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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Docket #A-2010-2152104
Docket #A-2010-2163154

Dear Secretary Chiavetta and Special Assistants:

I am writing to you to ask for your help.

I am the "alleged would-be protestor" who "was purportedly discouraged from filing a protest by Commission staff", referred to in *paragraph 2, page 11* of the *Reply of PPL Electric Utilities Corporation to Exceptions of Other Parties*. PPL further claims in *paragraph 3*: that "allegation" is "based entirely on hearsay".

Please allow me to set the record straight. I was not "discouraged from filing a protest". PPL's choice of words implies that Special Agent Erunda Vero actively discouraged me, and that is untrue and an inflammatory characterization. She was, at all times, extremely courteous and helpful. It was through no fault of hers that I was unintentionally misled as to what our options were, and I sincerely apologize to her for any implication to the contrary.

I phoned the PUC Legal Department on March 5th, 2010, because I had just received an email from our attorney, resigning as our counsel. It was the date of the deadline for filing a protest, and I didn't know how to proceed.

I asked Special Agent Vero if everyone named on the protest (there were 17 of us) was required to attend the Prehearing Conference. She told me the Prehearing Conference was not an actual hearing, but was where the dates would be selected for the Evidentiary Hearing and the Public-Input Hearing. This was the first I'd heard of a Public-Input Hearing. She cautioned that we could not have "two bites out of the apple"; we could either file an official protest and testify at the Evidentiary Hearing, or we could testify at the Public-Input Hearing, which would be held at a venue in our area. Based on that information, I chose to not file our official protest so we could testify locally at the Public-Input Hearing. Special Agent Vero gave me her private number so I could follow up.

When I subsequently phoned her to learn the date of the Public-Input Hearing, she checked the record and discovered that we had not been granted one. I was devastated. She was very sympathetic, and agreed to speak to her supervisor, Kimberly Hafner, on our behalf. She later phoned to tell me she'd spoken to the judge, but to no avail.

I want to reiterate, no one is trying to lay blame on Special Agent Vero. Saw Creek had five public-input hearings; it makes sense that we would have at least one. But, when our attorney abandoned us, my only point of reference was the information I was given by the PUC Legal Department, and I respectfully submit that it's not fair for that to result in PPL being enabled to use that against us.

PPL also alleges, on *page 12, paragraph 1*, that I, and others, “could have been but were not called as witnesses to testify at the evidentiary hearings.”

That, too, is untrue. I, and one other would-be protestor, was present at the July 13, 2010 Evidentiary Hearing, and we were both more than willing to serve as witnesses. However, Mr. Isom fiercely objected to our being called, stating we’d had the opportunity to file a protest. I do not see how allegedly having had the opportunity to file a protest disqualifies one as a witness, but more important, as stated above, we didn’t file a protest because we’d opted to testify at the Public-Input-Hearing that never materialized.

I realized Judge Weismandel might not be aware of our extenuating circumstances, so since I was not permitted to speak, I wrote to him, in hopes that he might grant us the opportunity to give testimony. I felt that was my only option because all other channels of communication had been effectively cut off by our attorney’s untimely withdrawal, the lack of a Public-Input Hearing, and our being denied a chance to speak at the Evidentiary Hearing.

Contrary to PPL’s statement, (also in *paragraph 1, page 12* of their *Reply to Exceptions*): “Because there is no record evidence of these hearsay statements, the veracity of these arguments and allegations is unknown”, my above-mentioned letter to Judge Weismandel is mentioned in his Recommended Decision. It is in the file and available for perusal, so I respectfully think that is “record evidence”. PPL’s statements to the contrary would seem to be yet another example of their denying me, and others, our freedom to speak and our right to be heard. Therefore, in the interest of equality and neutrality, I hereby respectfully request the opportunity, for myself and others, to testify under oath and on the record; whether at a local Public-Input Hearing, or via affidavit or deposition.

Since I am also the person who, on behalf of Birch Hollow Estates and its Board of Directors, was promised a letter stating that PPL would not use herbicides, I respectfully feel obliged to respond to that as well:

It took two months for that letter to arrive, which PPL’s Charles Boytin explained, in emails we exchanged, was due to its having to be reviewed by PPL’s “legal folks”.

One would assume that the same legal entity that reviewed the letter to BHE and drafted the “no-herbicide” agreements with PHLT, Trexler Scout Reservation, and Indian Mountain Lakes Civic Association, also prepared PPL’s case for the PUC. And they contradict one another. So when PPL testifies in court documents that they intend to use herbicides, that is a very unsettling contradiction, because aside from it making us fearful that PPL might be looking for a loophole by which to avoid honoring those agreements, we can’t help but wonder who is sub-contracting PPL’s vegetation-management, and which version of the herbicide issue they will impart to them. And I mean no disrespect, but how could the ALJ overlook the fact that something is awry, especially since it’s not the only inconsistency or factual error in PPL’s documents. There is never only one mouse in your house, and if you’ll forgive the mixed metaphor, PPL’s documents are infested.

In light of the above, as well as other unaddressed issues, I hereby respectfully request that PPL’s application be put on hold and the case remain open until our area residents are given a chance to exercise their right to be heard in a public-input hearing or by means of affidavit or deposition.

I further respectfully request that PPL be held accountable for all contradictions, inaccuracies and inconsistencies contained in its documents; and that once those are sufficiently cured, their case then be judged solely on the actual truths. I further respectfully request that the tactics that allowed them to get to this point in the approval process, be earnestly scrutinized.

Last, I respectfully request that *all* case-related documents, by *all* parties, be posted on the PUC website, and that *all* documents be dated and appear in chronological order, so the public is able to know what we are looking at and find what we are looking for, thereby enabling us to be fully informed and up-to-date.

I sincerely thank you for your time and kindest consideration,

Respectfully Yours,

Davia Sacks Markowitz
Davia Sacks Markowitz

cc: Suzanne Hart
LaRue High
Kurt Scheller
Barbara Weyzel
Stuart Thody/BHE Board of Directors
Margaret Dressler
John H. Isom, Esq.
Joseph P. Hanyon, Esq.

Subscribed and sworn before me, this 18
day of Nov, 2010 a Notary Public
in and for Monroe County,
State of PA

Stacey L. Coleman
(Signature)

NOTARY PUBLIC

My Commission expires Nov 8, 2011

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Stacey L. Coleman, Notary Public

Chestnut Hill Twp., Monroe County

My Commission Expires Nov. 8, 2011

Member, Pennsylvania Association of Notaries

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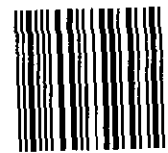
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