



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

Christopher T. Wright

cwright@postschell.com
717-612-6013 Direct
717-731-1985 Fax
File #: 2507/140068

March 19, 2009

BY E-FILING AND BY HAND

James J. McNulty
Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
PO 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 the Pennsylvania Portion of The Proposed Susquehanna-Roseland 500 kV Transmission Line in Portions of Lackawanna, Luzerne, Monroe, Pike and Wayne Counties, Pennsylvania - A-2009-2082652

Petition of PPL Electric Utilities Corporation For A Finding That A Building To Shelter Equipment At The 500-230 kV Substation To Be Constructed In The Borough of Blakely, Lackawanna County, Pennsylvania is Reasonably Necessary For The Convenience Or Welfare Of The Public - A-2009-2082832

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 Right-Of-Way And Easement Over And Across The Lands Of The Property Owners Listed Below For The Proposed Susquehanna-Roseland 500 kV Transmission Line In Portions Of Lackawanna, Luzerne, Monroe, Pike and Wayne Counties, Pennsylvania Is Necessary or Proper For The Service, Accommodation, Convenience Or Safety Of The Public: A-2009-2088297; A-2009-2088337; A-2009-2088331; A-2009-2088327; A-2009-2088340; A-2009-2088357; A-2009-2088359; A-2009-2088315; A-2009-2088312; A-2009-2088360; A-2009-2088307; A-2009-2088310; A-2009-2088353

Dear Secretary McNulty:

ALLENTOWN HARRISBURG LANCASTER PHILADELPHIA PITTSBURGH PRINCETON WASHINGTON, D.C.

A PENNSYLVANIA PROFESSIONAL CORPORATION

6340648v1

James J. McNulty, Secretary

March 19, 2009

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Enclosed for filing is PPL Electric Utilities Corporation's Motion to Strike the Protest of the Energy Conservation Council in the above-referenced proceeding.

As indicated on the certificate of service, copies have been provided to the parties in the manner indicated.

Respectfully yours,



Christopher T. Wright

CTW/skr

Enclosures

cc: 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 AND FIRST CLASS MAIL

Dianne E. Dusman, Esquire
Darryl Lawrence, Esquire
Shaun A. Sparks, Esquire
Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101-1923

Charles Daniel Shields, Esquire
Office of Trial Staff
PO Box 3265
Commonwealth Keystone Building
400 North Street, 2nd Floor West
Harrisburg, PA 17105-3265

Paul M. Schmidt, Esquire
Zarwin Baum DeVito Kaplan Schaer &
Toddy P.C.
1515 Market Street
12th Floor
Philadelphia, PA 19102-1981
(Counsel for Saw Creek Estates Community
Association, Inc.)

Edmund J. Berger, Esquire
Berger Law Firm, P.C.
2104 Market Street
Camp Hill, PA 17011
(Counsel for Energy Conservation Council)

Shelby A. Linton-Keddie
McNees Wallace & Nurick, LLC
P.O. Box 1166
100 Pine Street
Harrisburg, PA 17108-1166

Kent D. Murphy
Senior Counsel
UGI Corporation
460 North Gulph Road
King of Prussia, PA 19406

Joseph Dominguez
Exelon Generation
300 Exelon Way, Suite 340
Kennett Square, PA 19348

Michael F. Faherty
Lavery Faherty Young & Patterson, P.C.
225 Market Street, Suite 304
P.O. Box 1245
Harrisburg, PA 17108-1245

VIA FIRST CLASS MAIL

Lanzalotta & Associates LLC
67 Royal Point Drive
Moss Creek Plantation
Hilton Head Island, SC 29926

Susan Simms Marsh, Esquire
800 West Hershey Park Drive
Hershey, PA 17033
(Counsel for Pennsylvania American Water)

Cheryl L. Hamilton, MD
276 Saw Creek Estates
Bushkill, PA 18324

Etianna M. Hyman
576 Saw Creek Estates
Bushkill, PA 18324

Joseph and Maria Doe
2117 Fifth Street
East Meadow, NY 11554
(For 3134 Windgate Court
Sawcreek Estates
Bushkill, PA 18324)

Alix M. Mariette
63 Wickes Road
Bushkill, PA 18324

Beverly & Arthur Karten
155 At The Falls
Bushkill, PA 18324

Max Bohleman
RR 1, Box 539C
SR 247
Olyphant, PA 18447

Angelica Rovira
305 Woodville Court
Lot 305, Section 21
Saw Creek Estates
Bushkill, PA 18324

Annette & Ralph Seeley
52 Saw Creek Estates
Bushkill, PA 18324

Timothy and Debra Kocher
1184 Ridge Road
Bath, PA 18014

Sheryl A. Rosen
668 Saw Creek Estates
Bushkill, PA 18324

David Murphy and Marguerite T. Kranick
279 Faller Road
Lake Ariel, PA 18436

Chaudhari Family Limited Partnership
1311 Delaware Street
Dunmore, PA 18512

D&L Realty Company
400 Mill Street
Dunmore, PA 18512

Joseph S. Wiesmeth, Esquire
919 Main Street
Stroudsburg, PA 18360
(Counsel for Winona Lakes Property
Owners Association)

Kenneth Powell and Linda Powell
1305 Justus Boulevard
Clarks Summit, PA 18411

Arlean K. Lilly
1260 Smith Gap Road
Bath, PA 18014-8738

Patrick J. Lavelle
1000 S. State Street
Clarks Summit, PA 18411

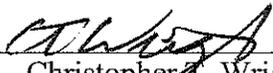
Diane and Larry Berger
205 Princeton Place
Williamstown, NJ 08094

Donna Davis, Esquire
PO Box 423
Dunmore, PA 18512

Rudolph Saporito and Maria Saporito
PO Box 434
Lake Ariel, PA 18436-0434

HaRa Corporation
c/o F. Andrew Wolf, Corporate Counsel
Bushkill Group
Route 209
PO Box 447
Bushkill, PA 18324

Date: March 19, 2009



Christopher T. Wright

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of PPL Electric Utilities Corporation	:	
Filed Pursuant to 52 Pa. Code Chapter 57,	:	A-2009-2082652
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	:	
Petition of PPL Electric Utilities Corporation	:	
For A Finding That A Building To Shelter	:	A-2009-2082832
Equipment At The 500-230 kV Substation To	:	
Be Constructed In The Borough of Blakely,	:	
Lackawanna 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 Right-Of-Way And Easement Over And Across	:	
The Lands Of The Property Owners Listed Below	:	
For The Proposed Susquehanna-Roseland 500 kV	:	
Transmission Line In Portions Of Lackawanna,	:	
Luzerne, Monroe, Pike and Wayne Counties,	:	
Pennsylvania Is Necessary or Proper For The	:	
Service, Accommodation, Convenience Or	:	
Safety Of The Public:	:	
	:	
Chaudari Family Limited Partnership,	:	A-2009-2088297
David Murphy, and Marguerite T. Kranick	:	
	:	
HaRa Corporation	:	A-2009-2088337
	:	
Max Bohleman	:	A-2009-2088331
	:	
Richard Coccodrilli, Jr., Jeffrey J.	:	A-2009-2088327
Coccodrilli, Ryan T. Coccodrilli, and	:	
Joseph Williams	:	
	:	
D&L Realty Company	:	A-2009-2088340

Kenneth Powell and Linda Powell : A-2009-2088359
Rudolph Saporito and Maria Saporito : A-2009-2088312
David Murphy : A-2009-2088360

**PPL ELECTRIC UTILITIES CORPORATION'S MOTION TO STRIKE
THE PROTEST OF THE ENERGY CONSERVATION COUNCIL**

TO ADMINISTRATIVE LAW JUDGE SUSAN D. COLWELL:

PPL Electric Utilities Corporation ("PPL Electric"), by and through its attorneys, files this Motion to Strike the Protest of the Energy Conservation Council ("ECC") pursuant to the Pennsylvania Public Utility Commission's ("Commission") rules of Administrative Practice and Procedure at 52 Pa. Code §§ 5.52 and 5.103. In support thereof, PPL Electric states as follows:

1. On January 6, 2009, PPL Electric filed with the Commission 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 the Pennsylvania portion of the proposed Susquehanna-Roseland 500 kV Transmission Line in portions of Lackawanna, Luzerne, Monroe, Pike And Wayne Counties, Pennsylvania," which was docketed at A-2009-2082652 ("Siting Application").

2. On January 17, 2009, notice of PPL Electric's Siting Application was published in the Pennsylvania Bulletin. 39 Pa. Bulletin 390 (January 17, 2009). Pursuant thereto, any and all protests and petitions to intervene were required to be filed with the Commission and served on PPL Electric on or before February 27, 2009.

3. On February 27, 2009, ECC filed with the Commission a formal protest to PPL Electric's Siting Application. Therein, ECC asserts that it opposes the Susquehanna-Roseland 500 kV Transmission Line proposed in PPL Electric's Siting Application on behalf of certain of its purported members that allegedly have a direct, immediate, and substantial interest in the subject matter of the Siting Application.

4. Pursuant to the Commission's regulations, a protest to an application must set forth the following: (1) a clear and concise statement of the facts from which the alleged interest or right of the protestant can be determined; (2) the grounds of the protest; and (3) facts establishing the protestant's standing to protest. 52 Pa. Code § 5.52(a). In this case, the Protest of ECC has failed to set forth facts sufficient to establish standing.

5. The standard for standing in Commission proceedings is well settled. A person or an entity has standing when the person or the entity has a direct, immediate, and substantial interest in the subject matter of the proceeding. *William Penn Parking Garage, Inc. v. City of Pittsburgh*, 464 Pa. 168, 346 A.2d 269 (1975); *Joint Application of Pennsylvania-American Water Co. and Evansburg Water Co.*, A-212285F0046/47 (July 9, 1998). An entity has a direct interest if that interest is adversely affected by the actions challenged. *Id.* The interest is immediate if there is a close causal nexus between the entity's asserted injury and the challenged actions. *Id.* The interest is substantial if the entity has a discernible interest greater than the general interest of all citizens seeking compliance with the law. *Id.*

6. ECC concludes in its Protest that it has representational standing to assert its Protest on behalf of fifteen (15) residents/landowners of the Saw Creek Estates Community Association, Inc. ("Saw Creek"). However, the issue of whom ECC is representing has not been resolved. Indeed, some of the individuals that ECC identified in Paragraph 5 of its Protest,

including but not limited to Alix M. Mariette, have filed individual protests or are otherwise participating through protests filed by other parties, including Winona Lakes Property Owners Association (“WLPOA”). Furthermore, Saw Creek has filed a formal protest in this matter, allegedly on behalf of the residents/landowners in that community.

7. In Paragraph 2 of ECC’s Protest, it asserts that the protest is necessary to “ensure that the energy needs of Pennsylvanians are met through means which minimize harm to the environment, do not endanger the health of residents, minimize increases in electric rates and costs, prevent adverse effects on property values, and recognize that the growth of local generation should primarily be driven by local demand.” However, the public’s general interests are more than adequately represented by the Office of Consumer Advocate (“OCA”) and the Office of Trial Staff (“OTS”). Landowners’ interests are represented by certain individuals, Saw Creek, and by the WLPOA. ECC’s participation in this proceeding would be merely cumulative to the participation of others. More importantly, this allegation fails to satisfy the requirement to establish that ECC has a discernible interest other than the general interest of all citizens of the Commonwealth. *See William Penn, supra.*

8. Further, according to ECC’s web site, its mission is to protect southwestern Pennsylvania and its purpose is to oppose the Allegheny TrAIL project.¹ Assuming that ECC’s web site accurately reflects its organizational documents, ECC is not authorized to challenge PPL Electric’s Susquehanna-Roseland project. The alleged members of ECC identified in Paragraph 5 of ECC’s Protest are residents/landowners of Saw Creek, which is located entirely in eastern Pennsylvania. Moreover, the subject matter of PPL Electric’s Siting Application has nothing to do with southwestern Pennsylvania or the Allegheny TrAIL project. To the contrary,

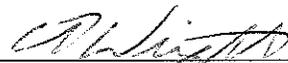
¹ A copy of a screenshot of ECC’s homepage is attached hereto and marked as Exhibit “A.”

PPL Electric's Siting Application seeks Commission approval to site and construct the Susquehanna-Roseland 500 kV Transmission Line in certain portions northeastern Pennsylvania.

9. ECC has failed to establish in its Protest that has a direct, immediate, and substantial interest in the subject matter of PPL Electric's Siting Application. Accordingly, ECC' Protest has failed to set forth facts to establish standing as required by 52 Pa. Code § 5.52(a)(3) and, therefore, PPL Electric's Motion to Strike should be granted.

WHEREFORE, PPL Electric Utilities Corporation respectfully requests that Administrative Law Judge Susan D. Colwell grant its Motion to Strike and dismiss the Protest of ECC for failing to establish that it has either direct or representational standing to participate in this proceeding.

Respectfully submitted,



David B. MacGregor (ID # 28804)
Post & Schell, P.C.
Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, PA 19103-2808
Phone: 215-587-1197
Fax: 215-587-1444
E-mail: dmacgregor@postschell.com

John H. Isom (ID # 16569)
Andrew. S. Tubbs (ID # 80310)
Christopher T. Wright (ID # 203412)
Post & Schell, P.C.
17 North Second Street
12th Floor
Harrisburg, PA 17101-1601
Phone: 717-731-1970
Fax: 717-731-1985
E-mail: jisom@postschell.com
atubbs@postschell.com
cwright@postschell.com

Of Counsel:

Post & Schell, P.C.

Date: March 19, 2009

Paul E. Russell (ID # 21643)
Associate General Counsel
PPL Services Corporation
Office of General Counsel
Two North Ninth Street
Allentown, PA 18106
Phone: 610-774-4254
Fax: 610-774-6726
E-mail: perussell@pplweb.com

Attorneys for PPL Electric Utilities Corporation

Exhibit A

Energy Conservation Council

Advancing Responsible Energy Use

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Mission

The Energy Conservation Council of Pennsylvania is a community-motivated, volunteer association organized for educational purposes and dedicated to the conservation of energy and the preservation of the natural beauty, historical sites and structures, and the traditional rural and agricultural character of the region of southwestern Pennsylvania. The Energy Conservation Council endeavors through non-legislative efforts to advance its mission to protect the southwestern Pennsylvania region by mobilizing legal and other resources in opposing major intrusions that seek to endanger the environment and orderly development of the region.

Purpose

The Energy Conservation Council has evidence to support its claims that Allegheny Energy's TrAIL project does not provide improved service to Pennsylvania's residents and businesses and is not the appropriate solution for national energy policy, but needs to engage the right experts and legal support.

Energy Conservation Council endeavors to advance its mission to protect the southwestern Pennsylvania region and its citizens by mobilizing legal and other resources in its protest before the Pennsylvania Public Utility Commission and in hearings before the US Department of Energy.

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