

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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 : Docket No A-2011-2267448
Over and Across The Lands Of Marvin :
Roger Hess and Leona Hess In :
Susquehanna Township, Juniata County, :
Pennsylvania For The Proposed Richfield- :
Dalmatia 69 kV Transmission Tie Line and :
Meiserville 69-12kV Substation Is Necessary :
Or Proper For The Service, Accommodation, :
Convenience Or Safety Of The Public :

PROTEST OF MARVIN AND LEONA HESS

Marvin and Leona Hess (“Protestants”), by and through their attorneys, Salzmann Hughes, P.C., hereby file this Protest to the above referenced Application and state as follows:

I. PROTESTANTS

1. Protestants full names and addresses are:

Marvin Roger Hess and Leona Hess
2078 Old Trail Road
Liverpool, PA 17045

2. The name, address and telephone number of Protestants’ attorneys are:

Scott T. Wyland
E. Lee Stinnett II
Salzmann Hughes, P.C.
354 Alexander Spring Road, STE. 1
Carlisle, PA 17015
(717) 249-6333

Protestants request that all pleadings, correspondence and other documents in this

matter be directed to their attorneys.

3. Protestants also own and operate a business by the name of Mahantango Enterprises, Inc. (“Mahantango”) on their property.
4. Pursuant to the provisions of the Pennsylvania Administrative Code, including but not necessarily limited to 52 Pa. Code § 57.75; 52 Pa. Code § 5.52; and 1 Pa. Code § 35.23; the Protestants file the within Formal Protest to the application filed by PPL Electric (“Applicant”) on October 11, 2011 proposing the siting and construction of a new electric transmission line.

II. THE APPLICATION

5. On or about October 11, 2011, the Applicant filed an Application Exercising the Power of Eminent Domain to Acquire a Right-of-Way and Easement with the Pennsylvania Public Utility Commission proposing the construction of a new 11.54 mile Tie Line across lands in Snyder, Juniata, and Northumberland Counties.
6. The route proposed by the Applicant for the proposed Richfield-Dalmatia Line crosses several tracts of land owned by Protestants. Additionally, the Applicant has identified a portion of the lands owned by Protestants as appropriate for the Meiserville 69-12 kV substation.
7. According to the Application, the Meiersville Substation, the Tap Line to connect the substation, and two 12kV distribution lines will all be at least partially located on the property owned by Protestants.

III. GROUNDS FOR PROTEST

8. At a hearing before the Commission, the Protestants plan to present evidence pertinent to some or all of the following: (1) The present and future necessity of the proposed

transmission line in providing more reliability of both the distribution and transmission systems; (2) The safety of the proposed line; and (3) The impact and the efforts that have been and will be made to minimize the impact, if any, of the proposed line upon (i) Land use; (ii) Soil and sedimentation; (iii) Plant and wildlife habitats; (iv) Terrain; (v) Hydrology; (vi) Landscape; (vii) Geologic areas; (viii) Historic areas; (ix) Scenic areas; (x) Wilderness areas; and/or (xi) Scenic rivers; and/or (4) The availability of reasonable alternative routes.

9. Protestants object to the construction of Applicant's proposed transmission line for reasons that include but are not necessarily limited to the following:

- a. Applicant has failed to establish a present and future need for the proposed transmission line.
- b. Applicant has failed to establish that the proposed transmission line does not pose a safety threat to the residents and Mahantango employees and customers.
- c. Applicant has failed to establish that the proposed transmission line will have only minimal adverse impact on the environment.
- d. Applicant has failed to establish that the proposed transmission line route is the most feasible route.
- e. Applicant has failed to establish that the proposed installation is in compliance with all statutes, regulations and applicable ordinances.
- f. Applicant has failed to establish that the entirety of the easement requested is necessary for construction of the proposed transmission line.

10. Applicant's standard easement agreement provides PPL with "*the right to construct, operate and maintain, and from time to time to reconstruct its overhead and underground electric transmission, distribution and communication lines*, including but not limited to such poles, towers, guys, cables, wires, fiber optics, fixtures and apparatus above and

below ground . . . that may be from time to time necessary for the convenient transaction of the business of PPL.” (emphasis added). See **Exhibit A**, Grant of Public Utility Easement.


11. Applicant’s standard easement agreement grants Applicant an easement far in excess of that which is necessary for proposed transmission line by allowing construction of not only electric transmission lines, but also communication lines and fiber optics.
12. In addition, the standard easement agreement proffered by Applicant would encumber the entire property in that it allows Applicant to remove vegetation at points outside the easement and to access the easement over all lands of the Protestants. Such “blanket easement” attributes are overreaching and far beyond that necessary for a single electric transmission line.
13. Such a broad easement would allow Applicant, at a future date, to construct additional facilities in excess of that which may be deemed necessary by the Pennsylvania Utility Commission in the context of this Application without submitting an application for such additional transmission facilities.
14. Protestant reserves the right to provide additional objections to Applicant’s proposal upon further review by qualified consultants or upon additional information supplied by Applicant during discovery, which is requested.

WHEREFORE, the Protestants respectfully request that the Commission deny the Application because of the Applicant's failure to demonstrate some or all of the above with regard to its proposal.

Respectfully Submitted,

SALZMANN HUGHES, P.C.

Date: 12-5-11

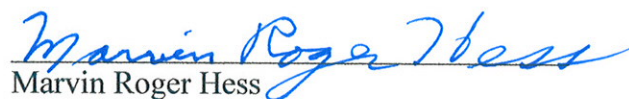
By: 

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VERIFICATION

I, Marvin Roger Hess, hereby certify that facts set forth in the foregoing Protest are true and correct to the best of my knowledge, information and belief. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S.A. §4904, relating to unsworn falsification to authorities.

Date: 12-5-11


Marvin Roger Hess

CERTIFICATE OF SERVICE

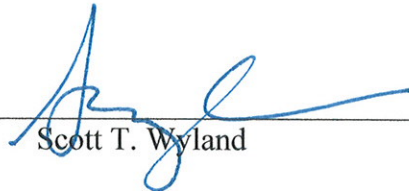
I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of §1.54 (relating to service by a party).

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Honorable David A. Salapa
Honorable Joel H. Cheskis
PUC Administrative Law Judge Office
P.O. Box 3265
Harrisburg, PA 17105-3265

Dated this 5th day of Dec., 2011



Scott T. Wyland