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File #: 02507/140066

May 12, 2011

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 Reconstruction Of The Brunner Island - West Shore 230 kV Transmission Line In Cumberland And York Counties, Pennsylvania - Docket No. A-2011-2230053

Gregory J. Myers v. PPL Electric Utilities Corporation - Docket No. C-2011-2227711

Dear Secretary Chiavetta:

Enclosed is the Motion of PPL Electric Utilities Corporation to Sever and Consolidate Certain Portions of Complaint of Gregory J. Myers for the above-referenced proceedings. Copies have been provided as indicated in the certificate of service.

Respectfully Submitted,

John H. Isom

JHI/skr

Enclosures

cc: Honorable Susan D. Colwell
Certificate of Service

RECEIVED
2011 MAY 12 PM 4:05
PA PUC
SECRETARY'S BUREAU

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Re: Application Of PPL Electric Utilities :
Corporation Filed Pursuant To 52 Pa. Code Chapter : Docket No. A-2011-2230053
57, Subchapter G, For Approval Of The Siting And :
Reconstruction Of The Brunner Island-West Shore :
230 kV Transmission Line In Cumberland And :
York Counties, Pennsylvania :

Gregory J. Myers, :
 :
 Complainant, :
 :
 v. : Docket No. C-2011-2227711
 :
 PPL Electric Utilities Corporation, :
 :
 Respondent. :

**MOTION OF PPL ELECTRIC UTILITIES CORPORATION
TO SEVER AND CONSOLIDATE CERTAIN PORTIONS
OF COMPLAINT OF GREGORY J. MYERS**

TO ADMINISTRATIVE LAW JUDGE SUSAN D. COLWELL:

PPL Electric Utilities Corporation (“PPL Electric”) hereby moves, pursuant to 52 Pa. Code § 5.81, to sever certain portions of the above-captioned Complaint and consolidate the severed portions with the above-captioned Application. PPL Electric respectfully requests that the portions of the above-captioned Complaint of Gregory J. Myers that raise issues of fact and law related to the proposed rebuild of the Brunner Island-West Shore 230 kV Transmission Line be severed from the remaining portions of the Complaint and consolidated with the above-

captioned Application proceeding.¹ In the Application proceeding, PPL Electric is seeking Commission approval of the proposed rebuild of the Brunner Island-West Shore 230 kV Transmission Line. The consolidation of these issues will promote the prompt, efficient, and consistent administration of justice. In support of this Motion, PPL Electric states as follows:

1. PPL Electric furnishes electric service to approximately 1.4 million customers throughout its certificated service territory, which includes all or portions of twenty-nine counties and encompasses approximately 10,000 square miles in eastern and central Pennsylvania. PPL Electric is a “public utility” and an “electric distribution company” as defined in Sections 102 and 2803 of the Pennsylvania Public Utility Code, 66 Pa.C.S. §§ 102, 2803.

2. PPL Electric owns approximately 5,000 miles of transmission lines operating at 69 kV (kilovolts) or higher, approximately 375 substations with a capacity of 10 MVA (megavolt amperes) or more, and approximately 43,000 miles of distribution lines operating at less than 69 kV.

3. PPL Electric proposes to reinforce the 230 kV bulk electrical system in Cumberland and York Counties, Pennsylvania to resolve identified transmission reliability criteria violations on critical 230 kV circuits in central Pennsylvania and to ensure reliable long-term service to customers in Cumberland and York Counties. PJM Interconnection, L.L.C. (“PJM”), through its Regional Transmission Expansion Plan (“RTEP”), identified multiple

¹ Mr. Myers also filed a second Complaint against PPL Electric. The second Complaint was docketed at C-2011-2227684. The second Complaint does not contain any allegations regarding the proposed rebuild of the Brunner Island-West Shore Transmission Line. Therefore, the second Complaint is not a subject of this Motion.

violations of the mandatory North American Reliability Corporation (“NERC”) Reliability Standards on critical 230 kV circuits in central Pennsylvania beginning in 2013.

4. To resolve the identified transmission reliability criteria violations, PPL Electric proposes to reconstruct the approximately 16-mile Brunner Island-West Shore 230 kV Transmission Line. The project will convert the existing line from single-circuit to double-circuit 230 kV operation. The preferred route would generally utilize the same right-of-way as the existing single-circuit Brunner Island-West Shore 230 kV Transmission Line, which begins at the Brunner Island 230 kV Switchyard along the Susquehanna River and travels northwest through York and Cumberland counties and ends at the West Shore 230-69 kV Substation near Mechanicsburg in Lower Allen Township.

5. On March 9, 2011, PPL Electric filed and served the “Application Of PPL Electric Utilities Corporation Filed Pursuant To 52 Pa. Code Chapter 57, Subchapter G, For Approval Of The Siting And Reconstruction Of The Brunner Island-West Shore 230 kV Transmission Line In Cumberland And York Counties, Pennsylvania,” which was docketed at Docket No. A-2011-2230053.

6. On February 25, 2011, the Commission served on PPL Electric a copy of the Formal Complaint filed by Gregory Myers at Docket No. C-2011-222771. On March 17, 2011, PPL Electric timely filed and served its Answer to the Complaint. The Complaint currently is in mediation.

7. The Complaint relates primarily to PPL Electric’s vegetation management plan, but it does contain certain allegations regarding the proposed reconstruction of the Brunner Island-West Shore 230 kV Transmission Line. Specifically, Subparagraph 4.B of the Complaint

asserts, *inter alia*, the following allegations regarding the proposed reconstruction of the Brunner Island-West Shore 230 kV Transmission Line:

I further have problems with PPL's plans to replace the existing towers - not with the new towers themselves, but with PPL's stated restoration plan, or lack thereof. PPL has stated that they have no plans to replant or restore areas damaged by their efforts. The area in which the ROW exists includes multiple steep slopes, for which I have again spent considerable time and money in correcting storm run-off problems. PPL's plans exacerbate the storm runoff, create a significant erosion problem and adversely affect the Benner Run drainage area and the Chesapeake Bay cleanup efforts. Again, for PPL not to restore the property to the way it was prior to the construction is an unfair economic burden upon me.

Additionally, PPL has stated that they will do nothing to clean up the soil under the old towers of contaminants they have introduced to the area, to include extensive amounts of lead and persistent long term herbicides. These areas under the towers will be unavailable for any type of vegetation, especially for anything edible by man or wildlife, for decades to come. Plus, storm run-off of these pollutants seriously threatens local and downstream water supplies, stream health, fish and wildlife. This again directly interferes with my right to use the land as I see fit.

PPL has stonewalled my efforts to obtain information from the very start. They held an open house, where none of the 17 PPL employees were able to answer one of my questions. Nor have the same questions that have been submitted via email been answered. The new towers are both taller and narrower, which should increase distances between lines and vegetation, and therefore allow landowners greater, not less, latitude in how to use the land. However, PPL has steadfastly refused to provide the tower heights and widths, the wire heights at midpoint or at the tower, the federal directive they say requires them to do this, nor their Vegetation Management Plan, leaving me with no option other than to file a formal complaint.

The remainder of the averments set forth in Subparagraph 4.B of the Complaint relate to the terms and conditions of the right-of-way and easement agreement by and between PPL Electric and Mr. Myers and the past actions of PPL Electric in implementing its vegetation management plan within the right-of-way over and across portions of Mr. Myers' property. These allegations

are not germane to the siting proceeding and should not be consolidated with the Siting Application. A true and correct copy of the Complaint is attached hereto as "Appendix A."

8. PPL Electric has provided to Mr. Myers copies of all filings in the Application proceeding.

9. The above-mentioned portions of Mr. Myers' Complaint are interrelated with and raise issues of law and fact common to the Siting Application. Because the disposition of each of these matters is interrelated, the severance and consolidation of those portions of Mr. Myers Complaint that relate to the rebuild of the Brunner Island-West Shore 230 kV Transmission Line with the Application proceeding will promote the efficient use of the time and resources of the parties and the Commission and facilitate consistent determinations regarding the rebuild of the Brunner Island-West Shore 230 kV Transmission Line.

WHEREFORE, PPL Electric respectfully requests that the portions of Mr. Myers Complaint at Docket No. C-2011-2227711 that relate to the proposed rebuild of the Brunner Island-West Shore 230 kV Transmission Line be severed from the other portions of the Complaint and consolidated with the Application at Docket No. A-2011-2230053 for purposes of hearings and adjudication.

Respectfully submitted,



Paul E. Russell (Pa. Bar I.D. #21643)
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Dated: May 12, 2011

Attorneys for PPL Electric Utilities Corporation

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2011 MAY 12 PM 4:06

PA PUC
SECRETARY'S BUREAU

Appendix A

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: FEBRUARY 25, 2011

GREGORY MYERS
Complainant

v.

PPL ELECTRIC UTILITIES CORP
Respondent

Complaint Docket
No: C-2011-2227711

FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

TO: PPL ELECTRIC UTILITIES CORP

TAKE NOTICE:

That a complaint in the above entitled matter, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission. Section 702 of the Public Utility Code, 66 Pa. C.S. Section 702, requires the Commission to serve on each party named in a complaint a copy of the complaint and notice calling upon each party to satisfy the complaint, or to answer the same in writing within a specified time; THEREFORE,

1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the **Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265**, an answer (original and three copies), in writing, under oath, which, as required by Section 5.61 of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 5.61, either affirms or specifically denies the allegations in this complaint. You must also serve a copy of the answer upon the complainant. **The date served is the mailing date appearing at the top of this Notice.** Section 1.56(a) of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 1.56(a).

2. If you fail to either satisfy or settle this complaint, or to file an answer or other responsive pleading within twenty (20) days of the date served, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. Code Section 5.61. In that event, the Commission may, without hearing, enter an order which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C.S. Section 101, et seq. If you are a customer of a utility, an order may be entered which prescribes a

payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

3. If you elect to satisfy or settle this complaint, you must file, within twenty (20) days from the date on which this complaint is served, affidavits executed by each complainant that this complaint has been satisfied. Such affidavits must describe the basis on which this complaint was satisfied; any settlement agreement between the parties must be reduced to writing and attached to the affidavit. Such affidavits are to be filed with the Secretary of the Commission at the address set forth in paragraph 1. Upon receipt of affidavits of satisfaction from all complainants, this complaint may be dismissed by the Commission in accordance with Section 703(a) of the Public Utility Code, 66 Pa. C.S. Section 703(a), unless the Commission determines that such dismissal would be contrary to the public interest, in which event the Commission may direct that hearings be held upon the complaint.

4. If you file an answer which admits the allegations in this complaint, or which fails to specifically deny the allegations in this complaint, the Commission may, without hearing, enter an order which either revokes or suspends any certificate held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq. If you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

5. If you file a timely answer which specifically denies the allegations in this complaint, or which raises material questions of law or fact, this matter shall be referred to the Office of Administrative Law Judge for hearing and decision. If, after hearing on the issues raised by that answer, you are found to have committed any of the violations alleged in the complaint, the Administrative Law Judge may render a decision which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq. If you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. In the imposition of a penalty after a hearing the Administrative Law Judge is not bound by the relief sought by the complainant in paragraph 4 of the attached complaint.



Rosemary Chiavetta
Secretary

(SEAL)

Certified Mail
Return Receipt Requested

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

COPY

Please print in ink or type.

C-2011-2227711

1. CUSTOMER (COMPLAINANT) INFORMATION

Your name, mailing address, county, telephone number, utility account number and service address:

Name Gregory J Myers
Street/P.O. Box 116 Miller Rd Apt #
City York Haven State PA Zip 17370
County York

Daytime Telephone Number Where We Can Contact You: (717) 938-9734

E-mail Address (optional): gmyers8888@aol.com

Utility Account Number (from your bill): Not applicable

If your complaint involves utility service provided to a different address than your mailing address, please list this information below.

Name
Street/P.O. Box
City State Zip

2. FULL NAME OF UTILITY COMPANY (RESPONDENT):

Pennsylvania Power & Light

3. TYPE OF UTILITY (check one)

- ELECTRIC (checked)
GAS
WATER
TELEPHONE (local, long distance)
STEAM HEAT
WASTE WATER
MOTOR CARRIER (e.g., taxi, moving company, limousine)

110500

05180

4. COMPLAINT (check one)

A. In general, what is your complaint?

- I want to oppose the company's proposed rate increase.
- There are incorrect charges on my bill.
- There is a reliability, safety or quality problem with my utility service.
- I received a notice that my utility service is being terminated.
- I would like a payment agreement.
- Other (explain). *Right of Way*

B. State the facts of your complaint.

Include any specific dates, times or places that may be important. If the complaint is about a bill, tell us about any charges that you believe are not correct. Use additional paper if you need more space. Provide copies of all relevant documents you believe will support your complaint. *See Attached*

5. RELIEF

How do you want your complaint to be resolved? Use additional paper if you need more space.

See attached

PA Public Utility Commission Formal Complaint

Paragraph 4.B.

My complaint deals with PPL's Vegetation Management Plan for their 430 kV Brunner Island to West Shore transmission line, for which a Right-of-Way (ROW) runs across my land from York Road to Miller Road in Newberry Township. PPL has informed me that due to new Federal Government Requirements, for which they reference the FAC-003-1, they are required to clear cut all vegetation within the ROW. They provide the reason behind the change as the 2003 East Coast blackout. However, the FAC-003-1 has not been substantially changed since the blackout, nor have the IEEE minimum distances the FAC-003 references changed. Despite repeated queries, PPL has refused to provide the "federal directive" they say they must comply with, nor their Vegetation Management Plan for review. PPL further states that once the ROW has been clear cut, they will allow their list of "compatible plants" to grow back in the ROW border zone. This very fact alone indicates there is not a scientific or functional need nor federal dictate to clear cut the border zone.

In a recent court case governing utility rights-of-way, the judge wrote: "As a general rule, an easement holder has a right to do "whatever is reasonably convenient or necessary in order to enjoy fully the purposes for which the easement was granted," as long as he or she does not place an unreasonable burden on the servient land. Conversely, the owner of the servient land may make any use of that land that does not unduly interfere with the easement holder's use of the easement." It is my contention that PPL is exceeding the rights for which the ROW was provided, placing an unreasonable burden upon me (and that I should be permitted to use my land in any way that does not interfere with the holder's use of the easement). Clear cutting is clearly not required in order to comply with the FAC-003-1 and the IEEE standards. The very fact that PPL will permit plants and shrubs within the border zone later, but not for now, indicates that *clear cutting is not required*.

During the past eight years, based on PPL's published list of acceptable plants within the ROW, I have spent considerable time and money leveling land,

correcting storm runoff problems, removing invasive nuisance plants (e.g., multi-flora rose), establishing trails and planting PPL declared compatible plants. Included in my plantings are dogwood, elderberry, dwarf fruit trees, grape vines, crabapple, blackberry, raspberry, ornamental shrubs, honeysuckle, eastern red cedar, virburnum, grasslands, etc. Many were planted under the federal government's Wildlife Habitat Improvement Program, for which I am required to replace any plants that die. For PPL to now arbitrarily decide that clear-cutting is required is an unreasonable interference upon my use of the land, especially when it is not needed for PPL to enjoy the reason for which the easement was granted. Furthermore, the clear cut policy does not recognize geological differences along the ROW, where vegetation located in valleys (with towers located on high points of land on either side of the valley) obviously do not present the same threat as vegetation at the same elevation as the towers.

I further have problems with PPL's plans to replace the existing towers - not with the new towers themselves, but with PPL's stated restoration plan, or lack thereof. PPL has stated that they have no plans to replant or restore areas damaged by their efforts. The area in which the ROW exists includes multiple steep slopes, for which I have again spent considerable time and money in correcting storm run-off problems. PPL's plans exacerbate the storm runoff, create a significant erosion problem and adversely affect the Benner Run drainage area and the Chesapeake Bay cleanup efforts. Again, for PPL not to restore the property to the way it was prior to the construction is an unfair economic burden upon me.

Additionally, PPL has stated that they will do nothing to clean up the soil under the old towers of contaminants they have introduced to the area, to include *extensive amounts of lead and persistent long term herbicides*. These areas under the towers will be unavailable for any type of vegetation, especially for anything edible by man or wildlife, for decades to come. Plus, storm run-off of these pollutants seriously threatens local and downstream water supplies, stream health, fish and wildlife. *This again directly interferes with my right to use the land as I see fit.*

PPL has stonewalled my efforts to obtain information from the very start. They held an open house, where none of the 17 PPL employees were able to answer one of my questions. Nor have the same questions that have been submitted via email been answered. The new towers are both taller and narrower, which should increase distances between lines and vegetation, and therefore allow landowners greater, not less, latitude in how to use the land. However, PPL has steadfastly refused to provide the tower heights and widths, the wire heights at midpoint or at the tower, the federal directive they say requires them to do this, nor their Vegetation Management Plan, leaving me with no option other than to file a formal complaint.

Currently, the ROW supports extensive wildlife, including wild turkey, song birds, deer and untold species of small mammals. PPL's plans will devastate those food and habitat sources without benefitting their use of the easement for the purpose it was established.

One final comment, I do not appreciate the verbal threat from PPL that if I persist in my objections, they will clear cut to the 200 foot width of their ROW agreement, not to the 150 foot ROW width needed for 240kV lines.

Paragraph 5.

I ask for the following relief:

- a. PPL provide the information I requested
- b. PPL develop vegetation removal plans, to be communicated with individual landowners, that recognize geological factors (such as valleys, steep slopes, etc) whereby only vegetation that directly interferes with their construction of new towers are cut, replacing the current plan to clear cut the entire ROW.
- c. PPL to remove tainted topsoil under existing towers and replace it with non-contaminated top-soil.

d. PPL to renovate any damages to the landscape/plantlife within the ROW that they cause, returning it to a condition like that prior to the construction.

e. PPL to coordinate with the York County Conservation District to ensure that mitigating work is performed in steep slope areas to prevent damage to our watershed caused by storm run-off.

f. PPL to coordinate with landowners and physically mark all plants that must be removed a minimum of nine months prior to the start of work so that landowners can move plants, etc, that will otherwise be destroyed by the projected work.

6. PROTECTION FROM ABUSE

Answer the following question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility AND your complaint is about a billing problem, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.

Has a court granted a "Protection from Abuse" order for your personal safety or welfare?

YES

NO

7. PRIOR UTILITY CONTACT

Answer the following question only if you are a residential customer and your complaint is against an electric distribution utility, natural gas distribution utility or a water distribution utility.

Have you spoken to a utility company representative about this complaint?

YES (includes appeals of BCS determinations)

NO

If you tried to, but could not speak to a utility company representative about your complaint, please explain why.

8. LEGAL REPRESENTATION (IF ANY)

If you are represented by a lawyer in this matter you must provide your lawyer's name, address, telephone number, and e-mail address, if known.

Lawyer's Name _____

Street _____

City _____ State _____ Zip _____

Area Code/Phone Number _____

E-mail Address (If Known) _____

9. VERIFICATION AND SIGNATURE

You must print or type your name below on the line provided for the verification paragraph, and you must sign and date (in ink) this form on the lines provided.

Verification: I Gregory J Myrals, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Gregory J Myrals (Signature) 16 Feb 11 (Date)

N/A
Title of authorized employee or officer

10. FILING

Please return the completed form to one of the addresses listed below:

If using U.S. Postal Service:

If using overnight delivery service:

Secretary Pennsylvania Public Utility Commission P.O. Box 3265 Harrisburg, PA 17105-3265	Secretary Pennsylvania Public Utility Commission 400 North Street Commonwealth Keystone Building, 2 nd Floor Harrisburg, Pennsylvania 17120
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Facsimiles and/or electronic filings of the complaint will not be accepted.

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

Keep a copy of your complaint for your records.

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

J. Stephen Feinour, Esquire
Nauman, Smith, Shissler & Hall, LLP
PO Box 840
Harrisburg, PA 17108-0840

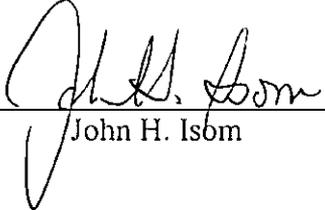
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Towson, MD 21204

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Gregory J. Myers
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Date: May 12, 2011



John H. Isom