



Before the
Pennsylvania Public Utility Commission

**RED FRONT 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 Red :
Front 115-12 kV Substation To Be : Docket No. P-2010-_____
Constructed In Lower Windsor Township, :
York 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 Red Front 115-12 kV Substation (“Red Front Substation”) in Lower Windsor Township, York County, Pennsylvania 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, transmission, 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 kV (kilovolts) or higher, approximately 330 substations with a capacity of 10 MVA (megavolts ampere) or more, and approximately 43,000 miles of distribution lines operating at less than 69 kV.

II. DISCUSSION

6. The proposed Red Front Substation is being planned in conjunction with the proposed Red Front 115 kV Tap Line (“Red Front Tap”). Contemporaneously herewith, PPL Electric is filing a Letter of Notification seeking Commission approval of the siting and construction of the Red Front Tap (“Red Front LON”). The combination of the Red Front Tap and the proposed Red Front Substation is required to improve reliability of service and meet increasing demand in PPL Electric’s franchised service territory located in central eastern York County on the west side of the Susquehanna River and in the vicinity of Lower Windsor Township. PPL Electric’s Red Front LON is incorporated herein by reference.

7. Presently, PPL Electric’s distribution customers in central eastern York County on the west side of the Susquehanna River are served from the North Columbia 69-12 kV Substation via the existing North Columbia 06-03 12 kV and 06-05 distribution lines. The existing North Columbia 06-03 12 kV distribution line exceeds the normal planning guidelines

set forth in PPL Electric's Reliability Principles and Practices manual ("RP&P"). Although the existing North Columbia 06-05 12 kV distribution line does not presently have the same reliability problems as those experienced on the North Columbia 06-03 12 kV distribution line, the 06-05 distribution line cannot be used as an alternate source for the 06-03 line because the combined load of both lines during peak demand exceeds the capacity of either line. Thus, the existing North Columbia 06-03 12 kV distribution line is a radial line that has no back up source that can be utilized during unplanned outages. Because the line is radial, it is not possible to transfer load away from the existing North Columbia 06-03 12 kV distribution line to other 12 kV circuits to relieve overloading. Further, as a result of its length (54 miles of overhead conductor) and the projected load, the existing North Columbia 06-03 12 kV distribution line presents reliability and low voltage concerns. A detailed explanation of the need for the Red Front Substation and Tap is set forth in the Attachment 1 to the Red Front LON.

8. To alleviate these problems, PPL Electric plans to construct and install new 12 kV distribution facilities that will be connected to the Red Front Substation, which will be supplied by the Red Front Tap, to serve customer load in PPL Electric's service territory on the west side of the Susquehanna River. These new distribution facilities will connect to the existing North Columbia 06-03 12 kV distribution line. The Red Front Substation and new 12 kV facilities will reduce peak loading on the existing North Columbia 06-03 12 kV distribution line by transferring approximately half of its load to the new 12 kV distribution facilities. Further, when the Red Front Substation, Red Front Tap, and connecting distribution facilities are complete, the proposed reinforcement will improve voltage, improve restoration times, and address the reliability issues associated with the existing North Columbia 06-03 12 kV distribution line. A

detailed explanation of the proposed Red Front Substation and Tap is set forth in the Attachments to the Red Front LON.

9. The total estimated cost to design and construct the proposed project is \$4.42 million, which includes the cost of the Red Front Substation and the distribution work related thereto, the estimated \$157,000 cost for the proposed Red Front Tap, and the costs associated with the required sectionalizing switch upgrades to the Yorkana-Yoe 115 kV # 988 Transmission Line.

10. The new Red Front Substation will include a Control Equipment Building. Substations must include certain control equipment, primarily switches, relays and 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 Red Front Substation is to protect the control equipment from the elements so that the line equipment, and the entire substation, can function properly.

11. The Control Equipment 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 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.

12. The Red Front Substation will be surrounded by a high fence to prevent entry by unauthorized persons. The fenced area for the Red Front Substation will be approximately 104 feet by 151 feet. 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.

13. The Red Front Substation will be located on a three-acre tract of land in Lower Windsor Township, York County, and will occupy approximately 1/3 acre. PPL Electric has been unable to acquire the proposed site for the Red Front Substation and Red Front Tap through negotiations with the property owners. Therefore, PPL Electric will file with the Commission an Application for a finding and determination, pursuant to 15 Pa. C.S. § 1511(c), that the service to be furnished through PPL Electric's proposed exercise of the power of eminent domain to acquire appropriate property for the Red Front 115 kV Tap Line and Red Front 115-12 kV Substation is necessary or proper for the service, accommodation, convenience, or safety of the public.

14. The location of the Red Front Substation is advantageous because the source 115 kV transmission line, the First Energy Yorkana-Yoe #988 115 kV Transmission Line, crosses the property to be acquired by PPL Electric for the proposed Red Front Substation. Consequently, only a short transmission tap line, the Red Front Tap, is required to connect the proposed substation to the electric grid. Additionally, by siting the substation within close proximity to the existing transmission source for the Red Front Tap, PPL Electric can minimize the length of the transmission line supplying the substation, thereby minimizing costs and environmental impacts.

15. Provided as Attachment A hereto is an aerial exhibit showing the location of the tract of land on which the proposed Red Front Substation, together with the required Control Equipment Building, will be constructed.

16. 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.

17. As explained above, the Red Front Substation, together with the Red Front Tap and new distribution facilities, is necessary to reduce load, support voltage, improve restoration times, and resolve the reliability issues associated with the existing North Columbia 06-03 12 kV distribution line in central eastern York County. The Red Front 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 a Control Equipment Building on the site proposed for the Red Front Substation. Because the Red Front Substation is reasonably necessary for the public convenience and welfare, and because the Control Equipment Building is necessary to properly operate the Substation, the Commission should find that the Control Equipment Building is reasonably necessary and, therefore, exempt from the Lower Windsor 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 LOWER WINDSOR TOWNSHIP ZONING ORDINANCE

18. 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.

19. The Lower Windsor Township has adopted a zoning ordinance. See LOWER WINDSOR TOWNSHIP ZONING ORDINANCE, *as amended* (April 10, 2003).² The location where PPL Electric proposes to construct the Red Front Substation is designated as an Industrial District. Pursuant to Lower Windsor Township's Zoning Ordinance, construction of a Public Utility Facility in an Industrial District is a permitted use. See LOWER WINDSOR TOWNSHIP ZONING ORDINANCE, § 302, Table 302.1. The Lower Windsor Township Zoning Ordinance defines "Public Utilities" to include electric substations.³

² The Lower Windsor Township's Zoning Ordinance is not attached to this Petition because it is 200 pages in length. It is available, however, at the home page for Lower Windsor Township, York County, Pennsylvania under "Ordinances." Available at <http://www.lowerwindsor.com/>.

³ The Lower Windsor Township Zoning Ordinance defines "Public Utilities" as follows:

20. Under the Lower Windsor Township Zoning Ordinance, the required setback for a principal building in an Industrial District is 35 feet (front) and 25 feet (side and rear). *See* LOWER WINDSOR TOWNSHIP ZONING ORDINANCE, § 306, Table 306.1. Although this setback requirement will not apply to the proposed Control Equipment Building if the Commission approves this Petition, PPL Electric intends to fully comply with this requirement.

21. PPL Electric intends to meet all of the standards and criteria for electric substations set forth in the Lower Windsor Township Zoning Ordinance.

22. Notwithstanding, if PPL Electric were required to obtain a zoning permit or other zoning approval 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 Red Front Substation and Red Front Tap, which are reasonably necessary for the convenience or welfare of the public.

23. Further, the proposed Red Front Tap and Red Front Substation were reviewed with representatives of Lower Windsor Township and York County. The Township and the County have no objection to the Red Front Tap Line and Red Front Substation. As indicated in the attached certificate of service, PPL Electric is serving a copy of this Zoning Petition on the Lower Windsor Township, the Lower Windsor Board of Supervisors, York County, and the York County Planning Commission.

Use or extension thereof which is operated, owned or maintained by a municipality or municipal authority or which is privately owned and approved by the Pennsylvania Public Utility Commission for the purpose of providing public sewage disposal, treatment, or both; public water supply, storage, treatment or any combination thereof; and/or electric, gas or oil generating or treatment facilities, supply works, substations, transmission lines, distribution lines.

See LOWER WINDSOR TOWNSHIP ZONING ORDINANCE, § 203.

24. Additionally, in all of its interactions with the Lower Windsor Township and York County, PPL Electric will continue to apply its long-standing policy of cooperating with local governments.

25. 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, except as provided herein, is therefore exempt from the requirements of the Lower Windsor Zoning Ordinance that may, in the Lower Windsor Township's opinion, impose any restriction, condition or regulation on the construction of the Control Equipment Building.

IV. RELATED PROCEEDINGS

26. Contemporaneously with the filing of this Zoning Petition, PPL Electric is filing with the Commission the Red Front LON. There, PPL Electric is requesting approval for the siting and construction of the Red Front Tap which will be connected to supply the proposed Red Front Substation, including the Control Equipment Building that is the subject of this Zoning Petition. Issues relating to the necessity for and location of the Red Front Tap are interrelated with issues related to this Zoning Petition.⁴

27. PPL Electric has been unable to acquire the site proposed for the Red Front Substation and Red Front Tap through negotiations with the relevant property owners. Accordingly, PPL Electric will file with the Commission an Application for a finding and determination, pursuant to 15 Pa.C.S. § 1511(c), that the service to be furnished through PPL Electric's proposed exercise of the power of eminent domain to acquire appropriate property for

⁴ As explained above, the Red Front Tap will connect the existing First Energy owned Yorkana-Yoe 115 kV #988 Transmission Line with the proposed Red Front Substation. Metropolitan Edison Company ("Met-Ed"), a subsidiary of First Energy, will file a Letter of Notification for Commission approval to install the tap and switch poles on its Yorkana-Yoe 115 kV #988 Transmission Line. Issues related to the Met-Ed Letter of notification are interrelated with this Letter of Notification.

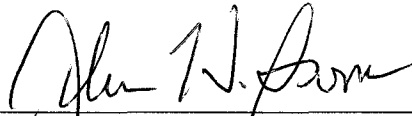
the Red Front Tap and Red Front Substation is necessary or proper for the service, accommodation, convenience, or safety of the public (“Condemnation Application”). Issues related to the Condemnation Application are interrelated with this Zoning Petition.

28. Pursuant to 52 Pa. Code §57.75(i)(1), PPL Electric requests that this Zoning Petition be consolidated with the Red Front LON and Condemnation Application.

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 Red Front 115-12 kV Substation is reasonably necessary for the convenience or welfare of the public and, therefore, is exempt from the Zoning Ordinance of the Lower Windsor Township.

Respectfully submitted,



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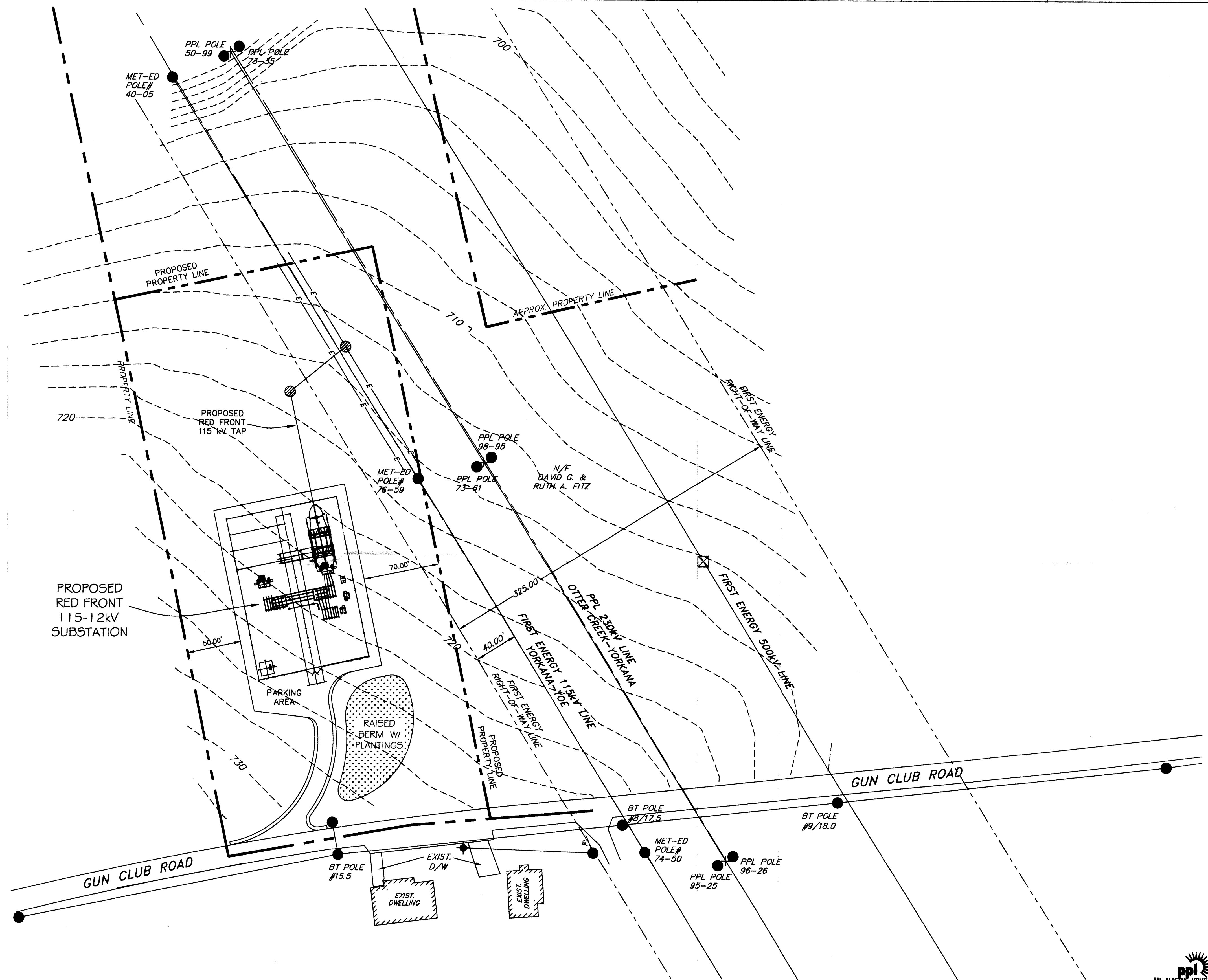
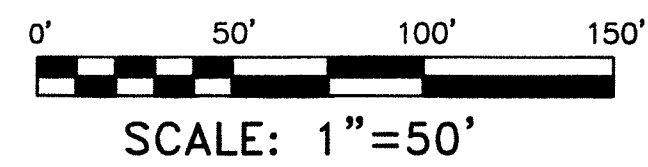
VERIFICATION

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: 4-27-10


David G. DeCampli

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