**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of PPL Electric Utilities Corporation :

filed pursuant to 52 Pa. Code Chapter 57, :

Subchapter G, for approval of the siting and :

construction of transmission lines associated : A-2012-2340872

with the Northeast-Pocono Reliability Project :

in portions of Luzerne, Lackawanna, Monroe, :

and Wayne Counties, Pennsylvania :

:

Petition of PPL Electric Utilities Corporation :

for a finding that a building to shelter control :

equipment at the North Pocono 230-69 kV :

Substation in Covington Township, : P-2012-2340871

Lackawanna County, Pennsylvania is :

reasonably necessary for the convenience :

or welfare of the public :

:

Petition of PPL Electric Utilities Corporation :

for a finding that a building to shelter control :

equipment at the West Pocono 230-69 kV :

Substation in Buck Township, Luzerne : P-2012-2341105

County, Pennsylvania is reasonably necessary :

for the convenience or welfare of the public :

:

Application of PPL Electric Utilities Corporation :

under 15 Pa. C.S. §1511(c) for a finding and :

determination that the service to be furnished by :

the applicant through its proposed exercise of the :

power of eminent domain to acquire a certain :

portion of the lands of the property owners listed :

below for siting and construction of transmission :

lines associated with the proposed :

Northeast-Pocono Reliability Project in portions of :

Luzerne, Lackawanna, Monroe, and Wayne :

Counties, Pennsylvania is necessary or proper :

for the service, accommodation, convenience :

or safety of the public :

:

:

John C. Justice and Linda S. Justice : A-2012-2341107

:

Three Griffins Enterprises, Inc. : A-2012-2341114

:

Margaret G. Arthur and Barbara A. Saurman :

Trustees of the Residuary Trust of : A-2012-2341115

James C. Arthur :

:

Anthony J. Lupas, Jr. and Lillian Lupas :

John Lupas and Judy Lupas, : A-2012-2341118

Grace Lupas, Eugene A. Bartoli and :

Robert J. Fankelli :

:

Ronald G. Sidovar and Gloria J. Sidovar : A-2012-2341120

:

FR First Avenue Property Holding, LP : A-2012-2341123

:

Transcontinental Gas Pipe Line Company, LLC : A-2013-2341208

:

William Petrouleas and Joanna Petrouleas : A-2013-2341209

:

Peter Palermo and Francine Palermo : A-2013-2341211

:

Christopher Maros and Melinda Maros : A-2013-2341213

:

Dianne L. Doss : A-2013-2341214

:

Donald Januszewski : A-2013-2341215

:

International Consolidated Investment :

Company : A-2013-2341216

:

Bradley D. Hummel : A-2013-2341220

:

Michael Palermo and Joanne Palermo : A-2013-2341221

:

Roberta Searfoss a/k/a Judy Searfoss :

Executrix of the Estate of Euylla Hughes : A-2013-2341232

a/k/a Eylla Hughes :

:

John F. and Veronica Iskra : A-2013-2341233

:

Michael A. Mitch and Sue K. Mitch : A-2013-2341234

:

Clifton Acres, Inc. : A-2013-2341236

:

Dietrich Hunting Club : A-2013-2341237

:

Art Borrower Propco 2010-5 LLC : A-2013-2341238

:

NLMS, Inc. : A-2013-2341239

:

US Industrial Reit II : A-2013-2341241

:

Ronald Solt : A-2013-2341249

:

Merel J. and Arlene J. Swingle : A-2013-2341250

:

Edward R. Schultz : A-2013-2341253

:

Donald W. Henderson and Louis Bellucci : A-2013-2341262

:

Fr E2 Property Holding LP : A-2013-2341263

:

Sylvester J. Coccia : A-2013-2341267

:

Lawrence Duda : A-2013-2341271

:

Mark M. Mack, J. Dean Mack and :

Heather K. Mack : A-2013-2341272

:

Blue Ridge Real Estate Company : A-2013-2341277

:

James L. and Michaelene J. Butler : A-2013-2344353

:

Susan Butler Reigeluth Living Trust : A-2013-2344604

:

Blueberry Mountain Realty, LLC : A-2013-2344605

:

Grumble Knot, LLC : A-2013-2344612

:

Pennsylvania Glacial Till, LLC : A-2013-2344616

:

Chris and Melinda Maros :

:

v. : C-2012-2305047

:

PPL Electric Utilities Corporation :

:

Joe and Vanessa Caparo :

:

v. : C-2012-227 6713

:

PPL Electric Utilities Corporation :

|  |  |  |
| --- | --- | --- |
|  |  |  |

**PREHEARING ORDER #3**

**Granting Withdrawal of Eminent Domain Applications, Granting Interventions and Establishing Litigation Schedule**

On December 28, 2012, PPL Electric Utilities Corporation (PPL) filed its application with the Pennsylvania Public Utility Commission (Commission) for authority to construct transmission lines as part of its Northeast-Pocono Reliability Project.

As part of the Northeast-Pocono Reliability Project, PPL will construct a new 230 kV transmission line, approximately 58 miles in length, through portions of Luzerne, Lackawanna, Monroe, and Wayne Counties. In addition, PPL will construct two new substations, the North Pocono Substation and the West Pocono Substation, in Covington Township, Lackawanna County and Buck Township, Luzerne County respectively. These two substations will be connected to the existing 230 kV transmission system by the new 58 mile long 230 kV transmission line. Finally, PPL will construct five new 138/69 kV lines totaling approximately 11.3 miles to connect the new North Pocono and West Pocono Substations to the existing 138/69 kV transmission system.

Also on December 28, 2012, in conjunction with its application for authority to construct transmission lines associated with the Northeast-Pocono Reliability Project, PPL filed petitions, pursuant to 52 Pa. Code §5.41 and 53 P.S. §10619. These petitions request that the Commission find that the buildings to shelter control equipment at the proposed North Pocono and West Pocono Substations are reasonably necessary for the convenience or welfare of the public and therefore exempt from any local zoning ordinance.

In Prehearing Order #1, dated January 8, 2013, I consolidated the application and two petitions for the purposes of discovery, litigation and decision.

Also on December 28, 2012, PPL filed thirty-two applications requesting that the Commission make a finding and determination, pursuant to 15 Pa. C.S. §1511(c), that the service to be furnished by PPL through its proposed exercise of eminent domain to acquire portions of the lands of various property owners for the siting and construction of the Northeast-Pocono Reliability Project is necessary or proper for the service, accommodation convenience or safety of the public. On January 18, 2013, PPL filed five more applications requesting that the Commission make the same finding with regard to the lands of five additional property owners.

On January 25, 2013, PPL filed a motion to consolidate the thirty-seven eminent domain proceedings and two complaints filed prior to December 28, 2012, the date the application and petitions were filed. In Prehearing Order #2, dated January 29, 2013, I consolidated the thirty-seven eminent domain proceedings and two complaints with the application and petitions filed on December 28, 2012 for purposes of discovery, litigation and decision.

On February 13, 2013, PPL filed a petition to withdraw the eminent domain application regarding the property of Merel J. and Arlene J. Swingle (Swingles) at A-2013-2341250. The petition stated that PPL and the Swingles had executed an agreement by which the Swingles conveyed a right of way and easement to PPL.

On February 13, 2013, Bradley D. Hummel (Hummel) filed a motion to intervene in the proceeding. According to the motion, the proposed Northeast-Pocono Reliability Project will traverse a portion of his property in Salem Township, Wayne County. PPL filed an eminent domain application regarding Hummel’s property at A-2013-2341220.

On February 21, 2013, Blue Ridge Real Estate Company (Blue Ridge) filed a petition to intervene in the proceeding. According to the petition, the proposed Northeast-Pocono Reliability Project will traverse a portion of its properties in Buck Township, Luzerne County and Thornhurst Township, Lackawanna County. PPL filed an eminent domain application regarding Blue Ridge’s property at A-2013-2341277.

On February 22, 2013, Covington Township (Covington) filed a petition to intervene, a request for waiver to file answer and new matter to PPL’s petition filed at P-2012-2340871 and an answer and new matter to PPL’s petition filed at P-2012-2340871. According to the petition, the proposed North Pocono Substation and the building to shelter control equipment that is the subject of the petition at P-20122-2340871 are located in Covington Township. According to the petition, the proposed building does not comply with Covington Township’s zoning ordinance. The request for waiver and the answer and new matter make the same allegations.

On February 27, 2013, John C. Justice and Linda S. Justice (Justices) and Ronald G. Sidovar and Gloria Sidovar (Sidovars), represented by the same counsel, filed protests in the proceeding. According to the protests, the proposed Northeast-Pocono Reliability Project will traverse portions of their properties. According to the protest, the Justices and Sidovars both own property in Salem Township, Wayne County. PPL filed eminent domain applications regarding the Justices’ property at A-2012-2341107 and the Sidovers’ property at A-2012-2341120.

On February 27, 2013, North Pocono Citizens Alert Regarding the Environment (NP CARE) filed a petition to intervene in the proceeding. The petition alleged that NP CARE is a non-profit organization with approximately 100 members who own property in the area of the proposed Northeast-Pocono Reliability Project, a property owners’ association, and visitors who enjoy the public lands and waters in the area of the proposed Northeast-Pocono Reliability Project. The petition alleges that NP CARE also has members who live in PPL’s service territory, are customers of PPL, and take electric service from PPL. The petition alleges that the proposed Northeast-Pocono Reliability Project will cause significant environmental damage to the Northeast-Pocono area.

On February 27, 2013, Transcontinental Gas Pipe Line Company, LLC (Transco) filed a petition to intervene in the proceeding. According to the petition, the proposed Northeast-Pocono Reliability Project will traverse a portion of its property in Buck Township, Luzerne County. PPL filed an eminent domain application regarding Transco’s property at A-2013-2341208.

On February 27, 2013, US Industrial REIT II (US Industrial) filed a petition to intervene in the proceeding. According to the petition, the proposed Northeast-Pocono Reliability Project will traverse a portion of its property in Covington Township, Lackawanna County. PPL filed an eminent domain application regarding US Industrial’s property at A-2013-2341241.

On February 27, 2013, FR E2 Property Holding, LP (FR E2) filed a petition to intervene in the proceeding. According to the petition, the proposed Northeast-Pocono Reliability Project will traverse a portion of its property in Covington Township, Lackawanna County. PPL filed an eminent domain application regarding FR E2’s property at A-2013-2341263.

On February 27, 2013, FR First Avenue Property Holding, LP (FR First) filed a petition to intervene in the proceeding. According to the petition, the proposed Northeast-Pocono Reliability Project will traverse a portion of its property in Covington Township, Lackawanna County. PPL filed an eminent domain application regarding FR First’s property at A-2013-2341123.

On February 27, 2013, Pennsylvania Glacial Till, LLC (Glacial Till) filed a petition to intervene in the proceeding. According to the petition, the proposed Northeast-Pocono Reliability Project will traverse a portion of its property in Tobyhanna Township, Monroe County. PPL filed an eminent domain application regarding Glacial Till’s property at A-2013-2344616.

On February 28, 2013, PPL filed a response to Covington’s request for waiver. PPL’s response points out that any entity wishing to become a party to this proceeding must file a petition to intervene or a protest. PPL alleges that Covington’s request for waiver is therefore improper and should be denied.

On March 1, 2013, PPL filed a petition to withdraw the eminent domain application regarding the property of Christopher Maros and Melinda Maros (Maroses) at A-2013-2341213. The petition stated that PPL and the Maroses had executed an agreement by which the Maroses conveyed a right of way and easement to PPL. As a result, PPL’s application was no longer necessary.

Also on March 1, 2013, PPL filed a certificate of satisfaction regarding the Maros Complaint at C-2012-2305047. The certificate of satisfaction alleges that the Maroses had executed an agreement by which the Maroses conveyed a right of way and easement to PPL and that the right of way agreement fully resolves all of the issues and concerns raised in the Maros complaint.

I conducted a prehearing conference on March 6, 2013 at 10:00 a.m. in Harrisburg. Present were counsel for PPL, Office of Consumer Advocate (OCA), Blue Ridge, Covington, NP CARE, Transco, US Industrial, FR E2, FR First, and Glacial Till. Counsel for Justices and Sidovars participated in the prehearing conference by telephone. This order sets forth the procedural matters addressed at the prehearing conference.

None of the parties present at the prehearing conference objected to PPL’s petitions to withdraw its eminent domain applications. With regard to PPL’s petitions to withdraw the eminent domain applications regarding the property of Swingles at A-2013-2341250 and Maroses at A-2013-2341213, the Commission’s Rules of Practice and Procedure permit withdrawal of a pleading in an uncontested matter. 52 Pa. Code §§1.82 and 5.94(c). As of the date of this order, no party has filed any document opposing the applications. Furthermore, no party has filed any document opposing PPL’s petitions to withdraw. The petitions will therefore be granted.

As to PPL’s certificate of satisfaction regarding the Maros Complaint at C-2012-2305047, this matter will be processed pursuant to 52 Pa. Code §5.24(b). If the Maroses do not file an objection to the certificate of satisfaction within ten days of the date of its filing, the complaint will be marked closed. In that event, the complaint shall be removed from the caption in this proceeding and the Maroses shall be removed from the service list in this proceeding.

With regard to Covington’s request for waiver, I agree with PPL that it is improper. As set forth in Prehearing Order #1, dated January 8, 2013, entities that wished to become a party to this proceeding had to file a protest or petition to intervene on or before February 27, 2013. Covington’s attempt to answer PPL’s petition filed at P-2012-2340871 is improper. Since Covington has also filed a petition to intervene, its attempt to answer PPL’s petition is unnecessary. I will deny the request for waiver.

None of the parties present at the prehearing conference objected to any of the protests or petitions to intervene listed above. With regard to the petitions to intervene, the Commission’s Rules of Practice and Procedure permit petitions to intervene. 52 Pa. Code §§5.71-5.76. The provision at 52 Pa. Code §5.72 governs what entities are eligible to intervene in a proceeding and states as follows:

#### § 5.72. Eligibility to intervene.

(a)  *Persons.* A petition to intervene may be filed by a person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate to the administration of the statute under which the proceeding is brought. The right or interest may be one of the following:

    (1)  A right conferred by statute of the United States or of the Commonwealth.

(2)  An interest which may be directly affected and which is not adequately represented by existing participants, and as to which the petitioner may be bound by the action of the Commission in the proceeding.

    (3)  Another interest of such nature that participation of the petitioner may be in the public interest.

  (b)  *Commonwealth.* The Commonwealth or an officer or agency thereof may intervene as of right in a proceeding subject to paragraphs (1)—(3).

  (c)  *Supersession.* Subsections (a) and (b) are identical to 1 Pa. Code §  35.28 (relating to eligibility to intervene).

Allowance of intervention is a matter within the discretion of the Commission. City of Pittsburgh v. Pennsylvania Pub. Util. Comm’n, 33 A.2d 641(Pa. Super. 1943); N.A.A.C.P., Inc. v. Pennsylvania Pub. Util. Comm’n., 290 A.2d 704(Pa. Cmwlth. 1972)

The petitions to intervene of Blue Ridge, Justices and Sidovars, Transco, US Industrial, FR E2, FR First, and Glacial Till are governed by the Commission’s regulation at 52 Pa. Code §57.75(i)(3). The Commission’s regulation at 52 Pa. Code §57.75(i)(3) provides that an owner of property which is subject to an eminent domain application has automatic standing to participate as a party in the siting application. Blue Ridge, Justices and Sidovars, Transco, US Industrial, FR E2, FR First, and Glacial Till are all property owners whose properties are the subject of eminent domain applications. Their petitions to intervene will be granted, pursuant to 52 Pa. Code §57.75(i)(3)

The petitions to intervene of Covington and NP CARE are governed by 52 Pa. Code §5.72(a)(2) since they are not Commonwealth agencies pursuant to 52 Pa. Code §5.72(b) and a statute of either the United States or the Commonwealth does not confer on them a right to intervene pursuant to 52 Pa. Code §5.72(a)(1). Their interest in this proceeding must be of such a nature that intervention is necessary or appropriate to the administration of the statute under which the proceeding is brought.

The Commission has defined the language in 52 Pa. Code §§5.72(a)(2), requiring that an person filing a petition to intervene have an interest which may be directly affected, as equivalent to an interest that is substantial, immediate and direct. Re Equitable Gas Co., 76 Pa. P.U.C. 23 (1992). This is the same requirement that an entity must meet in order to have standing to initiate a proceeding.

Standing to participate in proceedings before an administrative agency is primarily within the discretion of the agency. Pennsylvania National Gas Association v. T.W. Phillips Gas and Oil Co., 75 Pa. P.U.C. 598, 603 (1991). As stated above, the Commission has held that a person or entity has standing when the person or entity has a direct, immediate and substantial interest in the subject matter of a proceeding. Joint Application of Pennsylvania‑American Water Co. and Evansburg Water Co. for Approval of the transfer, by sale, of the water works property and rights of Evansburg Water Co. to Pennsylvania-American Water Co., A‑212285F0046/47 and A‑210870F01 (July 9, 1998); William Penn Parking Garage, Inc. v. City of Pittsburgh, 464 Pa. 168, 346 A.2d 269 (1975); Landlord Service Bureau, Inc. v. Equitable Gas Co., 79 Pa. P.U.C. 342 (1993); Manufacturers’ Association of Erie v. City of Erie - Bureau of Water, 50 Pa. P.U.C. 43 (1976); Waddington v. Pennsylvania Public Utility Commission, 670 A.2d 199 (Pa. Cmwlth. 1995), alloc. denied, 678 A.2d 368 (Pa. 1996). Requiring a person or entity to have a direct, immediate and substantial interest in the subject matter of a proceeding helps avoid frivolous, harassing lawsuits whose costs are ultimately borne, at least in part, by utility ratepayers. Pennsylvania Public Utility Commission v. National Fuel Gas Distribution Corp., 73 Pa. P.U.C. 552 (1990).

Here, Covington and NP CARE’s interests in the subject matter of the proceeding are direct if their interests are adversely affected by PPL’s applications and petitions, are immediate if there is a close causal nexus between their asserted injury and PPL applications and petitions, and are substantial if they have discernible interests other than the general interest of all citizens in seeking compliance with the law. Ken R. ex rel. C.R. v. Arthur Z., 682 A.2d 1267 (Pa. 1996); In re El Rancho Grande, Inc., 437 A.2d 1150 (Pa. 1981); William Penn Parking Garage, Inc.; Empire Coal Mining & Development, Inc. v. Department of Environmental Resources, 623 A.2d 897 (Pa. Cmwlth. 1993); Landlord Service Bureau, Inc. Mere conjecture about possible future harm does not confer a direct interest in the subject matter of a proceeding. Official Court Reporters of the Court of Common Pleas of Philadelphia County v. Pennsylvania Labor Relations Board, 467 A.2d 311 (Pa. 1983).

PPL’s applications and petitions seek Commission approval of it proposed Northeast-Pocono Reliability Project. Covington’s and NP CARE’s interest are direct since they may be adversely affected by approval of the Northeast-Pocono Reliability Project. Covington’s and NP CARE’s interests are immediate because they may suffer injury as a result of the Northeast-Pocono Reliability Project. Their interests are substantial because they have discernible interests other than the general interest of all citizens in seeking compliance with the law. Covington and NP CARE have standing to intervene in this proceeding.

First, their interests in this proceeding are direct. An entity’s interest in the subject matter of a proceeding is direct if its interest is adversely affected by the actions challenged in the complaint. The proposed North Pocono Substation and the building to shelter control equipment that is the subject of the petition at P-20122-2340871 will be constructed in Covington as part of the Northeast-Pocono Reliability Project. Covington alleges that the proposed building does not comply with Covington Township’s zoning ordinance or building code.

NP CARE is a non-profit organization with approximately 100 members who own property in the area of the proposed Northeast-Pocono Reliability Project, a property owners’ association, and visitors who enjoy the public lands and waters in the area of the proposed Northeast-Pocono Reliability Project. NP CARE alleges that the proposed Northeast-Pocono Reliability Project will cause significant environment damage to the Northeast-Pocono area and adversely affect its members.

The interest of Covington in enforcing its zoning and building codes and the interest of NP CARE and its member in protecting the environment of the area could be adversely affected by the Commission’s approval of the Northeast-Pocono Reliability Project.

Covington and NP CARE have an immediate interest in the proceeding because they can demonstrate a close causal nexus between Commission approval of the Northeast-Pocono Reliability Project and the injuries they may suffer. Commission approval of the Northeast-Pocono Reliability Project would lead to the construction of the North Pocono Substation and the building to shelter control equipment which may not comply with Covington’s zoning ordinance and building code. Commission approval of the Northeast-Pocono Reliability Project would lead to alteration of the environment in the area that may adversely affect NP CARE and its members.

Finally, Covington’s and NP CARE’s interests are substantial since they have a discernible interest, other than the concern that PPL comply with the Commission’s regulations. Covington’s interest in enforcing its zoning ordinance and building code is substantial. Similarly, NP CARE’s and its members’ interests in preventing adverse alteration to the environment in the area is substantial. These interests are beyond a mere concern that PPL comply with Commission regulations.

Next, I must determine whether Covington’s and NP CARE’s interests are not adequately represented by an existing party. In this proceeding, no other party has an interest in enforcing Covington’s ordinances or codes. Similarly, no other party has an interest in protecting the environment of the area, similar to NP CARE’s and its members’. No other party’s interest coincides with either Covington’s or NP CARE’s. No other party would have the familiarity with these interests to adequately represent them. I conclude that Covington’s and NP CARE’s interests in this proceeding are not adequately represented by an existing party.

Finally, I must determine whether Covington and NP CARE may be bound by the actions of the Commission in this proceeding. If the Commission approves the Northeast-Pocono Reliability Project, it will include improving construction of the North Pocono Substation and the building to shelter control equipment. This approval would be binding on Covington. Similarly, if the Commission approves the Northeast-Pocono Reliability Project, it will lead to the alteration of the landscape in the area. This approval would be binding on NP CARE and its members. I conclude that Covington and NP CARE would be bound by the Commission’s approval of the Northeast-Pocono Reliability Project.

In conclusion, Covington and NP CARE have demonstrated that they have standing to intervene in this proceeding by demonstrating that they have a direct, immediate and substantial interest in the subject matter of this proceeding, are not adequately represented by any of the existing parties and may be bound by the actions of the Commission in this proceeding. I will grant the petitions to intervene subject to the limitations set forth in 52 Pa. Code §5.75.

Two parties requested that the Commission correct the captions of the proceedings involving their properties. Transco requested that the caption for the eminent domain application involving its property at A-2013-2341208 be corrected to indicate that its correct name is now Transcontinental Gas Pipe Line Company, LLC. I will grant that request.

Blue Ridge also requested that the caption for the eminent domain application involving its property at A-2013-2341277 be corrected to indicate that its correct name is Blue Ridge Real Estate Company. Blue Ridge also requested that the caption be corrected to indicate that the eminent domain application involves its properties in Buck Township, Luzerne County and Thornhurst Township, Lackawanna County, consistent with the assertions in the application and attached documents. I will also grant this request.

Pursuant to requests from members of the General Assembly and local residents, two public input hearings will be conducted at the Thornhurst Volunteer Fire Company. A separate hearing notice will set forth the times and date of those public input hearings.

PPL requested that NP CARE provide a list of its members. NP CARE represents 100 members who own property in the area of the proposed Northeast-Pocono Reliability Project, a property owners’ association, and visitors who enjoy the public lands and waters. NP CARE has indicated that it will present testimony and exhibits at the evidentiary hearings to be held in this matter. No party at the prehearing conference indicated a need to see the list of NP CARE’s members.

It is inappropriate to have the members of NP CARE testify at public input hearings since their interests will be adequately represented at the evidentiary hearings through the testimony of NP CARE’s witnesses. The purpose of public input hearings is to allow members of the public who are affected by PPL’s application and are not providing evidence at the evidentiary hearings to provide evidence for the Commission to consider. The list of NP CARE’s members should be provided so that only members of the general public whose interests will not be represented at the evidentiary hearings testify at the public input hearings. The membership list shall not be included in the record or available to other parties to this litigation at this time. I will direct NP CARE to provide its membership list to me.

OCA proposed modifications to the Commission’s discovery regulations. After discussion among the parties, the parties agreed to specific modifications that I will adopt in this order.

After discussion among the parties, the parties agreed to a litigation schedule that I will adopt in this order.

PPL will provide a password-protected website for viewing documents served, including discovery requests and answers.

THEREFORE,

IT IS ORDERED:

1. That the request for waiver of Covington Township to file an answer and new matter to PPL’s petition filed at P-2012-2340871 is denied.

2. That the petitions of PPL Electric Utilities Corporation to withdraw its applications regarding the property of Merel J. and Arlene J. Swingle at A-2013-2341250 and Christopher Maros and Melinda Maros at A-2013-2341213, being unopposed, are granted and the applications shall be terminated. The applications at A-2013-2341250 and A-2013-2341213 shall be removed from the caption of this proceeding and Merel J. and Arlene J. Swingle and Christopher Maros and Melinda Maros shall be removed from the service list of this proceeding.

3. That the protests or petitions to intervene of Bradley D. Hummel, Blue Ridge Real Estate Company, John C. Justice and Linda S. Justice, Ronald G. Sidovar and Gloria Sidovar, Transcontinental Gas Pipe Line Company, LLC, US Industrial REIT II, FR E2 Property Holding, LP, FR First Avenue Property Holding, LP, and Pennsylvania Glacial Till, LLC, whose properties are the subject of eminent domain applications in this proceeding, are granted, pursuant to 52 Pa. Code 57.75 (i)(3).

4. That the petitions to intervene of Covington Township and North Pocono Citizens Alert Regarding the Environment, being unopposed, are granted.

5. That Covington Township and North Pocono Citizens Alert Regarding the Environment are admitted as intervenors in the above-captioned case, pursuant to 52 Pa. Code §5.75.

6. That admission of Covington Township and North Pocono Citizens Alert Regarding the Environment as intervenors will not be construed as recognition by the Pennsylvania Public Utility Commission that they have a direct interest in the proceeding or might be aggrieved by an order of the Commission in the proceeding, pursuant to 52 Pa. Code §5.75(c).

7. That Covington Township and North Pocono Citizens Alert Regarding the Environment be added as intervenors to the service list in the above-captioned proceeding.

8. That the following schedule is adopted:

Public input hearings April 29-May 3, 2013

Testimony of parties June 5, 2013

Other than the PPL

Rebuttal testimony July 8, 2013

Surrebuttal testimony July 17, 2013

Evidentiary hearings July 24-26, 29-30, 2013

Initial briefs August 26, 2013

Reply briefs September 9, 2013

Record Close September 9, 2013

Recommended Decision October 2013

Exceptions 20 days after RD

Reply Exceptions 10 days after exceptions

Commission Order January 2014

9. That in accordance with the schedule set forth in paragraph 8 above and 52 Pa. Code §5.412, the parties shall serve the documents listed above so that the documents are received in-hand by the parties and presiding officer no later than 4:30 p.m. on the dates listed. Parties may serve the documents listed above via e-mail to meet this requirement, with hard copy to follow by regular first class mail. Parties shall not file testimony with the Commission, but shall file a certificate of service.

10. That a copy of any document filed with the Commission’s Secretary or submitted shall be sent directly to me. Parties may serve documents on me via e-mail at [dsalapa@pa.gov](mailto:dsalapa@pa.gov), with hard copy to follow by regular first class mail sent to the following address: Administrative Law Judge David A. Salapa, Pennsylvania Public Utility Commission, Office of Administrative Law Judge, P.O. Box 3265, Harrisburg PA 17105-3265.

11. That written testimony shall comply with the requirements of 52 Pa. Code §5.412 and shall be marked with numerical, sequential statement numbers. Oral direct, rebuttal or surrebuttal testimony shall not be permitted, except by permission of the presiding officer for good cause.

12. That the parties have agreed to modify the Commission’s normal discovery timelines as follows:

A. Answers to interrogatories shall be served in-hand within twenty (20) calendar days of service of the interrogatories prior to parties other than PPL serving direct testimony. After direct testimony is served, answers shall be served within ten (10) days. After rebuttal testimony is served, answers shall be served within five (5) days.

B. Objections to interrogatories to be communicated orally within three (3) calendar days of service; unresolved objections shall be served to the ALJ in writing within five (5) days of service of interrogatories.

C. Motions to dismiss objections and/or direct the answering of interrogatories shall be filed within three (3) calendar days of service of written objections.

D. Answers to motions to dismiss objections and/or direct the answering of interrogatories shall be filed within three (3) calendar days of service of such motions.

E. Rulings over such motions shall be issued, if possible within seven (7) calendar days of the filing of the motion.

F. Responses to requests for document production, entry for inspection, or other purposes to be served in-hand within ten (10) calendar days.

G. Requests for admission to be deemed admitted unless answered within seven (7) calendar days or objected to within five (five) calendar days of service.

13. That except as set forth in paragraph 12 above, the parties shall conduct discovery pursuant to 52 Pa. Code §§5.321-5.373. I encourage the parties to cooperate and exchange information on an informal basis. I prefer that the parties cooperate rather than engage in numerous or protracted discovery disagreements that require my participation to resolve. All motions to compel shall contain a certification by counsel setting forth the specific actions the parties have undertaken to resolve their discovery disputes informally. If a motion to compel does not contain this certification, I shall contact the parties and direct them to resolve the matter informally and provide the certification if they are unsuccessful. There are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa. Code §§5.361, 5.371-5.372.

14. That each party shall file an original and nine copies of its briefs with the Secretary, in accordance with 52 Pa. Code §5.502(a), and shall serve one copy, in-hand, on me and all other parties no later than 4:30 p.m. on the dates listed. In addition, each party shall e-mail its briefs in Microsoft Word 2010 or equivalent to me.

15. That all briefs shall comply with the requirements of 52 Pa. Code §§5.501 and 5.502, and in addition to the mandatory contents set forth in 52 Pa. Code §5.501(a), all main briefs, regardless of length, must contain:

A. A history of the proceeding;

B. A discussion;

C. Proposed findings of facts (with record citations to transcript pages or exhibits where supporting evidence appears);

D. Proposed conclusions of law (with citations to supporting statutes, regulations or relevant case law); and

E. Proposed ordering paragraphs specifically identifying the relief sought.

16. That a public input hearing shall be held at the Thornhurst Volunteer Fire Company at a time and date to be determined by the Commission.

17. That the caption for the eminent domain application at A-2013-2341208 is corrected to indicate that the correct name of the property owner is now Transcontinental Gas Pipe Line Company, LLC.

18. That the caption for the eminent domain application at A-2013-2341277 is corrected to indicate that the correct name of the property owner is now Blue Ridge Real Estate Company and that the properties involved are located in Buck Township, Luzerne County and Thornhurst Township, Lackawanna County.

19. That North Pocono Citizens Alert Regarding the Environment shall provide a copy of its membership list to me on or before March 22, 2013.

20. That any provision of this prehearing order may be modified upon motion and good cause shown by any party in interest in accordance with 52 Pa. Code §5.223(a).

Dated: March 13, 2013 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

David A. Salapa

Administrative Law Judge

**A-2012-2340872 FOR APPROVAL OF THE SITING AND CONSTRUCTION OF TRANSMISSION LINES ASSOCIATED WITH THE NORTHEAST-POCONO RELIABILITY PROJECT IN PORTIONS OF LUZERNE, LACKAWANNA, MONROE, AND WAYNE COUNTIES, PENNSYLVANIA**

**P-2012-2340871 - FOR A FINDING THAT A BUILDING TO SHELTER CONTROL EQUIPMENT AT THE NORTH POCONO 230-69 KV SUBSTATION IN COVINGTON TOWNSHIP, LACKAWANNA COUNTY, PENNSYLVANIA IS REASONABLY NECESSARY FOR THE CONVENIENCE OR WELFARE OF THE PUBLIC**

**P-2012-2341105 - FOR A FINDING THAT A BUILDING TO SHELTER CONTROL EQUIPMENT AT THE WEST POCONO 230-69 KV SUBSTATION IN BUCK TOWNSHIP, LUZERNE COUNTY, PENNSYLVANIA IS REASONABLY NECESSARY FOR THE CONVENIENCE OR WELFARE OF THE PUBLIC**

***REVISED 3/6/13*** –EMINENT DOMAIN DOCKETS LISTED WITH PROPERTY OWNER’S ADDRESS

JOHN H ISOM ESQUIRE

CHRISTOPHER T WRIGHT ESQUIRE

POST & SCHELL PC

17 NORTH SECOND STREET

12TH FLOOR

HARRISBURG PA 17101-1601

***eServe***

PAUL E RUSSELL ESQUIRE

ASSOCIATE GENERAL COUNSEL

PPL SERVICES CORPORATION

TWO NORTH NINTH STREET

ALLENTOWN PA 18101

***eServe***

DAVID B MACGREGOR ESQUIRE

POST & SCHELL PC

FOUR PENN CENTER

1600 JOHN F KENNEDY BOULEVARD

PHILADELPHIA PA 19103-2808

DIANNE E DUSMAN ESQUIRE

DARYL A LAWRENCE ESQUIRE

OFFICE OF CONSUMER ADVOCATE

555 WALNUT STREET

5TH FLOOR FORUM PLACE

HARRISBURG PA 17101-1925

BRIAN YEAGER ESQUIRE

116 N. WASHINGTON AVE

SUITE 400

P.O. BOX 234

SCRANTON PA 18501-0234

ATTORNEY FOR COVINGTON TOWNSHIP

MARGARET A MORRIS ESQUIRE

MARLANE R CHESTNUT ESQUIRE

REGER RIZZO & DARNALL LLP

CIRA CENTRE, 13TH FLOOR

2929 ARCH STREET

PHILADELPHIA, PA 19104

ATTORNEYS FOR BLUE RIDGE REAL ESTATE COMPANY

**A-2013-2341277**

R ANTHONY WALDRON ESQUIRE

8 SILK MILL DRIVE

SUITE 215

HAWLEY, PA 18428

ATTORNEY FOR JOHN C JUSTICE AND LINDA S JUSTICE

**A-2012-2341107**

ATTORNEY FOR RONALD G SIDOVAR AND GLORIA SIDOVAR

**A-2012-1241120**

ELIZABETH U WITMER ESQUIRE

SAUL EWING LLP

1200LIBERTY RIDGE DRIVE

SUITE 200

WAYNE PA 19087-5569

ATTORNEY FOR FR FIRST AVENUEPROPERTY HOLDING LP

**A-2012-2341123**

ATTORNEY FOR FR E2 PROPERTY HOLDING LP

**A-2013-2341263**

ATTORNEY FOR US INDUSTRIAL REIT II

**A-2013-2341241**

ATTORNEY FOR TRANSCONTINENTAL GAS PIPELINE COMPANY, LLC

**A-2013-2341208**

SCOTT H DEBROFF ESQUIRE

ALICIA R DUKE ESQUIRE

RHOADS & SINON LLP

ONE SOUTH MARKET SQUARE

12TH FLOOR

P O BOX 1146

HARRISBURG PA 17108-1146

ATTORNEYS FOR PENNSYLVANIA GLACIAL TILL, LLC

**A-20132344616**

THREE GRIFFINS ENTERPRISES INC

PO BOX 136

HAMLIN PA 18427-0136

**A-2012-2341114**

MARGARET G ARTHUR (DECEASED)

AND BARBARA A SAURMAN TRUSTEES OF THE RESIDUARY TRUST OF

JAMES C ARTHUR

11 BROWNSTONE DRIVE

HORSHAM PA 19044

**A-2012-2341115**

MICHAEL & JOANNE PALERMO

52 ROWAN AVE

STATEN ISLAND NY 10306-5273

**A-2013-2341121**

WILLIAM PETROULEAS &

JOANNA PETROULEAS

5 HELENA ROAD

STATEN ISLAND NY 10304

**A-2013-2341209**

PETER & FRANCINE PALERMO

36 ROWAN AVE

STATEN ISLAND NY 10306-5273

**A-2013-2341211**

CHRISTOPHER & MELINDA MAROS

586 TWIN ROCKS RD

NEWFOUNDLAND PA 18445-2156

**A-2013-2341213**

DIANNE L DOSS

390 NELSON ROAD

MONROE NY 10950-4248

**A-2013-2341214**

DONALD JANUSZEWSKI

517 LEDGEDALE ROAD

LAKE ARIEL PA 18436-5571

**A-2013-2341215**

INTERNATIONAL CONSOLIDATED

INVESTMENT COMPANY

C/O ARTHUR KANIA

560 E LANCASTER AVE STE 108

ST DAVIDS PA 19087

**A-2013-2341216**

BRADLEY D HUMMEL

PO BOX 733

HAMLIN PA 18427-0733

**A-2012-2341220**

EYLLA HUGHES EST

C/O JUDY SEARFOSS

38 BUCK BLVD

WHITE HAVEN PA 18661-2130

**A-2013-2341232**

MICHAEL A & SUE K MITCH

PO BOX 428

TREICHLERS PA 18086-0428

**A-2013-2341234**

CLIFTON ACRES INC

C/O WAYNE MOORE

159 EAST WALTON PLACE APT 23

CHICAGO IL 60611

**A-2013-2341236**

DIETRICK HUNTING CLUB

PO BOX 39 HOOPER JOHN

CLIFFORD PA 18413

**A-2013-2341237**

ART MRTG BORROWER PROPC 2010-5

10 GLENLAKE PKWY S TWR STE 800

ATLANTA GA 30328

**A-2013-2341238**

NLMS INC

1170 WINOLA RD

CLARKS SUMMIT PA 18411

**A-2013-2341239**

RONALD SOLT

1200 THORNHURST ROAD

BEAR CREEK TWP PA 18702-8212

**A-2013-2341249**

MEREL J & ARLENE J SWINGLE

51 SWINGLE LANE

LAKE ARIEL PA 18436

**A-2013-2341250**

EDWARD R SCHULTZ

RR 1 BOX 1360

GOULDSBORO PA 18424

**A-2013-2341253**

DONALD W HENDERSON &

LOUIS V BELLUCCI

7044 SC HARBOR CIRCLE

STUART FL 34996

**A-2013-2341262**

SYLVESTER J COCCIA

310 W MARY ST

OLD FORGE PA 18518

**A-2013-2341267**

ATTY: THOMAS E MARK M AND

J DEAN MACK

C/O HEATHER K

281 PIERCE STREET

KINGSTON PA 18704

**A-2013-2341272**

JAMES L & MICHAELENE J BUTLER

9414 SOUTH GARY AVENUE

TULSA OK 74137

**A-2013-2344353**

SUSAN BUTLER REIGELUTH

AVENUE DES CHASSEURS 20

WATERLOO 1410

BELGIUM

**A-2013-2344604**

GRUMBLE KNOT LLC

2642 ROUTE 940

POCONO SUMMIT PA 18346

**A-2013-2344612**

BLUEBERRY MOUNTAIN REALTY LLC

57 SEAVIEW BLVD

PORT WASHINGTON NY 11050

**A-2013-2344605**

JOE & VANESSA CAPARO

12 LANGAN ROAD

COVINGTON TOWNSHIP PA 18444

**C-2011-2276731**

CHRIS & MELINDA MAROS

586 TWIN ROCKS ROAD

NEWFOUNDLAND PA 18445

**C-2012-2305047**

PAUL M SCHMIDT ESQUIRE

ZARWIN BAUM DEVITO KAPLAN SCHAER & TODDY PC

1818 MARKET STEET

13TH FLOOR

PHILADELPHIA PA 19102-1981

ATTORNEY FOR NORTH POCONO CITIZENS ALERT REGARDING THE ENVIRONMENT

MICHAEL F FAHERTY ESQUIRE

LAVERTY FAHERTY & PATTERSON

225 MARKET STREET

SUITE 304

P.O. BOX 1245

HARRISBURG, PA. 17108-1245

ATTORNEY FOR LAWRENCE DUDA

**A-2013-2341271**

ATTORNEY FOR JOHN F AND VERONICA ISKRA **A-2013-2341233**

JOSEPH M BLAZOSEK ESQUIRE

341 WYOMING AVENUE

SUITE 9

WEST PITTSTON, PA 18643

ATTORNEY FOR ANTHONY LUPAS JR

**A-2012-2341118**

Anthony J. Lupas, Jr. and Lillian Lupas, John Lupas and Judy Lupas, Grace Lupas, Eugene A. Bartoli and Robert J. Frankelli

17 Dogwood Drive

Laflin, PA 18702

**A-2012-2341118**

Anthony J. Lupas, Jr. and Lillian Lupas, John Lupas and Judy Lupas, Grace Lupas, Eugene A. Bartoli and Robert J. Frankelli

702 Wildflower Drive

Wilkes-Barre, PA 18702

**A-2012-2341118**