

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITIES 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 :

**PREHEARING MEMORANDUM OF
MARVIN ROGER HESS AND LEONA HESS**

Pursuant to 52 Pa. Code § 5.222(d)(1), Marvin Roger Hess and Leona Hess (“Protestants”) respectfully submit the following Prehearing Conference Memorandum in the above-captioned matter.

I. Procedural History

1. PPL Electric Utilities Corporation (“PPL”) filed an Application with the Pennsylvania Public Utility Commission (“Commission”) on October 11, 2011, requesting a finding and determination that the service to be furnished by PPL through the proposed use of eminent domain to acquire a right-of-way and easement over and across the lands of Protestants is necessary or proper for the service, accommodation, convenience or safety of the public.
2. On December 5, 2011, Protestants filed a Protest to the Application filed by PPL to attempt to exercise eminent domain rights against Protestants’ property.

II. Issues

3. Protestants contest the need for the power line proposed by PPL, as well as PPL's numerous allegations concerning the costs, benefits, environmental impacts, and other issues associated with the proposed power line, its location, and various alternatives to the proposed power line. In particular, and as set forth in Protestants' Protest, Protestants contest PPL's allegations concerning the following issues, among others:

- a. That there is a present and future need for the proposed transmission line and substation.
- b. That the proposed transmission line and substation will not pose a safety threat to the residents and Mahantango employees and customers.
- c. That the proposed transmission line and substation will not cause an adverse impact on the environment.
- d. That the proposed transmission line route is the most feasible route.
- e. That the proposed transmission line and substation are 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.

III. Discovery, Evidence, Witnesses and Scheduling

4. Until Protestants identify the specific issues it will address and until such time as discovery is completed, it cannot be determined who will present testimony. Protestants anticipate that it will present testimony from Marvin Roger Hess, Leona Hess and Troy Hess. Their testimony will address environmental and economic impacts of the proposed transmission line on their property. Protestants will also retain firms and/or individuals with expertise in the fields of electrical engineering and environmental impacts. Protestants reserve the right to identify and present the testimony of additional witnesses,

as necessary in direct or rebuttal phases of these proceedings, in accordance with the schedule adopted in this proceeding.

5. Protestants do not include a proposed schedule for the conduct of this proceeding. Protestants will, however, develop a reasonable schedule through consultation with the other parties.
6. Protestants intend to introduce written, pre-filed, testimony of each of its witnesses, as required, and make its witnesses available for cross-examination at the hearing. Protestants also expect to introduce documents and exhibits as necessary to refute PPL's claims. Protestants also expect to cross-examine witnesses presented by other parties in this proceeding.


IV. Settlement

7. Protestants engaged in unsuccessful negotiations with PPL. Protestants remain willing to meet with PPL to further discuss the possibility of settlement of its concerns.

Respectfully Submitted,

SALZMANN HUGHES, P.C.

Date: 12/8/11

By: 

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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 Joel H. Cheskis
PUC Administrative Law Judge Office
P.O. Box 3265
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Dated this 9th day of December, 2011



E. Lee Stinnett II