

Preliminary objections for proposed PPL Richfield-Dalmatia 69kV tie line

As per order of David A. Salapa and Joel Cheskis Administrative Law Judges in reference to PPL's application seeking Eminent Domain over portions of the property owned by Roy and Cindy Maurer, Lower Mahanoy Township, Northumberland County, Pennsylvania. A-2011-2267416

Initial Prehearing Conference Memoranda of Roy and Cindy Maurer for December 13, 2011

I. *Service of documents.*

We request that all documents be served at this time to:

Roy and Cindy Maurer A-2011-2267416
469 Malta Road
Dalmatia, PA 17017
(570) 758-3210

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II. *Settlement*

A settlement has not been reached with PPL for a right of way over our property nor is any pending at this time.

1. Trespass and damage concerns linger without answers from PPL.
2. Verbal discussions with PPL's Real Estate Specialist over concerns about property use were not clear and not confirmed.
3. Certified mail to PPL's John Kelhart in December of 2010, over 1 year ago, asking for answers to our real estate/business concerns was not answered verbally or in writing. Most phone calls to PPL are unanswered or not returned.
4. There has not been 9 negotiation attempts made with us as stated in PPL's PUC application. The information by PPL is false.

III. *Discovery*

We ask that PPL supply all needed information to us as asked, including questions about procedures and to also include correspondence information, documents and other information which is relevant to discovery. (Discovery questions- attachment A but not limited to) We also ask that the due date for discovery be in June after the public school year ends. I wish to not interrupt with the educational process of a public school as per my absence. We ask for a future public input hearing this spring so that we may study and gather evidence from experts, the community and also obtain documents and information from PPL for discovery.

IV. Litigation Schedule

Roy and Cindy Maurer propose the following schedule since school is in session and we do not wish to interrupt the educational process and teaching schedule of a public school:

Pre-hearing conference	December 13, 2011
Discovery questions	June 18
Public Input Hearings	July 31
PUC Hearings	August or the following summer

V. Witness list:

To include all PPL staff /employees at our discretion who we feel are necessary for clarification of questions and testimony.

Questioning to include but not limited to PPL policy, Procedures, Needs, and or PPL RP&P guidelines.

Witness list to also include but not limited to everyone on the preliminary hearing service list.

VI. Issues and Evidence

Issues are listed in the preliminary objections as attachment B as well as Discovery questions attachment A.

Evidence to include eyewitness testimony. photographs and documents.

VII. Consolidation

We do not necessarily support consolidation because of the number of people involved and conflicting work and personal schedules.

12/9/11

Attachment A

469 Malta Road
Dalmatia, PA 17017

**Discovery Questions and Evidence requested of PPL for Roy and Cindy Maurer
A-2011-2267416**

1. In our opinion PPL has not proven the proposed 69 kV line is necessary for proper service, accommodation, convenience or safety of area residents.
 - a. We ask PPL furnish documents for right of way maintenance records of the study area for the past 10 years. Including dates, times and names of contractors who were assigned for each project for verification of records.
 - b. We ask that PPL furnish all power outage documents for the past 10 years for the study area including dates, times and length of each outage and the causes of such outages.
 - c. We ask that PPL furnish the dates and times of any power diverted away from our study area to other communities during the past 10 years.
 - d. We ask ~~for~~ PPL for clear grid system maps of the study area to include any power coming into the area and any power leaving the study area.
 - e. We ask that PPL also supply the grid system maps of the 36-02 12 kV line (Susquehanna River crossing at Dalmatia) and the number of residents, names and addresses of individuals it serves so that we may verify PPL records of stated need.
 - f. We ask that PPL obtain an independent 3rd party evaluation of the entire proposal to verify the need for the 69kV tie line.
 - g. We ask PPL for a detailed independent 3rd party evaluation to verify outages and line performance.
 - h. We ask PPL for a detailed report and costing of a double circuit line which PPL stated would cost 22 million.
 - i. We need a detailed report on the three options and the exact cost for each so we may arrive at an independent opinion.
 - j. We ask PPL for details on all discussions with local authorities on the options for the proposed line, including the names of the officials, the date, time and discussion involved.
 - k. We ask PPL for all records of the informational meetings that were held ~~for the public~~ to be public. To include photo copies of all written comments for or against each proposal. The names can be blacked out for privacy.
2. We ask how PPL plans to pay for the project and is it with company funds and increase in fees or government grants.

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2. We feel PPL did not follow proper procedures throughout the entire project.
 - a. We ask for a response from PPL as to the breaking of State law.
 - b. We ask for PPL as to why they did not pay damage costs associated with this project.
 - c. We ask for a response from PPL for not answering requests for information.
 - d. We ask ~~for~~ PPL for a response about false information on the PUC eminent domain application docket.

3. We are likely to have many other questions of PPL as the proceeding progresses so these are not meant to be questions in entirety.

Respectfully submitted,

Roy an Cindy Maurer



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Attachment B

469 Malta Road
Dalmatia, PA 17017

Preliminary Objections for PUC hearings filed by Roy and Cindy Maurer A-2011-
2267416

1. PPL has not proven the proposed 69 kV line to be necessary for proper service, accommodation, convenience or safety to residents on either side of the river.

a. In rural settings such as these PPL, first and foremost, needs to "clean up" existing lines for proper uninterrupted service and safety to residents. This is not being done regularly as many residents have suggested at the informational meetings. Even under normal weather conditions, trees and branches touching the lines would have to excessively increase load exponentially. Overhanging branches and trees have made PPL's power lines unreliable, especially during bad weather. PPL's failure to maintain existing lines **does not** translate into a need for the new tie line which will be expensive and intrusive to communities and the rural environment. PPL would not share power line maintenance record information with us, but we can see the neglect for ourselves.

b. After many years of neglect by PPL, power line brush and tree clean-up in our area was started hastily in the summer of 2010, only after many residents complained about the poor conditions of the existing rights of way at PPL's informational meetings. PPL would not comment about the clean-up.

Residents have asked PPL for yearly outage information and causes of these outages, and they have not supplied the reports requested. At the special meeting at Hickory Corners Fire Hall PPL representative Justin Wehr finally admitted, in front of all attendees, that about **98%** of the outage problems on both sides of the river were maintenance, storm or accident related and not caused by the PPL stated 69kV transmission line deficiencies.

PPL would not share the documents with us and are not being transparent with the citizens.

d. Freedom of information was filed with the PUC on March 26, 2010, and the PUC has no records of excessive outages to confirm PPL's suggested "need" for the new 69 kV tie line.

We ask for PPL's actual area maintenance right of way records for the past 10 years in the study area to verify need.

Proof is needed as to why this is one of PPL's worst performing areas. Is it because of PPL neglect?

2. Another PPL river crossing will increase the number of safety hazards to aircraft and humans.

- a. Black fly and mosquito spaying occurs frequently from aircraft along the shores of the Susquehanna River.
- b. Many aircraft use the river for visual guidance.
- c. Several years ago a single engine airplane flew into PPL's **unmarked** Susquehanna River crossing lines at Dalmatia exhibiting PPL's proven disregard concerning safety of citizens.

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3. **PPL's proposed 69kV tie line would do considerable environmental damage unnecessarily.**
- a. The proposed line creates another river crossing. The high point river crossing is a hazard to migrating birds and waterfowl on the Susquehanna River flyway and it is also a potential hazard to several local nesting pairs of Bald Eagles using these high areas for nesting and observation perches.
 - b. The line crosses more rural farmland/open spaces, which counters Pennsylvania's very expensive efforts to protect open and natural areas.
 - c. Not all current land uses are compatible with the proposed line as PPL would have you believe. The line would destroy or hinder several local businesses.
 - d. The Susquehanna River System is one of the most endangered river systems in the United States.
 - e. The Susquehanna River is also a scenic river. Adding yet another river crossing in the vastly rural and scenic area of Snyder, Juniata and Northumberland Counties will harm this beautiful and rural landscape.

We ask the Administrative law judge for a Public Input Hearing to gather other citizen's concerns for the entire project.

4. **Existing underutilized 12 kV river crossing line at Dalmatia.**
- a. Existing PPL 12kV river crossing line at Dalmatia is being underutilized as an existing river crossing. Why not upgrade this river crossing to 69kV as the #1 priority before building new or double the 12kV lines? This would save millions and eliminate the need to exercise eminent domain on 10 farms. We have asked PPL for the utilization information records without success. PPL would not share this information with us at any of their "informational" meetings.
 - b. The existing nearby Dalmatia 69kV line and substation is in nearly new condition and is a readily available source to connect. This line and substation is about 1 mile from the existing 12 kV river crossing at Dalmatia. This 69 kV -12 kV Substation could and should be used as a starting point even if it is proven there is a new line needed to cross the river. This connection would shorten the route, save several million dollars and most importantly be less intrusive on our rural community and environment. PPL would not comment.
 - c. There is an existing 69kV high point river crossing less than 10 miles downriver (Millersburg) which we believe connects the same two 69kV lines PPL is proposing to tie. Questions were asked about this line and PPL would not comment.
 - d. What are the short and long range plans for this existing 12 kV Dalmatia river crossing line? PPL would not comment.

We ask for clear grid system maps of the area including the 12 kV lines on both sides of the river especially the 36-02 12kV line and the number of residents and names and addresses of who the individual 12kV lines serve so that we may verify PPL reports.

We also ask for information about any power line sources coming into the study area and also power leaving the study area, including where they go and who they serve.

5. **If there is a proven need for the tie line project the least expensive route with the least amount of environmental impact was not chosen by PPL or researched as one of the 3 options.**
- a. Option B was less expensive with less environmental impact because less land area is needed for the project. PPL official Justin Weir told us at one of the meetings that it would take at least 2 years to get permits to put a pole on an island in the river. He said that was the major concern with that option. Questions were asked why he didn't start 2 years earlier to obtain permits, we received no answer.
 - b. PPL did not look at other options which could have been cheaper, shorter and therefore would have also had less all around impact than all three of their selected routes. PPL would not comment.
 - c. There is an existing 69 kV line and substation within 1 mile of Dalmatia which could and should be connected to for use on the West shore. This existing line and substation are relatively new and in good condition. This connection would eliminate several miles of new power line construction, possibly save millions, and save open land and the environmental impact in both communities. This line connects directly to the Sunbury-Dauphin 69kV line which is the same exact line PPL proposed to connect to in all 3 of their selected options and would be miles shorter. We have not seen research or explanation by PPL as to why this can't be done.
We ask PPL to obtain an independent third party evaluation of the entire 69kV tie line proposal.
6. **Freedom of Information was filed with the PUC on March 26, 2010 for records of PPL outage reports in the study area.**
- a. The PUC could not confirm outages by PPL or when these outages occurred on either side of the river.
 - b. Our legislators have asked for the same information from PPL with similar results.
We ask for an independent 3rd party to verify the need and verify PPL records of these outages and line performances. Option costs need to be studied by an independent 3rd party to confirm or reject PPL records.
7. Property owners discovered for the first time in the PPL eminent domain notebook issued in 10/11 that there was another PPL option eliminating the need for the proposed 69kV tie line and another river crossing. The eminent domain manual talks about a double circuit line running from Selinsgrove to Richfield area. This was never discussed at any meetings with the public.
- a. How was the estimated price tag of 22 million reached? Has there been a third party investigation confirming any of these figures and routes?
 - b. Wouldn't a double circuit on the existing Juniata-Richfield 69kV line be superior in both cost and impact? A double circuit on the existing Dalmatia-Dauphin 69kV line could also be completed if needed. This would eliminate the need for another river crossing and avoid condemning and destroying open properties?

We ask for itemized figures for all these possible options so we may form a proper opinion.

8. PPL broke state laws several times in their zeal to overpower residents and property owners. Supervisors were contacted with no resolve and the continued trespass by surveyors shows true arrogance of citizens' rights by PPL supervisors and workers. PPL representative Deb Grierson admitted to trespass on several properties at the last community meeting held at Hickory Corners Fire Hall in front of many witnesses. PPL representative Teri McBride also admitted that PPL did not act correctly in the process.

- a. Trespass on several properties.
- b. Destruction of property.

We ask PPL for explanations pertaining to breaking state laws.

We ask that PPL explain company policy, procedures, and guidelines as it pertains to citizen rights.

9. **Current land use of the Roy and Cindy Maurer farm is not compatible with the 69kV power line as PPL would have you believe.**

- a. Roy and Cindy Maurer have a "Choose and Cut" Christmas tree farm which attracts over 1,000 families a year. This is also a rapidly expanding business.
- b. The proposed line runs directly across one of the major production areas of Christmas trees on the farm.
- c. This line would devastate or severely limit the business since trees can't be grown near the power line.
- d. The line will also leave adjacent land useless and worthless for it's current use, while we continue to pay taxes on useless property.
- e. The proposed condemned area of the farm is also the best suited soil profile and correct elevation for growing Fraser Fir, the highest valued and most sought after Christmas tree.
- f. Customers can only access areas within a certain distance from the buildings eliminating using other owned farmland for the "choose and cut" Christmas tree operation.
- g. Aesthetics are also very important in maintaining and building and maintaining the business.
- h. The tree farm would have to relocate by buying another farm, build other buildings and wait 12 to 15 years for production of trees to reach harvest. Locating another farm/business with the correct micro-climate, soil conditions and aesthetics in our area would be impossible to replicate.
- i. Several wholesale orders of trees **were already lost** because of buyers concerns of availability and continuing supply of quality trees with the impending eminent domain by PPL. This has already resulted in large financial losses for the business.
Certified mail was sent to PPL's John Kelhart. PPL has not answered any questions pertaining to our business concerns.
- j. PPL has defiantly trespassed on our property and others with no explanation and with full knowledge of direct supervisors. No apology was ever given showing true arrogance on the part of PPL. The lack of

following procedures and state laws by PPL should not be tolerated by the PUC.

- k. PPL is not being upfront and truthful with us or the PUC in their condemnation process concerning our farm and business, including facts of negotiations and land use which are written in their application with the PUC.

We ask PPL for explanations to us and the PUC for clarifications of the above stated items.

We ask for PPL to list dates and times of stated negotiations with us to compare records.

- 10. **Possible diversion of power away from our area for several days during the 2003 Ivan Hurricane indicating that our area is of little importance for PPL's citizen service, safety, and reliability standards.**

- 11. **Discrimination against rural landowners who chose to resist selling land to developers over the years in order to keep rural land open and aesthetic.**

Summary: PPL has not been transparent in their entire process with the public and for that matter, with the PUC and therefore it is impossible to tell truth from fiction. As far as we are aware there have been no third party evaluations of any of PPL's stated needs or plans. There are no itemized reports or figures that involve a third party for any of their options and price estimations. The PUC who is responsible for overseeing public utilities cannot confirm PPL outage/reliability problems in our area.

From an 'engineering standpoint" PPL has not proven that the proposed 69kV tie line is necessary for proper service, reliability and safety of citizens nor has PPL proven they used the lowest cost proposal with the least amount of impact. PPL has also been less than trustworthy or truthful in many actions throughout this process including discrepancies in many facets of the eminent domain application and we ask that the PUC reject the application of condemnation for our farm/business property and therefore also reject PPL's entire project on the above stated grounds.

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)

All served via hand delivery or first class mail.

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Post and Schell PC
Four Penn Center
1600 John Kennedy Blvd
Philadelphia PA 19103-2808
215.587.1197

Shoop Family Trust
C/O Denny Shoop
411 Shoop Road
Dalmatia PA 17017
A-2011-2267426

Randall Clark
701 State Route 147
Dalmatia PA 17017
A-2011-2267352

Gary & Dorene Lahr
291 State Route 147
Dalmatia PA 17017
A-2011-2267429

John & Evelyn Zeiders
799 Adams Road
Dalmatia PA 17017
A-2011-2267353

Elijah & Faye Lahr
679 State Route 147
Dalmatia PA 17017
A-2011-2267446

Michael Schwalm XX
1377 Urban Road
Herndon PA 17830
A-2011-2267388

Michael & Logan Wendt
21 Hoffman Road
Duncannon PA 17020
A-2011-2267349

Roy & Cindy Maurer
469 Malta Road
Dalmatia PA 17017
A-2011-2267416

Marvin Roger Hess & Leona Hess
2078 Old Trail Road
Liverpool PA 17045
A-2011-2267448

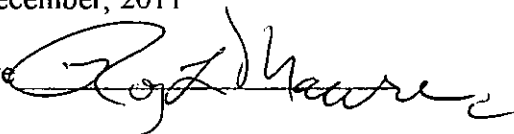
Ronald & Dianne Mace
584 Malta Road
Dalmatia PA 17017
A-2011-2267418

Shoop Family Trust
C/O Edwin Shoop
337 Shoop Road
Dalmatia PA 17017
A-2011-2267426

Dated this 24 day of December, 2011

Roy Maurer

Signature



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