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United Mine Workers of America

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May 29, 2026

VIA ELECTRONIC DELIVERY

Karen Buckley
Executive Secretary
Public Service Commission of West Virginia
201 Brooks Street
Charleston, West Virginia 25301

RE: Case No. 26-0108-E-CN
MONONGAHELA POWER COMPANY and
THE POTOMAC EDISON COMPANY

Dear Ms. Buckley:

Attached for filing please find the *Direct Testimony of Brian Sanson on Behalf of the United Mine Workers of America*, a copy of which has been served to all parties of record.

Very truly yours,

A handwritten signature in blue ink, appearing to read "K. Fagan", with a stylized flourish at the end.

Kevin Fagan

cc: Gary Jack, Esp.
Lucas Head, Esq.
Chris Callas, Esq.
Nicklaus Presley, Esq.
Emmett Pepper, Esq.
James Bailey, Esq.
Max Gottlieb, Esq.
Michael Soules, Esq.
Kaitlyn N. Pytlak-Morra, Esq.
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Marc Mignault, Esq.
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Steven Lee, Esq.
Isak Howell, Esq.
Andrew Tessman, Esq.
Melissa Anne, Legge, Esq.
Susan Riggs, Esq.
Jason Wandling, Esq.
H. Brann Altmeyer, Esq.
John R. Auville, Esq.

DIRECT TESTIMONY OF
BRIAN SANSON
ON BEHALF OF THE UNITED MINE WORKERS OF AMERICA
BEFORE THE PUBLIC SERVICE COMMISSION OF WEST VIRGINIA
CASE NO. 26-0108-E-CN

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

2 A. My name is Brian Sanson. I am the President of the United Mine Workers of America,
3 International Union ("UMWA"), with a business address of 18354 Quantico Gateway
4 Drive, Suite 200, Triangle, Virginia.

5 **Q. ON WHOSE BEHALF ARE YOU TESTIFYING IN THIS PROCEEDING?**

6 A. I am testifying on behalf of the United Mine Workers of America's membership.

7 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

8 A. To communicate the position of the UMWA's active and retired members regarding the
9 application jointly filed by Monongahela Power Company and The Potomac Edison
10 Company (hereinafter, the "Companies") for prior consent and approval and for a
11 certificate of need and necessity with the Public Service Commission of West Virginia,
12 for construction of a 1,200 MW Combined Cycle Gas Turbine plant ("NGCC").

13 **Q. WHERE IS THE PROPOSED GAS PLANT PROJECT LOCATED?**

14 A. The location of the proposed NGCC is within the site of the Companies' Fort Martin
15 Power Station facility, a coal-fired power plant owned by the Companies and located in
16 Monongalia County, West Virginia.

17 **Q. PROVIDE A SUMMARY OF YOUR OBSERVATIONS AND CONCERNS.**

18 A. The UMWA has concerns with respect to the adverse consequences we believe will occur
19 to our members and their employment if the proposed NGCC facility is approved. The
20 UMWA strongly believes the companies' two existing coal fired power plants will be

1 closed or scaled back to a point that our members' employment will be eliminated
2 causing massive job loss throughout West Virginia coalfield communities.

3 **Q. DESCRIBE THE COMPANIES' EXISTING COAL FLEET IN WEST**
4 **VIRGINIA?**

5 A. The Companies parent corporation "First Energy" currently operates two coal-fired
6 power plants located in West Virginia:

7 The Fort Martin Power Station is a supercritical coal power plant located in Maidsville,
8 West Virginia, and has a capacity of 1,152 MWs.

9 The Harrison Power Station is a supercritical coal power plant located in Haywood, West
10 Virginia, and has a capacity of 2,052 MWs.

11 **Q. DESCRIBE THE IMPACT THE CONTINUED OPERATION OF THE TWO**
12 **COAL-FIRED POWER PLANTS HAS ON THE MEMBERS OF THE UMWA.**

13 A. The UMWA's signatory companies employ thousands of miners, preparation plant
14 workers and UMWA-represented contractors who rely on the existing coal-fired power
15 plants in this state to purchase coal from the mines where they are employed. Without
16 the continued operation of these coal plants, our members will suffer decreased hours,
17 decreased wages and for many, a total loss of their employment. In addition, if those
18 plants are scaled back or reduce their current coal consumption, our members' mines will
19 idle or permanently close. UMWA represented mines provide thousands of direct and
20 indirect jobs throughout West Virginia. They are one of the primary sources of revenue
21 for businesses and communities across the state's coalfields and provide billions of
22 dollars in wages and taxes.

1 The Fort Martin and Harrison County plants consume millions of tons of coal each year.
2 Of that amount, the vast majority comes from UMWA- represented operations. Harrison
3 Power Station receives 100% of its coal supply from the Harrison County mine. Together
4 the value of the electricity generated at Harrison County Station and the coal produced at
5 the Harrison County Coal mine provide hundreds of millions of dollars of benefits to the
6 communities of Harrison and surrounding counties, while adding significantly to local
7 household incomes and municipal and state tax bases that, in turn, fund roads, schools,
8 police and other essential community services. The coal used to power the Harrison and
9 Fort Martin power stations generates over \$9 million in coal severance taxes for the State
10 of West Virginia.

11 **Q. DO YOU HAVE ANY OBSERVATIONS REGARDING FIRST ENERGY'S**
12 **RESPONSE TO ENVIRONMENTAL CONCERNS AT THE HARRISON COUNTY**
13 **AND FORT MARTIN PLANTS?**

14 A. First Energy has invested nearly \$1 billion on environmental controls at Harrison, including
15 highly efficient scrubbers capable of 98% removal of sulfur dioxide, selective catalytic
16 technology for the controls of NOx emissions, and new controls to virtually eliminate
17 mercury emissions. First Energy has previously advised this Commission of a planned
18 2040 retirement date for Harrison. That date could be moved up significantly if the
19 proposed natural gas plant is approved.

20 Fort Martin Power Station has a scrubber system that removes just under 98% of the sulfur
21 dioxide (SO2) emissions on each unit. As part of the scrubber system, a Physical-Chemical
22 Wastewater Treatment System removes solids and metals from the scrubber wastewater.
23 The scrubbed flue gas produces a steam plume that is carried from the units through a

1 chimney. The station is also equipped with electrostatic precipitators, which in conjunction
2 with the scrubber remove 99% of the fly ash from flue gases, and low nitrogen oxides
3 (NOx) burners, which reduce NOx emission by 50%. Fort Martin also installed technology
4 on both units to aid in mercury reduction.

5 **Q. WHAT CONCERNS DO YOU HAVE REGARDING THE COMPANIES'**
6 **APPLICATION?**

7 A. In addition to the massive job loss and other associated damage which will result from
8 the building of the proposed NGCC facility we believe there are substantial legal issues
9 concerning EPA requirements for the reduction of carbon emissions at the proposed
10 NGCC facility. These issues concern a requirement in Biden EPA's "Clean Power Plan
11 2.0" for new large natural gas electric generating plants to employ carbon capture and
12 storage with at least 90% CO2 removal.¹ While this rule - which remains in litigation
13 (West Va. *et al* v. EPA, DC Cir. No. 24-1120) before the D.C. Circuit Court of Appeals -
14 is being replaced by a yet-to-be proposed replacement rule, EPA has not yet finalized that
15 replacement proposal, much less issued a final rule. The agency has put forward two
16 alternative approaches, one relying on repeal of the "endangerment finding" for the
17 electric generation sector, the other focused on issues such as whether CCS technology
18 has been "adequately demonstrated."²

19 A new round of litigation is certain once EPA issues a final rule to replace the Biden
20 Clean Power Plan 2.0 rule. Meanwhile, any decision by the D.C. Circuit in the current
21 litigation is likely to be appealed to the United States Supreme Court. We may not know

¹ 89 Fed. Reg. 39798 (May 9, 2024).

² 90 Fed. Reg. 25752, 25755-56 (June 17, 2025).

1 the result of such an appeal before 2027 at the earliest. Follow-on litigation prompted by
2 the new, yet-to-be-proposed replacement rule, may add 2-3 years to this schedule,
3 potentially giving a new presidential administration the opportunity to revive all or part
4 of the Biden CPP 2.0 rule.

5 In short, we believe that the risk of revival of CCS requirements for the proposed NGCC
6 cannot be discounted. Adding CCS to the new gas facility would increase capital costs by
7 more than a billion dollars and potentially double the cost of the electricity produced. In
8 this light, any application for a certificate of public convenience and necessity should be
9 regarded as premature and imprudent.

10 The Companies' application is supported by an economic impact analysis prepared by the
11 Bureau of Business and Economic Research at West Virginia University.

12 The study estimates that the proposed NGCC will support 892 total jobs. However, that
13 figure is reduced to only 25 direct jobs to operate the proposed NGCC after the initial
14 construction period.

15 What the study does not address is the potential employment consequence of the coal
16 plant retirements, or reduced dispatch, that may result from construction of the NGCC.

17 The Companies own the Fort Martin Power Station, located adjacent to the proposed Gas
18 Plant Project site, and the Harrison Power Station.

19 The Commission is being asked to evaluate a capacity addition that in actuality may
20 result in a *capacity replacement*. The addition side of the equation carries a headline
21 employment figure of 892 reduced to 25 after the initial construction period, and the
22 replacement side carries an employment consequence that has not been calculated,

disclosed, or made part of this record, but certainly warrants consideration by the Commission.

Q. DO YOU HAVE ANY CONCERNS REGARDING THE POSITION THE COMPANIES WILL BE PLACED IN REGARDING DISPATCH DECISIONS IF THEIR APPLICATION IS APPROVED?

A. Yes. The UMWA agrees with the intervenor West Virginia Coal Association's position regarding the potential displacement of existing coal plants. The proposed NGCC facility will be owned and operated by the Companies. Fort Martin and Harrison are owned by the Companies. The proposed NGCC will be built on land adjacent to existing coal facilities.

When a single company controls both the proposed capacity addition and existing assets that could be displaced, the Commission's public interest analysis must account for both sides of the transaction. Approving the proposed NGCC without assessing the potential displacement of existing coal assets is approving only half a transaction and providing only half of a public interest review.

We are asking the Commission to recognize that if construction of the proposed NGCC impacts the operation of the Companies' existing coal-fired assets, those potential employment and ratepayer consequences are part of the public interest consideration in this proceeding and weight heavily upon the public need for the proposed NGCC.

Q. WHAT IS YOUR RECOMENDATION REGARDING THE COMPANIES' APPLICATION?

A. The UMWA recommends that the Commission reject the Companies' application based upon the foregoing reasons.

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

2 A. Yes. However, I reserve the right to update my testimony if new information becomes
3 available.

CERTIFICATE OF SERVICE

I, Kevin Fagan, counsel for the United Mine Workers of America (UMWA), certify that I have served a copy of the foregoing *Direct Testimony of Brian Sanson on Behalf of the United Mine Workers of America* upon the following counsel of record electronically this 29th day of May, 2026.

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