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January 28, 2009

BY HAND

James J. McNulty
Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
PO Box 3265
Harrisburg, PA 17105-3265

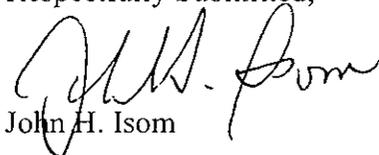
RE: Petition of PPL Electric Utilities Corporation For A Finding That A Building To Shelter Control Equipment At The Effort Mountain Substation To Be Constructed In Chestnuthill Township, Monroe County, Pennsylvania Is Reasonably Necessary For The Convenience Or Welfare Of The Public - Docket No. P-2010-

Dear Secretary McNulty:

Enclosed for filing are the original and three (3) copies of the Petition of PPL Electric Utilities Corporation For A Finding That A Building To Shelter Control Equipment At The Effort Mountain Substation To Be Constructed In Chestnuthill Township, Monroe County, Pennsylvania Is Reasonably Necessary For The Convenience Or Welfare Of The Public in the above-referenced proceeding.

As indicated on the certificate of service, copies are being provided to the parties in the manner indicated.

Respectfully Submitted,


John H. Isom

JHI/jl

Enclosures

cc: Certificate of Service

RECEIVED
2010 JAN 15 PM 3:20
PA PUC
SECRETARY'S BUREAU

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

A PENNSYLVANIA PROFESSIONAL CORPORATION



Before the
Pennsylvania Public Utility Commission

**EFFORT MOUNTAIN SUBSTATION
BUILDING PETITION**

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PA PUC
SECRETARY'S BUREAU

Application Docket No. _____

Submitted by: PPL Electric Utilities Corp.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition Of PPL Electric Utilities :
Corporation For A Finding That A Building :
To Shelter Control Equipment At The Effort :
Mountain Substation To Be Constructed In : Docket No. P- _____
Chestnuthill Township, Monroe County, :
Pennsylvania Is Reasonably Necessary For :
The Convenience Or Welfare Of The Public :

PETITION OF PPL ELECTRIC UTILITIES CORPORATION

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

PPL Electric Utilities Corporation (“PPL Electric”) hereby petitions the Pennsylvania Public Utility Commission (“Commission”), pursuant to 52 Pa. Code § 5.41 and 53 P.S. § 10619 for a finding that a building to shelter control equipment at the proposed substation in Chestnuthill Township, Monroe County (“Control Equipment Building”) is reasonably necessary for the convenience or welfare of the public, and therefore, exempt from any local Zoning Ordinance (“Zoning Petition”).¹ In support of this Petition, PPL Electric states as follows:

I. BACKGROUND

1. The Petitioner in this proceeding is PPL Electric Utilities Corporation. Its principal place of business is located at:

Two North Ninth Street
Allentown, Pennsylvania 18101

2. The names, addresses and telephone numbers of PPL Electric’s attorneys are:

¹ PPL Electric believes that its control equipment building is not a “building” but, rather, is part of its substation facilities. Therefore, PPL Electric’s control equipment building is exempt from local zoning requirements. See, e.g., *Duquesne Light Co. v. Upper St. Clair Township*, 377 Pa. 323, 334-35, 105 A.2d 287, 292 (1954). This Zoning Petition is being filed as a precaution in the event the Commission were to determine that the control equipment building is not a facility and, therefore, potentially subject to local zoning ordinances.

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PPL Electric's attorneys are authorized to receive all notices and communications regarding this Petition.

3. PPL Electric is a public utility as that term is defined in Section 102 of the Public Utility Code, 66 Pa.C.S. § 102, and is an electric distribution company as that term is defined in Section 2803 of the Public Utility Code, 66 Pa.C.S. § 2803.

4. PPL Electric is a Pennsylvania corporation which supplies electric distribution and provider of last resort electric supply services pursuant to the regulatory jurisdiction of the Commission to approximately 1.4 million customers in a service territory covering

approximately 10,000 square miles in all or portions of 29 counties in eastern and central Pennsylvania.

II. DISCUSSION

5. The proposed substation is being planned in conjunction with the proposed Effort Mountain #1 and #2 138 kV Taps (“Effort Mountain Taps”). An Application for approval of the siting and construction of the Effort Mountain Tap was filed with the Commission on January 8th, 2010 at Docket No. A-2010-2152104 (“Siting Application”). The combination of the Effort Mountain Taps and the proposed Effort Mountain substation are required to address and remedy the existing and projected overloaded conditions on distribution lines and transformers in the Sun Valley/Jonas area and permit PPL Electric to continue to provide adequate and reliable service in that area. PPL Electric’s Siting Application is incorporated herein by reference.

6. In order to resolve these concerns, in addition to reconstructing the Effort Mountain Taps, PPL Electric proposes to construct a new 138-12 kV substation. The Effort Mountain Taps will supply the new substation which will transform the electricity to distribution levels, 12 kV and feed distribution lines. The added transformer capacity and distribution capacity will be used to relieve the overloaded conditions on existing transformers and distribution lines in the area.

7. The new substation will include a building. Substations must include certain control equipment, primarily switches, relays and other control equipment to control the flow of electricity into, within and from the substation. as well as SCADA (Supervisory Control and Data Acquisition) equipment to monitor the operation of the substation. Much of this equipment, in order to function properly, must be protected from the elements. The purpose of the proposed building in the substation is to protect the control and SCADA equipment from the elements so that the equipment, and the entire substation, can function properly.

8. The building will be approximately 12 feet by 12 feet. It will be constructed on a concrete slab. The exterior walls will be constructed of corrugated steel siding. There will be minimal space heating and cooling equipment for the building. Such equipment will be installed for the purpose of keeping the temperature inside the building within limits tolerated by the control and SCADA equipment. The building will not be intended for occupancy. There will be no supply of water and no sanitary facilities.

9. The substation will be surrounded by a high fence to prevent entry by unauthorized persons. Access to the substation, including the Control Equipment Building, must be limited because the high voltage at which the substation will operate presents dangers to untrained persons. The Control Equipment Building will be contained within the fenced perimeter of the substation.

10. The substation will be located on a 5.69 acre tract of land that PPL Electric has under contract to purchase. The substation will occupy approximately 0.32 acres.

11. The location of the substation is advantageous because it is central to the load that it will serve. Having a substation centrally located with regard to the load it will serve is advantageous because resulting distribution lines fed from the substation will be shorter, which reduces costs and improve the reliability of service because the distribution will have less exposure to damage from hazards such as falling trees and motor vehicles.

12. Provided as Attachment A hereto is an aerial photograph showing the location of PPL Electric's tract of land, the substation, the Control Equipment Building and the right-of-way and easement in the vicinity of the proposed Effort Mountain Substation.

13. Section 619 of the Municipalities Planning Code, 53 P.S. § 10619, provides that:

“This article shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.”

14. The Control Equipment Building is reasonably necessary for the convenience or welfare of the public because it is a necessary component of PPL Electric’s overall plan to reinforce the distribution system in the Sun Valley/Jonas area in order to relieve existing and projected overloaded conditions on distribution lines and transformers presently serving the area. The reinforcement of the distribution system is necessary to assure continued reliable service to approximately customers in the area.

A. LOCAL LAND USE CONSIDERATIONS

15. Under 52 Pa. Code § 69.1101, the Commission considers the impact of certain decisions upon local comprehensive plans and Zoning Ordinances. These decisions include those regarding petitions filed under Section 619 of the Municipalities Planning Code, 53 P.S. § 10619.

16. The Chestnuthill Zoning Ordinance does define the term “building,” in pertinent part, as:

“Any structure having a permanent roof and walls and that is intended for the shelter, work area, hosing or enclosure of persons, animals, vehicles, equipment or materials and that has a total area under the roof of greater than 50 cubic feet.”

17. Under the Chestnuthill Zoning Ordinance, it is unlawful to erect a building without a building permit. Section 119-3A.1.a.

18. PPL Electric’s proposed Control Equipment Building will be located in a portion of Chestnuthill Township designated as R-1, Low Density Residential, under its Zoning

Ordinance. Pursuant to Section 306.B.1 of Chestnuthill's Zoning Ordinance, construction of a Public Utility Facility is not permitted in an R-1, Low Density Residential area. The Chestnuthill Township Zoning Ordinance does not define "Public Utility Facility."²

19. Thus, the Chestnuthill Zoning Ordinance is subject to the interpretation that PPL Electric may not construct a Public Utility Facility in an area designated R-1, Low Density Residential area. Similar restrictions apply in areas designated CR, Conservation Residential, RR, Rural Residential and R-2, Medium Low Density Residential.

20. As a practical matter, in the Sun Valley/Jonas area, the Chestnuthill Zoning Ordinance may restrict construction of the control equipment building to more densely populated areas where construction of a transmission line to supply the substation would be virtually impossible due to curtilage restrictions on the exercise of the power of eminent domain.

21. The Chestnuthill Township Zoning Ordinance, however, does contain a limited exemption for public utilities. Section 114 of the Zoning Ordinance permits exemptions under the Pennsylvania Municipalities Planning Code. It notes also that the exemption as of the date the Zoning Ordinance was adopted was found at Section 619 of the Pennsylvania Municipalities Planning Code. This Petition is being submitted to the Commission pursuant to the provisions of Section 619 of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10619.

22. The Chestnuthill Zoning Ordinance, if PPL Electric is unable to obtain from the Commission the findings necessary to exempt the control equipment building from the Chestnuthill Zoning Ordinance under Section 619 of the Pennsylvania Municipalities Planning Code, apparently would bar the construction of the control equipment building in the proposed location.

² Chestnuthill Township's Zoning Ordinance is not attached to this Petition because it is 157 pages in length. It is available, however, at the home page for Chestnuthill Township, Monroe County, Pennsylvania.

23. As shown on the certificate of service, PPL Electric has informed Chestnuthill Township that it intends to implement this project. PPL Electric is serving a copy of this Petition on Chestnuthill Township. In addition, PPL Electric is serving a copy of this Petition on the Chestnuthill Township Planning Commission, Monroe County and the Monroe County Planning Commission.

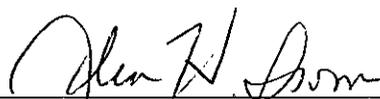
**III. CONSOLIDATION WITH APPLICATION FOR
APPROVAL OF TRANSMISSION LINE SITING**

24. On January 8th, 2010, PPL Electric filed with the Commission the Siting Application, at Docket No. A-2010-2152104. There, PPL Electric requested approval for the siting and reconstruction of the Effort Mountain Taps to which the proposed substation, including the Control Equipment Building that is the subject of this Petition, will be connected. Issues relating to the necessity for and location of the Effort Mountain Tap are interrelated to issues related to this Petition. Consequently, PPL Electric requests that the Commission consolidate this Petition with the Siting Application. Consolidation of this Petition with the Siting Application will promote the efficient administration of the proceedings by avoiding the possibility of duplicative hearings and adjudications. Further, consolidation will assure that all Commission findings and approvals for this project are made at the same time and in a consistent fashion.

IV. CONCLUSION

WHEREFORE, PPL Electric Utilities Corporation respectfully requests that the Pennsylvania Public Utility Commission find that the Control Equipment Building for the Effort Mountain Substation in Chestnuthill Township, Monroe County, proposed by PPL Electric Utilities Corporation is reasonably necessary for the convenience or welfare of the public.

Respectfully submitted,



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Of Counsel:

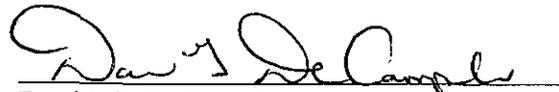
Post & Schell, P.C.

Date: January 15, 2010

Attorneys for PPL Electric Utilities Corporation

VERIFICATION

I, David G. DeCampli, being the President of PPL Electric Utilities Corporation, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that PPL Electric Utilities Corporation to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.


David G. DeCampli

January 5th, 2010



REYNOLDS ROAD

12-0-12-0
CONTROL CUBICLE

569 ACRES TO BE
ACQUIRED BY PPL ELECTRIC

100 ft

EXHIBIT "A"



CHESTERMAN TWP
POLK TOWNSHIP

CERTIFICATE OF SERVICE

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

VIA HAND DELIVERY

Honorable Wayne L. Weismandel
Administrative Law Judge
PA Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor West
PO Box 3265
Harrisburg, PA 17105-3265

VIA FIRST CLASS MAIL

Monroe County Planning Commission
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Stroudsburg, PA 18360-2169

Monroe County Commissioners
1 Quaker Plaza, Rm. 201
Stroudsburg, PA 18360-2141

Chestnuthill Township Board of Supervisors
PO Box 253, Rt. 715 S
Brodheadsville, PA 18332

Chestnuthill Township Manager
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Brodheadsville, PA 18332

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SECRETARY'S BUREAU

Date: January 15, 2010



John H. Isom