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File #: 2507/140066

September 16, 2010

BY E-FILE

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

Dear Secretary Chiavetta:

Enclosed for filing, please find the original Preliminary Objections of PPL Electric Utilities Corporation to the Protest of Kurt Scheller 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,

John H. Isom

JHI/jl

Enclosures

cc: Honorable Wayne L. Weismandel
Certificate of Service

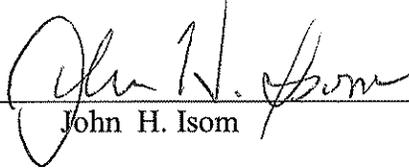
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the **Preliminary Objections of PPL Electric Utilities Corporation to the Protest of Kurt Scheller** 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

Mr. Kurt S. Scheller
P.O. Box 827
Effort, PA 18330

September 16, 2010



John H. Isom

**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 : Docket No. A-2010-2152104
The Siting And Construction Of The Effort :
Mountain #1 & #2 138 kV Taps In :
Chestnuthill And Polk Townships, Monroe :
County, Pennsylvania :

NOTICE TO PLEAD

YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.101(f)(1), YOU ARE REQUIRED TO ANSWER THE ENCLOSED "PRELIMINARY OBJECTIONS OF PPL ELECTRIC UTILITIES CORPORATION TO THE PROTEST OF KURT SCHELLER" WITHIN TEN (10) DAYS AFTER THE DATE OF SERVICE. YOUR ANSWER SHOULD BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL. IF YOU FAIL TO ANSWER THE ENCLOSED "PRELIMINARY OBJECTIONS OF PPL ELECTRIC UTILITIES CORPORATION TO THE PROTEST OF KURT SCHELLER," YOUR PROTEST MAY BE DISMISSED.

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Of Counsel:

Post & Schell, P.C.

Date: September 16, 2010

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Attorneys for PPL Electric Utilities Corporation

**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 : Docket No. A-2010-2152104
The Siting And Construction Of The Effort :
Mountain #1 & #2 138 kV Taps In :
Chestnuthill And Polk Townships, Monroe :
County, Pennsylvania :

**PRELIMINARY OBJECTIONS OF PPL ELECTRIC UTILITIES
CORPORATION TO THE PROTEST OF KURT SCHELLER**

TO ADMINISTRATIVE LAW JUDGE WAYNE L. WEISMANDEL:

PPL Electric Utilities Corporation (PPL Electric) hereby submits, pursuant to 52 Pa. Code § 5.101, its preliminary objections to the Protest of Kurt Scheller and requests that the Protest of Mr. Scheller be dismissed because it was not timely filed and because giving consideration to the averments in his protest would unreasonably and unnecessarily delay the construction of the Effort Mountain #1 and #2 138 kV Taps which are necessary to enable PPL Electric to continue to provide adequate and reliable service in the Sun Valley/Jonas area in Monroe County, Pennsylvania. In support of the Preliminary Objections, PPL Electric states the following:

1. Mr. Scheller's Protest was submitted on August 26, 2010, long after the date for filing of Protests in this proceeding had passed. Further, Mr. Scheller's Protest was filed far too late for it to be given any substantive consideration.
2. PPL Electric's Application was filed with the Commission on January 8, 2010.
3. A prehearing conference was held on May 23, 2010 before Administrative Law Judge Wayne L. Weisman del ("ALJ"). At the prehearing conference, a schedule for litigation of

the proceeding was established. The hearing in the proceeding was held on July 13, 2010. Main briefs were due on August 11, 2010. Reply briefs were due on August 25, 2010. The record in this proceeding was closed on August 25, 2010. Mr. Scheller's Protest, however, was not filed until August 26, 2010.

On March 12, 2010, PPL Electric filed with the Commission proofs that notice of the application proceeding had been published three times in the *Pocono Record*, a newspaper of general circulation in the vicinity of the proposed Effort Mountain #1 and #2 138 kV Taps. Notice was published on January 20 and 27, 2010 and on February 3, 2010. Under the Commission's regulations governing the timing of filing of protests to applications:

“A protest shall be filed within the time specified in the published notice of the application. If no notice time is specified, the protest shall be filed within 60 days of publication of the notice.”

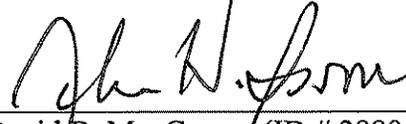
52 Pa. Code § 5.53. Pursuant to this procedural rule, because no date for filing of protests was specified in the notice, the period for filing protests expired 60 days after February 3, 2010, the last date on which the notice was published. Therefore, the last date for submitting a protest to the Effort Mountain Application was April 4, 2010, which was more than five months before Mr. Scheller's Protest was submitted.

4. Giving substantial consideration to Mr. Scheller's Protest would cause an unreasonable delay in the construction of the Effort Mountain #1 and #2 138 kV Taps. As explained in, *inter alia*, PPL Electric's Initial Brief, pp. 16-24, the reinforcement of PPL Electric's distribution system in Sun Valley/Jonas area is required because existing transformers and circuits are already overloaded. The distribution system in that area requires reinforcement so that PPL Electric can continue to provide adequate and reliable service. PPL Electric has proposed that construction commence to meet an in service date of November 2011, in time to

meet the peak winter heating loads of the 2011-2012 winter. Effort Mountain Application, Exhibit E, p. 1.

WHEREFORE, for all the foregoing reasons, PPL Electric Utilities Corporation respectfully requests that the Protest of Kurt Scheller be dismissed.

Respectfully submitted,



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Of Counsel:

Post & Schell, P.C.

Date: September 16, 2010

Attorneys for PPL Electric Utilities Corporation