



Before the
Pennsylvania Public Utility Commission

**COPPERSTONE SUBSTATION
BUILDING PETITION**

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 :
Copperstone 230-69 kV Substation To Be : Docket No. P-2010-_____
Constructed In South Hanover Township, :
Dauphin 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 (“Control Equipment Building”) at the proposed Copperstone 230-69 kV Substation in South Hanover Township, Dauphin County, (“Copperstone Substation”) 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 Zoning Petition, PPL Electric states as follows:

¹ PPL Electric believes 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 that the Commission were to determine that the control equipment building is not a facility and, therefore, potentially subject to local zoning ordinances.

I. INTRODUCTION AND OVERVIEW

1. This Zoning Petition is filed by PPL Electric, a public utility that provides electric distribution and provider of last resort services in Pennsylvania subject to the regulatory jurisdiction of the Commission.

2. PPL Electric's address is Two North Ninth Street, Allentown, Pennsylvania 18101.

3. PPL Electric's attorneys are:

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

4. PPL Electric is a “public utility” and an “electric distribution company” as defined in Sections 102 and 2803 of the Pennsylvania Public Utility Code, 66 Pa. C.S. §§ 102, 2803. PPL Electric furnishes electric distribution and provider of last resort electric supply services to approximately 1.4 million customers throughout its certificated service territory, which includes all or portions of twenty-nine counties and encompasses approximately 10,000 square miles in eastern and central Pennsylvania.

5. PPL Electric owns approximately 5,000 miles of transmission lines operating at 69,000 volts or higher, approximately 330 substations with a capacity of 10,000 KVA or more, and approximately 43,000 miles of distribution lines operating at less than 69,000 volts.

II. DISCUSSION

6. PPL Electric proposes to construct the Copperstone Substation to reinforce the 230 kV and 69 kV systems in central Dauphin County. The proposed Copperstone Substation is being planned in conjunction with three separate transmission lines that are the subject of three separate filings with the Commission.

7. Contemporaneously herewith, PPL Electric is filing a Letter of Notification seeking Commission approval of Part 1 of the Project, the siting and construction of the Copperstone–Harrisburg #1 & #2 138/69 kV Transmission Line (“Copperstone-Harrisburg Line”). In Part 1 of the project, PPL Electric requests Commission approval to construct the Copperstone-Harrisburg Line, which will be approximately 1.33 miles in length. It will tie into the existing PPL Electric Hummelstown-Harrisburg #3 & #4 69 kV Transmission Line, west of the existing Paxton 69-12 kV Substation in Lower Paxton Township, and will connect with the proposed Copperstone Substation in South Hanover Township. The resulting line, which will include the new construction and a portion of the existing Hummelstown-Harrisburg #3 & #4 69

kV Transmission Line, will be renamed the Copperstone–Harrisburg #1 & #2 138/69 kV Transmission Line. The Copperstone-Harrisburg Line will be designed and constructed for 138 kV operation, although it initially will operate at 69 kV. PPL Electric’s Copperstone-Harrisburg Line Letter of Notification is incorporated herein by reference.

8. In Part 2 of the Project, the proposed Copperstone Substation will be connected with a different portion of the existing Hummelstown-Harrisburg #3 & #4 69 kV Transmission Line by constructing approximately 0.53 miles of new double circuit 138/69 kV line, initially operated at 69 kV. This will create the new Dauphin-Copperstone #1 & #2 138/69 kV Transmission Line, which will be the subject of a subsequent filing with the Commission.

9. In Part 3 of the Project, PPL Electric will construct two new 230 kV taps to connect with the proposed Copperstone Substation. One tap will be the proposed Middletown Junction–Copperstone 230 kV Tap, and the other tap will be the proposed Copperstone–North Lebanon 230 kV Tap. These taps will connect the proposed Copperstone Substation with the existing Metropolitan Edison Middletown Junction–North Lebanon 230 kV Transmission Line by splitting this line in the area of the proposed Copperstone Substation. Part 3 of the Project will be the subject of a subsequent filing with the Commission.

10. The proposed Copperstone Substation and the three separate transmission lines are needed to relieve projected overloads on PPL Electric’s 230 kV and 69 kV transmission systems in central Dauphin County. Studies conducted for PPL Electric’s transmission system, in conjunction with the PJM Interconnection, LLC (“PJM”) Regional Transmission Expansion Process (“RTEP”), revealed that several overloads would occur in the summer of 2012 on PPL Electric’s 230 kV and 69 kV electric systems in central Dauphin County in violation of the North

American Reliability (“NERC”) standards, PJM standards, and PPL Electric’s Reliability Principles and Practices (RP&P).

11. To resolve these projected violations, PPL Electric plans to construct the proposed Copperstone Substation, together with the three separate transmission lines described above. This reinforcement will resolve all the projected overloads on PPL Electric’s 230 kV and 69 kV electric systems in central Dauphin County, and will provide additional capacity for future electric system load growth.

12. The total estimated cost to design and construct the proposed three-part project is approximately \$28 million, which includes the estimated \$17.5 million cost for the proposed Copperstone Substation.

13. The new Copperstone Substation will include a Control Equipment Building. Substations must include certain control equipment, primarily switches, relays, control equipment, and Supervisory Control and Data Acquisition (“SCADA”) equipment to control the flow of electricity into, within, and from 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 Copperstone Substation is to protect the control equipment from the elements so that the line equipment, and the entire substation, can function properly.

14. The Control Equipment Building will be approximately 60 feet by 40 feet. It will be constructed on a concrete slab. The exterior walls will be constructed of corrugated aluminum. There will be minimal space heating and cooling equipment for the building. Such equipment will be installed solely for the purpose of keeping the temperature inside the building within limits tolerated by the control equipment. The building will not be intended for human occupancy; there will be no supply of water and no sanitary facilities.

15. The Copperstone Substation will be surrounded by a high fence to prevent entry by unauthorized persons. The fenced area for the Copperstone Substation is irregular shaped and is shown on Attachment "A" attached hereto. 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.

16. The Copperstone Substation will be located on a 32.72-acre tract of land owned by PPL Electric.

17. The location of the Copperstone Substation is advantageous because it is close to the existing 230 kV source and in close proximity to existing 69 kV facilities requiring reinforcement. Consequently, the location of the Copperstone Substation will require minimal new rights-of-way and construction of a short 138/69 kV line to resolve all the projected overloads on PPL Electric's 230 kV and 69 kV electric systems in central Dauphin County.

18. Provided as Attachment A hereto is an aerial map showing the location of PPL Electric's tract of land on which the proposed Copperstone Substation, together with the required Control Equipment Building, will be constructed. Attachment A also depicts the rights-of-way and easements for the proposed transmission lines associated with the Project, which will connect with the Copperstone Substation.

19. The Pennsylvania Municipalities Planning Code ("MPC") provides, in relevant part, as follows:

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.

Section 619 of the MPC, Act of July 31, 1968, P.L. 805, *as amended*, 53 P.S. § 10619. Thus, a public utility building is subject to local zoning requirements for buildings unless, upon petition, the Commission determines that the proposed situation of the building in question is reasonably necessary for the convenience and welfare of the public. 53 P.S. § 10619.

20. As explained above, the Copperstone Substation, together with the three separate transmission lines, is necessary to alleviate overloads projected to occur on PPL Electric's 230 kV and 69 kV electric systems in central Dauphin County in the summer of 2012, and will provide additional capacity for future electric system load growth. The Copperstone Substation must include certain control equipment in order to operate properly, and said equipment must be protected from the elements, which requires the construction of the Control Equipment Building on the Copperstone Substation Site. Because the Copperstone Substation is reasonably necessary for the public convenience and welfare, and because the Control Equipment Building is necessary to properly operate the Copperstone Substation, the Commission should find that the Control Equipment Building is reasonably necessary and, therefore, exempt from the South Hanover Township's local zoning ordinance pursuant to Section 619 of the MPC. *Del-AWARE Unlimited, Inc. v. Pa. P.U.C.*, 513 A.2d 593 (Pa. Cmwlth. 1986).

III. THE SOUTH HANOVER TOWNSHIP ZONING ORDINANCE

21. On January 11, 2001, the Commission adopted a policy statement to further the Commonwealth's goal of making agency actions consistent with sound land use planning by considering the impact of its decision upon local comprehensive plans and zoning ordinances. See 31 Pa. Bull. 951 (Feb. 17, 2001). Section 69.1101 of the Commission's Regulations provides:

[T]he Commission will consider the impact of its decisions upon local comprehensive plans and zoning ordinances. This will include reviewing applications for:

- (1) Certificates of public convenience.
- (2) Siting electric transmission lines.
- (3) Siting a public utility “building” under section 619 of the Municipalities Planning Code (53 P.S. § 10619).
- (4) Other Commission decisions.”

52 Pa. Code § 69.1101.

22. The South Hanover Township has adopted a zoning ordinance, which includes a map on which zoning districts are identified. *See* TOWNSHIP OF SOUTH HANOVER ZONING ORDINANCE, Ord. 2-1995 (April 11, 1995).² The location where PPL Electric proposes to construct the Copperstone Substation is designated as a “Residential Agriculture District: RA.” The South Hanover Township zoning ordinance provides that it applies to all structures, buildings, uses, signs, and land and their accessory structures, buildings, uses, and signs. Ord. 2-1995 § 106.

23. Under the South Hanover Township zoning ordinance, a building may be erected or used as a “permitted use” in a district designated as a “Residential Agriculture District: RA” for the purpose of, *inter alia*, “[p]ublic utility services and facilities including substations.” Ord. 2-1995 § 402(P). The South Hanover Township defines public utility facilities as any “public utility transmission and distribution facilities including substations and the like.” Ord. 2-1995 § 203. Electric transmission and distribution facilities are defined as “electric public utility transmission and distribution facilities including substations.” *Id.* Electric substations, in turn,

² The South Hanover Township Zoning Ordinance is not attached to this Petition because it is 183 pages in length. It is available, however, at the home page for South Hanover, Dauphin County, Pennsylvania under “Ordinances.” *Available at* <http://www.southhanover.org>.

are defined as “an assemblage of equipment for purposes other than generation or utilization through which electric energy in bulk is passed for the purpose of switching or modifying its characteristics to meet the needs of the general public.” *Id.* Accordingly, the construction, operation, and maintenance of the Control Equipment Building associated with the proposed Copperstone Substation is a permitted use under the South Hanover Township zoning ordinance.

24. With respect to public utility service and distribution facilities, the South Hanover Township zoning ordinance further provides the following use regulations:

Public Utility Service and Distribution Facilities. Public utility buildings shall be permitted in any district without regard to the use and area regulations; provided, however, that buildings erected for these utilities shall be subject to the following regulations:

A. Front, side and rear yards shall be provided in accordance with the regulations of the district in which the building is located.

B. Height of building shall conform to the district regulations.

C. Unhoused equipment shall be enclosed with a chain link fence six feet in height topped with barbed wire. Selected planting shall be used to minimize adverse visual affects.

D. House Equipment. When the equipment is totally enclosed within a building no fence or screen planting shall be required and the yard shall be maintained in conformity with the district in which the facility is located.

E. Screen Planting. The required fence for unhoused equipment shall be surrounded by an evergreen planting properly maintained for visual appearance.

F. The external design of the building shall be in conformity with the buildings in the district.

G. Access for Unhoused Equipment. Where vehicular access is across the front yard the gate

shall be constructed of solid materials having not less than 50% solid in ratio to open space.

H. Public utility transmission and distribution facilities shall be permitted in any district subject to rules and regulations necessary to public health and safety. Area, lot, yard, height and other regulations contained in this Chapter may be modified by the Zoning Hearing Board to achieve justice and secure public safety and welfare.

Ord. 2-1995 § 1501(11). Further, the South Hanover Township zoning ordinance requires a permit prior to the construction of any building, stating:

Requirements of Permits. A building and/or zoning permit shall be required prior to: (A) erection, addition or alteration of any building or portion thereof; (B) the use or change in use of a building or land and (C) the change or extension of a nonconforming use. It shall be unlawful for any person to commence work for the erection or alteration of any building or for a change in land use until a permit has been duly issued therefor.

Ord. 2-1995 § 2103(1).

25. If PPL Electric were required to obtain approval and/or a permit prior to construction of the Control Equipment Building, the process, including appeals from adverse determinations, could consume substantial time, which could delay the construction of the Copperstone Substation and transmission lines associated with the project, which are reasonably necessary for the convenience or welfare of the public.³

³ The lack authority for a local municipality to regulate the design, location, or construction of public utility facilities is consistent with the long line of case holding that public utilities are exempt for local ordinances. The Pennsylvania Supreme Court has recognized the exclusive jurisdiction of the Public Utility Commission ("Commission") in a long line of cases. *See Duquesne Light Company v. Monroeville Borough*, 449 Pa. 573, 580, 298 A.2d 2352 (1972) ("This Court has consistently held, however, that the Public Utility Commission has exclusive regulatory jurisdiction over the implementation of public utility facilities") (citations omitted). *See, e.g., County of Chester v. Philadelphia Elec. Co.*, 420 Pa. 422, 218 A.2d 331 (1966) (holding that regulation by a multitude of jurisdictions would result in "twisted and knotted" public utilities with consequent harm to the general welfare); *Newtown Twp. v. Philadelphia Elec. Co.*, 594 A.2d 834, 837 (Pa. Cmwlth. 1991) (noting that "it is clear that no 'implied' power exists in the MPC which would allow the Township to regulate [the Philadelphia Electric Company] through its subdivision and land development ordinance"); *Heintzel v.*

26. Additionally, the proposed Project and Copperstone Substation were reviewed with representatives of South Hanover Township and Dauphin County. The Township and the County have no objection to the Copperstone Substation and the transmission lines associated therewith. As indicated in the attached certificate of service, PPL Electric is serving a copy of this Zoning Petition on South Hanover Township, the South Hanover Township Planning Commission, Dauphin County, and the Dauphin County Planning Commission.

27. Further, in all of its interactions with the South Hanover Township and Dauphin County, PPL Electric will continue to apply its long-standing policy of cooperating with local governments.

28. For these reasons, PPL Electric requests that the Commission find that the Control Equipment Building is reasonably necessary for the convenience or welfare of the public and, therefore, exempt from the requirement of the South Hanover Township Zoning Ordinance that requires a permit prior to the construction of any building and such other portions of the Zoning Ordinance that may, in the South Hanover Township's opinion, impose any restriction, condition, or regulation on the construction of the Control Equipment Building.

IV. RELATED PROCEEDINGS

29. Contemporaneously with the filing of this Zoning Petition, PPL Electric is filing with the Commission the Copperstone-Harrisburg Line Letter of Notification. Therein, PPL

Zoning Hearing Bd. of Millcreek Twp., 533 A.2d 832 (Pa. Cmwlth. 1987) (holding that township had no power to regulate, under its zoning ordinance, city's erection of water tower because that power was under the exclusive jurisdiction of the PUC); *South Coventry Twp. v. Philadelphia Elec. Co.*, 504 A.2d 368 (Pa. Cmwlth. 1986) (noting that to possibly subject [the Philadelphia Electric Company] to a miscellaneous collection of regulations upon its system would clearly burden and indeed disable it from successfully functioning as a utility); *Commonwealth v. Delaware and Hudson Railway Co.*, 339 A.2d 155 (Pa. Cmwlth. 1975) (holding that the MPC did not authorize local governments to regulate public utilities in any manner which infringes upon the power of the Commission to so regulate).

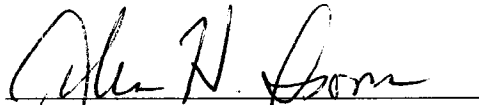
Electric is requesting approval for the siting and construction of the Copperstone-Harrisburg Line, which will be connected to the proposed Copperstone Substation, including the Control Equipment Building that is the subject of this Zoning Petition. Issues relating to the necessity for and location of the Copperstone-Harrisburg Line are interrelated with issues related to this Zoning Petition.

30. Because this Project involves the construction of three separate transmission lines connecting to the Copperstone Substation, PPL Electric will seek Commission approval of the three transmission lines under three separate filings. Subsequent to the filing of this Zoning Petition, PPL Electric will file with the Commission two additional Letters of Notification seeking Commission approval to site and construct the transmission lines associated with Parts 2 and 3 of the Project.

V. CONCLUSION

WHEREFORE, PPL Electric Utilities Corporation respectfully requests that the Pennsylvania Public Utility Commission find that the Control Equipment Building proposed by PPL Electric Utilities Corporation at the Copperstone Substation is reasonably necessary for the convenience or welfare of the public and, therefore, is exempt from the Zoning Ordinance of the South Hanover Township.

Respectfully submitted,



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Of Counsel:

Post & Schell, P.C.

Date: February 12, 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.

Date: 2/3/10


David G. DeCampli

CERTIFICATE OF SERVICE

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

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

Pennsylvania Historical and Museum
Commission
Bureau for Historic Preservation
Commonwealth Keystone Building, Second
Floor
400 North Street
Harrisburg, PA 17120-0053
Attn: Mr. Douglas C. McLearn, Chief

Pennsylvania Department of Transportation
Commonwealth Keystone Building
400 North Street, 8th Floor
Harrisburg, PA 17120
Attn: The Honorable Allen D. Biehler, P.E.,
Secretary

Department of Environmental Protection
P.O. Box 2063
Market Street State Office Building
Harrisburg, PA 17105-2063
Attn: Office of Field Operations

South Hanover Township Board of
Supervisors
111 West Third Street
Hershey, PA 17033-2498

South Hanover Township Planning
Commission
111 West Third Street
Hershey, PA 17033-2498
Attn: Penny Pollick, Township Manager

Dauphin County Planning Commission
112 Market Street, 2nd Floor
Harrisburg, PA 17101-2015

Dauphin County Commissioners
PO Box 1295
Harrisburg, PA 17108

Date: February 12, 2010



Christopher T Wright

