MARL Project's
6 alternatives is currently planned for construction alongside the MARL
7 Project. Said analysis also fails to account for significant regulatory
8 uncertainty and the economic realities of the related industries, both of which
9 are likely to impact forecasted load growth.

10

11 The supposed benefits to West Virginia of the MARL Project are general
12 facts, true of all transmission lines built in any location for any reason. No
13 evidence has been presented that suggests that the MARL Project provides
14 a useful, material benefit to West Virginia.

15

16 The impact of the MARL Project is significant. Aside from the Project's rate
17 impact, hundreds of West Virginia property owners stand to lose substantial
18 use of portions of their property and thousands more stand to experience
19 the viewshed impacts of the MARL Project.

20

1 The Applicant has not proven that it engaged in the necessary level of
2 diligence regarding a project of this scale. It erroneously stated that AEP
3 customers would see no rate impact from the Project. It failed to notify an
4 impacted landowner, then failed to notify the Commission that this had
5 occurred. It was then required to make material modifications to the
6 proposed route due to oversights in the routing process.

7

8 **Q. WHAT DO YOU RECOMMEND?**

9

10 **A.** For the above reasons, I recommend that the Commission deny the
11 application in full.

12

13 **Q. IF THE COMMISSION APPROVES THE APPLICATION, ARE THERE**
14 **ANY CONDITIONS THAT YOU RECOMMEND BE PLACED ON THAT**
15 **APPROVAL?**

16

17 **A.** Yes. If the Commission elects to approve the application in full or in part, I
18 recommend that it:

19

- 1 • Require NEET MA to employ practices to reduce soil erosion and
2 sedimentation subject to approval by any relevant agency or authority.
- 3 • Require NEET MA to install and temporarily seed any erosion and
4 sediment control measures prior to beginning construction.
- 5 • Prohibit NEET MA from operating ROW clearing equipment near
6 stream banks.
- 7 • Require NEET MA to assess specific tower locations and to employ
8 right-of-way maintenance that minimizes impacts upon water
9 resources.
- 10 • Require NEET MA to uniformly spread any removed soil and blend it
11 with existing topography.
- 12 • Following the completion of construction activities in an area, require
13 NEET MA to appropriately rehabilitate the ROW.
- 14 • Require NEET MA to establish a vegetation management plan that
15 will reflect the varying land uses and conditions along the ROW,
16 anticipate future vegetation management needs, and document
17 variances and landowner or other restrictions along the route. This
18 plan should be periodically reviewed and updated.
- 19 • Require NEET MA to conduct the minimum amount of clearing
20 necessary, including foregoing the aerial application of herbicides, in

1 the construction, operation, and maintenance of MARL within West
2 Virginia.

3 • Require NEET MA to use appropriate herbicides that balance the
4 safety of humans and farm animals within or adjacent to the MARL
5 ROW with MARL's need to manage tall-growing vegetation.

6 • Require NEET MA to utilize existing rights-of-way for the Project and
7 its support facilities (i.e. access roads) wherever possible.

8 • If there are any changes to the scope of the project as approved by
9 the Commission, NEET MA should be required to petition the
10 Commission for approval of such changes prior to beginning
11 construction.

12 • Require NEET MA to obtain and file with this Commission the indicia
13 of approval for the total length of MARL through all other states
14 through which MARL must pass, prior to beginning construction on
15 the project in this state.

16 • Require NEET MA to purchase any properties containing residences
17 which are situated within 400 feet of the centerline of the MARL
18 Project whose owners wish to sell those properties.

- 1 • Require NEET MA to work with landowners wherever possible to
2 minimize both general impacts and impacts to that owner's specific
3 land use.
- 4 • Require NEET MA to file evidence that it has obtained any necessary
5 environmental permits and/or completed any necessary consultations
6 prior to commencing construction. This evidence may indicate that the
7 Applicant does not need to take further action or outline what action
8 the Applicant needs to take to comply with that agency's rules/laws
9 prior to grading, excavation, and/or habitat removal or causing a
10 similar action by others.

11

12 **Q. DOES THIS CONCLUDE YOUR DIRECT TESTIMONY?**

13

14 **A. Yes, it does.**

CERTIFICATE OF SERVICE

CASE NO. 26-0075-E-CN

PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON

CASE NO. 26-0075-E-CN
NEXTERA ENERGY TRANSMISSION MIDATLANTIC, INC

CERTIFICATE OF SERVICE

I, Victoria L. Wilson, Counsel for the Public Service Commission of West Virginia, do hereby certify that a copy of the foregoing "***Staff's Prefiled Direct Testimony Daniel W. Egnatoff***" has been served upon the following parties of record by US First Class mail and/or electronic mail correspondence, this the 8th day of September 2026.

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