

**BERGER LAW FIRM, P.C.**

ATTORNEY AT LAW

-----

2104 MARKET STREET  
CAMP HILL, PA 17011

TELEPHONE: (717) 920-8900

FACSIMILE: (717) 920-8901

EMAIL: [publicutilitylaw@bergerlawfirm.net](mailto:publicutilitylaw@bergerlawfirm.net)

---

December 3, 2009

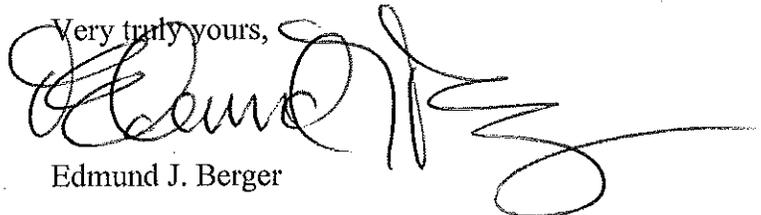
James J. McNulty  
Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor North  
P.O. Box 3265  
Harrisburg, PA 17105-3265

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 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, A-2009-2082382, al.

Dear Mr. McNulty:

Enclosed please find an original and nine (9) copies of the Exceptions of Energy Conservation Council of Pennsylvania ("ECC"). On this date, ECC is also electronically filing its Exceptions in the above-referenced matter. The Exceptions and cover letter are contemporaneously being served on all parties per the attached certificate of service, and the Exceptions are being posted on the website for this matter.

Very truly yours,



Edmund J. Berger

WRB/bw

Enclosure

cc: Certificate of Service  
Hon. Susan Colwell  
Office of Special Assistants

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In Re: Application of PPL Electric Utilities Corporation for  
Approval of the Siting and Construction of the Pennsylvania  
Portion of the Proposed Susquehanna-Roseland 500 kV  
Transmission Line

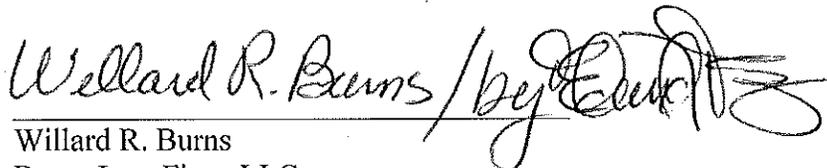
Docket Nos.  
A-2009-2082652  
A-2009-2082832

---

CERTIFICATE OF SERVICE

---

I hereby certify that on this day I have caused to be served true copies of the foregoing cover letter transmitting the Energy Conservation Council of Pennsylvania ("ECC") Exceptions, this Certificate of Service, and the ECC's Exceptions upon the 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 on the attached Service List.

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

*Attorneys for:*  
*Energy Conservation Council*

Dated: December 3, 2009

## SERVICE LIST

### Via Hand Delivery and First Class Mail of Letter, Certificate and Exceptions

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

### Via Email and First Class Mail of Letter, Certificate, and Exceptions

Dianne E. Dusman, Esquire Darryl Lawrence, Esquire Office of Consumer Advocate 555 Walnut Street, Forum Place, 5th Floor Harrisburg, PA 17101-1923	Charles Daniel Shields, Esquire Adeolu Bakare, Esquire PA PUC Office of Trial Staff P.O. Box 3265 Harrisburg, PA 17105-3265
Edmund Berger, Esquire Berger Law Firm, P.C. 2104 Market Street Camp Hill, PA 17011	Kent D. Murphy, Esquire UGI Corporation 406 North Gulph Road King of Prussia, PA 19406
John H. Isom, Esquire Andrew S. Tubbs, Esquire Post & Schell, P.C. 17 North Second Street, 12th Floor Harrisburg, PA 17101-1601	Denise Foster, Esquire Joe Dominguez, Esquire Exelon Generation Co., LLC 300 Exelon Way Kennett Square, PA 19425
Shelby A Linton-Keddie Esquire Pamela C. Polacek, Esquire McNees Wallace & Nurick, LLC 100 Pine Street, P.O. Box 1166 Harrisburg, PA 17108-1166	Paul E. Russell, Esquire Associate General Counsel PPL Services Corporation Two North Ninth Street Allentown, PA 18101
Willard R. Burns, Esquire Burns Law Firm, LLC 390 Oak Spring Road Marianna, PA 15345	Susan Simms Marsh, Esquire Pennsylvania American Water Company 800 West Hershey Park Drive Hershey, PA 17033

David B. McGregor, Esquire Post & Schell, P.C. Four Penn Center 1600 John F. Kennedy Boulevard Philadelphia, PA 19103-2808	Michael F. Faherty, Esquire Lavery Faherty Young & Patterson 225 Market Street, P.O. Box 1245 Harrisburg, PA 17108-1245
--	--

Via First Class Mail of Letter, Certificate, and Exceptions

Stanley & Susan Tomkiel 228 Belaire Drive Mt. Laurel, NJ 08054-2702	David Murphy and Marguerite T. Kranick 279 Faller Road Lake Ariel, PA 18436
Jeffrey J. Coccodrilli Ryan T. Coccodrilli Joseph Williams 4 East Forest Drive Saylorsburg, PA 18353	HARA Corporation c/o F. Andrew Wolf Corporate Counsel Bushkill Group Route 209, P.O. Box 447 Bushkill, PA 18324
D&L Realty Company 400 Mill Street Dunmore, PA 18512	Kenneth Powell & Linda Powell 1305 Justus Boulevard Clarks Summit, PA 18411
Rudolph Saporito & Maria Saporito P.O. Box 434 Lake Ariel, PA 18436-0434	Annette & Ralph Seeley 52 Saw Creek Estates Bushkill, PA 18324
Joseph K & Maria Doe 2117 Fifth Street East Meadow, NY 11554	Timothy and Debra Kocher 1184 Ridge Road Bath, PA 18014
Arlean K. Lilly 1260 Smith Gap Road Bath, PA 18014-8738	Donna Davis, Esquire P.O. Box 423 Dunmore, PA 18512
Geff Blake, Esquire Wright & Reihner, P.C. 148 Adams Avenue Scranton, PA 18503	Robert Fagan Synapse Energy Economics, Inc. 22 Pearl Street Cambridge, MA 02139
Al Spinelli 249 At The Falls Bushkill, PA 18324	Robyn Long 1176 Saw Creek Estates Bushkill, PA 18324

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of PPL Electric Utilities Corporation	:	
Filed Pursuant to 52 Pa. Code Chapter 57,	:	Docket Nos. A-2009-2082652;
Subchapter G, for Approval of the Siting and	:	A-2009-2082832; A-2009-2088297;
Construction of the Pennsylvania Portion of	:	A-2009-2088337; A-2009-2088327;
The Proposed Susquehanna-Roseland 500 kV	:	A-2009-2088340; A-2009-2088359;
Transmission Line in Portions of Lackawanna,	:	A-2009-2088312; A-2009-2088360
Luzerne, Monroe, Pike and Wayne Counties,	:	
Pennsylvania	:	

**EXCEPTIONS OF  
THE ENERGY CONSERVATION COUNCIL OF PENNSYLVANIA**

Willard R. Burns  
Burns Law Firm, LLC  
390 Oak Spring Road  
Marianna, PA 15345  
Phone: (412) 693-3035  
Fax: (412)291-1498  
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  
publicutilitylaw@bergerlawfirm.net

Dated: December 3, 2009

## TABLE OF CONTENTS

I.	INTRODUCTION .....	1
II.	SUMMARY OF EXCEPTIONS .....	1
III.	EXCEPTIONS .....	3
	A. Exception 1: The ALJ Erred In Her Recommendation By Failing To Adequately Evaluate Updated or Current Information, In Failing To Require PPL To Make An Evaluation Of More Current Information When Such Information Was Likely To Show A Substantial Change In Reliability Modeling Results, And By Failing To Consider The Impact of Demand Response Changes And Other Reductions to Projected Peak Loads Brought About By Changes In The Energy Marketplace and Legal Requirements.....	3
	B. Exception 2: The ALJ Erred By Not Requiring PPL To Demonstrate That the Proposed Facilities Were Reasonably Responsive to the Need That Exists.....	9
	C. Exception 3: The ALJ Erred In Not Requiring PPL To Show That It Had Appropriately Evaluated Alternatives to The Susquehanna-Roseland Line That Might Have Produced A Lesser Environmental Impact Considering the Electric Power Needs of the Public and Available Technologies .....	14
	D. Exception 4: The ALJ Erred In Not Requiring Proof That the Proposed Facilities Minimize Environmental Impacts.....	19
	E. Exception 5: The ALJ Erred In Approving PPL’s Routing Selection Despite PPL’s Failure to Comply With the Siting Regulations And Its Selection of Its Preferred Route Before Appropriate Studies Had Been Performed.....	21
	F. Exception 6 - The RD Is not Supported by Substantial Evidence of Record. ....	25
IV.	CONCLUSION.....	26

**TABLE OF AUTHORITIES**

**Cases**

*Application for Harrison City Loop*, 1998 Pa PUC LEXIS 12 (1998)..... 15  
*Application of Trans-Allegheny Interstate Line Co. (“TrAILCo”)* Docket Nos. A-110172 et. al,  
slip op. (Pa. P.U.C. December 12, 2008).....11, 12, 19, 25  
*Modern Transfer Co. v. Pa. P.U.C.*, 115 A.2d 887 (Pa. Super. 1955) ..... 9  
*Payne v. Kassab*, 312 A.2d 86 (Pa. Commw. Ct. 1973), *aff’d* 323 A.2d 405 (Pa. 1974)..... 9  
*Philadelphia Elec. Co. v. Pa. P.U.C.*, 61 Pa. Commw. 25, 433 A.2d 620 (1981)..... 9  
*Re Pennsylvania Power & Light Co.*, 50 Pa. P.U.C. 480 (1977)..... 8, 9, 21  
*Re West Penn Power Co.*, 54 Pa. P.U.C. 319 (1980)..... 8, 9, 15, 16

**Statutes**

66 Pa.C.S. §1103..... 15  
66 Pa.C.S. §1501..... 15

**Code Provisions**

52 Pa. Code §57.72(c)(5)..... 15  
52 Pa. Code § 57.72(c)(10)..... 21  
52 Pa. Code § 57.76(a)..... 15, 16, 19, 21  
52 Pa. Code §57.76(a)(1)..... 15, 16, 19  
52 Pa. Code §57.76(a)(4)..... 19

**Constitutional Provisions**

Article 1, Section 27 ..... 1, 20

## **I. INTRODUCTION**

The Energy Conservation Council of Pennsylvania (“Energy Conservation Council” or “ECC”) hereby files its Exceptions to the Recommended Decision of Administrative Law Judge (“ALJ”) Susan Colwell, dated November 13, 2009 (“RD”) that recommends granting the application of PPL Electric Utilities Corporation (PPL or Company) for authorization to construct a new 500 kV transmission line approximately 101 miles in length, and related facilities, and its applications for eminent domain (collectively referred to herein as the “applications”).

## **II. SUMMARY OF EXCEPTIONS**

Pennsylvania law and regulations require that high voltage transmission lines are constructed only where they are (1) needed, (2) will not create an unreasonable risk of danger to the health and safety of the public, (3) are in compliance with applicable statutes and regulations providing for the protection of Pennsylvania’s natural resources, *and* (4) will have minimum adverse environmental impact, considering the electric power needs of the public, the state of available technology and available alternatives. Further, it is well recognized that the determination to build a high voltage transmission line has constitutional dimensions under Article 1, Section 27 of Pennsylvania’s Constitution.

In order to ensure that these discriminating requirements are met for the siting of a high voltage transmission line, the Commission’s regulations place a substantial burden on the proponent of a line to produce detailed information regarding the need for the line, alternatives considered, siting considerations, and other factors. Yet, instead of applying these rigorous standards as the legislature clearly intended, the ALJ’s RD approves of PPL’s Susquehanna-Roseland line without requiring the necessary data or reasonable application of standards to such data in approving the line. Indeed, the

RD does not apply the proper legal standards, ignores the lack of substantial evidence to support PPL's applications, and ignores PPL's failure to meet its burden of proof.

More specifically, the ALJ overlooks critical errors in PPL's analysis. In particular, neither PPL nor PJM Interconnection ("PJM") analyzed whether any alternatives to the proposed facilities would reduce or eliminate the issues identified in PJM's modeling tests (the tests that PPL relies upon to establish a "need" for the facilities) despite substantial changes in the results of those modeling tests that indicated that the underlying reliability issues were substantially overstated in both their magnitude and urgency. Furthermore, the evidence showed that neither PPL nor PJM evaluated (1) the effect of updated load forecasts that reflect reduced electrical demand due to the economic downturn, or (2) expected peak load reductions from demand response and energy efficiency programs mandated in PJM's territory.

These critical shortfalls in PPL and PJMs' analysis compel a conclusion that the ALJ's RD is unsupported by the record evidence and must be rejected by the Commission, consistent with its obligation to apply legal and regulatory requirements. The Commission cannot, in light of this information, find that (i) the proposed facilities are a reasonable solution after considering the available alternatives, (ii) that the proposed project will have minimum adverse environmental impact, or (iii) that the proposed facilities are "reasonably responsive to the need that exists." Notably, the ALJ in her RD does not herself make the critical legal finding - that the proposed facilities are reasonably responsive to the need that exists. It also fails to consider the absence of proof that the proposed line would minimize potential environmental impacts and does

not require compliance with Pennsylvania's siting regulations regarding the route selection.

If the applicable law is applied, and the record evidence properly evaluated, PPL's applications must be denied. PPL has failed to meet its burden of proving that its proposed Susquehanna-Roseland 500 kV facilities are necessary and proper for the accommodation, convenience and safety of the public, pursuant to the Public Utility Code and the Commission's Regulations.

### III. EXCEPTIONS

- A. **Exception 1: The ALJ Erred In Her Recommendation By Failing To Adequately Evaluate Updated or Current Information, In Failing To Require PPL To Make An Evaluation Of More Current Information When Such Information Was Likely To Show A Substantial Change In Reliability Modeling Results, And By Failing To Consider The Impact of Demand Response Changes And Other Reductions to Projected Peak Loads Brought About By Changes In The Energy Marketplace and Legal Requirements.**

The computer modeling studies PPL relies upon to justify the need for the proposed facilities are from PJM's 2008 RTEP, and its March 2009 modeling. These modeling tests (1) did not include an updated load forecast that reflects the current economic recession; (2) did not evaluate the significant quantities of Demand Response and Energy Efficiency resources that cleared in PJM's May 2009 RPM Auction; and (3) completely ignored Pennsylvania's Act 129 and New Jersey's Energy Master Plan peak load reduction initiatives which require the reduction of peak electrical usage.

Initially, in PPL's Application, the need for the Susquehanna - Roseland project was based on potential future reliability issues identified in the 2008 RTEP. *See* PPL St. 8. These potential issues were projected using computer-simulated load flow

studies incorporating numerous assumptions – the most important of which is the “peak load forecast”.

In fact, as PJM’s Paul McGlynn testified: “[c]onsumer demand in the **Eastern Mid-Atlantic area is the main factor causing the electrical need for these facilities.....**” PPL St. 8 at 22 (emphasis supplied). *Thus, if electrical “demand” is not as high as expected, there would be no need for the Susquehanna - Roseland line.*

The issues initially raised in PPL’s application arose from PJM’s 2008 RTEP modeling, which was based on PJM’s *January 2008* load forecast. Pennsylvania’s Office of Consumer Advocate (“OCA”) St. 1 at 10; OCA St. 2 at 2; *see also* Exhibit PFM-1. That forecast was prepared before the current economic downturn, and the resulting decline in electrical demand. *See, e.g.* OCA St. 1 at 10; OCA St. 2 at 2.

PPL now relies upon PJM’s latest modeling - the March 2009 modeling - to justify the need for the proposed facilities. Tr. at 1627. *See also* Statement 8-R at 7, PFM-2 and 3. However, as pointed out in the Direct Testimony of OCA’s expert Robert Fagan, projected future load levels have *materially changed* since the March 2009 modeling study was prepared.

The March 2009 modeling used PJM’s January 2009 load forecast. This load forecast ignores the declines in electrical demand from the continuing recession throughout 2009. Tr. at 1384.

And, despite the fact that the January 2009 load forecast used in PJM’s March 2009 modeling incorporated only a few months of the economic downturn (from late 2008), the modeling showed a material change in the number, timing, and severity of potential future reliability issues.

As discussed in greater detail in Exception 3 below, the March 2009 modeling study reduced the overall number of potential future reliability issues supporting the need for the Susquehanna - Roseland line from 23 to 13, and eliminated the 500 kV violations - leaving only 230 kV issues. OCA St. 1 at 12. A new modeling study should reduce this number of potential future issues even further, perhaps even entirely eliminating them. The fewer issues that need to be addressed, the more likely it becomes that a less costly and less intrusive solution to remaining potential future overloads will become feasible. There may be no need for *any* new transmission upgrades, or, at a minimum, nothing remotely as large, expensive and destructive as the currently-proposed project. But PPL and PJM have refused to do an updated study.

Perhaps even more significant than the failure to model the currently-forecast peak loads is the fact that neither PPL nor PJM included the results of the May 2009 RPM auction in their modeling tests. Significant demand response “cleared” in the Mid-Atlantic region at issue in the May 2009 RPM auction (which should reduce peak electrical demand). *See* OCA St. 2 at 11.

In addition, neither PPL nor PJM analyzed the effect of Pennsylvania’s Act 129 - which *requires* the reduction of peak electrical usage - or New Jersey’s Energy Master Plan peak load growth reduction law. OCA St. 2 at 3.

Simply put, the “peak loads” used in the March 2009 modeling – which are now driving the “need” for the line - will not occur until eight (8) years later than the dates used in the March 2009 modeling. OCA St. 2 at 2-4. And, even if the PA and NJ laws were ignored in the modeling, which they should not be, the shift in peak load just

from an updated load forecast and from the demand response programs from the May 2009 RPM auction would shift the “peak load” out three years. *Id.*

Such a change in the load forecast should certainly radically alter the modeling results. In fact, PJM has admitted that changes in the critical assumptions used in its computer modeling – such as the load forecasts and demand response - can change the results. For example, PJM’s Paul McGlynn testified that

[T]he RTEP is a dynamic process and is based on a number of *assumptions* including **load forecast, expected generation availability and demand response**. *Each of those assumptions can have an impact on the results of the RTEP analysis.*

PPL St. 8 (McGlynn) at 23 (emphasis supplied).

Q. What were some of the differences in assumptions between the analysis that was done in 2007 and the analysis that was completed in the fall of 2008?

A. The 2007 RTEP ... violations were based on the modeling **assumptions** that went into the 2007 RTEP, including ***load forecast, expected generator availability, and expected demand response***. The need for the Susquehanna - Roseland Project was initially identified using these assumptions.

PPL St. 8 (McGlynn) at 23-25 (emphasis supplied). Significantly, two out of the three key “assumptions” behind PJM’s modeling – peak load forecast and demand response – have materially changed since March of 2009.

And, because of the change in the peak load forecast before the March 2009 modeling, the March 2009 modeling identified fewer, and less severe, potential future issues. The OCA’s experts believe the primary reason for the reduction in the potential reliability issues during PJM’s March 2009 modeling was because the load forecast used (PJM’s January 2009 load forecast) was lower, reflecting *some* of the

reductions in electrical demand from the current economic slowdown. *See* OCA St. 1 at 11-12 and OCA St. 2 at 5-6.

Updated modeling, as discussed by Mr. McGlynn in his testimony quoted above, must be performed before the Susquehanna - Roseland line can be approved. At a minimum, PJM and PPL must assess the effect of the current load forecasts, the most recent May 2009 RPM auction (which confirmed the availability of additional demand response and energy efficiency to reduce peak loads), *and* the mandatory Pennsylvania law (Act 129) which requires reductions in peak electrical loads throughout Pennsylvania.

The OCA asked PJM and PPL in this proceeding to perform another modeling analysis that would incorporate (1) the current load forecasts; (2) the results of the latest PJM RPM auctions; and (3) the effects of the Pennsylvania and New Jersey laws requiring reductions in peak loading. *See e.g.* OCA St. 1 at 2-3. But PJM and PPL refused. Certainly there was plenty of time available to perform this modeling – PJM was able to incorporate the January 2009 load forecast into its early March 2009 modeling. Thus, in less than two months, PJM and PPL could have re-run the modeling using updated load forecasts and the May 2009 RPM results.

This Commission should not approve the Susquehanna - Roseland line without an analysis of the current conditions. In fact, PJM will be incorporating much of the new information (updated load forecasts and the results of the May 2009 RPM auction) into its 2010 load forecast *less than two months from now* (in January 2010).

In her RD, ALJ Colwell stated that PJM's modeling contains "adequate current information." RD at 122. But it does not. A possible shift in the peak load of

eight (8) years certainly is significant enough to require another modeling run to see if a minor fix or upgrade – if needed at all – could ensure reliable electric service for the next couple of decades. And, without such an evaluation, it is not possible to know whether reconfiguration of the electrical system or addition of equipment could be accomplished to entirely, or substantially, avoid the need for the construction of a transmission line (or require a completely different transmission line).

PPL’s applications should be denied because: (1) the current economic recession requires an analysis based on a more current peak load forecast; (2) significant quantities of Demand Response and Energy Efficiency resources cleared the May 2009 RPM Auction and must be modeled; and (3) Pennsylvania’s Act 129 and New Jersey’s Energy Master Plan peak load reduction initiatives need to be evaluated.

Because PPL has not evaluated current conditions, and has not considered any alternatives to address the currently forecast future conditions, the proposed facilities cannot be found “to keep the environmental incursion to a minimum” or “reasonably responsive to the need that exists”. *Re Pennsylvania Power & Light Co.*, 50 Pa. P.U.C. 480, 484 (1977); *Re West Penn Power Co.*, 54 Pa. P.U.C. 319, 320-327 (1980) (*emphasis supplied*). And, for these reasons, the Commission cannot find:

- (1) That there is a need for the Susquehanna - Roseland line.
- (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.

**B. Exception 2: The ALJ Erred By Not Requiring PPL To Demonstrate That the Proposed Facilities Were Reasonably Responsive to the Need That Exists.**

As the Commission has acknowledged in other cases, proposed facilities must be reasonably responsive to the need that exists. *Re West Penn Power Company*, 54 Pa. PUC 319 (Pa. PUC 1980); *see also, Re Pennsylvania Power & Light Co.*, 50 Pa. P.U.C. 480, 484 (1977); *Modern Transfer Co. v. Pa. P.U.C.*, 115 A.2d 887, 891 (Pa. Super. 1955) (holding proposed facilities must be reasonably responsive to the need that exists); *West Penn, supra* I.D. at 20 (slip op. January 16, 1980) (holding if the extent of the authority sought is expansive, the need should be compelling).

If the facilities exceed what is necessary, the Commission should find that the “excess capacity” is not useful to the public, resulting in disallowances of costs. *See, e.g., Philadelphia Elec. Co. v. Pa. P.U.C.*, 61 Pa. Commw. 25, 433 A.2d 620 (1981).

The key question to be asked is: do the “electric power needs of the public” require the proposed solution, or will a smaller, less environmentally-damaging solution fix the alleged problem? This view is consistent with the approach taken in *Payne v. Kassab*, 312 A.2d 86 (Pa. Commw. Ct. 1973), *aff’d* 323 A.2d 405 (Pa. 1974) which requires a balancing of the environmental harm against the benefits of proceeding with the transmission line, considering available alternative technologies, siting and other factors.

In this case, PPL did not evaluate whether a less intrusive or less costly fix – such as a 138 or 230 kV line in New Jersey where most of the alleged issues would occur – could solve the currently-identified potential future issues.

And PPL clearly has *not* proven that the Susquehanna – Roseland project is “reasonably responsive to the need that exists” because the project is clearly *bigger than it needs to be*. PPL witness Olinick admitted, on cross, that the proposed Susquehanna – Roseland line is large enough to handle an additional 1,600 megawatts of power from a third nuclear reactor that is planned for the Susquehanna area. *See* ECC Cross Ex. 37 and Tr. at 1764 – 5. Neither PPL nor PJM have presented any evidence explaining how the Susquehanna-Roseland facilities can be reasonably responsive to the reliability issues that they claim exist, yet still have 1,600 megawatts of “extra headroom”.

PPL’s applications must be denied because the RD failed to require proof that the proposed facilities are *commensurate with, or proportionate to, the extent of the need*.

The OTS, in its main brief, points out that the Company failed to present any evidence of different possible solutions to the alleged reliability issues, and suggested a collaborative as an alternative to dismissal. More specifically, the OTS stated:

The fact of the matter is that the Commission has not been provided sufficient record evidence to allow for a proper comparison of the costs and benefits of different solutions to the reliability criteria violations because none were presented for its consideration.

Given the lack of such record evidence to date, OTS Witness Yocca suggests that one approach that the Commission might consider would be to direct the holding of a collaborative involving all impacted parties to review alternative solutions to the

construction of the proposed 500 kV line. OTS Stmt. No. 1, p. 36. Regarding that suggestion, he cites the potentially successful example in the ongoing TrAILCo transmission line siting proceeding where the collaborative members there has very recently presented a settlement petition to the presiding ALJs with a vastly simpler, much more cost effective and decidedly localized solution to the identified Pennsylvania reliability concerns.<sup>1</sup> OTS Stmt. No. 1, p. 36.

*See* OTS MB at 26-27. *See also* Joint Petition for Settlement, *In re*:

*Application of TrAILCo*, Docket Nos. 110172, et al. (July 13, 2009)(“Joint Petition for Settlement”).<sup>2</sup>

In the RD in this proceeding, the ALJ recommended a denial of the OTS’ request for a collaborative, stating that “[t]his Application must have a Commission decision no later than January 2010 or the Commission may lose jurisdiction to FERC. Therefore, without Company waiver of the 12-month decision timeframe, this point is moot.” RD at 148.<sup>3</sup>

But it is not “moot”. The Commission can allow PPL the option to voluntarily extend these proceedings, as it already has done once in this proceeding. *See* RD at 148, fn 45. The procedure for this would be the same as this Commission used in

---

<sup>1</sup> *See* Joint Petition for Settlement and Attachments dated June 13, 2009, at Docket Nos. A-110172, A-110172F0002, A-110172F0003, A-110172F0004 and G-00071229.

<sup>2</sup> On July 13, 2009, a Joint Petition for Settlement regarding the proposed Prexy Facilities was filed with this Commission on behalf of the Company (TrAILCo), the PUC’s Office of Trial Staff, Pennsylvania’s Office of Consumer Advocate, the Energy Conservation Council, the Washington and Greene County Boards of Commissioners, Representative H. William DeWeese, and several individuals (Susan Foster Blank, Debra Bandel, Arthur Brogley and James Blockinger). Two collaborative participants that were not parties to the PUC proceeding filed statements in support of the settlement – Senator J. Barry Stout and West Penn Power Company d/b/a Allegheny Power. In addition, the West Penn Industrial Interveners submitted a letter to the Commission on July 23, 2009 indicating that it neither supports nor opposes the Joint Petition for Settlement. The Joint Petition for Settlement is accessible on-line at <http://www.puc.state.pa.us/general/search.aspx> (by typing in Docket number “110172”).

<sup>3</sup> However, as the ALJ pointed out, the Company has already given one such waiver in this case: it has permitted the Commission to address this case at a public meeting in January 2010, even though that will take the case past the twelve-month deadline. *Id.*, *citing* Tr. 31-32.

the TrAIL proceeding: a voluntary stay of the proceedings. *In re Application of Trans-Allegheny Interstate Line Co.*, Docket No. A-110172, Final Order at 11-12 (Order entered December 12, 2008) (TrAILCo Order)<sup>4</sup>.

And, if PPL will not agree to a voluntary stay, this Commission can deny PPL's application and, in the process, strongly recommend that PPL participate in a voluntary collaborative to perform additional modeling runs with an independent transmission planning expert to assist the collaborative, using more current information. The collaborative could also evaluate alternatives to the proposed facilities, different routes that do not go through Saw Creek Estates, and can determine if the proposed facilities (or another project) are "reasonably responsive to the need."

As the OTS pointed out, the collaborative process worked very well in the TrAIL proceeding. The parties (1) evaluated updated load forecasts; (2) examined alternatives, including non-transmission alternatives; (3) evaluated the impact of laws that could impact peak load forecasts, such as Pennsylvania's Act 129, and (4) came up with a proposed new project that was reasonably responsive to the need. *See* Joint Petition for Settlement.

Significantly, in the TrAIL proceeding, after the collaborative process (which involved the use of independent experts that analyzed the "need" for the proposed Prexy Facilities), the parties all agreed that a much less costly and much less environmentally intrusive fix to the reliability issues existed.

Instead of (1) a new 500,000/138,000 volt substation called "Prexy" in Washington County, (2) the addition of 36.1 miles of new 500,000 volt transmission lines

---

<sup>4</sup> The TrAILCo Order is available at [www.puc.state.pa.us/pdocs/1028423.doc](http://www.puc.state.pa.us/pdocs/1028423.doc).

in Washington and Greene counties, and (3) the construction of three new 138,000 volt lines (running 15.3 miles) to connect the proposed new substation to existing transmission lines, a much smaller proposed fix was agreed to. *See* TrAILCo Order and Joint Petition for Settlement.

The proposed settlement described in the Joint Petition for Settlement will reinforce the electric grid without *any* new 500 kV lines, substations, or 138 kV lines. Joint Petition for Settlement at 3-5. Instead, the agreed-upon fix involves installing one new monopole on an existing utility right of way (to allow the connection of two existing lines), adding equipment (capacitors) at five existing substations, and replacing the conductors on 2.5 miles of existing 138 kV lines. *Id.* The estimated cost for the agreed-upon fix is \$11.6 million - instead of the \$211.54 million cost for the proposed Prexy Facilities. *See* Joint Petition for Settlement Attachment B at 29. The solution offered in the settlement will solve (for at least the next ten years) the same reliability issues that were “driving the need” for the previously proposed "Prexy Facilities". *See* Joint Petition for Settlement, Attachment B at 5-6, 25-27, and 31.

In this proceeding, because PPL has not (1) looked at the May 2009 energy efficiency and demand side resources that have cleared PJM’s RPM auction and will reduce demand, (2) modeled using an updated load forecast, (3) evaluated any alternatives other than the Susquehanna - Roseland line (as discussed below) to address the alleged reliability issues PPL now relies upon, and (4) submitted no substantial evidence that its proposed facilities were correctly sized to address the alleged issues, PPL has not proven that its proposed facilities are proportionate to the need. As a result, this Commission should do one of three things: (1) deny PPL’s application; (2) extend

these proceedings to evaluate updated information on projected peak loads and potential future reliability issues based on new modeling runs; or (3) order a voluntary collaborative (with an independent transmission planning engineer to assist the collaborative) to see if a more reasonable alternative solution can be arrived at.

C. **Exception 3: The ALJ Erred In Not Requiring PPL To Show That It Had Appropriately Evaluated Alternatives to The Susquehanna-Roseland Line That Might Have Produced A Lesser Environmental Impact Considering the Electric Power Needs of the Public and Available Technologies**

PJM and PPL are asking this Commission to approve the Susquehanna - Roseland line based on alleged issues discovered during “modeling” tests performed by PJM during (1) PJM’s 2008 Regional Transmission Expansion Plan (“RTEP”) or (2) PJM’s March 2009 modeling. *See* Company Statements 8 and 8-R (PJM’s Paul McGlynn). These modeling tests are claimed to have shown that existing facilities would be inadequate to provide reliable service in the future.

However, neither PPL nor PJM considered *any* alternatives to the Susquehanna - Roseland line to address the alleged reliability issues identified in the March 2009 study or the 2008 RTEP study. In fact, they did not consider any possible alternatives to the Susquehanna - Roseland line to minimize or eliminate the alleged potential future reliability issues identified in these studies.

Indeed, neither PPL nor PJM evaluated whether a less intrusive or less costly fix – or a fix confined to NJ where all or most of the potential future issues are predicted – could solve the claimed future issues. Under the PUC’s regulations, the failure to demonstrate appropriate evaluation of alternatives requires the denial of PPL’s applications.

As part of its determination in this case, the Commission is bound to determine (1) that there is a need for the line, (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 Pennsylvania natural resources, *and* (4) that it will have minimum adverse environmental impact, considering the electric power needs of the public, the state of available technology and available alternatives. 52 Pa. Code § 57.76(a)<sup>5</sup>

The PUC cannot determine that a line is “needed” under 52 Pa. Code § 57.76(a)(1) if it does not determine whether alternatives to a line exist. The fact that a “need” cannot exist in the absence of consideration of whether there are alternatives to the construction of the line is consistent with the statutory mandate established by various sections of the Public Utility Code under which the regulations were promulgated, requiring a determination that the facilities are “necessary or proper for the service, accommodation, convenience or safety of the public.” 66 Pa.C.S. §1103; *see also* 66 Pa.C.S. §1501.

Indeed, in requiring that the electric utility provide the engineering justification for a high voltage transmission line, it is evident that other engineering alternatives must be considered. 52 Pa. Code §57.72(c)(5). Those alternatives could range from use of existing facilities in different ways, upgrading of lines or facilities, or construction of other facilities.

---

<sup>5</sup> Moreover, establishing a future need is not enough. In general, an applicant must present proof of present and future need for the proposed service. *Application for Harrison City Loop*, 1998 Pa PUC LEXIS 12, \* 17 (1998). Even where need is adequately shown, the Commission must consider the dangers to the health and safety of the public, environmental considerations, cost, and must evaluate available alternatives. *West Penn*, 54 Pa. P.U.C. at 327.

In evaluating the need for a proposed high voltage transmission line, the Commission, in past cases, has looked critically at utility claims pertaining to standards for reliability, load projections, generation already available or coming on line that would *obviate* the need for a line, interconnections with other utilities that could supplement local resources, non-transmission fixes, and consideration of alternatives to meet the demand. *West Penn, supra*.

As the RD recognizes, Pennsylvania law places the burden of proof on the applicant (PPL). RD at 79 – 81. And Pennsylvania law requires the applicant to prove a “need” for the proposed facilities – which *cannot* be done without considering alternatives. RD at 86, *citing* 52 Pa. Code § 57.76(a)(1).

But, in this proceeding, the RD did not require any alternatives to the proposed facilities be considered to address the currently-identified future issues.

To establish “need” in this proceeding, PPL (and the RD) rely on PJM’s evaluation of potential future reliability issues based on PJM’s computer modeling tests (which purport to evaluate future conditions based on projected electrical demand, generator availability, existing and planned transmission facilities, etc.). More specifically, PJM’s Paul McGlynn testified that the test results from PJM’s most recent tests – the March 2009 modeling - “support the need for the Susquehanna-Roseland project”. Statement 8-R at 7.<sup>6</sup>

---

<sup>6</sup> The results from the March 2009 modeling are summarized in McGlynn exhibits PFM-2 and PFM-3. PPL’s application initially relied on PJM’s 2008 modeling study – claiming that issues identified in the 2008 RTEP (which are summarized on exhibit PFM-1) required the proposed facilities. *See* PPL St. 8 (McGlynn) at 13-15, 19-20, 23-25, and exhibit PFM-1.

On cross examination, Mr. McGlynn confirmed that PJM is asking this commission to approve the Susquehanna-Roseland line *based upon the most recent studies that PJM has performed* – the March 2009 modeling - which are described in Mr. McGlynn’s rebuttal testimony, including exhibits PFM-2 and 3. Tr. at 1627. *See also* Statement 8-R at 7, PFM-2 and 3.

However, PJM chose the Susquehanna - Roseland line in 2007, as part of the 2007 RTEP process. And, after 2007, PPL did not consider any alternatives to the proposed facilities. Thus, PPL and PJM did not consider *any* alternatives to address the new (and *different*) issues identified in the 2008 RTEP modeling or the materially *different* (and less severe) potential future issues identified in the March 2009 modeling.

As mentioned above, the only time that PJM or PPL evaluated any alternatives to the proposed facilities was in 2007. Before choosing the Susquehanna - Roseland line as the “preferred solution” in 2007, PJM evaluated two other alternatives suggested by PPL and PSE&G:

In addition to the Susquehanna - Roseland solution that was selected, consideration was also given to a new 500 kV line from a new substation called Bossards in eastern Pennsylvania to Jefferson to Roseland and a new 230 kV line from Stanton substation in Pennsylvania to Roseland.

PPL St. 8 (McGlynn) at 24. *See also* 2007 RTEP report at 60 (ECC Cross Ex. 14)(“PJM considered various transmission alternatives to the Susquehanna - Roseland line. One main alternative considered was a circuit from Bossards through Jefferson to Roseland...”); PPL Brief at 39-41.

Thus, PJM examined two transmission alternatives to the Susquehanna - Roseland line *during the 2007 RTEP process*.

**But no alternatives to the Susquehanna - Roseland line were considered after the 2007 RTEP.** PJM's Steven Herling confirmed that no alternatives

to the Susquehanna - Roseland line were considered *after* the 2007 RTEP. Tr. at 1385.

During the 2008 and 9 retools for Susquehanna-Roseland, no new proposals were made, no alternatives were suggested . . . So, no, at that point, there was no additional analysis of alternatives.

Tr. at 1385 (testimony of PJM's Steven Herling).

As a result, neither PPL nor PJM evaluated any alternatives to the *different* issues identified in the 2008 modeling tests, or the much less severe potential future issues from the March 2009 modeling tests. *See Id.*

Because PJM and PPL did not consider any alternatives to address the alleged reliability issues it now relies upon to establish a “need” for the proposed facilities, its applications must be denied.

It would be one thing if the alleged issues “driving the need” for the proposed facilities in 2007 – when two alternatives were considered – did not change in 2008 or in March of 2009. But they did. The 2008 RTEP studies identified materially different potential reliability issues than the 2007 RTEP. In addition, the March 2009 modeling studies identified very different issues from the 2007 RTEP *and* the 2008 RTEP modeling. *See* discussion in ECC's brief at 19 to 22.

The potential future issues identified in the March 2009 modeling are *less severe* than those initially identified in the 2007 or 2008 RTEPs. Eleven (11) of the potential overloads that caused PJM to “approve” the Susquehanna - Roseland line in 2007 disappeared in 2008. And they have not reappeared. *See* ECC's brief at 20. In addition, of the 23 alleged issues identified in 2008, only 13 remained in March 2009.

OCA St. 1 at 12. It is significant to note that the March 2009 modeling study eliminated the only 500 kV overload, leaving only potential 230 kV system overloads in or before the year 2019 (mostly in New Jersey), as the prime justification for the Susquehanna – Roseland Line. *Id.*

As transmission planning engineer Peter Lanzalotta testified, 230 kV system overloads can be addressed by reinforcement at the 230 kV voltage level. OCA St. 1 at 13. Such reinforcement techniques typically include reconductoring existing circuits with higher-capacity conductors or adding additional circuits or transformers. *Id.*

However, despite significant and material changes to predicted potential future issues since 2007, no one has determined whether a cheaper or less intrusive alternative fix exists. PPL’s applications must be denied because, without any analysis of alternatives, this Commission cannot find that the proposed facilities are “needed” or “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)(1) and (4) (emphasis supplied).

**D. Exception 4: The ALJ Erred In Not Requiring Proof That the Proposed Facilities Minimize Environmental Impacts**

Although the RD references some of the appropriate legal standards, the RD did not – and could not on the record before it – evaluate whether the proposed transmission line will have a minimum environmental impact ‘considering the electric power needs of the public, the state of the available technology and the available alternatives.’” *Application of Trans-Allegheny Interstate Line Co. (“TrAILCo”)* Docket Nos. A-110172 et. al, slip op. (Pa. P.U.C. December 12, 2008) at 25 and 33.

...*Pennsylvania Power & Light* requires the consideration of whether the proposed transmission line will have a minimum environmental impact

*“considering the electric power needs of the public, the state of the available technology and the available alternatives.”* R.D. at 111-112, citing, *Pennsylvania Power & Light* at 250 (emphasis in R.D.).

*Id.*

Rather than apply this same burden in this case, the RD focuses only on solving (at any cost) alleged potential future reliability issues - ignoring the balancing required by the siting regulations *and* Article 1, Section 27 of the Pennsylvania Constitution. Indeed, Article 1, Section 27 *and* 52 Pa. Code §57.76(a) are designed to ensure that no project is built unless it is designed to minimize environmental harm through an evaluation and selection of technologies and alternatives that accomplish that goal.

Under Pennsylvania law, the proposed *solution* that has minimum adverse environmental impact, and is proportionate to the need, must be chosen. Every case in which the Commission has evaluated the “need” for a line has necessarily looked at customer load, electrical alternatives, and similar factors.

Because PPL has not (1) looked at the May 2009 energy efficiency and demand side resources that have cleared PJM’s RPM auction and will reduce demand, (2) modeled future conditions using an updated load forecast, (3) evaluated any alternatives other than the Susquehanna - Roseland line to address the alleged reliability issues, and (4) has not evaluated whether the proposed facilities are reasonably responsive to the currently-identified issues, PPL has not proven that the proposed project will have a minimum adverse environmental impact. Thus, PPL’s applications must be denied.

**E. Exception 5: The ALJ Erred In Approving PPL’s Routing Selection Despite PPL’s Failure to Comply With the Siting Regulations And Its Selection of Its Preferred Route Before Appropriate Studies Had Been Performed.**

PPL selected the proposed route (route B) before even announcing - or evaluating - the three alternative routes. Because PPL did not properly evaluate alternative line routes, it did not comply with the Commission requirements of an analysis of the following elements for each line: 1) a general description of each alternative route, 2) a description of the methodology for developing the alternative routes, 3) a comparison of the relative merits of each route, and 4) a statement of the reasons underlying the selection of the preferred route. *See* 52 Pa. Code § 57.72(c)(10), and because PPL did not properly evaluate alternative line routes, PPL cannot establish that the choice of the line route 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).

PPL’s project leader, Gregory Smith, summarized some of the key events in the siting process as follows:

- Three alternative routes were considered - Routes A, B, and C.
- PPL identified Routes A, B and C in June of 2008.
- PPL Electric selected Route B for this project.
- PPL announced its selection of Route B as the preferred route in August 2008.

Tr. at 819. *See also* PPL Application, Exhibit B at B-17 (The three routes, identified as Routes A, B, and C, were announced publicly on June 5, 2008 via newspaper articles, PPL’s project website [[www.pplreliablepower.com](http://www.pplreliablepower.com)], and other media announcements.).

PPL's Gregory Smith testified that he was the head of the project, and that he made the final decision that Route B would be chosen - based on three "primary factors". See Tr. at 885, 887, 890, and 891 and ECC Cross Ex. 6 (PPL project leader Gregory Smith's Line Route Selection presentation to the PPL board dated July 28, 2008 at slide 4). Mr. Smith testified that these three factors were (1) land and environmental impact considerations by Louis Berger; (2) public outreach in Pennsylvania; and (3) cost comparison of the three alternatives in Pennsylvania and New Jersey. Tr. at 885, 887, 890, and 891. All three factors were weighted "equally" in his decision. *Id.*

However, PPL's internal documents clearly show that PPL had *already decided* on Route B *before* the Louis Berger evaluation *and* before the ten public workshops.

PPL announced the three alternative routes "to be evaluated" on June 5, 2008, and convened a number of public "open houses" (from June 16 to June 30, 2008) to solicit input on the three alternative routes. See, e.g. Siting analysis at C-110.

However, in a December 17, 2007 presentation, PPL's Gregory Smith explained that the company had "selected ...the Louis Berger Group, to evaluate alternative line routes", that contract negotiations were underway with Louis Berger, and that "line Siting activities will begin in January." ECC Ex. 6 at page 5 (slide 3 of Gregory Smith's 12/17/07 presentation). Despite the fact that Louis Berger was not yet retained, and had not started its evaluation of alternative line routes, on that date (December 17, 2007), PPL indicated that the line route would go from Susquehanna, to a new substation at Lackawanna, to Jefferson, NJ and then to Roseland, NJ. *Id.* at pages 5 and 8 (slides 3 and 6).

Thus, six and a half months *before* announcing the three alternative routes that were to be “considered”, *before* the 10 public workshops and *before* the Louis Berger evaluation of the alternative routes, PPL and PJM *announced the chosen route*.

Numerous other documents also clearly show that PPL did not properly consider or evaluate the three alternative routes. In February of 2008, four months *before* announcing the three routes to be studied, PJM’s Paul McGlynn and PPL’s project leader Gregory Smith, among others, worked on a “need statement” for Mr. McGlynn to use with the National Park Service at a meeting scheduled for March 10, 2009. ECC Cross Ex. 5 at 3. A February 29, 2008 draft of the “need statement” indicated that the line would run from Susquehanna, to “a new substation at Lackawanna, northwest of Scranton, PA”, to a new switching station in Jefferson Township, NJ and then finally to Roseland to connect with existing PSE&G facilities. *Id.* at 4.

And, on March 10, 2008 – three months before the three alternatives to be “considered” were even announced – the PPL transmission planning department prepared a paper identifying “the technical, operational and economical advantages for [PPL] to direct the Susquehanna-Roseland (SUSQUEHANNA - ROSELAND) 500 kV line through a specific part of its franchise territory.” ECC Cross Ex. 11. at 1<sup>7</sup>. PPL’s March 10, 2008 study identified a “preferred alternative” - which it called the “Northern Alternative.” ECC Cross Ex. 11 at 8-9.

---

<sup>7</sup> ECC Cross Ex. 11 was prepared in March of 2008 by PPL’s transmission planning group - specifically Stephen Olinick (Senior Engineer in PPL’s Transmission Planning Group) with input from other PPL transmission planners (Gregory Smith, Pat McMackin, Suzanne Glance, and Mike DeCesaris). Tr. at 1761 and 1762.

The “preferred alternative” (the “Northern Alternative”) identified in March of 2008 was to run from Susquehanna to Lackawanna, and then cross the Delaware River into New Jersey. *Id.* PPL’s project leader Gregory Smith testified, on cross, that the preferred Northern Alternative recommended in PPL’s March 2008 report was Route B (the currently proposed route). Tr. at 911-912.

Thus, PPL chose Route B by March of 2008 (at the latest) as the preferred route *before* it announced the three alternatives it was “considering”, before the public “open houses” were held to discuss which of the three alternatives should be chosen, and before Louis Berger evaluated the three alternative routes.

As a result, the currently proposed Route B certainly was not chosen based primarily on the three factors identified by Gregory Smith:

- Land and environmental impact considerations prepared by Louis Berger;
- Public outreach in Pennsylvania (input from ten public workshops held in communities along the three routes); and
- Cost comparison of the three alternatives in Pennsylvania and New Jersey.

*See* Tr. at 885, 887, 890, and 891 (testimony of PPL’s Gregory Smith) and ECC Cross Ex. 6, (PPL project leader Gregory Smith’s Line Route Selection presentation to the PPL board dated July 28, 2008 at slide 4).

All of these “primary factors” occurred after PPL had chosen the route!

As a result, PPL’s applications should be denied.<sup>8</sup>

---

<sup>8</sup> Clearly, at a minimum, Route C was never properly considered. Route C goes nowhere near Lackawanna, and would not include a Lackawanna Substation. *See* PPL’s Application at Exhibit B, Figure B-4, at page B-16. In addition, Routes A and B follow the identical route to Lackawanna, and the identical route for many miles in New Jersey. In fact, Routes A and B are identical for all but one segment. Thus, they are not really “alternative” routes.

**F. Exception 6 - The RD Is not Supported by Substantial Evidence of Record.**

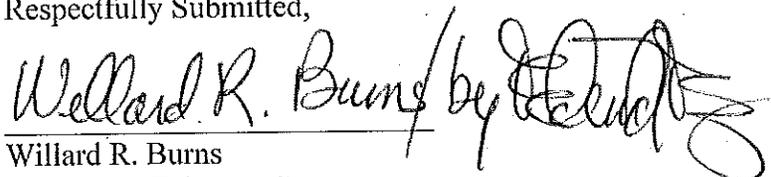
[T]his Commission's decision must be supported by substantial evidence in the record. More is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established. *Norfolk & Western Ry. Co. v. Pa. PUC*, 489 Pa. 109, 413 A.2d 1037 (1980).

*Application of Trans-Allegheny Interstate Line Co. ("TrAILCo")* Docket Nos. A-110172 et. al, slip op. (Pa. P.U.C. December 12, 2008) at 9-10. This Commission cannot approve PPL's applications because there is no substantial evidence in the record that (1) PPL evaluated any alternatives to deal with the issues identified in the 2008 RTEP or the March 2009 modeling tests, (2) PPL chose a project that is reasonably responsive to a need that exists; or (3) PPL selected a project that minimized the environmental impacts.

#### IV. CONCLUSION

For the above reasons, the ECC respectfully submits that PPL's applications should be denied.

Respectfully Submitted,



Willard R. Burns  
Burns Law Firm, LLC  
390 Oak Spring Road  
Marianna, PA 15345  
Phone: (412) 693-3035 Fax: (412)291-1498  
[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  
[publicutilitylaw@bergerlawfirm.net](mailto:publicutilitylaw@bergerlawfirm.net)

December 3, 2009