



17 North Second Street  
12th Floor  
Harrisburg, PA 17101-1601  
717-731-1970 Main  
717-731-1985 Main Fax  
www.postschell.com

---

Christopher T. Wright

cwright@postschell.com  
717-612-6013 Direct  
717-731-1985 Direct Fax  
File #: 150995

April 26, 2013

***VIA ELECTRONIC FILING***

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor North  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**Re: 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 with the Northeast-Pocono Reliability Project in Portions of Luzerne, Lackawanna, Monroe, and Wayne Counties, Pennsylvania Docket No. A-2012-2340872, et al.**

**Petition for Leave to Withdraw the Application of PPL Electric Utilities Corporation to Exercise the Power of Eminent Domain to Acquire an Easement and Right-of-Way Across the Property of Mark M. Mack, J. Dean Mack and Heather K. Mack - Docket No. A-2013-2341272**

---

Dear Secretary Chiavetta:

Enclosed for filing is the Petition for Leave to Withdraw the Application of PPL Electric Utilities Corporation to Exercise the Power of Eminent Domain to Acquire an Easement and Right-Of-Way Across the Property of Mark M. Mack, J. Dean Mack, and Heather K. Mack, in the above-referenced proceedings.

Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,

Christopher T. Wright

CTW/jl

Rosemary Chiavetta, Secretary  
April 26, 2013  
Page 2

Enclosures

cc: Honorable David A. Salapa  
Certificate of Service

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

### VIA E-MAIL & FIRST CLASS MAIL

Dianne E. Dusman, Esquire  
Darryl Lawrence, Esquire  
Office of Consumer Advocate  
555 Walnut Street  
5th Floor, Forum Place  
Harrisburg, PA 17101-1925  
[PPL-NERP@paoca.org](mailto:PPL-NERP@paoca.org)

Michael F. Faherty, Esquire  
225 Market Street, Suite 304  
PO Box 1245  
Harrisburg, PA 17108-1245  
[mfaherty@laverylaw.com](mailto:mfaherty@laverylaw.com)  
*Counsel for Lawrence Duda; and  
John F. and Veronica B. Iskra*

Scott DeBroff, Esquire  
Alicia R. Duke, Esquire  
Rhoads & Sinon LLP  
One South Market Square, 12th Fl  
PO Box 1146  
Harrisburg, PA 17108-1146  
[sdebroff@rhoads-sinon.com](mailto:sdebroff@rhoads-sinon.com)  
[aduke@rhoads-sinon.com](mailto:aduke@rhoads-sinon.com)  
*Counsel for Pennsylvania Glacial Till LLC*

Elizabeth U. Witmer, Esquire  
Saul Ewing LLP  
1200 Liberty Ridge Drive, Suite 200  
Wayne, PA 19087-5569  
[ewitmer@saul.com](mailto:ewitmer@saul.com)  
*Counsel for Transcontinental Gas Pipe Line  
Company, LLC; US Industrial Reit II; FR E2  
Property Holding, LP; and FR First Avenue  
Property Holding, LP*

Paul M. Schmidt, Esquire  
Zarwin Baum DeVito Kaplan Schaer  
& Toddy P.C.  
1818 Market Street, 13<sup>th</sup> Floor  
Philadelphia, PA 19102-1981  
[pmschmidt@zarwin.com](mailto:pmschmidt@zarwin.com)  
*Counsel for NP CARE*

Margaret A. Morris, Esquire  
Marlane R. Chestnut, Esquire  
Reger Rizzo & Darnall LLP  
Cira Centre, 13<sup>th</sup> Floor  
2929 Arch Street  
Philadelphia, PA 19104  
[mmorris@regerlaw.com](mailto:mmorris@regerlaw.com)  
[mchestnut@regerlaw.com](mailto:mchestnut@regerlaw.com)  
*Counsel for Blue Ridge Real Estate Company*

Brian Yeager, Esquire  
116 N. Washington Avenue, Suite 400  
PO Box 234  
Scranton, PA 18501-0234  
[by@lenahandempsey.com](mailto:by@lenahandempsey.com)  
*Counsel for Township of Covington*

R. Anthony Waldron, Esquire  
8 Silk Mill Drive – Suite 215  
Hawley, PA 18428  
[waldlaw@ptd.net](mailto:waldlaw@ptd.net)  
*Counsel for John C. and Linda S. Justice; and  
Ronald G. and Gloria Sidover*

Joseph M. Blazosek, Esquire  
341 Wyoming Avenue, Suite 9  
West Pittston, PA 18643  
[jblazatty@aol.com](mailto:jblazatty@aol.com)  
*Counsel for Anthony Lupas, Jr. & Lillian Lupas,  
et al*

John Lasak, Esquire  
Kania, Lindner, Lasak and Feeney  
560 East Lancaster Avenue, Suite 108  
St. Davids, PA 19087-5049  
[Jlasak2@aol.com](mailto:Jlasak2@aol.com)  
*International Consolidated Investment Company*

Jeffrey J. Norton, Esquire  
Eckert Seamans Cherin & Mellott, LLC  
213 Market Street, 8<sup>th</sup> Floor  
Harrisburg, PA 17101  
[jnorton@eckertseamans.com](mailto:jnorton@eckertseamans.com)  
*International Consolidated Investment Company*

**VIA FIRST CLASS MAIL**

Margaret G. Arthur (Deceased) and  
Barbara A. Saurman, Trustees of the Residuary  
Trust of James C. Arthur  
11 Brownstone Dr.  
Horsham, PA 19044

Clifton Acres Inc  
C/O Wayne Moore  
159 East Walton Place, Apt. 23  
Chicago, IL 60611

Sylvester J. Coccia  
310 W Mary St.  
Old Forge, PA 18518

Dietrich Hunting Club  
PO Box 39 Hooper John  
Clifford, PA 18413

Dianne L. Doss  
390 Nelson Rd  
Monroe, NY 10950-4248

Donald W. Henderson & Louis V. Bellucci  
7044 Se Harbor Circle  
Stuart, FL 34996

Bradley D. Hummel  
PO Box 216  
Clifford, PA 18413

Donald Januszewski  
517 Ledge Dale Rd.  
Lake Ariel, PA 18436-5571

Atty: Thomas E., Mark M. and J. Dean Mack  
C/O Heather K. Mack  
281 Pierce Street  
Kingston, PA 18704

Michael A. & Sue K. Mitch  
PO Box 428  
Treichlers, PA 18086-0428

NLMS Inc  
1170 Winola Rd  
Clarks Summit, PA 18411

Michael & Joanne Palermo  
52 Rowan Ave  
Staten Island, NY 10306-5273

Peter & Francine Palermo  
36 Rowan Ave  
Staten Island, NY 10306-5273

William Petrouleas & Joanna Petrouleas  
5 Helena Road  
Staten Island, NY 10304

Edward R Schultz  
RR 1 Box 1360  
Gouldsboro, PA 18424

Eylla Hughes Est  
C/O Judy Searfoss  
38 Buck Blvd.  
White Haven, PA 18661-2130

Ronald Solt  
1200 Thornhurst Rd.  
Bear Creek Twp, PA 18702-8212

Three Griffins Enterprises Inc  
PO Box 136  
Hamlin, PA 18427-0136

James L & Michaelene J Butler  
9414 South Gary Avenue  
Tulsa, OK 74137

Susan Butler Reigeluth  
Avenue Des Chasseurs 20  
Waterloo 1410  
Belgium

Grumble Knot LLC  
2642 Route 940  
Pocono Summit, PA 18346

Blueberry Mountain Realty LLC  
57 Seaview Blvd  
Port Washington, NY 11050

Joe & Vanessa Caparo  
12 Langan Road  
Covington Township, PA 18444

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

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

Date: April 26, 2013



---

Christopher T. Wright

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

---

Application of PPL Electric Utilities : Docket No. A-2012-2340872  
Corporation filed Pursuant to 52 Pa. Code :  
Chapter 57, Subchapter G, 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 :

---

Petition of PPL Electric Utilities Corporation : Docket No. 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 :

---

Petition of PPL Electric Utilities Corporation : Docket No. 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 :

---

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 Right-of-Way :  
And Easement Over A Certain Portion Of The :  
Lands Of The Following For Siting And :  
Construction Of Transmission Lines :  
Associated With The Proposed Northeast- :  
Pocono Reliability Project Is Necessary Or :  
Proper For The Service, Accommodation, :  
Convenience Or Safety Of The Public: :  
:

Margaret G. Arthur and Barbara A. Saurman, Trustees of the Residuary Trust of James C. Arthur	:	Docket No. A-2012-2341115
	:	
	:	
Blue Ridge Real Estate Company	:	Docket No. A-2013-2341277
	:	
Clifton Acres, Inc.	:	Docket No. A-2013-2341236
	:	
Sylvester J. Coccia	:	Docket No. A-2013-2341267
	:	
Dietrich Hunting Club	:	Docket No. A-2013-2341237
	:	
Dianne L. Doss	:	Docket No. A-2013-2341214
	:	
Lawrence Duda	:	Docket No. A-2013-2341271
	:	
Fr E2 Property Holding LP	:	Docket No. A-2013-2341263
	:	
FR First Avenue Property Holding, LP	:	Docket No. A-2012-2341123
	:	
Donald W. Henderson and Louis V. Bellucci	:	Docket No. A-2013-2341262
	:	
	:	
Bradley D. Hummel	:	Docket No. A-2013-2341220
	:	
International Consolidated Investment Company	:	Docket No. A-2013-2341216
	:	
John F. and Veronica B. Iskra	:	Docket No. A-2013-2341233
	:	
Donald Januszewski	:	Docket No. A-2013-2341215
	:	
John C. Justice and Linda S. Justice	:	Docket No. A-2012-2341107
	:	
Anthony J. Lupas, Jr. and Lillian Lupas, John Lupas and Judy Lupas, Grace Lupas, Eugene A. Bartoli and Robert J. Frankelli	:	Docket No. A-2012-2341118
	:	
	:	
Mark M. Mack, J. Dean Mack and Heather K. Mack	:	Docket No. A-2013-2341272
	:	
	:	
Michael A. Mitch and Sue K. Mitch	:	Docket No. A-2013-2341234
	:	
NLMS, Inc.	:	Docket No. A-2013-2341239
	:	
Michael Palermo and Joanne Palermo	:	Docket No. A-2013-2341221

Peter Palermo and Francine Palermo	:	Docket No. A-2013-2341211
	:	
William Petrouleas and Joanna Petrouleas	:	Docket No. A-2013-2341209
	:	
Edward R. Schultz	:	Docket No. A-2013-2341253
	:	
Roberta Searfoss a/k/a Judy Searfoss, Executrix of the Estate of Euylla Hughes a/k/a Eylla Hughes	:	Docket No. A-2013-2341232
	:	
Ronald G. Sidovar and Gloria J. Sidovar	:	Docket No. A-2012-2341120
	:	
Ronald Solt	:	Docket No. A-2013-2341249
	:	
Three Griffins Enterprises Inc.	:	Docket No. A-2012-2341114
	:	
Transcontinental Gas Pipe Line Corporation	:	Docket No. A-2013-2341208
	:	
US Industrial Reit II	:	Docket No. A-2013-2341241
	:	
James L & Michaelene J Butler,	:	Docket No. A-2013-2344353
	:	
Susan Butler Living Trust,	:	Docket No. A-2013-2344604
	:	
Grumble Knot LLC,	:	Docket No. A-2013-2344612
	:	
Pennsylvania Glacial Till LLC, and	:	Docket No. A-2013-2344616
	:	
Blueberry Mountain Realty LLC.	:	Docket No. A-2013-2344605

---

Joe & Vanessa Caparo	:	Docket No. C-2011-2276731
v.	:	
PPL Electric Utilities Corporation	:	

---

---

**PETITION FOR LEAVE TO WITHDRAW THE  
APPLICATION OF PPL ELECTRIC UTILITIES CORPORATION  
TO EXERCISE THE POWER OF EMINENT DOMAIN TO ACQUIRE AN  
EASEMENT AND RIGHT-OF WAY ACROSS THE PROPERTY OF  
MARK M. MACK, J. DEAN MACK, AND HEATHER K. MACK**

---

**TO ADMINISTRATIVE LAW JUDGE  
DAVID A. SALAPA:**

PPL Electric Utilities Corporation (“PPL Electric”) hereby petitions for leave to withdraw and terminate the Application of PPL Electric Utilities Corporation to Exercise the Power of Eminent Domain to Acquire an Easement and Right-of-Way Across the Property of Mark M. Mack, J. Dean Mack, and Heather K. Mack, pursuant to 52 Pa. Code §§ 1.82 and 5.94(c). In support thereof, PPL Electric states:

1. PPL Electric is a public utility and electric distribution company subject to the regulatory jurisdiction of the Commission. PPL Electric furnishes electric distribution, transmission, and supplier of last resort services to approximately 1.4 million customers in a service area that includes approximately 10,000 square miles covering all or portions of twenty-nine counties in eastern and central Pennsylvania. PPL Electric’s principal offices are located at Two North Ninth Street, Allentown, PA 18101-1179.

2. On December 28, 2012, PPL Electric filed the “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 with the Northeast-Pocono Reliability Project in Portions of Luzerne, Lackawanna, Monroe, and Wayne Counties, Pennsylvania” (“Siting Application”), which was docketed at Docket No. A-2012-2340872.

3. Also on December 28, 2012, PPL Electric filed the “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 Right-of-Way And Easement Over A Certain Portion Of The Lands Of Mark M. Mack, J. Dean Mack, and Heather K. Mack In Bear Creek Township, Luzerne County, Pennsylvania For Siting And Construction Of Transmission Lines Associated With The Proposed Northeast-Pocono Reliability Project Is Necessary Or Proper For The Service, Accommodation, Convenience Or Safety Of The Public,” which was docketed at Docket No. A-2013-2341272 (“Mack Application”).

4. On January 8, 2013, the Honorable Administrative Law Judge David A. Salapa issued a Prehearing Order No. 1 that, *inter alia*, advised parties that they must file a protest or a petition to intervene by February 27, 2013, in order to participate in this matter.

5. As of the date of this petition, no party has intervened, protested, or otherwise formally opposed the Mack Application.

6. On January 25, 2013, PPL Electric filed a motion to consolidate the Mack Application with the above-captioned matters.

7. On January 29, 2013, Administrative Law Judge David A. Salapa issued Prehearing Order No. 2 that, *inter alia*, consolidated the Mack Application with the above-captioned matters.

8. On April 25, 2013, PPL Electric and Mark M. Mack, J. Dean Mack, and Heather K. Mack executed an agreement that granted PPL Electric a right-of-way and easement over and across the land owned by Mark M. Mack, J. Dean Mack, and Heather K. Mack in Bear Creek Township, Luzerne County, Pennsylvania.

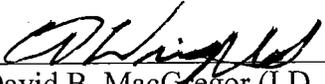
9. The above-mentioned right-of-way and easement agreement renders the Mack Application unnecessary.

10. Therefore, pursuant to Sections 1.82 and 5.94(c) of the Regulations of the Pennsylvania Public Utility Commission, 52 Pa. Code §§ 1.82 and 5.94(c), PPL Electric seeks to withdraw and terminate the Mack Application in its entirety.

WHEREFORE, PPL Electric Utilities Corporation respectfully requests that Pennsylvania Public Utility Commission permit PPL Electric to withdraw the Mack Application and terminate the proceeding docketed at Docket No. A-2013-2341272.

Respectfully submitted,

Paul E. Russell (I.D. #21643)  
Associate General Counsel  
PPL Services Corporation  
Two North Ninth Street  
Allentown, PA 18101  
Voice: 610.774.4254  
Fax: 610.774.6726  
E-mail: perussell@pplweb.com

  
David B. MacGregor (I.D. #28804)  
Post & Schell, P.C.  
Four Penn Center  
1600 John F. Kennedy Boulevard  
Philadelphia, PA 19103-2808  
Voice: 215.587.1197  
Fax: 215.320.4879  
E-mail: dmacgregor@postschell.com

Of Counsel:

Post & Schell, P.C.

John H. Isom (ID # 16569)  
Christopher T. Wright (ID #203412)  
Post & Schell, P.C.  
12th Floor, 17 North Second Street  
Harrisburg, PA 17101-1601  
Voice: 717.731.1970  
Fax: 717.731.1985  
E-mail: jisom@postschell.com  
E-mail: cwright@postschell.com

Dated: April 26, 2013

Attorneys for PPL Electric Utilities Corporation



Margaret G. Arthur and Barbara A. Saurman, Trustees of the Residuary Trust of James C. Arthur	:	Docket No. A-2012-2341115
	:	
	:	
Blue Ridge Real Estate	:	Docket No. A-2013-2341277
	:	
Clifton Acres, Inc.	:	Docket No. A-2013-2341236
	:	
Sylvester J. Coccia	:	Docket No. A-2013-2341267
	:	
Dietrich Hunting Club	:	Docket No. A-2013-2341237
	:	
Dianne L. Doss	:	Docket No. A-2013-2341214
	:	
Lawrence Duda	:	Docket No. A-2013-2341271
	:	
Fr E2 Property Holding LP	:	Docket No. A-2013-2341263
	:	
FR First Avenue Property Holding, LP	:	Docket No. A-2012-2341123
	:	
Donald W. Henderson and Louis V. Bellucci	:	Docket No. A-2013-2341262
	:	
	:	
Bradley D. Hummel	:	Docket No. A-2013-2341220
	:	
International Consolidated Investment Company	:	Docket No. A-2013-2341216
	:	
John F. and Veronica B. Iskra	:	Docket No. A-2013-2341233
	:	
Donald Januszewski	:	Docket No. A-2013-2341215
	:	
John C. Justice and Linda S. Justice	:	Docket No. A-2012-2341107
	:	
Anthony J. Lupas, Jr. and Lillian Lupas, John Lupas and Judy Lupas, Grace Lupas, Eugene A. Bartoli and Robert J. Frankelli	:	Docket No. A-2012-2341118
	:	
	:	
Mark M. Mack, J. Dean Mack and Heather K. Mack	:	Docket No. A-2013-2341272
	:	
	:	
Michael A. Mitch and Sue K. Mitch	:	Docket No. A-2013-2341234
	:	
NLMS, Inc.	:	Docket No. A-2013-2341239
	:	
Michael Palermo and Joanne Palermo	:	Docket No. A-2013-2341221

Peter Palermo and Francine Palermo	:	Docket No. A-2013-2341211
	:	
William Petrouleas and Joanna Petrouleas	:	Docket No. A-2013-2341209
	:	
Edward R. Schultz	:	Docket No. A-2013-2341253
	:	
Roberta Searfoss a/k/a Judy Searfoss, Executrix of the Estate of Euylla Hughes a/k/a Eylla Hughes	:	Docket No. A-2013-2341232
	:	
Ronald G. Sidovar and Gloria J. Sidovar	:	Docket No. A-2012-2341120
	:	
Ronald Solt	:	Docket No. A-2013-2341249
	:	
Three Griffins Enterprises Inc.	:	Docket No. A-2012-2341114
	:	
Transcontinental Gas Pipe Line Corporation	:	Docket No. A-2013-2341208
	:	
US Industrial Reit II	:	Docket No. A-2013-2341241
	:	
James L & Michaelene J Butler,	:	Docket No. A-2013-2344353
	:	
Susan Butler Living Trust,	:	Docket No. A-2013-2344604
	:	
Grumble Knot LLC,	:	Docket No. A-2013-2344612
	:	
Pennsylvania Glacial Till LLC, and	:	Docket No. A-2013-2344616
	:	
Blueberry Mountain Realty LLC.	:	Docket No. A-2013-2344605

---

Joe & Vanessa Caparo	:	Docket No. C-2011-2276731
v.	:	
PPL Electric Utilities Corporation	:	

---

**PROPOSED ORDER**

AND NOW, in consideration of the Petition for Leave to Withdraw and Terminate filed on April 26, 2013, by PPL Electric Utilities Corporation in the above-captioned matter,

IT IS ORDERED:

1. That the Petition for Leave to Withdraw and Terminate filed by PPL Electric Utilities Corporation is granted, consistent with this Order.

2. That the 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 Right-of-Way And Easement Over A Certain Portion Of The Lands Of Mark M. Mack, J. Dean Mack, and Heather K. Mack In Bear Creek Township, Luzerne County, Pennsylvania For Siting And Construction Of Transmission Lines Associated With The Proposed Northeast-Pocono Reliability Project Is Necessary Or Proper For The Service, Accommodation, Convenience Or Safety Of The Public at Docket No. A-2013-2341272 is withdrawn.

3. That the Commission shall mark Docket No. A-2013-2341272 closed.

\_\_\_\_\_  
Date

\_\_\_\_\_  
David A. Salapa  
Administrative Law Judge