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August 25, 2010

Rosemary Chiavetta
Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

RE: Application Of PPL Electric Utilities Corporation Filed Pursuant To 52 Pa Code Chapter 57, Subchapter G, For Approval Of The Siting And Construction Of The Effort Mountain #1 & #2 138 kV Taps In Chestnuthill And Polk Townships, Monroe County, Pennsylvania - Docket No. A-2010-2152104

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. A-2010-2153061

Application Of PPL Electric Utilities Corporation Under 15 Pa.C.S. §1511(c) For A Finding And Determination That The Service To Be Furnished By The Applicant Through Its Proposed Exercise Of The Power Of Eminent Domain To Acquire A Right-Of-Way And Easement Over And Across The Lands Of Larue High For The Proposed Effort Mountain #1 & #2 138 kV Taps In Chestnuthill And Polk Townships, Monroe County, Pennsylvania Is Necessary Or Proper For The Service, Accommodation, Convenience Or Safety Of The Public - Docket No. A-2010-2163154

Albert Barney v. PPL Electric Utilities Corporation - Docket No. C-2009-2107073

Dear Secretary Chiavetta:

August 25, 2010

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Enclosed for filing is the original Reply Brief of PPL Electric Utilities Corporation in the above-referenced proceedings. As indicated on the certificate of service, copies have been provided to the parties in the manner indicated.

Respectfully Submitted,



Christopher T. Wright

CTW/skr

Enclosures

cc: Certificate of Service
Honorable Wayne L. Weismandel

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 FIRST CLASS MAIL

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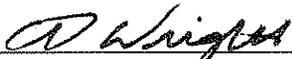
Suzanne A. Hart
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VIA E-MAIL & FIRST CLASS MAIL

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HC 89, Box 105, Rt. 940
Pocono Summit, PA 18346

Date: August 25, 2010



Christopher T. Wright

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of PPL Electric Utilities Corporation Filed Pursuant to 52 Pa Code Chapter 57, Subchapter G, for Approval of the Siting and Construction of the Effort Mountain #1 & #2 138 kV Taps in Chestnuthill and Polk Townships, Monroe County, Pennsylvania, <i>et al.</i>	:	Docket Nos. A-2010-2152104; A-2010-2153061; A-2010-2163154; C-2009-2107073
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**REPLY BRIEF OF
PPL ELECTRIC UTILITIES CORPORATION**

To Administrative Law Judge
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Date: August 25, 2010

Attorneys for PPL Electric Utilities Corporation

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I. INTRODUCTION

On August 11, 2010, pursuant to the schedule established by Administrative Law Judge Wayne L. Weismandel, PPL Electric Utilities Corporation (“PPL Electric”), Larue High, and Suzanne A. Hart filed Initial Briefs in this proceeding. In its Initial Brief, PPL Electric explained its positions on the issues pending before the Pennsylvania Public Utility Commission (“Commission”) in this proceeding. In so doing, PPL Electric anticipated and, as a practical matter, responded to many of the arguments raised by the other Parties in their Initial Briefs. Nevertheless, it is appropriate for PPL Electric to respond to certain contentions advanced by other Parties in their Initial Briefs.

In these consolidated proceedings, in order to continue to provide safe, adequate, and reliable service in the Sun Valley/Jonas area, PPL Electric seeks approval for the siting and construction of the Effort Mountain #1 & #2 138 kV Taps (“Effort Mountain Taps”), a finding that a building to shelter control equipment at the proposed Effort Mountain 138-12 kV Substation (“Effort Mountain Substation”) site is reasonably necessary for the convenience or welfare of the public, and findings that the service to be furnished through the exercise of the power of eminent domain to acquire a right-of-way and easement across land owned by Larue High is necessary or proper for the service, accommodation, convenience, or safety of the public. As explained in PPL Electric’s Initial Brief, the purpose of the Effort Mountain Project, which includes the Effort Mountain Taps, the proposed Effort Mountain Substation, and additional distribution facilities, is to relieve existing and projected overloaded conditions on the distribution lines and transformers currently serving the Sun Valley/Jonas area and to improve the reliability of service in the area.

A review of the evidence of record reveals that PPL Electric established by a clear preponderance of the evidence that the Commission should grant the approvals and findings

sought in these consolidated proceedings. It is unrefuted that several distribution lines and transformers in the Sun Valley/Jonas area are overloaded, and that others will soon be overloaded as a result of load growth due to housing development in the area. It is also unrefuted that the distribution system serving the Sun Valley/Jonas area requires reinforcement to resolve these reliability problems.

The record evidence also demonstrates that PPL Electric's selection of the preferred electrical solution to resolve these reliability problems is reasonable, and that PPL Electric properly considered the electric power needs of the public, the state of the available technology, and the available alternatives. Further, the record evidence establishes that PPL Electric ultimately selected a route for the proposed Effort Mountain Taps that appropriately balances functional requirements, environmental impacts, social factors, and cost considerations.

It is uncontested in this proceeding that a control equipment building is a necessary component of PPL Electric's overall plan to relieve the existing and projected overloaded conditions on the distribution lines and transformers presently serving the Sun Valley/Jonas area. The record evidence also establishes that it is appropriate for PPL Electric to route the Effort Mountain Taps over and across Ms. High's property in order to site, construct, and operate that line at the selected route because that is the best route for the Effort Mountain Taps.

For the reasons that follow, as well as those more fully explained in PPL Electric's Initial Brief, the ALJ and Commission should: (1) approve the siting and construction of the Effort Mountain #1 & #2 138 kV Taps; (2) find that the building to shelter control equipment at the Effort Mountain 138-12 kV Substation site is reasonably necessary for the convenience or welfare of the public; and (3) approve the exercise of the power of eminent domain by PPL Electric to acquire a right-of-way and easement across the land of Larue High because the

service to be furnished is necessary for the service, accommodation, convenience, or safety of the public.

II. ARGUMENT

A. REJOINDER TESTIMONY AND ADDITIONAL EVIDENCE

As a preliminary matter, PPL Electric notes that Ms. High and Ms. Hart incorrectly characterize their Initial Briefs as “rejoinder testimony.” Both Ms. High and Ms. Hart assert that they are entitled to present rejoinder testimony on the basis that PPL Electric requested to present rejoinder testimony. However, Ms. High and Ms. Hart appear to be confused by PPL Electric’s on-the-record reservation to present rejoinder testimony at the hearing in response to written surrebuttal testimony and new additional evidence placed into the record by Ms. High and Ms. Hart. (Tr. at 63, 66) Contrary to the assertions by Ms. High and Ms. Hart, PPL Electric did not request, nor was it granted, the right to present additional rejoinder testimony after the hearing. The only rejoinder testimony of PPL Electric was presented orally at the hearing.

The purpose of initial briefs is not to introduce new additional evidence or to offer rejoinder testimony. Indeed, the Commission has held that use of initial briefs for such purpose in a contested proceeding is a violation of due process, explaining as follows:

Enron presented for the first time in its main Brief a proposal to treat underrecovered purchased gas costs as stranded costs. The proposal was not introduced during the evidentiary stages of this proceeding. As a result the Parties of this proceeding were not afforded an opportunity to explore and challenge the proposal through cross-examination and rebuttal evidence. No evidentiary foundation was laid for Enron’s alternative proposal. Accordingly, the ALJ properly concluded that Enron’s alternative proposal was procedurally inappropriate. We find that due process requires that the Parties have had the opportunity to examine the proposal during the evidentiary stages of this proceeding.

Enron Capital & Trade Resources Corporation v. The Peoples Natural Gas Company, Peoples Industrial et al., Doc. No. R-00973928C0001, 1998 Pa. PUC LEXIS 199 (Order entered August 24, 1998). See also *Dee-Dee Cab, Inc. v. Pa. PUC*, 817 A.2d 593, 598 (Pa. Cmwlth. 2003), appeal denied, 836 A.2d 123 (Pa. 2003) (“For matters coming before an administrative agency, procedural due process, however, requires that a party be afforded reasonable notice of the issues raised and the agency’s rulings on those issues, so that the party has an opportunity to present any response or objection.”). Accordingly, Ms. High’s and Ms. Hart’s use of their initial briefs as rejoinder testimony and to introduce additional evidence is improper and should be disregarded.

B. NEED FOR THE PROPOSED FACILITIES

In her Initial Brief, Ms. Hart raises several issues in opposition to the need for the Effort Mountain Project. However, for the reasons that follow, as well as those more fully explained in PPL Electric’s Initial Brief, Ms. Hart’s opposition to the need for the Effort Mountain Project is without merit and should be rejected.

First, Ms. Hart contends that PPL Electric “can’t seem to make up its mind as to where the power is needed.” (Hart Initial Brief, p. 2, ¶ 3) In support, Ms Hart contends that the maps relied upon by PPL Electric reflect different locations where the reinforcement is needed. Contrary to Ms. Hart’s assertion, PPL Electric has consistently maintained that certain distribution lines and transformers in the Sun Valley/Jonas area are overloaded and in need of reinforcement. (See, e.g., PPL Electric Ex. No. 1, pp. 3-4; PPL Electric Ex. No. 1, Ex. B; PPL Electric Ex. No. 2, p. 3; PPL Electric Ex. No. 3, pp. 7-9; PPL Electric St. No. 1, pp. 2-3, 6-9) Further, all of the maps included with the filings in this matter pertain to the Sun Valley/Jonas area. Indeed, Ms. Hart has failed to identify which map produced by PPL Electric purportedly shows that the Effort Mountain Project is needed to provide reinforcements to an area other than

the Sun Valley/Jonas area. As explained in PPL Electric's Initial Brief, the sole purpose of the Effort Mountain Taps is to transmit electricity approximately 5.7 miles from the existing Siegfried-Jackson #1 and #2 138 kV transmission line to the proposed Effort Mountain 138-12 kV Substation. From the proposed Substation, electricity will be delivered to retail customers in the Sun Valley/Jonas area through 12 kV facilities. (See PPL Electric Initial Brief, Section VI.A.3)

Second, Ms. Hart argues that the Effort Mountain Project is not needed because the national projected annual growth rate of electricity has slowed. (Hart Initial Brief, pp.2-3, ¶ 3) However, as explained in PPL Electric's Initial Brief, the distribution electrical facilities serving the Sun Valley/Jonas area are presently overloaded and, thus, even if no further load growth were to occur, the distribution system in the Sun Valley/Jonas area still needs to be reinforced now. (See PPL Electric Initial Brief, Section VI.A.1)

In short, Ms. Hart disregards, and fails to refute, the record evidence demonstrating that several distribution lines and transformers in the Sun Valley/Jonas area are presently overloaded, and that others that will soon be overloaded, as a result of load growth due to housing development in the area. The Sun/Valley Jonas area is one of PPL Electric's poorest performing areas in the terms of the number of service outages, duration of outages, and number of customers affected, and need to be reinforced. (PPL Electric St. No. 1, p. 3) For these reasons, PPL Electric has met its burden to demonstrate by a preponderance of the evidence that the Effort Mountain Project is needed to reinforce the distribution system in the Sun Valley/Jonas area.

C. ALTERNATIVE SOLUTIONS TO REINFORCE THE DISTRIBUTION SYSTEM

As explained in PPL Electric's Initial Brief, PPL Electric examined various electrical solutions, or functional configurations, to enable it to continue to provide adequate and reliable service to the public and plan appropriate measures to assure reasonably continuous supply to the Sun Valley/Jonas area. In analyzing the alternative solutions, PPL Electric considered the ability of each solution to solve the reliability problems in the Sun Valley/Jonas area and to provide the ability and flexibility to meet future system needs, as well as the overall costs. After extensive analysis, PPL Electric selected the functional configuration that best met its customers' needs in a reliable manner over the planning horizon. (See PPL Electric Initial Brief, Section VI.A.2) No party to this proceeding has contested PPL Electric's analysis of the alternative electrical solutions, or its selection of the preferred functional configuration.

Notwithstanding, Ms. Hart offers additional solutions that she contends reduce the need for the Effort Mountain Project, including the use of microgrids, fuel cells, smart grid technology, and alternative energy sources such as solar and wind. However, as explained in PPL Electric's Initial Brief, the alternative energy sources and new technology identified by Ms. Hart would not resolve the reliability problems associated with the distribution system serving the Sun Valley/Jonas area. (See PPL Electric Initial Brief, Section VI.A.3) A new energy source, green or otherwise, will not resolve the reliability and overloading problems currently experienced on the distribution system serving the Sun Valley/Jonas area. Even if new and/or alternative sources of energy were implemented, there must still be adequate transmission and distribution systems to supply such energy to customers. As explained above, the distribution system serving the Sun Valley/Jonas area is currently overloaded and, therefore, does not have the capacity to supply customers with additional sources of energy regardless of the origin.

With respect to new technology, including fuel cells or microgrids, PPL Electric explained in its Initial Brief that both of these technologies are experimental and unproven, and that they are very expensive compared to the traditional electrical distribution systems. (See PPL Electric Initial Brief, Section VI.A.3) Further, PPL Electric currently employs certain smart grid and remote operator control devices on its distribution system, and plans to install these same devices on the proposed facilities. Such facilities, however, cannot resolve overloaded conditions on distribution lines or transformers. (See PPL Electric Initial Brief, Section VI.A.3)

Finally, Ms. Hart recommends that PPL Electric install additional distribution lines at the Meckesville 69-12 kV Substation. In support, Ms. Hart asserts that the Meckesville 69-12 Substation cannot be overburdened because it is located in a unpopulated area. However, the record evidence demonstrates that the transformers at the Meckesville 69-12 kV Substation are projected to become overloaded in 2011. (PPL Electric Ex. 3, p. 8) Further, PPL Electric considered and rejected this alternative, Alternative 1 – Enhance Existing Facilities. As stated in PPL Electric’s Initial Brief, this alternative was rejected because it would be expensive and would not provide the same reliability benefits, load relief, or operating flexibility that a new substation would provide. (See PPL Electric Initial Brief, Section VI.A.2)

In summary, Ms. Hart disregards, and fails to refute, the record evidence demonstrating that several distribution lines and transformers in the Sun Valley/Jonas area are presently overloaded, and that others will soon be overloaded, as a result of load growth due to housing development in the area. Ms. Hart also disregards, and fails to contest, the record evidence establishing that PPL Electric selected the functional configuration that best met its customers’ needs in a reliable manner over the planning horizon. For these reasons, PPL Electric has met its burden to demonstrate by a preponderance of the evidence that its selection of the preferred

electrical solution to resolve the reliability problems in the Sun Valley/Jonas area is reasonable, and that PPL Electric properly considered the electric power needs of the public, the state of the available technology, and the available alternatives.

D. SITING AND ROUTE SELECTION

Ms. High, the sole condemnee in this proceeding, generally opposes the route selected for the proposed Effort Mountain Taps, which crosses portions of her property. In her Initial Brief, Ms. High asserts that PPL Electric went out of its way to site the Effort Mountain Taps across her property. In support, Ms. High notes that three of the alternative routes initially identified by PPL Electric did not cross her property, and that PPL Electric moved the route to go through her property. However, the evidence of record clearly demonstrates that PPL Electric selected the preferred route for the Effort Mountain Taps after properly considering the many factors that affect the siting of high voltage transmission lines. (*See PPL Electric Ex. No. 1, Ex. D*)

Despite Ms. High's contention, there is nothing of record to support Ms. High contention that PPL Electric deliberately sited the route for the Effort Mountain Taps to cross her property for inappropriate reasons. As explained in PPL Electric's Initial Brief, PPL Electric conducted an extensive, multi-faceted analysis to determine the preferred route for the Effort Mountain Taps. This analysis included designation of a study area, compilation of an environmental inventory, identification of alternative routes, analysis of the alternative routes, and selection of the proposed line route. (*See PPL Electric Initial Brief, Section VI.B.1*) Although complete avoidance of all constraints is not feasible, PPL Electric sought alternative routes that would avoid or minimize impacts on social and natural environmental features while meeting the functional and economic goals of the Effort Mountain Project. (*PPL Electric St. No. 2, pp. 6-9*)

In selecting the alternative routes for the Effort Mountain Taps, PPL Electric modified the alternative routes based upon field surveys and public comment to reduce their potential

impacts, increase distances from residential properties, and remove them to the edges of forests in order to decrease the transmission line's visibility. PPL Electric ultimately identified four feasible routes for the Effort Mountain Taps: Route A, Route A1, Route B, and Route B1. (PPL Electric Ex. No. 1, Ex. D, pp. 27-34) Although two of the routes did not cross Ms. High's property, Routes A and A1, the other two alternative routes identified did, Routes B and B1. (See PPL Electric Ex. No. 1, Ex. D, Figure 13) PPL Electric utilized a quantitative and qualitative analysis to compare the alternative line routes and selected the preferred route, Route B1, based upon a detailed analysis of comments from the public, societal concerns, environmental impacts, engineering considerations, and cost. (See PPL Electric Initial Brief, Section VI.B.1)

Ms. High also contends that the route selected for the Effort Mountain Taps is near her house. Notwithstanding that Ms. High raised this issue for the first time on oral examination at the evidentiary hearing, PPL Electric explained on the record that, as demonstrated on the Aerial Map included at the end of PPL Electric Ex. No.1, Ex. D, the distance from Ms. High's residence from the edge of the right-of-way for the preferred route for the Effort Mountain Taps is approximately 450 feet. (Tr. at 105-107) In her Initial Brief, Ms. High takes the position that the maps relied upon by PPL Electric are not true-to-scale. Ms. High's argument is incorrect. Although some of the hand-drawn maps included with the Condemnation Application were not labeled true-to-scale, the Aerial Map relied upon by PPL Electric at the hearing, which is included at the end of Ex. D to both the Siting and Condemnation Applications, has a scale of 1 inch = 600 feet.¹ (Tr. at 106; PPL Electric Ex. No. 1, Ex. D; PPL Electric Ex. No. 3, Ex. D)

¹ In further support of her argument, Ms. High attached pictures purporting to show her property. Notwithstanding that these pictures were produced for the first time with her Initial Brief, there is nothing in these pictures to suggest or otherwise verify the location of Ms. High's residence in
(Continued on next page...)

This map is “to-scale” and shows that the distance from Ms. High’s residence from the edge of the right-of-way for the preferred route for the Effort Mountain Taps is approximately 450 feet. (Tr. at 105-107)

Ms. Hart also opposes the route selected for the Effort Mountain Taps. However, rather than raising any issues regarding the siting methodology used to select the preferred route, Ms. Hart offers alternatives to the route selected for the Effort Mountain Taps. First, Ms. Hart contends that the Effort Mountain Taps should be constructed underground.² However, as explained in PPL Electric’s Initial Brief, PPL Electric is not required to install high voltage transmission lines underground. Further, undergrounding high voltage 138kV lines would have a significantly higher cost than constructing the line overhead, which would be passed on to all PPL Electric customers. (See PPL Electric Initial Brief, Section VI.B.3) Given the cost constraints, it simply is not practical to construct the high voltage Effort Mountain Taps underground where overhead construction is feasible.

Mr. Hart also recommends that the Effort Mountain Taps be constructed along roadways and other areas with existing rights-of-way. Although it is not entirely clear which roadways and existing rights-of-way Ms. Hart references in her Initial Brief, it is assumed these are the same roadways and existing rights-of-way referenced in her rebuttal testimony: State Route 534, State

(...continued from previous page.)

relation to the preferred route for the Effort Mountain Taps. For these reasons, as well as those explained above, these pictures should be disregarded. (See Section II.A, *supra*)

² In support of her position, Ms. Hart relies on unknown and unverified study, which was not introduced into the record and produced for the first time with her Initial Brief, that purportedly shows that the cost to ratepayers to bury a 32-mile long line would be an additional \$0.70 per month for 20 years. In addition to this purported study being outside the record, there are simply no details regarding the nature of the line or the method by which the costs were allegedly recovered from ratepayers or the number of ratepayers affected. For these reasons, as well as those explained above, this study should be disregarded. (See Section II.A, *supra*)

Route 115, and the Toll Road. (Hart Ex. B, p. 6, ¶ 3.b) As explained in PPL Electric’s Initial Brief, these alternatives are not practical. (See PPL Electric Initial Brief, Section VI.B.4) PPL Electric is unable to use these roadways for the Effort Mountain Taps because the right-of-way width along these roads is not wide enough to accommodate the structures needed to maintain proper clearances needed to comply with the National Electrical Safety Code (“NESC”). Further, the curtilage of many of the residential dwellings located along these roads would be within 100 meters from the routes along these roads and, therefore, PPL Electric would not be able to exercise the power of eminent domain to condemn the necessary right-of-way across the numerous residential properties along these roads that would be subject to the right-of-way. (See PPL Electric Initial Brief, Section VI.B.4)

PPL Electric selected the preferred route for the Effort Mountain Taps, Route B1, based upon quantitative and qualitative analyses of the alternative routes. This process enabled PPL Electric to select a route for the proposed Effort Mountain Taps that appropriately balances functional requirements, environmental impacts, social factors, and cost considerations. (See PPL Electric Initial Brief, Section VI.B) For these reasons, as well as those more fully explained in PPL Electric’s Initial Brief, PPL Electric has met its burden to demonstrate by a preponderance of the evidence that the selection of the preferred route for the Effort Mountain Taps was reasonable.

E. TAX ISSUES.

In opposition to the siting and construction of the Effort Mountain Taps, Ms. Hart erroneously asserts that PPL Electric and the Pocono Heritage Land Trust structured a land deal to modify the selected route to move it further into the Jonas Mountain Preserve for the purpose of providing PPL Electric with tax benefits. As explained in PPL Electric’s Initial Brief, PPL Electric modified Route B1 after additional public input to accommodate the concerns of the

residents of Birch Hallow Estates, the Pocono Heritage Land Trust, which owns and manages the Jonas Mountain Preserve, and the owners of the Knappenberger tract. (See PPL Electric Initial Brief, Section VI.B.1) As part of the modification, PPL Electric purchased the Knappenberger tract and resold the land to the Pocono Heritage Land Trust, reserving for itself a right-of-way adequate for the Effort Mountain Taps. Although PPL Electric resold the Knappenberger tract to the Pocono Heritage Land Trust for less than it paid, the difference reflects the value of the right-of-way. Despite Ms. Hart's argument to the contrary, the difference will not be a tax deduction but, rather, it will be a capital investment included in rate base. (Tr. at 94-96)

F. EMINENT DOMAIN.

Despite the fact that the route selected for the Effort Mountain Taps crosses the properties of numerous land owners, Ms. High is the sole condemnee in this proceeding because all other landowners were willing to voluntarily sell adequate rights-of-way and easements to PPL Electric. The proposed route for the Effort Mountain Taps was selected after extensive public input and a detailed analysis, which included a comprehensive environmental inventory, identification and analysis of alternative routes, and selection of the preferred route. (See PPL Electric Initial Brief, Section VI.B.) The route of the proposed Effort Mountain Taps crosses three tracts of land that are owned by Ms. Larue High. PPL Electric attempted to purchase the right-of-way and easement over said tracts of land but was unable to reach an agreement with Ms. High. (PPL Electric St. No. 8, p. 6) Ms. High raises several objections to the proposed condemnation by PPL Electric. However, as explained below and in PPL Electric's Initial Brief, Ms. High's contentions are without merit and should be rejected.

First, Ms. High asserts that her property cannot be taken by eminent domain because it is part of an Agricultural Security Area. As explained in PPL Electric's Initial Brief, Ms. High is incorrect. (See PPL Electric Initial Brief, Section VI.D.2) Section 13 of the Agricultural

Security Program recognizes that the Commission has exclusive jurisdiction over the siting and construction of high voltage transmission lines and, upon Commission-approval, exempts a public utility from seeking approval from the State Agricultural Lands Condemnation Approval Board, the Agricultural Security Area Advisory Committee, and the governing bodies of each municipality prior to condemning property located in an Agricultural Security Area. *See* 3 P.S. § 913(b). Thus, PPL Electric may condemn a property located in an Agricultural Security Area if it receives appropriate approval from this Commission.

Second, Ms. High expressed dissatisfaction with the manner in which representatives from PPL Electric attempted to negotiate a right-of-way agreement. In her Initial Brief, Ms. High states that the PPL Electric's Real Estate Specialists' attempts to negotiate a right-of-way over her property resulted in undue influence.³ Although the Real Estate Specialists from PPL Electric met with Ms. High on several occasions in an attempt to negotiate an amicable agreement for a right-of-way over Ms. High's property, at no time did the Real Estate Specialists threaten Ms. High. (PPL Electric St. No. 19, p. 7) Rather, PPL Electric treated Ms. High in the same respectful and fair manner that it treats all other property owners. (PPL Electric St. No. 15, p. 4) Further, it must be observed that the route selected for the Effort Mountain Taps traverses

³ Ms. High's claim of undue influence is without merit for several reasons. First, undue influence is defined as "unfair persuasion of a party who is under the domination of the person exercising the persuasion or who by virtue of the relation between them is justified in assuming that that person will not act in a manner inconsistent with his welfare." RESTATEMENT (SECOND) OF CONTRACTS § 177(1) (1981). Here, there is no claim of domination or relation between Ms. High and PPL Electric's Real Estate Specialists. Second, Ms. High clearly was not unduly influenced by PPL Electric's Real Estate Specialists because she did not enter into any right-of-way or easement agreements. *See* RESTATEMENT (SECOND) OF CONTRACTS § 177(2) (1981) ("If a party's manifestation of assent is induced by undue influence by the other party, the contract is voidable by the victim."). Third, and more importantly, as explained above, the record evidence demonstrates that the Real Estate Specialists treated Ms. High in the same respectful and fair manner that it treats all other property owners.

the lands of numerous land owners, none of which complained about or otherwise objected to the actions of PPL Electric's Real Estate Specialists. For these reasons, as well as those more fully explained in PPL Electric's Initial Brief, Ms. High's characterization of the conduct of PPL Electric's Real Estate Specialists is without merit. (*See* PPL Electric Initial Brief, Section VI.D.2)

As explained above, and more fully in PPL Electric's Initial Brief, PPL Electric established by a clear preponderance of the evidence that several distribution lines and transformers in the Sun Valley/Jonas area are overloaded, and that others will soon be overloaded as a result of load growth due to housing development in the area. (*See* PPL Electric Initial Brief, Section VI.A) It is appropriate for PPL Electric to route the Effort Mountain Taps over and across Ms. High's property in order to site, construct, and operate that line at the selected route because the selected route is superior to the alternatives. (*See* PPL Electric Initial Brief, Section VI.D.1) For these reasons, as well as those more fully explained in PPL Electric's Initial Brief, PPL Electric has met its burden to demonstrate by a preponderance of the evidence that the that the exercise of the power of eminent domain, pursuant to 15 Pa.C.S. § 1511, to acquire rights-of-way and easements necessary for the construction, operation, maintenance, and aerial crossing by the Effort Mountain Taps over the property of Larue High, is necessary and proper for the service, accommodation, convenience or safety of the public.

III. CONCLUSION

WHEREFORE, for all the foregoing reasons, as well as those more fully explained in PPL Electric's Initial Brief, PPL Electric respectfully requests that Administrative Law Judge Wayne L. Weismandel and the Pennsylvania Public Utility Commission: (1) approve the siting and construction of the Effort Mountain #1 & #2 138 kV Taps; (2) find that the building to shelter control equipment at the Effort Mountain 138-12 kV Substation site is reasonably necessary for the convenience or welfare of the public; and (3) approve the exercise of the power of eminent domain by PPL Electric to acquire a right-of-way and easement across the land of Larue High is necessary for the service, accommodation, convenience or safety of the public.

Respectfully submitted,



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