

**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, David: A-2009-2088297  
Murphy, and Marguerite T. Kranick :

HaRa Corporation in Middle : 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
Randal W. Rowe, Sandy K. Rowe, and Germaine Michele Cole	:	A-2009-2088357
Kenneth Powell and Linda Powell	:	A-2009-2088359
Frank C. Bonacci and Marie E. Bonacci	:	A-2009-2088315
Rudolph Saporito and Maria Saporito	:	A-2009-2088312
David Murphy	:	A-2009-2088360
Anthony R. Domiano, Sr. and Anthony R. Domiano, Jr.	:	A-2009-2088307
Stafursky Properties, Ltd.	:	A-2009-2088310
Charles Coccodrilli	:	A-2009-2088353

---

**FIRST AMENDED PROTEST OF THE  
ENERGY CONSERVATION COUNCIL**

---

The Energy Conservation Council of Pennsylvania (“Energy Conservation Council”) hereby files this First Amended Protest in the above-captioned consolidated proceedings pursuant to the Rules of Practice and Procedure of the Pennsylvania Public Utility Commission (“Commission” or “PUC”), 52 Pa. Code § 5.51 *et seq.*

**I. INTRODUCTION**

On January 6, 2009, PPL Electric Utilities, Inc. filed an Application, Docket Nos. A-2009-2082652, A-2009-2082832 with the Pennsylvania Public Utility Commission requesting authority to locate and construct the Pennsylvania portion of the 500 kV Susquehanna to Roseland electric transmission line (“Susquehanna-Roseland Line”). On January 28, 2009, PPL

Electric filed thirteen applications for a determination that the proposed exercise of eminent domain over thirteen specific properties is necessary or proper for the service, accommodation, convenience or safety of the public. The Pennsylvania portion of the Susquehanna Roseland line includes approximately 101 miles of 500 kV transmission line and related 230 kV transmission lines, originating in Salem Township, Luzerne County, proceeding through portions of Luzerne, Lackawanna, Wayne, Pike and Monroe Counties, and crossing into New Jersey at the Delaware River at the Delaware Water Gap National Recreation Area. The estimated cost of the proposed Susquehanna-Roseland line is \$510 million and PPL claims that the line is needed to resolve numerous violations of NERC reliability standards on certain 230 kV circuits in eastern Pennsylvania and northern new Jersey.

The Energy Conservation Council filed a timely Protest, objecting to the transmission line project because the project will damage the environment, endanger the health and safety of the public, increase local and regional air pollution, increase electric rates and costs, and is not necessary to meet energy demands.

Further, the power of eminent domain should be used sparingly - *only* if there is a clear need that requires the sacrifice of individual property rights for the public good. Because the 500,000 kilovolt power line and related 230 kV facilities are not needed, the use of eminent domain - and the exposure of Pennsylvania's residents and businesses to health risks, environmental damage, lower property values, and higher electric rates – should be avoided.

The Energy Conservation Counsel prepared a prehearing memoranda and appeared, through its counsel Wil Burns and Tad Berger, at the March 6, 2009 prehearing conference. At the March 6, 2009 prehearing conference, the Honorable Judge Colwell indicated that she would initially consider the Energy Conservation Council's Protest as a petition to

intervene. Tr. At 14, lines 4-7. No party objected to the Energy Conservation Counsel's participation in this proceeding as an *intervenor*, including the Company. *Id.* On March 6, 2009, the Energy Conservation Council was granted status as an *intervenor* in this proceeding. *Id.* at 14:4-7; and 58:24-59:3.

On March 10, 2009, Honorable Judge Colwell issued Prehearing Order No. 4 which included, among other things, the following language:

I note that fifteen residents of the Saw Creek Estates are listed for purposes of establishing standing as members of the ECC, and that all fifteen have also filed individual protests. These will need to choose one of the three ways in which they have attempted to appear in this proceeding.

**If individual protestants who are also members of either the SCECA or ECC or both do not inform me of their choice on or before March 27, 2009, I will assume that the fifteen ECC members wish to be represented by the ECC and the remaining SCECA members wish to be represented by the SCECA. Their individual protests will be placed in the Commission's informal protest file.**

March 10, 2009 Fourth Prehearing Order at 5-6 (emphasis in original).

Judge Colwell imposed the requirement that these fifteen residents "must choose one of the three ways in which they have attempted to appear in this proceeding" on her own motion without citing any statutory, legal or constitutional support for such a requirement. The Energy Conservation Council believes that this required "choice" violates Pennsylvania and/or United States laws, statutes, regulations and/or constitutional provisions, and is unaware of any other PUC proceeding imposing such a requirement. The Energy Conservation Council is unaware of any prohibition against a member of a group (such as the Energy Conservation Council) also filing its own individual protest while still remaining a member of the group.

Subsequent to the Fourth Pre-Hearing Order, and because the prehearing order required them to do so, four of the 15 members listed in paragraph 15 of the Energy Conservation Council's Protest indicated that they wished to be represented by the Saw Creek Estates Community Association (Rocco J. Pannozzo, Peter Derrenbacher, Robert Long and AnthoiyR. Provenzano), and a fifth (Al Spinelli) indicated that he wished to retain his individual protest status. *See* April 21, 2009 Order of Judge Colwell at 7 – 8. Thus, pursuant to the Fourth Prehearing Order, the Energy Conservation Council was left with ten “standing members” (as your Honor has referred to them in its April 21, 2009 Order) from its original Protest.

On March 19, 2009 PPL Electric filed a motion to strike the Energy Conservation Council's Protest, and on April 8, 2009 the Energy Conservation Council filed its answer. Your Honor ruled on the motion by Order dated April 21, 2009, indicating that the Motion to Strike was, instead, a form of Preliminary Objections because it claimed that the Protest was insufficient on its face. Your Honor granted the Company's “Preliminary Objections” and directed the Energy Conservation Council to file an amended pleading within ten (10) days of service of the Order, establishing facts sufficient to show that “the members it lists to establish standing for the Energy Conservation Council have standing themselves.” Order of April 21, 2009, at 11. Your Honor further held that the claim in the original protest that ECC's members would be affected because they are residents or business owners in the area served by the proposed transmission line or because they own property adjacent to the proposed transmission line was insufficient because their properties would be “next to the transmission line, or they may be miles away.” *Id.* at 9. The Order was served on the Energy Conservation Council on April 27<sup>th</sup>.

## **II. ENERGY CONSERVATION COUNCIL'S INTEREST AND STANDING TO PROTEST PPL'S APPLICATION**

1. This Protest is filed in the name of the Energy Conservation Council, by and through its undersigned attorneys.

2. Protestant is a non-profit organization comprised of a cross-section of residents of Pennsylvania concerned about the manner in which the energy needs of Pennsylvanians will be met in the 21<sup>st</sup> century. The Energy Conservation Council promotes energy conservation and energy efficiency to improve environmental quality. The Energy Conservation Council supports clean, accountable and responsible energy development and energy conservation to protect the natural resources, history and beauty of Pennsylvania and its neighboring states. In particular, ECC seeks 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.

3. The business address of ECC is:

Laurie Nicholl, President  
Energy Conservation Council  
189 Hoge Summit Road  
Eighty Four, PA 15330

4. ECC files this Protest to ensure that the interests of its members are protected. More specifically, members of the Energy Conservation Council have a direct, immediate, and substantial interest in PPL's Application for the Pennsylvania portion of the 500 kV Susquehanna-Roseland Transmission line because they are affected ratepayers, and some are directly affected by the construction of the proposed transmission line, either because they are

residents or business owners in the area served by the transmission line or because they own property adjacent to the location of the proposed transmission line. Because they are property owners, residents, or business owners in the area, their energy rates and costs, property values, and the environment in which they live and work will be adversely affected if the Commission grants PPL's request to locate, construct, and operate the proposed transmission line.

5. ECC's membership specifically includes the following individuals located in the affected area that this Honorable Court improperly Ordered to choose between representation by the ECC or the Saw Creek Association, or proceeding with an individual protest:

Al Spinelli (owns property at 1637 Glasgow Drive, Saw Creek Estates,  
249 At The Falls Bushkill, PA within transmission line right of way)  
Bushkill, PA 18324

Robert Long (owns property within transmission line right of way)  
1176 Saw Creek Estates  
Bushkill, PA 18324

Anthony Provenzano  
315 Saw Creek Estates  
Bushkill, PA 18324

Peter Derrenbacher  
927 Saw Creek Estates  
Bushkill, PA 18324

Rocco Pannoza  
223 Wickes Road  
Bushkill, PA 18324

6. ECC's membership also specifically includes the following ten (10) individuals that this Honorable Court has recognized are currently represented by the Energy Conservation Council:

Jordan Lewis  
601 Saw Creek Estates  
Bushkill, PA 18324

Albert McQueen  
1029 Saw Creek Estates  
Bushkill, PA 18324

William A. Hopkins  
1007 Saw Creek Estates  
Bushkill, PA 18324

Rodney Haas (owns property within transmission line right of way)  
20 Payne Road  
Bethel, CT 06801

Mariella Coleman  
52 Wickes Road  
Bushkill, PA 18324

Preston Fucci  
52 Wickes Road  
Bushkill, PA 18324

Alix M. Mariette  
63 Wickes Road  
Bushkill, PA 18324

Adel S. Mariette  
63 Wickes Road  
Bushkill, PA 18324

Barbara Derenbacher  
927 Saw Creek Road  
Bushkill, PA 18324

Robert Harter (owns property at 1636 Glasgow Drive, Saw Creek  
23 At The Falls Estates, Bushkill, PA within transmission line right of way)  
Bushkill, PA 18324

*See* April 21, 2009 Order at 7-8. Clearly, these ten-remaining “standing members” (as this Honorable Court refers to them in the April 21, 2009 Order) confer standing upon the Energy Conservation Council.

7. The ten “standing members” all clearly have standing. All live and own property in the Saw Creek Estates community – the community through which the proposed transmission facilities will run. These witnesses’ testimony at the Public Input Hearings – *and PPL’s own Application* - clearly establishes the ECC’s standing. For example:

a. **Robert Harter** owns property at 1636 Glasgow Drive, Saw Creek ,23 At The Falls Estates, Bushkill, PA *within the transmission line right of way*, and is identified as such in PPL’s Application (See Exhibit E-5 at page E5-33). PPL refers to Mr. Harter’s property as parcel ID 5-160, and indicates that it is shown on “Aerial Exhibit Sheet No. 21”. *Id.* Mr. Harter testified that he was retired, and that the blasting for the towers would only be 110 feet from his property. Tr. At 130-132. The construction of the towers could damage the foundation of his home, could fall onto his house, and could hurt him and his house. *Id.* He is worried about the 190 foot tall towers causing a decline in the value of his house, and the impact on his view. *Id.* In fact, he moved from the city to his current home to be in a nice area with a nice view – and that would be wiped out if the large towers were put in. *Id.* He and his wife were also concerned about their retirement income being adversely affected by the decrease in value of their home (because their retirement income may depend on a reverse mortgage on their home). *Id.*

b. Rodney Haas owns property *within the transmission line right of way*, and is identified as such in PPL’s Application (See Exhibit E-5 at page E5-31). PPL refers to Mr. Harter’s property as parcel ID 5-128, and indicates that it is shown on “Aerial Exhibit Sheet No. 20”. . *Id.*

c. Albert McQueen testified that his life and his community would be adversely affected in three ways: health-wise, cost-wise, and environmentally. Tr. at 127-129. As a resident of the community, he would be impacted by higher amenity fees caused by damage to the roads from construction of the facilities. *Id.* He is concerned with the health effects on his community, youngsters, and the effect on pacemakers. *Id.* He is concerned with the negative affect on his views caused by 190 foot high towers, and the adverse effect on his environment and peace of mind. *Id.*

d. Jordan Lewis, an opera singer and photographer, recreationally uses the portions of the park where the lines will run, and he lives in the community where the lines will run. Tr. at 190-195. He testified that he was concerned that his community was targeted for this line because it is not overly wealthy – raising an Environmental Justice argument against the line. *Id.* He would be adversely affected by the visible scars on the landscape, and the negative impact on the natural beauty of the area. He helped gather funds to hire a crane to give some idea of the visible impact of the 190 foot high towers on his community. *Id.* He is concerned that PPL is upgrading instead of updating the lines – i.e., overbuilding. *Id.* He has health concerns, would be able to see the towers and lines in his community, and is concerned with the huge infrastructure change. *Id.*

e. William Hopkins owns a home that overlooks the beautiful valley where the lines will run. His home will greatly decrease in value if 190 foot tall towers are run through the valley. His beautiful view will be ruined. Mr. Hopkins testified about some of these concerns at one of the Public Input hearings, mentioning the visual scar of 190 foot tall towers, as represented by the 190 foot tall crane outside the hearing room, that he will be able to see from his deck. Tr. at 149-150. The most outstanding feature of Mr. Hopkins house is the view, which will be ruined by the towers and lines that he will be forced to look at if this project is approved.

8. ECC members, including those described in the preceding paragraphs, are concerned that PPL's proposed facilities are not proportionate to the need. For example, at the Public input Hearings, witnesses, including ECC members, repeatedly questioned whether there was really a need to install 190 foot tall towers. The Energy Conservation Council does not believe that PPL can prove that 190 foot towers for a double circuit 500 kV line are required - instead of much smaller or less intrusive facilities - to deal with the alleged reliability issues.

9. The ECC members are affected ratepayers who will pay for the cost of the approved transmission facilities if they are installed. See April 19,2007, FERC orders in Docket Nos. EL05-121-000, *et al.*, and ER06-1271-003, *et al.* directing that new, centrally-planned facilities within PJM that operate at or above 500 kV be fully allocated on a region-wide "postage stamp" basis and that costs for facilities below 500 kV be allocated based on a "beneficiary pays" methodology.

10. The Energy Conservation Council, on behalf of these members, opposes the proposed transmission line project because the project will harm the environment, endanger health, increase local and regional air pollution, increase electric rates and costs, adversely affect property values, is not proportionate to the alleged need, and is not necessary to meet local energy demands of Pennsylvania's residents.

11. The Energy Conservation Council has representational standing to assert this Protest. *See Pa. Natural Gas Ass'n v. TW Phillips Gas & Oil Co.*, 1991 WL 474870, 75 Pa. P.U.R. 598 (Pa. P.U.C. 1991); *Tripps Parc Civic Ass'n v. PUC*, 415 A.2d 967, 970 (Pa. Cmwh. Ct. 1980) (both establishing that an association has representational standing to assert the interests and rights of its individual members in a PUC proceeding). The Energy Conservation Council represents members who have a direct, immediate and substantial interest in the subject matter of this proceeding.

12. A protestant's interest in the subject matter of a proceeding "is direct if the protestant's interest is adversely affected by the actions challenged in the protest, is immediate if there is a close causal nexus between the protestant's asserted injury and the actions challenged in the protest, and is substantial if the protestant has a discernible interest other than the general interest of all citizens in seeking compliance with the law." *In re Consumers Pennsylvania Water Company-Shenango Valley Div.*, 2001 WL 1542265, at \*8 (Pa. P.U.C. 2001); *see Ken R. ex rel. C.R. v. Arthur Z.*, 682 A.2d 1267 (Pa. 1996); *William Penn Parking Garage, Inc. et al. v. City of Pittsburgh*, 346 A.2d 269 (Pa. 1975).

13. Energy Conservation Council members have a direct, immediate, and substantial interest in PPL's Application because they are affected ratepayers, property owners who live near or within sight of the line or, in some cases, within the right of way for the line, and residents, and owners of local businesses whose energy rates and costs, property values, health, and the environment in which they live and work will be adversely affected if the Commission grants PPL authority to locate, construct and operate the proposed transmission lines.

14. Under 52 Pa. Code Sec. 57.76(b), PPL is asking this Commission for permission to construct transmission facilities within 500 feet of the proposed center line of the high voltage transmission line, so the ultimate location of the line could end up being closer to the Energy Conservation Council's members' homes and property than is currently planned.

### **III. GROUNDS FOR PROTEST**

#### **A. Legal Framework**

15. The Application must be examined pursuant to Sections 1102-1103 and 1504-1505 of the Public Utility Code, Section 1511 of the Business Corporation Law, and Sections 57.71-57.76 of the Commission's Regulations.

16. Section 1102 of the Public Utility Code requires that the Commission issue a certificate of public convenience as a legal prerequisite to offering service, abandoning service and certain property transfers by public utilities or their affiliated interests. 66 Pa. C.S. §1102(a)(1)-(3). The statute provides, in pertinent part, as follows:

Upon the application of any public utility and the approval of such application by the commission, evidenced by its certificate of public convenience first had and obtained, and upon compliance with existing laws, it shall be lawful:

(1) For any public utility to begin to offer, render, furnish or supply within this Commonwealth service of a different nature or to a different territory than that authorized by . . . [a] certificate of public convenience granted under this part.

66 Pa.C.S. § 1102(a)(1).

17. Section 1103 provides: “[a] certificate of public convenience shall be granted by order of the commission, only if the commission shall find or determine that the granting of such certificate is necessary or proper for the service, accommodation, convenience, or safety of the public.” 66 Pa. C.S. § 1103(a).

18. This mandate requires a utility to demonstrate a public need or demand for the proposed service, the inadequacy of existing facilities for service in the proposed service territory, and the applicant's fitness to provide the service. *Application of Evansburg Water Co.*, 1994 Pa. PUC LEXIS 53 (Pa. PUC 1994); *Application of Newtown Artesian Water Co.*, 2003 Pa. PUC LEXIS 40, at \*17 (Pa. PUC 2003); see *Seaboard Tank Lines, Inc. v. Pa. Public Utility Commission*, 502 A.2d 762, 764 (Pa. Cmwh. Ct. 1985); *Warminster Twp. Mun. Auth. v. Pa. Pub. Util. Com.*, 138 A.2d 240, 243 (Pa. Super. Ct. 1958).

19. The "need" required to issue a certificate of public convenience "means a need in existence at the time of the grant of authority and one which will continue in the reasonably foreseeable future." *Id.* at 244.

20. Similarly, section 1501 of the Public Utility Code, 66 Pa.C.S. § 1501, provides that "[e]very public utility shall ... make all such repairs, changes, alterations, substitutions, extensions, and improvements in or to such service facilities as shall be necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public."

21. Section 1504 gives the Commission authority to prescribe standards, regulations, and practices that public utilities must follow, as well as standards by which the services provided by utilities are measured. 66 Pa. C.S. § 1504.

22. In addition, if the Commission finds that the service or facilities of any public utility are unreasonable, unsafe, inadequate, insufficient, or otherwise in violation of Code, the Commission maintains the authority to order alternative relief, 66 Pa. C.S. § 1505(a), including the power to establish a conservation or load management program. 66 Pa. C.S. § 1505(b).

23. Furthermore, the Commission has adopted regulations regarding the siting of high voltage electric transmission lines. 52 Pa. Code §§ 57.71-57.76. The Commission's regulations at 52 Pa. Code § 57.71 require prior approval before a public utility may locate and construct a high voltage (i.e., greater than 100 kV) transmission line. Section 57.72(c) delineates the information that the Commission requires a public utility to submit with its application for such approval.

24. In determining whether to approve a proposed high voltage transmission line, the Commission must make four principal findings, outlined at 52 Pa. Code § 57.76(a):

- (1) That there is a need for it.
- (2) That it will not create an unreasonable risk of danger to the health and safety of the public.
- (3) That it is in compliance with applicable statutes and regulations providing for the protection of the natural resources of this Commonwealth.
- (4) That it will have minimum adverse environmental impact, considering the electric power needs of the public, the state of available technology and the available alternatives.

52 Pa. Code § 57.76(a) (emphasis added). The Commission must establish that each criteria is present—not simply some. *See Application of Pennsylvania Power & Light Co.*, 1994 WL 932344 (Pa. P.U.C. 1994) (“In determining whether to approve a proposed high voltage transmission line, the Commission **must make four principal findings** outlined at 52 Pa. Code § 57.76(a).”) (emphasis added).

25. In considering whether an electric utility has met the above-quoted criteria, the Commission will accept evidence upon and consider the following matters pursuant to 52 Pa. Code § 57.75(e):

- (1) The present and future necessity of the proposed line in furnishing service to the public.
- (2) The safety of the proposed HV line.
- (3) The impact and the efforts which have been and will be made to minimize the impact, if any, of the proposed HV line upon the following:
  - (i) Land use.
  - (ii) Soil and sedimentation.
  - (iii) Plant and wildlife habitats.
  - (iv) Terrain.
  - (v) Hydrology.
  - (vi) Landscape.
  - (vii) Archaeologic areas.
  - (viii) Geologic areas.
  - (ix) Historic areas.
  - (x) Scenic areas.
  - (xi) Wilderness areas.
  - (xii) Scenic rivers.
- (4) The availability of reasonable alternative routes.

26. In addition to seeking siting approval of the PPL transmission line, PPL has filed thirteen applications seeking certificates of public convenience authorizing use of the power of eminent domain to acquire the rights-of-way required to install the proposed lines. Consequently, the PUC will be required to determine if the requested exercise of the power of eminent domain by PPL is “necessary or proper for the service, accommodation, convenience, or safety of the public.” 15 Pa. C.S. § 1511(c).

27. This section has been interpreted to impose upon the utility seeking to use the power of eminent domain the burden of proving that the proposed transmission line is necessary and that, in selecting the proposed right-of-way, the utility has not acted wantonly, capriciously, or arbitrarily. *Pa. Dep’t of Env’tl. Res. v. Pa. Pub. Utils. Comm’n*, 335 A.2d 860 (Pa. Cmwlth. Ct. 1975).

## **B. PPL'S Application Is Lacking In Proof and Must Be Scrutinized**

28. While Exhibit A to the Application, based on PJM's Regional Transmission Expansion Planning, purports to provide support for the claim that the proposed facilities are necessary, and some testimony has been provided in support of the proposed plan, the ECC submits that the claims in Exhibit A, together with any testimony and other information subsequently filed in this proceeding, must be carefully scrutinized, measured against alternatives, and balanced with the risks posed to the health and safety of the public and any harm to the environment resulting from the siting and construction of the proposed transmission lines.

29. Furthermore, while PPL claims to have conducted an "extensive, multi-faceted analysis to determine the preferred route for the Pennsylvania portion" of the line, selecting 1 of 3 routes assessed, ECC's experience indicates that siting analysis has many complexities that are often overlooked and the Commission must, therefore, carefully review PPL's proposed siting assessment and conclusions.

30. The ECC protests the application of PPL because PPL cannot prove a need for the proposed facilities, alternatives were not adequately considered, the Pennsylvania Constitution, statutes and regulations were not followed, the project is not proportionate to the alleged need, and the Company did not minimize the adverse environmental impacts when considering a solution to the alleged reliability issues.

## **IV. PRAYER FOR RELIEF**

**WHEREFORE**, for all of the reasons stated herein, the Energy Conservation Council

respectfully requests that the Pennsylvania Public Utility Commission:

A. Prior to placing any burden on other parties to produce evidence, require PPL to file additional supportive information and testimony to meet its evidentiary burden;

B. Provide ample time for the review of the Application, including time to perform thorough discovery, including, if necessary, depositions.

C. Fully evaluate PPL's Application on the merits, including a thorough evaluation of:

(1) Whether there is a need for the transmission line;

(2) Whether PPL's proposal creates an unreasonable risk of danger to the health and safety of the public;

(3) Whether PPL's proposal minimizes adverse environmental impact, considering the electric power needs of the public, the state of available technology and the available alternatives;

(4) Whether PPL's proposal creates potential increases in local and regional air pollution;

(5) The effect of the Application on electric rates and costs;

(6) Whether PPL is in compliance with all applicable regulations and statutes, including the National Environmental Policy Act.

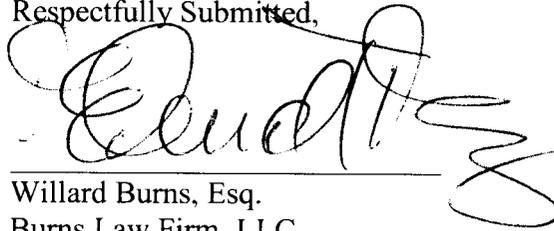
D. Deny and dismiss PPL's Application to the extent that it is not supported by substantial evidence;

E. Order alternative relief, including requiring PPL to establish a conservation or load management program pursuant to 66 Pa. C.S. § 1505.

F. Order such other relief as the Commission deems appropriate after performing a thorough review of the Application.

Dated: May 4, 2009

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Willard Burns", written over a horizontal line.

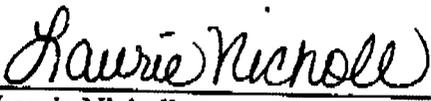
Willard Burns, Esq.  
Burns Law Firm, LLC  
390 Oak Spring Road  
Marianna, PA 15345  
Phone: (412) 693-3035  
Fax: (412) 291-1498  
E-mail: [wburns@burnslegal.net](mailto:wburns@burnslegal.net)

Edmund "Tad" Berger  
Berger Law Firm, P.C.  
2104 Market Street  
Camp Hill, PA 17011  
Phone: (717) 920-8900  
Fax: (717) 920-8901  
E-Mail: [publicutilitylaw@bergerlawfirm.net](mailto:publicutilitylaw@bergerlawfirm.net)

## VERIFICATION

I, Laurie Nicholl, affirm that I am President of Energy Conservation Council of Pennsylvania., Protestant, and that the statements of fact made in the foregoing First Amended Protest are true and correct to the best of my knowledge, information and belief. The undersigned understands that the statements herein are made subject to the penalties of 18 Pa. Cons. Stat. Ann. § 4904 relating to unsworn falsification to authorities.

Date: May 4, 2009

  
\_\_\_\_\_  
Laurie Nicholl

CERTIFICATE OF SERVICE

Applications 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 : Docket Nos. A-2009-2082652, *et al.*  
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 First Amended Protest of the Energy Conservation Council 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 4<sup>th</sup> day of May, 2009

Service By First Class Mail

Paul E. Russell  
Associate General Counsel  
PPL Services Corporation  
Office of General Counsel  
Two North Ninth Street  
Allentown, PA 18106  
Counsel for: *PPL Electric Utilities Corporation*

David B. MacGregor, Esquire  
Post & Schell, P.C.  
Four Penn Center  
1600 John F. Kennedy Boulevard  
Philadelphia, PA 19103-2808  
Counsel for: *PPL Electric Utilities Corporation*

John H. Isom, Esquire  
Andrew S. Tubbs, Esquire  
Christopher Wright, Esquire  
Post & Schell, P.C.  
12<sup>th</sup> Floor  
17 North Second Street  
Harrisburg, PA 17101-1601  
Counsel for: *PPL Electric Utilities Corporation*

Kent D. Murphy  
Senior Counsel  
UGI Corporation  
460 North Gulph Road  
King of Prussia, PA 19406  
Counsel for: *UGI Utilities, Inc.*

Joseph Dominguez, General Counsel  
Denise Foster, Director, Policy Development  
Exelon Generation  
300 Exelon Way  
Kennett Square, PA 19348  
Counsel for: *Exelon Corporation*

Pamela C. Polacek, Esquire  
Shelby A. Linton-Keddie, Esquire  
McNees Wallace & Nurick, LLC  
100 Pine Street  
Harrisburg, PA 17108  
Counsel for: *PP&L Industrial Customer Alliance*

David Murphy and  
Marguerite T. Kranick  
279 Faller Road  
Lake Ariel, PA 18436  
Docket No: *A-2008-2088297*

David Murphy  
279 Faller Road  
Lake Ariel, PA 18436  
Docket No: *A-2008-2088360*

HaRa Corporation  
c/o F. Andrew Wolf, Corporate Counsel  
Rout 209, P.O. Box 447  
Bushkill, PA 18324  
Docket No: *A-2008-2088337*

Rudolph and Maria Saporito  
P.O. Box 434  
Lake Ariel, PA 18436-0434  
Docket No: *A-2008-2088312*

Geff Blake, Esquire  
Wright & Reihner, P.C.  
148 Adams Avenue  
Scranton, PA 18503  
Counsel for: *Chaudari Family Limited  
Partnership, Marguerite T. Kranick and David  
Murphy*

Paul M. Schmidt, Esquire  
Zarwin Baum DeVito Kaplan Schaer Toddy  
12<sup>th</sup> Floor  
1515 Market Street  
Philadelphia, PA 19102-1981  
Counsel for: *Saw Creek Estates Community  
Association, Inc.*

Michael F. Faherty, Esquire  
Lavery Faherty Young & Patterson  
Suite 304  
225 Market Street  
Harrisburg, PA 17108-1245  
Counsel for: *Richard Coccodrilli, Jr.*

Susan Simms Marsh, Corporate Counsel  
Pennsylvania American Water  
800 West Hershey Park Drive  
Hershey, PA 17033  
Counsel for: *Pennsylvania-American Water*

D & L Realty  
400 Mill Street  
Dunmore, PA 18512  
Docket No: *A-2008-2088340*

Richard Coccodrilli, Jr., Jeffrey J. Coccodrilli,  
Ryan T. Coccodrilli, and Joseph Williams  
Four East Forest Drive  
Saylorsburg, PA 18353  
Docket No: *A-2008-2088327*

Kenneth & Linda Powell  
1305 Justus Boulevard  
Clarks Summit, PA 18411  
Docket No: *A-2008-2088359*

Joseph and Maria Doe  
2117 5<sup>th</sup> Street  
East Meadow, NY 11554

Timothy & Debra Kocher  
1184 Ridge Road  
Bath, PA 18014

Donna Davis, Esquire  
P.O. Box 423  
Dunmore, PA 18512

Annette & Ralph Seeley  
52 Saw Creek Est.  
Bushkill Pa 18324

Al Spinelli  
249 At The Falls  
Bushkill, PA 18324

Robyn Long  
1515 Durham Drive  
Bushkill, PA 18324

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

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

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

Arlean R. Lilly  
1260 Smith Gap Road  
Bath, PA 18014-8737

Stanley & Susan Tomkiel  
228 Beldaire Drive  
Mount Laurel, NJ 08054-2702

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

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

Paul E. Russell Esquire  
PPL Electric Utilities Corp  
2 North Ninth Street  
Allentown PA 18101-1179

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

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

Alix M. Mariette  
63 Wickes Road  
Bushkill, PA 18324

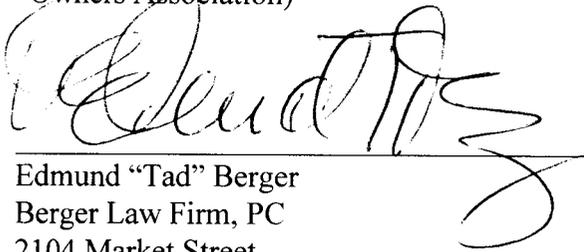
Patrick J. Lavelle  
1000 S. State Street  
Clarks Summit, PA 18411

Max Bohleman  
RR 1, Box 539C  
SR247  
Olyphant, PA 18447

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

Chaudhari Family Limited Partnership  
1311 Delaware Street  
Dunmore, PA 18512

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



Edmund "Tad" Berger  
Berger Law Firm, PC  
2104 Market Street  
Camp Hill, PA 17011  
717.920.8900—phone  
717.920.8901—fax  
[publicutilitylaw@bergerlawfirm.net](mailto:publicutilitylaw@bergerlawfirm.net)

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

Christopher T. Wright Esquire  
Post & Schell PC  
12th Floor  
17 North Second Street  
Harrisburg PA 17101-1601