

Legal Department

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Business Services
Company

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May 6, 2010

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Second Floor
Harrisburg, PA 17120

Re: **Letter of Notification of PECO Energy Company Filed Pursuant to 52 Pa. Code Chapter 57, Subchapter G, With Respect To the Relocation of Transmission Facilities Needed to Accommodate a Landfill Proposed by Waste Management, Inc. In Fairless Hills, Falls Township, Bucks County, Pennsylvania – Docket No. A-2010_____**

Dear Secretary Chiavetta:

Enclosed for filing with the Commission is an original and fifteen (15) copies of the Letter of Notification of PECO Energy Company Filed Pursuant to 52 Pa. Code Chapter 57, Subchapter G, With Respect To the Relocation of Transmission Facilities Needed to Accommodate a Landfill Proposed by Waste Management, Inc. In Fairless Hills, Falls Township, Bucks County, Pennsylvania.

Also enclosed is an extra copy of this letter, which I request that you date stamp and return to me in the envelope provided as proof of filing. I have enclosed a Certificate of Service showing that a copy of the above document was served on the interested parties.

Very truly yours,



Ward L. Smith
Counsel for PECO Energy Company

WLS/mb

Enc.

cc: Affidavit of Service
Bob Young, Law Bureau

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MAY 06 2010

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Re: Letter of Notification of PECO Energy :
Company Filed Pursuant to 52 Pa. Code : Docket No. A-2010-_____
Chapter 57, Subchapter G, With Respect To :
the Relocation of Transmission Facilities :
Needed to Accommodate a Landfill Proposed :
by Waste Management, Inc. In Fairless Hills, :
Falls Township, Bucks County, Pennsylvania :

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

LETTER OF NOTIFICATION

I. OVERVIEW

1. Pursuant to the Pennsylvania Public Utility Commission's ("Commission") Regulations at 52 Pa. Code § 57.72(d)(1)(vi),¹ PECO Energy Company ("PECO") hereby files this Letter of Notification seeking Commission approval to relocate two (2) transmission lines (the "Subject Transmission Facilities"), each of which is less than two (2) miles in length, located on property owned by the United States Steel Corporation ("USS") and Waste Management, Inc. ("Waste Management") in Fairless Hills, Falls Township, Bucks County, Pennsylvania (collectively referred to as the "USS Property"). As described more fully below, USS and other local businesses intend to relocate privately-owned transmission facilities that traverse the USS Property and which are electrically connected to the Subject Transmission Facilities. The purpose of the overall construction project, including the private relocation project and the relocation of the Subject Transmission Facilities, is to accommodate the construction of a landfill

¹ 52 Pa. Code § 57.72(d)(1)(vi) states that a Letter of Notification should be filed for: "An HV line having a proposed route of 2 miles or less."

by Waste Management. That private construction and relocation project will require that the Subject Transmission Facilities be relocated to accommodate the proposed landfill project. The Subject Transmission Facilities are currently located on the USS Property, are in an industrial area, inside the fence of an industrial park, and not nearby any residences or commercial sites; after the relocation the Subject Transmission Facilities will be located on property owned by USS, Waste Management and its affiliate, Wheelabrator, and Gamesa, one of the manufacturers in the USS industrial park. The Subject Transmission Facilities will continue to be in an industrial area, inside the fence of an industrial park, and not nearby any residences or commercial sites. Subject to the Commission's approval, construction necessary to complete the relocation of the Subject Transmission Facilities is scheduled to begin on or about July 1, 2010. PECO therefore respectfully requests that the Commission review this Letter of Notification and enter an order approving the requests contained herein on or before June 17, 2010. In support of its request, PECO states as follows:

II. REGULATORY FILING REQUIREMENTS

2. Pursuant to 52 Pa. Code §57.72 (d)(4), a Letter of Notification is required to contain:

- The name of the applicant and the address of its principal business office. 52 Pa. Code § 57.75(c)(1).
- The name, title and business address of the attorney of the applicant and the person authorized to receive notice and communications with respect to the application if other than the attorney of the applicant. 52 Pa. Code § 57.75(c)(2).

- A general description—not a legal or metes and bounds description—of the proposed route of the HV line, to include the number of route miles, the right-of-way width and the location of the proposed HV line within each city, borough, town and township traversed. 52 Pa. Code § 57.75(c)(3).
- A general statement of the need for the proposed HV line in meeting identified present and future demands for service, of how the proposed HV line will meet that need and of the engineering justifications for the proposed HV line. 52 Pa. Code § 57.75(c)(5).
- A statement of the safety considerations which will be incorporated into the design, construction and maintenance of the proposed HV line. 52 Pa. Code § 57.75(c)(6).
- The anticipated construction commencement date and the proposed in-service date of the project. 52 Pa. Code § 57.75 (d)(4)(ii).
- A statement identifying the filing date on which the filing of the letter of notification was or is to be made, together with substantially the language set forth in paragraph (5).² 52 Pa. Code § 57.75 (d)(4)(iv).³

² The “language set forth in paragraph 5” of this section of the Commission’s regulations states that: “The Commission will review and, by order, approve or disapprove a letter of notification. If the Commission approves a letter of notification, the HV line shall be located and constructed without the application process set forth in this subchapter. If the Commission does not approve the letter of notification, its order shall direct the applicant to comply with the application process set forth in this subchapter.”

³ In addition to the requirements set forth above, for some Letters of Notification the applicant is required to provide: “Evidence to show that the size, character, design and configuration of the proposed HV line will not substantially alter its right-of-way.” See 52 Pa. Code § 57.75 (d)(4)(iii). This requirement does not apply to Letters of Notification, like the instant Letter, that are filed pursuant to 52 Pa. Code § 57.75(d)(1)(vi) (“An HV line having a proposed route of 2 miles or less.”) PECO does note, however, that the relocation of the Subject Transmission Facilities will take place within the fence-line of an industrial park, at the behest of the industrial

III. THE APPLICANT AND ITS ATTORNEY
(52 Pa. Code § 57.75(c)(1) and (2))

3. PECO Energy Company is a Pennsylvania public utility corporation with its principal business office at 2301 Market Street, Philadelphia, PA 19103. PECO provides electric service to retail customers in southeastern Pennsylvania and is subject to the Commission's jurisdiction.

4. The name, title, and business address of the PECO attorney who is authorized to accept service of all notices and communication in this matter is:

Ward L. Smith, Esquire
Assistant General Counsel
Exelon Business Services Company
2301 Market Street
S23-1
Philadelphia, PA 19103
215-841-6863
ward.smith@exeloncorp.com
Counsel for PECO Energy Company

IV. GENERAL DESCRIPTION OF THE PROPOSED PROJECT
(52 Pa. Code § 57.75(c)(3))

5. Fairless Energy, LLC ("Fairless Energy"), a Delaware limited liability company with its principal business office at 50 Sinter Road, Fairless Hills, Pennsylvania 19030-5008,

concerns owning and occupying that industrial park, in order to allow the owner and occupants of the industrial park to expand industrial activities within the industrial park. PECO therefore respectfully suggests that, even though it does not need to demonstrate that the right-of-way will not be substantially altered, it is nonetheless noteworthy that the physical relocation of the Subject Transmission Facilities will not substantially alter the industrial park in which the Subject Transmission Facilities currently exist and will be relocated.

leases and operates two (2) generating plants that are located between New Ford Road and the Delaware River in Falls Township, Bucks County, Pennsylvania (the "Fairless Power Station"). The Fairless Power Station is constructed on a portion of the USS Property that is more fully described on **Appendix A** attached to and incorporated herein by reference.

6. USS is a Delaware corporation with its place of business at Keystone Industrial Port Complex, One Ben Fairless Drive, Fairless Hills, PA 19030-5012. It is the owner and operator of the industrial park in which the Subject Transmission Facilities are located. It is working with Waste Management to construct the proposed landfill within the industrial park. USS is not a public utility subject to the Commission's jurisdiction, but the transmission line relocation project is being completed at its behest to further USS's best use of its industrial property. Once relocated, the Subject Transmission Facilities will be partially located on land owned by USS.

7. Waste Management is a Delaware corporation with its place of business at 1000 New Ford Mill Road, Morrisville, PA 19067. It owns land within the industrial park in which the Subject Transmission Facilities are located. Waste Management will be the operator of the proposed landfill. Waste Management is not a public utility subject to the Commission's jurisdiction, but the transmission line relocation project is being conducted to allow it to construct the proposed landfill. Once relocated, the Subject Transmission Facilities will be partially located on land owned by Waste Management.

8. Wheelabrator is a Delaware corporation with its place of business at 1201 New

Ford Mill Road, Morrisville, PA 19067. It is a subsidiary of Waste Management, which owns land within the industrial park in which the Subject Transmission Facilities are located.

Wheelabrator is not a public utility subject to the Commission's jurisdiction. Once relocated, the Subject Transmission Facilities will be partially located on land owned by Wheelabrator.

9. Gamesa is a Delaware corporation with its place of business at 400 Gamesa Drive, Fairless Hills, PA 19030. Gamesa is a tenant of the USS industrial park, and owns land within the industrial park in which the Subject Transmission Facilities are located. Gamesa is not a public utility subject to the Commission's jurisdiction. Once relocated, the Subject Transmission Facilities will be partially located on land owned by Gamesa.

10. The Fairless Power Station is connected to the interstate transmission system by one (1) of two (2) transmission lines located on or across the USS Property or within an existing right-of-way granted by USS ("Existing Transmission Facilities").⁴ The Existing Transmission Facilities, which include both the Subject Transmission Facilities and USS's private transmission facilities, include:

- (a) A double circuit 230 kV transmission line (the 220-xx line), located entirely within Falls Township, operated by Fairless Energy pursuant to the terms of a

⁴ With regard to the Existing Transmission Facilities (which includes the Subject Transmission Facilities), PECO owns and will continue to own (i) the 138 kV line and supporting structures and (ii) the towers and poles that support the 230 kV line that are outside of the boundaries of the USS Property. Fairless Energy owns and will continue to own the 230 kV line that is outside the boundaries of the USS Property. Once the 138 kV and 230 kV transmission lines cross over the boundary of the USS Property, all electric facilities are owned and operated by USS, provide service only to the USS facilities at that location and are, therefore, not within the Commission's jurisdiction.

Transmission and Distribution Easement Agreement recorded in the Bucks County Recorder of Deeds Office in Deed Book 3853, Page 199, as amended and assigned. The 220-xx transmission line connects the Fairless Power Station with the interstate transmission system. The portion of the 220-xx transmission line to be relocated is approximately 1.9 miles in length.

- (b) A double circuit 138 kV line (the 130-xx line), located entirely within Falls Township and owned and operated by PECO Energy. The 130-xx line is on the same transmission line right-of-way as the 220-xx line, and must be relocated with it. The portion of the 130-xx transmission line to be relocated is approximately 1.9 miles in length.

11. The Existing Transmission Facilities are shown on the map that is attached to and incorporated herein by reference as **Appendix B**. The portion of the Existing Transmission Facilities that comprise the Subject Transmission Facilities, and which are therefore the subject of this Letter of Notification, are denoted on Appendix B.

12. To accommodate the landfill proposed by Waste Management, the Existing Transmission Facilities must be relocated to land owned or to be acquired by USS, Waste Management, Wheelibrator and Gamesa, within the USS industrial park.⁵ These “Relocated Transmission Facilities” are shown on the map that is attached to and incorporated herein as **Appendix C**.

⁵ USS will be responsible for obtaining all rights-of-way necessary to relocate the Subject Transmission Facilities.

V. STATEMENT OF NEED
(52 Pa. Code § 57.75(c)(5))

13. The Subject Transmission Facilities are an existing, energized transmission facility that is currently utilized, among other things, to transmit power from the Fairless Power Station to the transmission grid. This construction project is not intended to alter the functional characteristics of the Subject Transmission Facilities. Consequently, the engineering justifications that would typically be addressed in a discussion of “need” – load profiles, transmission system flow, conductor thermal capacity and characteristics, etc. – are not relevant to this project. Instead, the need is simply to accommodate additional industrial (landfill) functions on the underlying property while retaining an intact, operating transmission system. When USS relocates its privately-owned transmission lines to which the Subject Transmission Facilities are electrically connected, the Subject Transmission Facilities must also be relocated in order to keep the electrical connection intact. There is no other purpose or need for the work on the Subject Transmission Facilities, but that need is absolute – when the relocation of the USS lines is done, if the work on the Subject Transmission Facilities is not done simultaneously, the physical and electrical connection between the Fairless Power Station and the transmission grid will be lost.

VI. SAFETY CONSIDERATIONS
(52 Pa. Code § 57.75 (c)(6))

14. The design and construction criteria to be used in completion of the work on the Subject Transmission Facilities will meet or exceed the requirements specified in the

latest revision of the National Electric Safety Code (“NESC”) as well as all applicable safety standards established by the Occupational Safety and Health Administration (“OSHA”). In addition, PECO and/or Fairless Energy will operate, repair and maintain the Subject Transmission Facilities in accordance with NESC, OSHA and any applicable local, state or federal requirements.

15. The configuration and load of the Subject Transmission Facilities is not expected to change. The electric and/or magnetic fields (“EMF”) associated with the Subject Transmission Facilities are therefore not expected to change. The geographic location of the Subject Transmission Facilities is expected to change. However, because the new location of the Subject Transmission Facilities will be inside the fence of an industrial park, no change to the public’s EMF environment is expected.

16. The functional requirements of the project permit PECO to use land that is fee- or easement-owned by USS, as currently owned or to be obtained by USS, for all of the modifications for which approval is sought herein. Moreover, the new structures will be installed on an industrial site, which is well suited to locating transmission lines. The work will be conducted pursuant to an Erosion and Sedimentation Control Plan approved by the Bucks County Conservation District. As a consequence of all of these factors, the transmission line modifications proposed for approval herein will create minimal new environmental and land use impacts.

17. No communications towers, pipelines or other utilities will be affected by the

proposed transmission line modifications. PECO will review the project with the Pennsylvania Bureau of Aviation to confirm its assessment that the proposed modifications will have no impact on any airports.

18. Because the project takes place entirely within the confines of the USS industrial park, no unique geological, scenic or natural, historic, or archaeological areas will be affected. All permits required for the construction and operation of this project will be obtained.

VII. CONSTRUCTION SCHEDULE AND IN-SERVICE DATE
(52 Pa. Code § 57.75(d)(4)(ii))

19. The work necessary to relocate the Subject Transmission Facilities presently is scheduled to begin on or about July 1, 2010, pending receipt of regulatory approvals. The proposed in-service date for the Subject Transmission Facilities in their new location is November 1, 2010.

20. This schedule is driven by the overall construction schedule of the USS relocation of its private transmission facilities, which in turn is driven by the schedule of the underlying landfill project. The construction schedule and in-service date are thus not within the control of PECO.

VIII. FILING DATE AND COMMISSION REVIEW
(52 Pa. Code § 57.75(d)(4)(iv))

21. PECO is filing this Letter of Notification with the Commission on the date set opposite the signatures below. PECO respectfully requests that the Commission review this Letter of Notification and, to the extent possible, approve this Letter of Notification by order entered on or before June 17, 2010.

22. As set forth in the Commission's Regulation at 52 Pa. Code § 57.72(d)(5), the Commission will review and, by order, approve or disapprove this Letter of Notification. If the Commission approves this Letter of Notification, the Subject Transmission Facilities will be located and constructed as proposed herein and without the need for PECO to file a formal application as required by the Commission's Regulations at 52 Pa. Code §§ 57.71, *et seq.* If the Commission does not approve this Letter of Notification, its order shall direct PECO to comply with the formal application process set forth in the Commission's Regulations identified above.

IX. SERVICE AND NOTICE OF LETTER OF NOTIFICATION

23. As soon as practicable after the filing of this Letter of Notification and after the Commission has formally assigned a docket number to this matter, PECO will publish notice of the filing in newspapers of general circulation in the area of the proposed project. Such notice will contain: (a) the date this Letter of Notification was filed with the Commission; (b) a brief description of the project and its location; (c) area locations where the complete Letter of Notification may be reviewed by the public; and (d) an instruction that the interested parties should contact within fifteen (15) days Rosemary Chiavetta, Secretary, at the Commission's Harrisburg address. A proof of publication will be provided to the Commission after the

publication has been completed.

24. Copies of the Letter of Notification or Notices of Filing of the Letter of Notification are being served in accordance with 52 Pa. Code § 57.72(d)(3), as evidenced by the Certificate of Service being filed along with this Letter of Notification.

WHEREFORE, PECO Energy Company respectfully requests that the Commission review and approve the transmission line relocations described in this Letter of Notification.

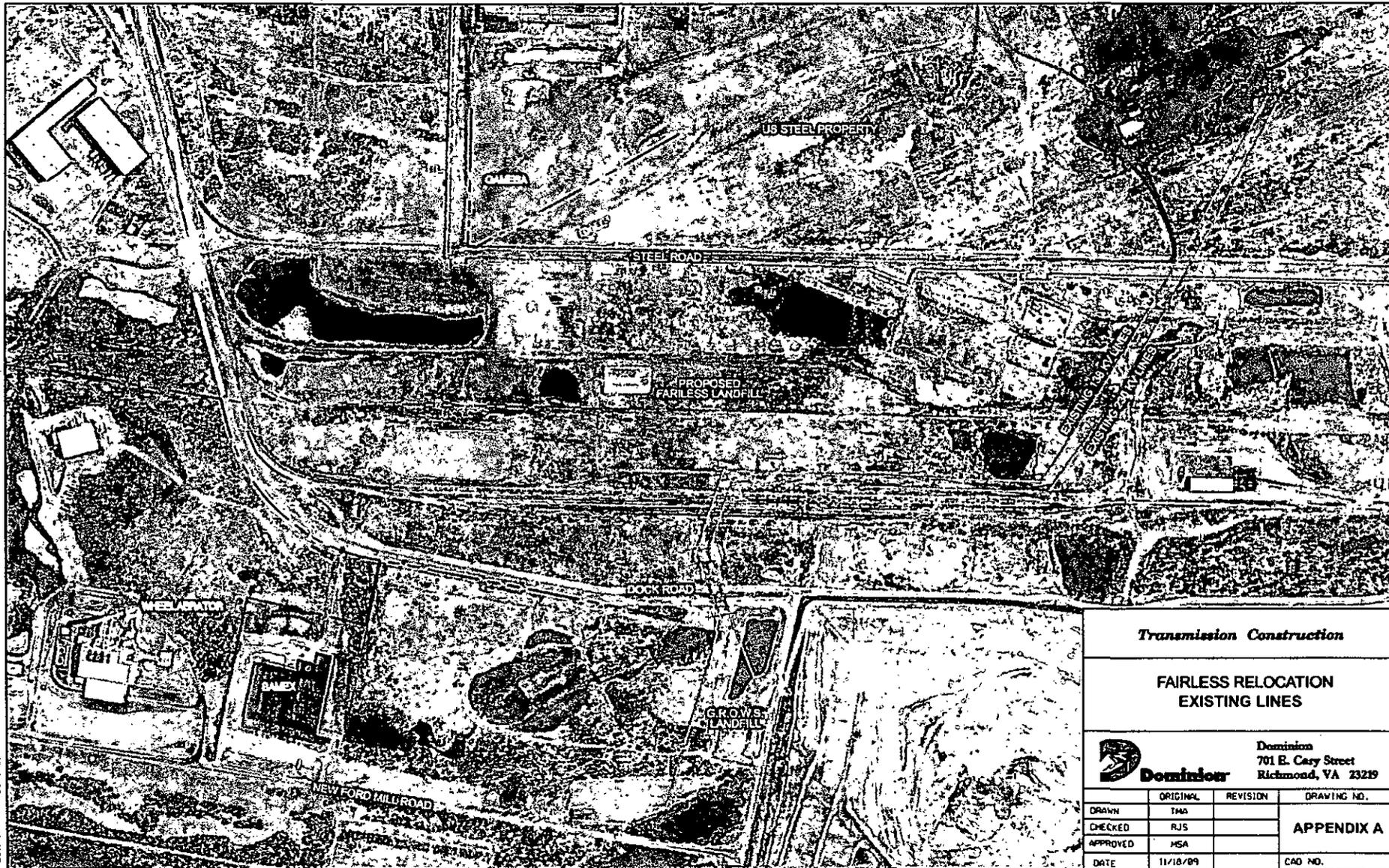
Respectfully submitted,



Ward L. Smith
Assistant General Counsel
Exelon Business Services Company
2301 Market Street
Philadelphia, PA 19103
215-841-6863
ward.smith@exeloncorp.com
Counsel for PECO Energy Company

DATED: May 6, 2010

85Y11NE



800SPRCA
TES117

Transmission Construction

**FAIRLESS RELOCATION
EXISTING LINES**



Dominion

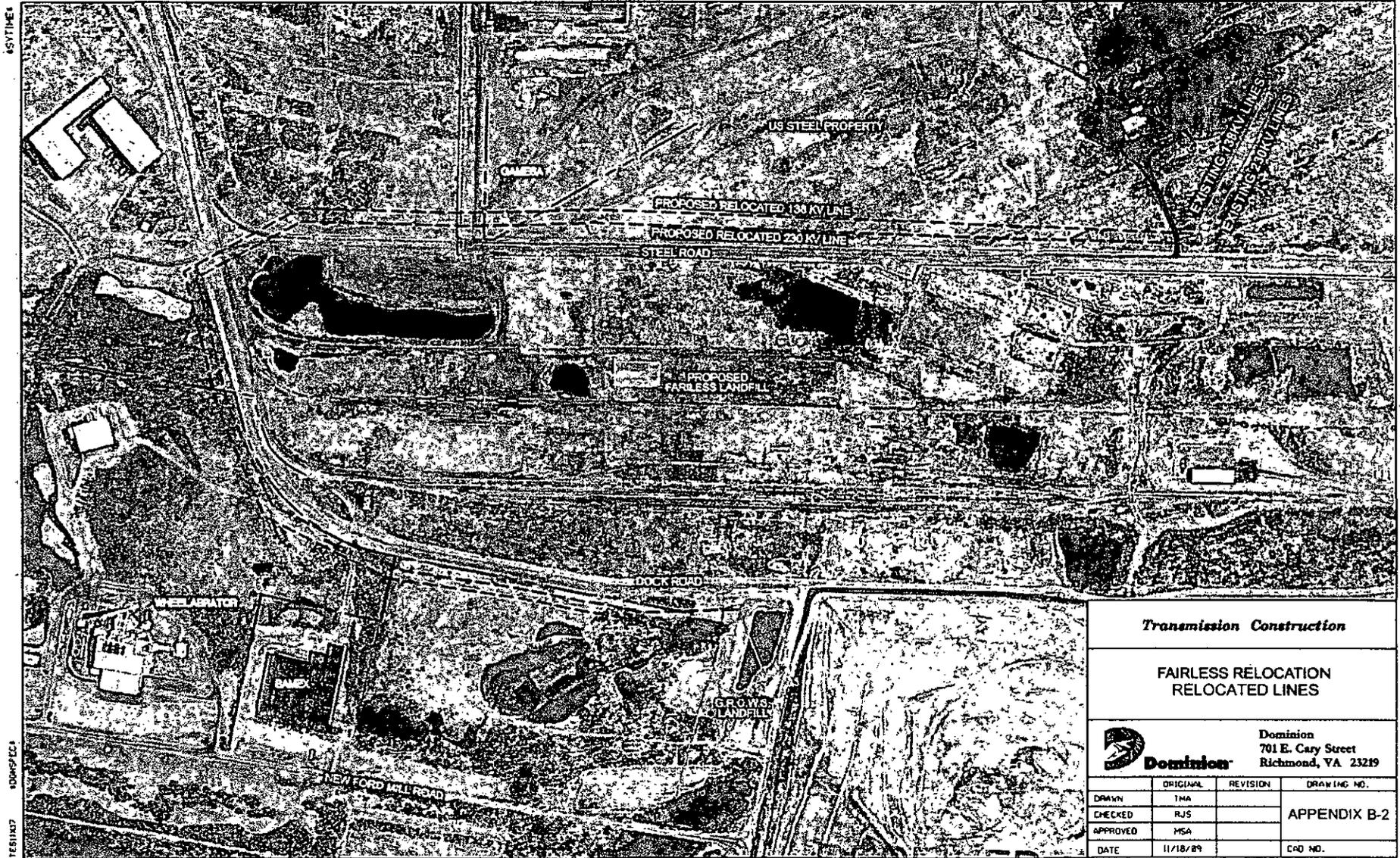
Dominion
701 E. Cary Street
Richmond, VA 23219

	ORIGINAL	REVISION	DRAWING NO.
DRAWN	TMA		APPENDIX A
CHECKED	RJS		
APPROVED	MSA		
DATE	11/18/09		

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU



<i>Transmission Construction</i>			
FAIRLESS RELOCATION RELOCATED LINES			
 Dominion		Dominion 701 E. Cary Street Richmond, VA 23219	
DRAWN	TMA	REVISION	DRAWING NO.
CHECKED	RJS		APPENDIX B-2
APPROVED	MSA		
DATE	11/18/09		CAD NO.

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MAY 06 2010

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA)
: SS
COUNTY OF PHILADELPHIA :
)

Richard G. Webster, being duly sworn according to law, deposes and says that he is Director, Rates & Regulatory Affairs of PECO Energy Company; that he is authorized to and does make this affidavit for it; and that the facts set forth above are true and correct to the best of his knowledge, information and belief and he expects PECO Energy Company to be able to prove the same at hearing hereof.

Richard G. Webster

Sworn to and subscribed
before me this 6th day
of May, 2010.

Jennifer Brodheim

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
JENNIFER BRODHEIM, Notary Public
City of Philadelphia, Phila. County
My Commission Expires October 29, 2011

COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL
LEWIS B. BROOKHUIS, Notary Public
City of Philadelphia, Philadelphia County
My Commission Expires October 22, 2011

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Re: Letter of Notification of PECO Energy :
Company Pursuant to 52 Pa. Code Chapter 57, :
Chapter 57, Subchapter G, With Respect To the : Docket No. A-2010-_____
Relocation of Transmission Facilities Needed To :
Accommodate a Landfill Proposed by Waste: :
Management , Inc. In Fairless Hills, Falls :
Township, Bucks County, Pennsylvania :

AFFIDAVIT OF SERVICE

I hereby certify and affirm that I have this day served a copy of the above document on the following persons in the manner specified:

Via First Class Mail

Robert Harvie, Chair
Board of Supervisors
Falls Township
188 Lincoln Highway
Suite 100
Fairless Hills, PA 19030

Brian W. Binney, Chair, Planning Board
Falls Township
188 Lincoln Highway
Suite 100
Fairless Hills, PA 19030

Michael P. Clarke, Esquire
Rudolph, Pizzo & Clarke
Eight Neshaminy Interplex, Suite 215
Trevose, PA 19053
Solicitor for Falls Township

Charles H. Martin, Chair
Bucks County Board of Commissioners
55 East Court Street
Doylestown, PA 18901

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MAY 06 2010

**PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU**

Lynn T. Bush, Executive Director
Bucks County Planning Commission
55 East Court Street
5th Floor
Doylestown, Pennsylvania 18901

The Pennsylvania Department of Environmental Protection
Attention: Bureau of Environmental Planning
Rachel Carson State Office Building
P.O. Box 2063
Harrisburg, Pennsylvania 17105-2063

The Secretary of the Department of Transportation
Commonwealth Keystone Building
400 North Street, 8th Floor
Harrisburg, Pennsylvania 17120

The Chairman of the Historical and Museum Commission
State Museum Building
300 North Street
Harrisburg, Pennsylvania 17120

USS Real Estate
c/o United States Steel Corporation
Keystone Industrial Port Complex
One Ben Fairless Drive
Fairless Hills, Pennsylvania 19030-5012
Attn: William K. Ream, Project Engineer

USS Law Department
600 Grant Street, Room #1683
Pittsburgh, Pennsylvania 15219
Attn: Attorney – Real Estate

Waste Management, Inc.
1000 New Ford Mill Road
Morrisville, PA 19067
Attn: Barry T. Sutch, Market Area Engineer/Manager

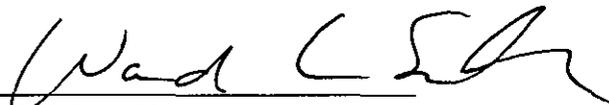
Fred Lodini
Plant Manager
Wheelabrator Falls Inc.
1201 New Ford Mill Road
Morrisville, PA 19067

Gamesa Wind US LLC
2050 Cabot Blvd.
Langhorne, Pa 19047
Attn: Victor Contract, Esquire
General Counsel

Gamesa Wind US LLC
Gamesa Drive
Fairless Hills, PA 19030
Attn: Chief Business Officer

Janet Miller, Esq.
Hawke, McKeon and Sniscak
PO Box 1778
100 North Tenth Street
Harrisburg, PA 17101
Counsel for Dominion/Fairless

Dated at Philadelphia, Pennsylvania, May 6, 2010.


WARD L. SMITH
Counsel for PECO Energy Company

From: Origin ID: REDA (215) 841-6853
Mincy Branch
EXELON
2301 MARKET STREET
S23-1
PHILADELPHIA, PA 19103



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CAD: 7349855/INET3010

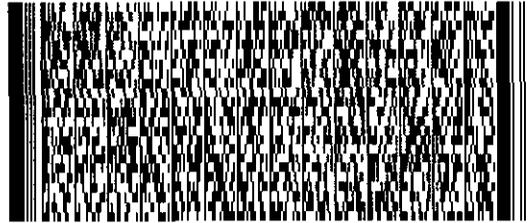
Delivery Address Bar Code



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Invoice #
PO #
Dept #

SHIP TO: (717) 789-8009 BILL SENDER
Rosemary Chiavetta
Penna. Public Utility Commission
400 NORTH ST FL 2
COMMONWEALTH KEYSTONE BUILDING
HARRISBURG, PA 17120

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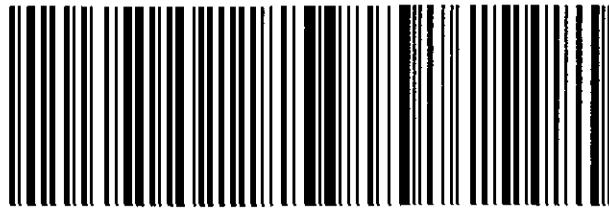
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