

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

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IRWINA. POPOWSKY  
Consumer Advocate

March 3, 2009

Honorable Susan D. Colwell  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

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 the Pennsylvania Portion of the Proposed Susquehanna-Roseland 500 kV Transmission Line in Portions of Lackawanna, Luzerne, Monroe, Pike and Wayne Counties, Pennsylvania  
Docket No. A-2009-2082652, *et al.*

Dear Secretary McNulty:

Enclosed are the original and one copy of the Prehearing Memorandum on behalf of the Office of Consumer Advocate, in the above-referenced proceeding.

Copies have been served as shown on the enclosed Certificate of Service.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Shaun A. Sparks".

Shaun A. Sparks  
Assistant Consumer Advocate  
PA Attorney I.D. # 87372

Enclosures

cc: James J. McNulty  
Certificate of Service

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Stafursky Properties, Ltd	:	A-2009-2088310
Anthony R. Domiano, Sr. and	:	A-2009-2088307
Anthony R. Domiano, Jr.	:	
Charles Coccodrilli	:	A-2009-2088353

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PREHEARING MEMORANDUM  
OF THE  
OFFICE OF CONSUMER ADVOCATE

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Pursuant to the Notice of Prehearing Conference and Section 333 of the Public Utility Code, 66 Pa.C.S. § 333, the Office of Consumer Advocate (OCA) provides the following:

**I. BACKGROUND**

On January 6, 2009, PPL Electric Utilities Corporation (PPL) filed with the Commission an Application for a Certificate of Public Convenience (Application) to construct and operate the Pennsylvania portion of the proposed Susquehanna-Roseland 500kV high-voltage transmission line (HV Line). PPL claims that PJM Interconnection (PJM), under its Federal Energy Regulatory Commission (FERC) Open Access Transmission Tariff (OATF), has directed PPL to construct the Pennsylvania portion of the HV Line to resolve violations of the National Electrical Reliability Corporation (NERC) reliability standards on critical circuits in eastern Pennsylvania and northern New Jersey. The proposed \$510 million HV Line consists of approximately 101 miles of high-voltage transmission lines traversing portions of Lackawanna, Luzerne, Monroe, Pike and Wayne Counties in Pennsylvania.

On January 27, 2009, the OCA filed its Protest and Public Statement. The OCA Protest stated that the Commission must determine whether the HV Line is necessary and must examine its potential adverse impact on the public as compared with the improved reliability and economic benefit that PPL promises that the project will deliver. The OCA also stated that the Application raises issues of transmission planning and development as well as impacts upon

reliability. The OCA noted in its Protest that the Commission must answer the threshold questions of whether the proposed line is needed to meet local, state or regional needs; whether the line is appropriately sited; whether the line is appropriately sized; and whether the Applicant has sufficiently explored alternatives to the proposed line.

## **II. SERVICE ON THE OCA**

The OCA will be represented in this proceeding by Senior Assistant Consumer Advocate Dianne E. Dusman and Assistant Consumer Advocates Darryl A. Lawrence and Shaun A. Sparks. A total of two copies of all documents should be served on the OCA as follows:

Darryl A. Lawrence  
Assistant Consumer Advocate  
Office of Consumer Advocate  
555 Walnut Street, 5<sup>th</sup> Floor, Forum Place  
Harrisburg, PA 17101-1923  
Telephone (717) 783-5048  
Telecopier (717) 783-7152  
Email: PPLS-R@paoca.org

## **III. DISCOVERY**

The OCA proposes to change the timelines of the Commission's discovery regulations in accord with the proposed procedural schedules suggested by the Parties to this proceeding. The OCA has attached its proposed changes in Appendix A.

## **IV. PROPOSED SCHEDULE**

The OCA has been in discussions with the Parties in an effort to develop an acceptable procedural schedule which is set forth in Appendix B attached for the Presiding Officer's consideration. While the schedule represents a compromise by those who participated in the discussions, this matter has already generated substantial public interest, and the Commission's ultimate decision will significantly affect the public. The possible impact of this proceeding and the substantial rights at stake demand that the highest level of due process be afforded to the

public. To accommodate this, the OCA notes that additional informal conferences may be required to finalize a schedule of public input hearings.

## **V. WITNESSES**

The OCA intends to present direct, rebuttal, and surrebuttal testimony of expert witnesses, as may be necessary. The OCA's witnesses will present testimony in written form and will also attach various exhibits, documents, and explanatory information which will assist in the presentation of the OCA's case. In order to expedite the resolution of this proceeding, the OCA requests that copies of all interrogatories, testimony, and answers to interrogatories be mailed directly to its expert witnesses in this case, as well as mailing a copy to counsel for the OCA. The OCA's expert witnesses in this proceeding will be as follows.

With respect to issues regarding local and regional reliability, need for and alternatives to the proposed facility, the PJM transmission planning process, and EMF mitigation:

Mr. Peter Lanzalotta  
Lanzalotta & Associates LLC  
67 Royal Point Drive  
Hilton Head Island, SC 29926  
Telephone: (843) 836-3278  
Fax: (843) 836-2235  
Email: peterlanz@lanzalotta.com

With respect to issues regarding the PJM planning process, cost recovery and allocation and alternative energy impacts:

Mr. Robert Fagan  
Synapse Energy Economics, Inc.  
22 Pearl Street  
Cambridge, MA 02139  
Telephone: (617) 661-3248 ext. 240  
Fax: (617) 661-0559  
Email: rfagan@synapse-energy.com

The OCA specifically reserves the right to call additional witnesses, as necessary. As soon as the OCA has determined whether an additional witness or witnesses will be necessary for any portion of its case, all parties of record will be notified.

## **VI. ISSUES AND EVIDENCE**

In this proceeding, the OCA and its experts are currently considering the following general issues: (1) reliability, (2) need — regional and state, (3) cost recovery and allocation, (4) alternative energy, and (5) alternatives to the line. Specific potential issues are described below. The OCA specifically reserves the right to expand the issues, as necessary.

- (1) Reliability - The OCA will perform a detailed analysis of reliability concerns alleged in the Application and will determine the extent to which the line is the most cost-effective remedy to those concerns.
- (2) Need - The OCA will perform a detailed analysis of the need for transmission upgrades. The OCA will also determine the extent to which all segments of the proposed line and all substations are needed.
- (3) Cost Recovery and Allocation - The OCA will examine the allocation of the costs and rate impacts upon local and regional electric utility customers.
- (4) Alternative Energy - The OCA will examine the extent to which the application addresses the alternative energy sources available in the area and their potential effect on electricity reliability.
- (5) Alternatives to the Line- The OCA will perform an analysis of both transmission and non-transmission alternatives to the installation of the line as a whole and whether the proposed line is the most cost-effective and least environmentally intrusive alternative pursuant to the Commission's Transmission Line Siting Regulations, codified at 52 Pa. Code §57.71, *et seq.*

## **VII. PUBLIC INPUT HEARINGS**

The OCA requests that public input hearings be held in all areas affected by the proposed HV Line where substantial public interest has been demonstrated. *See* 52 Pa. Code § 69.321. The OCA is aware of five formal complaints in this matter and, from the residents of the Saw Creek area in Pike County, the Commission received 520 protests. As the proposed schedule reflects, virtually all of the current requests for public input hearings have come from the Saw Creek area and two hearings are already scheduled for that area. The OCA will work with the ALJ and the Company to identify appropriate areas for public input hearings within the dates indicated by the proposed schedule, if any additional requests are received.

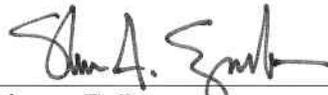
## **VIII. CAPTION**

In the interest of administrative efficiency, the OCA would respectfully request that the caption for this proceeding be shortened to include only the first of the filings made by PPL, with the designation “*et al.*”

## IX. SERVICE

Because of the volume of protests, the OCA would also request that, pursuant to Section 1.54(c) of Chapter 52, the Presiding Officer authorize that only those parties who state on the record or request in writing that they wish to be served need to be included on the Service List to be used by the participating parties.

Respectfully Submitted,



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Dated: March 3, 2009

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PROPOSED REVISIONS TO DISCOVERY RULES

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In order to effectively investigate and adequately develop a record in this proceeding, the OCA requests certain modifications of the Commission's procedural rules on a going-forward basis, as set forth below:

- A. Answers to written interrogatories shall be served in-hand within ten (10) calendar days of service of the interrogatories and then within (7) days after the Parties file rebuttal testimony;
- B. Objections to interrogatories shall be communicated orally within three (3) calendar days of service; unresolved objections be served to the ALJ in writing within five (5) calendar days of service of interrogatories;
- C. Motions to dismiss objections and/or directing 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 filing of the motion;
- F. Responses to requests for document production, entry for inspection, or other purposes shall be served in-hand within ten (10) calendar days;
- G. Requests for admission shall be deemed admitted unless answered within ten (10) calendar days or objected to within five (5) calendar days of service.

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PROPOSED PROCEDURAL SCHEDULE

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Other parties' testimony:	Friday, May 29, 2009
Public Input hearings:	Friday, March 20, 2009, 1:00 and 7:00 PM (Saw Creek) May 1-19, 2009 (additional hearings if requested)
Rebuttal testimony:	Tuesday, June 30, 2009
Surrebuttal testimony:	Monday, July 15, 2009
Evidentiary Hearings:	Week of July 20-24, 2009
Initial Briefs:	Monday, August 24, 2009
Reply Brief:	Friday, September 4, 2009
Recommended Decision:	Monday, October 19, 2009
Exceptions:	Monday, November 2, 2009
Reply Exceptions:	Tuesday, November 10, 2009
PUC Order:	January 2010

CERTIFICATE OF SERVICE

Applications of PPL Electric Utilities : Docket Nos. A-2009-2082652, *et al.*  
Corporation Filed Pursuant to 52 Pa. Code :  
Chapter 57, Subchapter G, for Approval of the :  
Siting and Construction of the Pennsylvania :  
Portion of the Proposed Susquehanna-Roseland :  
500 kV Transmission Line in Portions of :  
Lackawanna, Luzerne, Monroe, Pike and Wayne :  
Counties, Pennsylvania :

I hereby certify that I have this day served a true copy of the foregoing document, the Prehearing Memorandum on behalf of the Office of Consumer Advocate, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code Section 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 3<sup>rd</sup> day of March 2009.

Service By E-Mail and Interoffice Mail

Charles Daniel Shields, Esquire  
Office of Trial Staff  
Pennsylvania Public Utility Commission  
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Etianna M. Hyman  
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