

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**  
**Harrisburg, Pennsylvania 17105-3265**

**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 Constructed in South Hanover Township, Dauphin County, Pennsylvania is Reasonably Necessary for the Convenience or Welfare of the Public**

**Public Meeting – July 29, 2010**  
**2159610-FUS**  
**Docket No. P-2010-2159610**

**DISSENTING STATEMENT OF VICE CHAIRMAN TYRONE J. CHRISTY**

Before the Commission is the uncontested Petition of PPL Electric Utilities Corporation (PPL) for a Commission finding that a proposed building to shelter control equipment at the proposed Copperstone substation in South Hanover Township, Dauphin County is reasonably necessary for the convenience or welfare of the public, and therefore exempt from local zoning ordinances under Section 619 of the Municipalities Planning Code, 53 P.S. § 10619.

I am troubled by the decision to grant this petition in the absence of any indication that South Hanover Township's zoning ordinances present an obstacle to the construction of the substation. My preference would be to require utilities to comply with local zoning ordinances, and to come to the Commission with petitions for exemptions only in situations where the local zoning ordinances either prevent the construction of needed utility facilities, or impose unreasonable restrictions on the construction of needed utility facilities. Neither is the case in the instant proceeding.

The township's zoning ordinances allow public utility facilities in the location where PPL plans to build the Copperstone substation; hence, PPL does not need a variance from South Hanover Township's zoning ordinances. The township's zoning ordinances do require a building permit for all buildings, and further provide that public utility buildings are subject to certain regulations pertaining to building height, building design and yards in conformance with the district where the building is located. None of these requirements are unreasonable on their face, and there is no indication that South Hanover Township would be unreasonable when enforcing the requirements.

PPL states that it has filed the instant petition because applying for a building permit *could* consume substantial time, and delay the construction of the substation. I do not find this reasoning persuasive. I note that PPL filed the instant petition with the Commission on February 12, 2010, nearly six months ago. My guess is that it would have taken less time to apply for a building permit from South Hanover Township.

In my view, utilities should use the Commission as a backstop, rather than use the exemption procedure available under the Municipalities Planning Code as a first option. Otherwise, I believe we potentially will run roughshod over legitimate zoning regulations established by local municipalities. Our policy pertaining to local land-use plans and ordinances at 69 Pa. Code § 69.1101 states that “[t]o further the State’s goal of making State agency actions consistent with sound land-use planning, the Commission will consider the impact of its decisions upon local comprehensive plans and zoning ordinances.” Our policy statement expressly includes the siting of public utility buildings under section 619 of the Municipalities Planning Code. The decision today to grant PPL’s petition without requiring PPL to first go to the township and comply with the township’s zoning ordinances does not seem to be consistent with this policy. For that reason, I am voting no on the Commission’s decision to grant this petition, as well as the decisions on two similar petitions on today’s agenda.

7-29-10

DATE

*Tyrone J. Christy*

TYRONE J. CHRISTY, VICE CHAIRMAN