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File #: 150441

December 19, 2011

BY HAND

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

RECEIVED
2011 DEC 19 PM 3:12
PA FUD
SECRETARY'S BUREAU

RE: Petition Of PPL Electric Utilities Corporation For A Finding That A Building To Shelter Control Equipment At The Trumbauersville 69 - 12 kV Substation To Be Constructed In Richland Township, Bucks County, Pennsylvania Is Reasonably Necessary For The Convenience Or Welfare Of The Public
Docket No. P-2011-

Dear Secretary Chiavetta:

Enclosed, for filing, are an original and three (3) copies of the Petition of PPL Electric Utilities Corporation ("PPL Electric") in the above-referenced proceeding.

Copies of the Petition are being provided to the persons as indicated on the certificate of service.

Contemporaneously with this filing, PPL Electric is filing a Letter of Notification, Filed Pursuant to 52 Pa. Code Chapter 57, Subchapter G, With Respect to the Trumbauersville #1 & #2 138/69 kV Tap Line in Richland Township, Bucks County, Pennsylvania. PPL electric respectfully requests that these proceedings be consolidated.

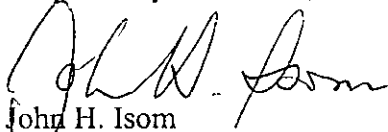
If you have any questions concerning this matter, please contact me at the address or telephone numbers provided above.

Rosemary Chiavetta, Secretary

December 19, 2011

Page 2

Respectfully Submitted,



John H. Isom

JHI/jl

Enclosures

cc: Kimberly Hafner
Office of Consumer Advocate
Office of Small Business Advocate
Bureau of Investigation & Enforcement

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PA PUG
SECRETARY'S BUREAU

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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SECRETARY'S BUREAU

Petition Of PPL Electric Utilities :
Corporation For A Finding That A Building :
To Shelter Control Equipment At The :
Trumbauersville 69 - 12 kV Substation To : Docket No. P-2011-_____
Be Constructed In Richland Township, :
Bucks County, Pennsylvania Is Reasonably :
Necessary For The Convenience Or Welfare :
Of The Public :

PETITION OF PPL ELECTRIC UTILITIES CORPORATION

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

PPL Electric Utilities Corporation (“PPL Electric”) hereby petitions the Pennsylvania Public Utility Commission (“Commission”), pursuant to 52 Pa. Code § 5.41 and 53 P.S. § 10619, for a finding that a building to shelter control equipment (“Control Equipment Building”) at the proposed Trumbauersville 69 - 12 kV Substation (“Trumbauersville Substation”) in Richland Township, Bucks County, Pennsylvania is reasonably necessary for the convenience or welfare of the public and, therefore, exempt from any local zoning ordinance (“Zoning Petition”).¹ PPL Electric reviewed its plan to construct the Trumbauersville Substation with representatives of

¹ PPL Electric believes its control equipment building is not a “building” but, rather, is part of its substation facilities. Therefore, PPL Electric’s control equipment building is exempt from local zoning requirements. *See, e.g., Duquesne Light Co. v. Upper St. Clair Township*, 377 Pa. 323, 334-35, 105 A.2d 287, 292 (1954). This Zoning Petition is being filed as a precaution in the event that the Commission were to determine that the control equipment building is not a facility and, therefore, potentially subject to local zoning ordinances.

Richland Township and Bucks County, and neither had any objection to the Project. In support of this Zoning Petition, PPL Electric states as follows:

I. INTRODUCTION AND OVERVIEW

1. This Zoning Petition is filed by PPL Electric, a public utility that provides electric distribution and provider of last resort services in Pennsylvania subject to the regulatory jurisdiction of the Commission.

2. PPL Electric's address is Two North Ninth Street, Allentown, Pennsylvania 18101.

3. PPL Electric's attorneys are:

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E-mail: perussell@pplweb.com

PPL Electric's attorneys are authorized to receive all notices and communications regarding this Zoning Petition.

4. 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. PPL Electric furnishes electric distribution, transmission, or provider of last resort electric supply services 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.

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

II. DISCUSSION

6. PPL Electric proposes to construct the Trumbauersville Substation, together with the Trumbauersville #1 & #2 138/69 kV Transmission Tap Line ("Trumbauersville Taps") and additional distribution facilities, to improve reliability of service in the Richland and Milford areas of Bucks County, and to reduce load on surrounding distribution facilities.

7. In order to guide its planning processes and to establish standards for its transmission and distribution systems, which will enable it to provide safe and reliable service at a reasonable cost, PPL Electric has adopted its Reliability Principles & Practices ("RP&P") guidelines. PPL Electric relies on the standards set forth in the RP&P for guidance in determining when it is appropriate to reinforce its transmission and distribution systems.

8. Due to the increasing demand for electricity, the Richland 69 – 12 kV Substation served a peak load of approximately 43.2 MVA in the summer of 2011 and is expected to serve a peak load of 45.7 MVA by 2012, which exceeds its 2 hour rating of 39.7 MVA. Also, both the Richland 36-2 and 36-5 12 kV Distribution Lines peaked over the normal planning guideline of 10 MVA in the summer of 2011 and are again expected to exceed their ratings in the summer of 2012. In addition, the 36-2 line currently serves approximately 1,700 customers and the 36-5 line serves 1,860 customers, which exceed the recommended customer count per feeder of 1,300 as outlined in PPL Electric's RP&P.

9. In addition to the concerns with the Richland Substation, the Milford 69 – 12 kV Substation served a peak load of 21 MVA in the summer of 2011, and is expected to serve a peak load of 21.6 MVA in the summer of 2012. This load exceeds the Milford Substation's summer emergency rating of 20.5 MVA. In addition, the Milford 24-2 12 kV Distribution Line served a peak load of 8.2 MVA in the summer of 2011 and is expected to peak at 8.4 MVA in the summer of 2012, which is over the normal planning guidelines of 8 MVA for this type of conductor.

10. To resolve the violations of the RP&P and to improve service, PPL Electric plans to construct the proposed Trumbauersville Substation, together with the Trumbauersville Taps. The proposed Trumbauersville 69-12 kV Substation will allow PPL Electric to construct three additional 12 kV distribution lines to serve the area. Some customers can then be transferred from the existing distribution lines to the new distribution lines, so that the distribution lines in the area will comply with the RP&P customer count guidelines.

11. Part of the plan requires the construction of approximately 275 feet of new 138/69 kV transmission line, the proposed Trumbauersville Taps, which will supply the proposed Trumbauersville Substation. The new Trumbauersville Substation, in turn, will supply three new

12 kV distribution lines. The Trumbauersville Substation and the new 12 kV distribution lines will reduce peak loading on the Richland 36-2 12 kV Distribution Line by approximately 7.3 MVA and the Richland 36-5 Line by 8.7 MVA, which is a total reduction of 16 MVA at the Richland Substation. The Milford 24-2 Line will see a reduction of 5.4 MVA and the Milford 24-3 Line will be reduced by 4.4 MVA, for a total reduction of nearly 10 MVA at the Milford Substation.

12. Contemporaneously with this Petition, PPL Electric is filing with the Commission the *Application Of PPL Electric Utilities Corporation Filed Pursuant To 52 Pa Code Chapter 57, Subchapter G, For Approval Of The Siting And Construction Of The Trumbauersville #1 & #2 138 kV Taps In Richland Township, Bucks County, Pennsylvania* (hereinafter the “Letter of Notification”). With the Letter of Notification, PPL Electric filed Attachments 1 through 7, which provide additional detailed information regarding the Trumbauersville Taps. The Letter of Notification and its accompanying Attachments are incorporated herein by reference.

13. The basic functional arrangement of PPL Electric’s existing transmission system in the area is shown in Figure 1 to Attachment 1 of the Letter of Notification, which is a functional one-line diagram of the existing facilities. The existing distribution system in the area is shown in Figure 2 to Attachment 1 of the Letter of Notification.

14. A one-line diagram of the transmission facilities in the area, as altered by the Project, is provided in Figure 3 to Attachment 1 of the Letter of Notification. A one-line diagram of the distribution facilities in the area, as altered by the Project, is provided in Figure 4 to Attachment 1 of the Letter of Notification. These Figures show the proposed electrical system in the area, including the Trumbauersville Taps, the Trumbauersville Substation, and the distribution lines that will be supplied by the Trumbauersville Substation.

15. The Project will improve reliability of service in the Richland and Milford areas by reducing the load on the Richland and Milford Substations, as well as the distribution lines supplied by those Substations. Approximately 3,811 customers and 26 MVA of load will be transferred from the two substations and their distribution lines.

16. The estimated total cost of the Project, including the Trumbauersville Taps, Trumbauersville Substation, and related distribution lines is approximately \$4.53 million. Due to difficulties in locating a suitable site for the substation, the required in-service date of May 2012 is not achievable. Project construction will begin as soon as possible after Commission approval to minimize the potential exposure to an unplanned interruption of service.

17. The new Trumbauersville Substation will include a Control Equipment Building. Substations must include certain control equipment, primarily switches, relays, and Supervisory Control and Data Acquisition (“SCADA”) equipment to control the flow of electricity into, within, and from the substation. Much of this equipment, in order to function properly, must be protected from the elements. The purpose of the proposed building in the Trumbauersville Substation is to protect the control equipment from the elements so that the line equipment, and the entire substation, can function properly.

18. The Control Equipment Building will be approximately 12 feet by 12 feet. It will be constructed on a concrete slab. The exterior walls will be constructed of metal. There will be minimal space heating and cooling equipment for the building. Such equipment will be installed solely for the purpose of keeping the temperature inside the building within limits tolerated by the control equipment. The building will not be intended for human occupancy; there will be no supply of water and no sanitary facilities.

19. The Trumbauersville Substation will be surrounded by a high fence to prevent entry by unauthorized persons. The fenced area for the Trumbauersville Substation will be 104 feet by 136 feet. Access to the substation, including the Control Equipment Building, must be limited because the high voltages at which the substation will operate presents dangers to untrained persons.

20. Although PPL Electric currently has no plans to install a buffer around the proposed Trumbauersville Substation, PPL Electric will leave as much vegetation and trees as practical, provided that they will not interfere with the construction, operation, or maintenance of the public utility facilities at the Trumbauersville Substation site. Further, PPL Electric is purchasing the property surrounding the substation, and the area is forested, which will provide a large buffer between the proposed Trumbauersville Substation and surrounding area.

21. The Trumbauersville Substation will be located on a 2.05 acre tract of land currently under a contract with PPL Electric which provides to the Company an option to purchase the property.

22. The new Trumbauersville Substation will be connected to the Buxmont – Quakertown #1 & #2 138/69 kV Transmission Lines via the Trumbauersville Taps. PPL Electric’s distribution planning department selected a general location for the substation, based on proximity to a source transmission line, distribution lines, the location of the load being served and the location of other substations in the area, as well as other factors.

23. Provided as Attachment A hereto is an aerial map showing the location of PPL Electric’s tract of land on which the proposed Trumbauersville Substation, together with the required Control Equipment Building, will be constructed. An aerial map at the end of Attachment 2 of the Letter of Notification also depicts the rights-of-way and easements for the

proposed transmission line associated with the Project, which will connect the Trumbauersville Substation with the transmission grid.

24. The Pennsylvania Municipalities Planning Code (“MPC”) provides, in relevant part, as follows:

This article shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

Section 619 of the MPC, Act of July 31, 1968, P.L. 805, *as amended*, 53 P.S. § 10619. Thus, a public utility building may be subject to local zoning requirements for buildings unless, upon petition, the Commission determines that the proposed situation of the building in question is reasonably necessary for the convenience and welfare of the public. 53 P.S. § 10619.

25. As explained above, the Trumbauersville Substation, together with the Trumbauersville Taps and additional distribution facilities, are necessary to alleviate past and projected violations of the RP&P at the neighboring Richland and Milford Substations as well as five distribution lines supplied by those substations. The proposed facilities will provide additional capacity for future electric system load growth. The Trumbauersville Substation must include certain control equipment in order to operate properly, and said equipment must be protected from the elements. The purpose of the Control Equipment Building on the Trumbauersville Substation Site is to provide that protection.

26. Because the Trumbauersville Substation is reasonably necessary for the public convenience and welfare and because the Control Equipment Building is necessary to properly operate the Trumbauersville Substation, the Commission should find that the Control Equipment Building is reasonably necessary and, therefore, exempt from the Richland Township’s local

zoning ordinance pursuant to Section 619 of the MPC. *Del-AWARE Unlimited, Inc. v. Pa. P.U.C.*, 513 A.2d 593 (Pa. Cmwlth. 1986).

III. THE RICHLAND TOWNSHIP ZONING ORDINANCE

27. On January 11, 2001, the Commission adopted a policy statement to further the Commonwealth's goal of making agency actions consistent with sound land use planning by considering the impact of its decision upon local comprehensive plans and zoning ordinances. *See* 31 Pa. Bull. 951 (Feb. 17, 2001). Section 69.1101 of the Commission's Policy Statement provides:

[T]he Commission will consider the impact of its decisions upon local comprehensive plans and zoning ordinances. This will include reviewing applications for:

- (1) Certificates of public convenience.
- (2) Siting electric transmission lines.
- (3) Siting a public utility "building" under Section 619 of the Municipalities Planning Code (53 P.S. § 10619).
- (4) Other Commission decisions.

52 Pa. Code § 69.1101.

28. Richland Township has adopted a zoning ordinance, which includes a map on which zoning districts are identified. *See Zoning Ordinance of Richland Township, County of Bucks*, Ordinance of November 14, 2011 ("Zoning Ordinance of 2011").² The location where

² A true and correct copy of the complete Zoning Ordinance of 2011 can be found at the Richland Township website. The URL is as follows:
http://www.richlandtownship.org/buildingzoning/Zoning_Ordinance.pdf

PPL Electric proposes to construct the Trumbauersville Substation is designated as “Rural Agricultural.”

29. With respect to public utility facilities, the Richland Township zoning ordinance includes an Electric Substation under “Utilities”, which are defined as follows:

Those services customarily rendered by public utility corporations, municipalities, or municipal authorities, in the nature of electricity, gas, telephone, water and sewerage, including the appurtenances used in connection with the supplying of such services (buildings, wires, pipes, poles and the like).

See Zoning Ordinance of 2011, Chapter 27 § 202.

30. The Richland Township zoning ordinance provides that Utilities are permitted in a Rural Agricultural zoning district as a special exception. This means that the use is permitted, provided the Zoning Hearing Board authorizes the issuance of a zoning permit by the Zoning Officer, subject to the requirements of § 27 – 405 and Part 11, and the satisfaction of any other conditions imposed by the Board. *See Zoning Ordinance of 2011, Chapter 27 § 402(B).*

31. The Richland Township Zoning Ordinance recognizes that public utility buildings may be exempt from local regulation, stating as follows:

In residential districts such uses shall be permitted only where all of the following conditions have been met. These requirements shall not apply to uses that are exempt under Article VI of the Pennsylvania Municipalities Planning Code.

See Zoning Ordinance of 2011. Chapter 27 § 405(F)(F1)(a)(conditions omitted). It is unclear if the Richland Township Zoning Ordinance applies this provision to Rural Agricultural districts.

32. If PPL Electric were required to obtain a permit prior to construction of the Control Equipment Building, the process, including appeals from adverse determinations, could consume substantial time, which could delay the construction of the Trumbauersville Substation and transmission lines associated with the project, which are reasonably necessary for the convenience or welfare of the public. The potential for delay is particularly important here

because the proposed facilities cannot now be completed prior to the required in service date of May, 2012.

33. In addition, the proposed Project, including the Control Equipment Building, was reviewed with representatives of Richland Township and Bucks County. The Township and the County have no objection to the Trumbauersville Substation, including the Control Equipment Building. As indicated in the attached certificate of service, PPL Electric is serving a copy of this Zoning Petition on Richland Township, the Richland Township Planning Commission, Bucks County, and the Bucks County Planning Commission.

34. Further, in all of its interactions with Richland Township and Bucks County, PPL Electric will continue to apply its long-standing policy of cooperating with local governments.

35. The Trumbauersville Substation will be located on a 2.05-acre tract of land and the fenced area for the Trumbauersville Substation will be 104 feet by 136 feet. Thus, there will be adequate area and yard to meet PPL Electric's intended use of the land.

36. The Trumbauersville Substation is necessary in order for PPL Electric to continue to provide adequate and reliable service. The proposed substation will alleviate overloading on the nearby Richland and Milford Substations, as well as on surrounding 12 kV distribution lines providing service to customers in the area. The Trumbauersville Substation is needed to improve the reliability of electric service in the Richland area.

37. For these reasons, PPL Electric requests that the Commission find that the Control Equipment Building is reasonably necessary for the convenience or welfare of the public and is, therefore, exempt from the provisions of the Richland Township Zoning Ordinance that may require a permit prior to the construction of any Utility facilities, which includes an Electric Substation, and such other portions of the Zoning Ordinance of 2011 that may, in Richland

Township's opinion, impose any restriction, condition, or regulation on the construction of the Control Equipment Building.

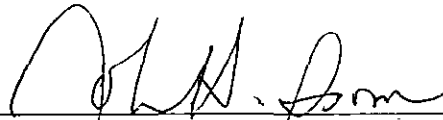
IV. RELATED PROCEEDINGS

38. Contemporaneously herewith, PPL Electric filed with the Commission the Letter of Notification for the Trumbauersville Taps. There, PPL Electric is requesting approval for the siting and construction of the Trumbauersville Taps, which will be connected to the proposed Trumbauersville Substation, including the Control Equipment Building that is the subject of this Zoning Petition. Issues relating to the necessity for and location of the Trumbauersville Taps are interrelated with this Zoning Petition.

V. CONCLUSION

WHEREFORE, PPL Electric Utilities Corporation respectfully requests that the Pennsylvania Public Utility Commission find that the Control Equipment Building proposed by PPL Electric Utilities Corporation at the Trumbauersville Substation is reasonably necessary for the convenience or welfare of the public and, therefore, is exempt from the Zoning Ordinance of the Richland Township.

Respectfully submitted,



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Of Counsel:

Post & Schell, P.C.

Date: December 19, 2011

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Attorneys for PPL Electric Utilities Corporation

VERIFICATION

I, Gregory N. Dudkin being the Senior Vice President - Operations of PPL Electric Utilities Corporation, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that PPL Electric Utilities Corporation 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.

Date: 12/15/11



CERTIFICATE OF SERVICE

I hereby certify that a true and correct copies of the foregoing Zoning Petition have 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 CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Bucks County Commissioners
55 East Court Street
Doylestown, PA 18901
Attn: Honorable Charles Martin, Chairman

Richland Township Planning Commission
1328 California Road
Quakertown, PA 18951
Attn: Timothy Ritter, Chairman

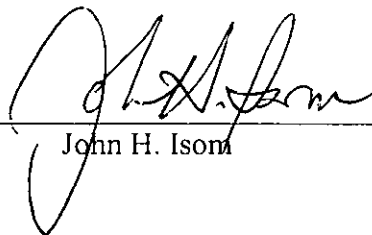
Bucks County Planning Commission
The Almshouse Neshaminy Manor Center
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Attn: Lynn T. Bush, Executive Director

Adele M. Stewart
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Quakertown, PA 18951
Attn: Shawn Ventrola

Richland Township
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Attn: Stephen Sechriest, Manager

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Date: December 19, 2011



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