



17 North Second Street
12th Floor
Harrisburg, PA 17101-1601
717-731-1970 Main
717-731-1985 Fax
www.postschell.com

Jessica R. Rogers

jrogers@postschell.com
717-612-6018 Direct
717-731-1985 Fax
File #: 2507/140074

June 8, 2012

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: David and Marilyn Wagner v. PPL Electric Utilities Corporation
Docket No. C-2012-2299384**

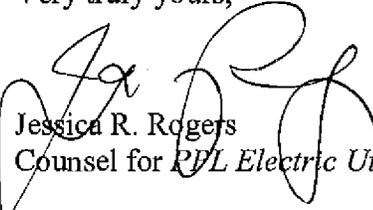
**PPL ELECTRIC UTILITIES CORPORATION MOTION FOR SUMMARY
JUDGMENT**

Dear Secretary Chiavetta:

Enclosed for filing on behalf of PPL Electric Utilities Corporation ("PPL Electric") is the Company's original Motion for Summary Judgment in the above-captioned matter.

Copies have been provided to the parties in the manner indicated on the Certificate of Service.

Very truly yours,


Jessica R. Rogers
Counsel for *PPL Electric Utilities Corporation*

JRR/kmg

Enclosure

cc: Certificate of Service

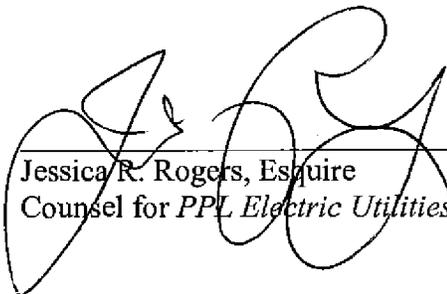
CERTIFICATE OF SERVICE

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 REGULAR MAIL

David K. Wagner and Marilyn S. Wagner
6510 Leonard Drive
Harrisburg, PA 17111

DATED: June 8, 2012



Jessica R. Rogers, Esquire
Counsel for *PPL Electric Utilities Corporation*

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

David and Marilyn Wagner,

Complainants,

v.

PPL Electric Utilities Corporation,

Respondent.

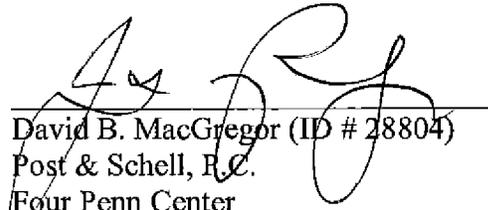
:
:
:
:
:
:
:
:
:
:

Docket No. C-2012-2299384

NOTICE TO PLEAD

YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE §§ 5.102(b) AND 5.103(c), YOU MAY ANSWER THE ENCLOSED MOTION WITHIN TWENTY (20) DAYS AFTER THE DATE OF SERVICE. YOUR ANSWER SHOULD BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL.

Paul E. Russell (ID # 21643)
Associate General Counsel
PPL Services Corporation
Two North Ninth Street
Allentown, PA 18106
Phone: 610-774-4254
Fax: 215-587-1444
E-mail: perussell@pplweb.com


David B. MacGregor (ID # 28804)
Post & Schell, P.C.
Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, PA 19103-2808
Phone: 215-587-1197
Fax: 610-774-6726
E-mail: dmacgregor@postschell.com

John H. Isom (ID # 16569)
Jessica R. Rogers (ID # 309842)
Post & Schell, P.C.
17 North Second Street
12th Floor
Harrisburg, PA 17101-1601
Phone: 717-731-1970
Fax: 717-731-1985
E-mail: jisom@postschell.com
jrogers@postschell.com

Of Counsel:

Post & Schell, P.C.

Date: June 8, 2012

Attorneys for PPL Electric Utilities Corporation

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

David and Marilyn Wagner,	:	
	:	
Complainants,	:	
	:	
v.	:	Docket No. C-2012-2299384
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

**MOTION OF PPL ELECTRIC UTILITIES CORPORATION
FOR SUMMARY JUDGMENT**

TO ADMINISTRATIVE LAW JUDGE JOEL H. CHESKIS:

AND NOW comes PPL Electric Utilities Corporation (“PPL Electric”) and files this Motion for Summary Judgment pursuant to Section 5.102 of the Pennsylvania Public Utility Commission’s (“Commission”) regulations, 52 Pa. Code § 5.102, and requests that the above-captioned Complaint be summarily dismissed for lack of subject matter jurisdiction. In support thereof, PPL Electric states as follow:

I. INTRODUCTION AND BACKGROUND

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. Pursuant to Chapters 15 and 28 of the Public Utility Code, PPL Electric has a statutory obligation to provide safe, efficient, and reasonable service and facilities, and to make all repairs or improvements in or to such service or facilities as necessary for the accommodation, convenience, and safety of its customers.

4. Complainants David and Marilyn Wagner (“Complainants”) are residential customers of PPL Electric with a service address of 6510 Leonard Drive, Harrisburg, Dauphin County, Pennsylvania 17111.

5. On April 19, 2012, Complainants filed the above-captioned Complaint with the Commission.

6. The Complainants allege claims of property damage as well as other claims associated with the installation of a transmission line on the Complainants’ property within an existing right-of-way. Specifically, the Complainants aver that installation of the Commission approved Copperstone – Harrisburg #1 and #2 Transmission Line (“Copperstone Transmission Line”)¹ has reduced the value of their property and that PPL Electric should have to pay damages for building a transmission line in PPL Electric’s pre-existing right-of-way across the Complainants’ property. (See Complaint p. 4)

¹ This transmission line was the subject of a Letter of Notification which was approved by the Commission on February 12, 2010. See *Letter of Notification of PPL Electric Utilities Corporation Filed Pursuant to 51 Pa. Code Chapter 57 Subchapter G, With Respect to the Copperstone – Harrisburg #1 and #2 138/69 kV Transmission Line in South Hanover and Lower Paxton Townships, Dauphin County, Pennsylvania*, Docket No. A-2010-2159604 (February 12, 2010).

7. The Complainants requested relief provides for either monetary compensation or a type of in-kind remedy, wherein PPL Electric would provide the Complainants with a house exactly like their current home but without the transmission lines. (See Complaint p. 5.)

8. On May 9, 2012, PPL Electric filed an Answer to the Complaint denying the factual basis of the Complainants' allegations.

9. For the reasons set forth below, the Commission is without subject matter jurisdiction over the property claims and relief sought in the Complaint. Therefore, PPL Electric is herein requesting that the Complaint be dismissed, as it is not within the Commission's jurisdiction.

II. STANDARD FOR MOTION FOR SUMMARY JUDGMENT

10. Section 5.102 of the Commission's regulations provides the Commission's standard of review for granting summary judgment:

(1) Standard for grant or denial on all counts. The presiding officer will grant or deny a motion for judgment on the pleadings or a motion for summary judgment, as appropriate. The judgment sought will be rendered if the applicable pleadings, depositions, answers to interrogatories and admissions, together with affidavits, if any, show that there is no genuine issue as to a material fact and that the moving party is entitled to a judgment as a matter of law.

(2) Standard for grant or denial in part. The presiding officer may grant a partial summary judgment if the pleadings, depositions, answers to interrogatories and admissions, together with affidavits, if any, show that there is no genuine issue as to a material fact and that the moving party is entitled to a judgment as a matter of law on one or more but not all outstanding issues.

52 Pa. Code § 5.102(d)(1), (2).

11. The Commission may decide any complaint without a hearing if, in its opinion, a hearing is not necessary. 66 Pa. C.S. § 703(b); 52 Pa. Code § 5.21(d). A hearing is necessary only to resolve disputed material questions of fact, and when the question presented is one of

law, the Commission need not hold a hearing. *Lehigh Valley Power Comm. v. Pa. P.U.C.*, 563 A.2d 548 (Pa. Cmwlth. 1989); *Edan Transportation Corp. v. Pa. P.U.C.*, 623 A.2d 6 (Pa. Cmwlth. 1993).

12. The pending Complaint raises issues and seeks relief that, as a well-settled matter of law, are beyond the Commission's subject matter jurisdiction. A hearing on such issues and claims for relief would be a fruitless exercise. For these reasons, as more fully explained below, the above-captioned Complaint should be dismissed.

III. ARGUMENT

13. PPL Electric incorporates by reference Paragraphs 1 through 12, *supra*, as though set forth fully herein.

14. Attached to this Motion are the Affidavits and related documents of Marc A. Jackson and Douglas L. Haupt. Mr. Jackson is a Senior Real Estate Specialist with PPL Electric, who attempted to work with the Complainants regarding the use of PPL Electric's existing right-of-way for the Copperstone Project and a possible expansion of the right-of-way. Mr. Haupt was the siting coordinator in charge of developing the Copperstone Project. He oversaw the Project from the planning stages through the Commission approval process.

15. The transmission line in question was constructed on the tract of land subject to the easement agreement held by PPL Electric, which PPL Electric presented as Attachment A to its Answer and whose authenticity was attested to by Marc A. Jackson in his Affidavit. The easement agreement establishing the right-of-way on the Complainant's land was obtained in 1950 by PPL Electric's predecessor from Richard and Mary Lee, who were predecessors in interest to the Complainants. The easement agreement states, in relevant part, as follows:

“This grant provides only for the erection of two (2) lines of steel tower construction as indicated on the aforesaid plan, and the

restriction of first construction above referred to does not prohibit the future construction of the second line herein provided for.”

It is clear from the plain language of the easement agreement that PPL Electric has the right to construct and maintain two transmission lines in the right-of-way. The first of the two transmission lines was constructed in 1950 and existed when the Complainants purchased the property.

16. PPL Electric provided the Complainants with notice of its intention to exercise its right to construct a second transmission line in the right-of-way prior to filing its Letter of Notification with the Commission. Provided as Attachment B to the Answer is a true and correct copy of the letter sent by Mr. Jackson to the Complainants informing them of the project and of the Company’s position regarding its ability to construct the Copperstone Transmission Line in the right-of-way on the Complainants’ property. Further, when PPL Electric filed its Letter of Notification, the Complainants received a copy of the filing in accordance with the Commission’s requirements.

17. Provided as Attachment A to the Affidavit of Douglas L. Haupt is a true and correct copy of the certificate of service for the Letter of Notification. Complainants’ correct names and address are set forth on the Certificate of Service. Provided as Attachment B to the Affidavit of Douglas L. Haupt is a true and correct copy of the certified mail receipt which was signed by Mr. Wagner and which shows that the Complainants were properly served with the Letter of Notification. The Complainants did not object to the Project at that time. The Project was approved by the Commission. Provided as Attachment C to the Affidavit of Douglas L. Haupt is a true and correct copy of the Commission’s Order. As stated by Douglas L. Haupt in his Affidavit, PPL Electric constructed the transmission line in accordance with its Letter of Notification and the Commission’s Order.

18. The specific allegations in the Complaint do not relate to questions of the safety of PPL Electric's facilities or a dispute over the provision of utility service. The specific allegations are focused almost exclusively on averments that PPL Electric acted beyond the scope of its easement agreement, as well as the Complainants' request for compensatory damages as a result of the construction of the second transmission line in the right-of-way.²

19. The Commission only has those duties, powers, and responsibilities as expressly, or by necessary implication, given to it by the General Assembly. *Jennifer Tomb v. Pennsylvania Electric Company*, Docket No. C-2008-2036378, 2008 Pa. PUC LEXIS 994 (Dec. 8, 2008) (citing *Rogoff v. The Buncher Co.*, 395 Pa. 477, 151 A.2d 83 (1959)). The Commission must act within, and cannot exceed, its jurisdiction. The mere fact that a party to an action is a regulated utility does not automatically confer subject matter jurisdiction upon the Commission. *DeFrancesco v. Western Pennsylvania Water Co.*, 499 Pa. 374, 453 A.2d 595 (1982).

20. The Commission does not have jurisdiction over private property disputes. *Ruth McGarvey and Iva Jean Conley v. Verizon Pennsylvania Inc.*, Docket No. C-2009-2111253 (Nov. 10, 2009). The Commission is without subject matter jurisdiction to adjudicate questions involving the scope and validity of easements. *McLafferty v. Duquesne Light Co.*, Docket No. C-2009-2101144 (March 11, 2010) citing *Fairview Water Co. v. Pa. P.U.C.*, 509 Pa. 384, 502 A.2d 162 (1985). *See also Nigro v. PPL Electric Utilities Corporation*, Docket No. C-00003242 (Oct. 26, 2004). Only a Court of Common Pleas can hear an easement claim. *McLafferty, supra*. *See also Lou Amati/Amati's Service Station v. West Penn Power Company and Bell Atlantic - Pennsylvania, Inc.*, Docket No. C-00945842 (Oct. 25, 1995) (questions involving whether utility

² The Complaint also mentions noise produced by the transmission line, but the only relief requested with regard to the noise is monetary compensation. As explained below, the Commission lacks the power to award damages.

facilities are located pursuant to valid easements are exclusively within the jurisdiction of the Courts of Common Pleas).

21. The allegations in the Complaint related to property damage and the interpretation of the easement agreement are matters that are exclusively within the jurisdiction of the Courts of Common Pleas. Consequently, Complainants' claim must be dismissed for lack of Commission jurisdiction.

22. The Complainants also request compensatory damages as their sole remedy. However, the Commission does not have the authority to order a public utility to pay compensatory damages. See *Diane M. Hamilton and Eva J. Hamilton v. Verizon Pa., Inc.*, Docket No. C-2009-2135715, 2010 Pa. PUC LEXIS 234 at *8 (July 28, 2010) (Finalized Initial Decision) (citing *DeFrancesco v. Western Pennsylvania Water Co.*, 499 Pa. 374, 453 A.2d 595 (1982); *Elkin v. Bell of Pa.*, 491 Pa. 123, 420 A.2d 371 (1980); *Minisi, on behalf of Woodgate Homeowners Association, Inc. v. Verizon Pennsylvania Inc.*, Docket No. C-2008-2043302 (Sept. 3, 2008); *Feingold v. Bell of Pa.*, 477 Pa. 1, 383 A.2d 791 (1977)). Consequently, Complainants' claim for compensatory damages must be dismissed.

23. As the sole relief requested by the Complainants is for compensatory damages, which are outside of the Commission's jurisdiction, the Complainants' claim and request for relief should be dismissed.

IV. CONCLUSION

24. PPL Electric incorporates by reference Paragraphs 1 through 23, *supra*, as though set forth fully herein.

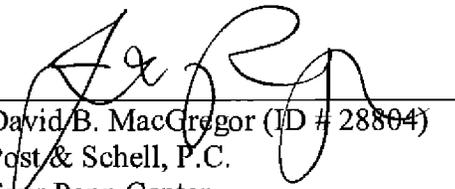
25. The scope of the Commission's jurisdiction over matters raised in the Complaint is well-settled. The Commission lacks subject matter jurisdiction over questions involving

compensation for property damage and interpretation of an easement agreement. A hearing on the Complainants' claims and request for monetary damages would be a fruitless exercise.

26. For these reasons, the Complaint should be dismissed.

WHEREFORE, PPL Electric Utilities Corporation respectfully requests that the Honorable Administrative Law Judge Joel H. Cheskis enter an order granting judgment in favor of PPL Electric Utilities Corporation and denying the claim and request for compensatory damages in the above-captioned Complaint.

Respectfully submitted,



Paul E. Russell (ID # 21643)
Associate General Counsel
PPL Services Corporation
Two North Ninth Street
Allentown, PA 18106
Phone: 610-774-4254
Fax: 215-587-1444
E-mail: perussell@pplweb.com

David B. MacGregor (ID # 28804)
Post & Schell, P.C.
Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, PA 19103-2808
Phone: 215-587-1197
Fax: 610-774-6726
E-mail: dmacgregor@postschell.com

Of Counsel:

Post & Schell, P.C.

John H. Isom (ID # 16569)
Jessica R. Rogers (ID # 309842)
Post & Schell, P.C.
17 North Second Street
12th Floor
Harrisburg, PA 17101-1601
Phone: 717-731-1970
Fax: 717-731-1985
E-mail: jisom@postschell.com
jrogers@postschell.com

Date: June 8, 2012

Attorneys for PPL Electric Utilities Corporation

JACKSON AFFIDAVIT

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

David and Marilyn Wagner,	:	
	:	
Complainants,	:	
	:	
v.	:	Docket No. C-2012-2299384
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

**AFFIDAVIT OF
MARC A. JACKSON**

I, Marc A. Jackson, hereby depose and say as follows:

1. I, Marc A. Jackson, being duly sworn according to law, depose and say that I am authorized to make this Affidavit on behalf of PPL Electric Utilities Corporation (“PPL Electric” or the “Company”).

2. I am employed by PPL Services Corporation. My current position with PPL Services Corporation is the Manager of Real Estate Services. In this position, I am responsible for supporting the Real Estate needs of the various entities within the PPL Corporation. These activities include, but are not limited to, the disposition and acquisition of real property, commercial, residential and agricultural leasing, easement and encroachment negotiations and property taxation.

3. In 1995, I received a Bachelor of Business Administration in Real Estate from Temple University and am currently a member of the International Right of Way Association.

4. I have been employed by the PPL corporate system for nine years and have been the Manager of Real Estate Services since October 2011.

From September of 2008 to October of 2011, I held the position of the Real Estate Tax Manager. In this capacity, I was responsible for all property tax matters including the filing of annual returns for various PPL generating facilities, ensuring that timely property tax payments were applied for a portfolio in excess of 45,000 acres and 2,000 individual parcels, and managing the Corporation's annual property tax obligations by enrolling land and structures in the appropriate tax treatment programs and identifying PPL fee owned real estate having excessive valuations for the purposes of property tax appeals.

From May of 2005 through September of 2008, I held the position of Senior Real Estate Specialist. In this capacity, I was responsible for negotiating and securing the required right of way easements necessary for PPL Electric's proposed substations and electric transmission line projects. I was also responsible for the disposition and acquisition of real estate to support the needs of the various entities within the PPL Corporation.

From March of 2003 through May of 2005, I held the Senior Product Manager position with PPL Telecom. I was responsible for the annual budgeting and the sales, marketing and leasing functions for the group. I also oversaw the process where the rights were secured from property owners which permitted the installation of telecommunication facilities.

From 2001 to 2002, I held the position of Director of Business Development with the Telecom Acquisition Group. In this position, I developed and launched the company sales/acquisition and marketing process as well as negotiated and structured agreements to purchase recurring telecommunication revenue streams.

From 1999 to 2001, I held the position of Manager of Site Management with Spectrasite Communications, Inc. In that position, I managed the day to day operations of a 12 member office staff and a 16 member field staff focused on the oversight of telecommunication construction on the company's regional and nationwide real estate management portfolio.

From 1998 to 1999, I held the position of Manager of Client Relations with Spectrasite Communications, Inc. In this position, I was responsible for maintaining client relations with representatives from the company's nationwide real estate clients. In addition, I developed opportunities to increase revenues on their portfolios by structuring strategic partnership agreements with telecommunication companies.

From 1994 to 1998, I represented numerous regional and national real estate companies by overseeing construction of telecommunications facilities while working as a site manager for Apex Site Management.

In addition, I have sixteen years of experience as an independent Owner/Investor in residential and commercial real estate. In these capacities, I am responsible for market research analysis, property valuations, budgeting, acquisitions, dispositions, capital financing, leasing and property management.

5. PPL Electric is a public utility and electric distribution company subject to the regulatory jurisdiction of the Pennsylvania Public Utility Commission ("Commission"). I have prepared this Affidavit on behalf of PPL Electric, in response to the Complaint of David and Marilyn Wagner ("Complainants"), which was filed with the Commission on April 19, 2012.

6. A portion of the Complainants' property is subject to an easement agreement, a true and correct copy of which is attached to the Answer filed on May 9, 2012, by PPL Electric ("Answer"), and labeled as Attachment A. The easement agreement establishing the right-of-

way was obtained by PPL Electric's predecessor from Richard and Mary Lee in 1950. Richard and Mary Lee were predecessors in interest to the Complainants.

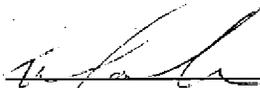
7. I contacted the Complainants with regard to the Project that would be filed with the Commission as *Letter of Notification of PPL Electric Utilities Corporation, Filed Pursuant to 52 Pa. Code Chapter 57 Subchapter G, With Respect to the Copperstone – Harrisburg #1 and #2 138/69 kV Transmission Line in South Hanover and Lower Paxton Townships, Dauphin County, Pennsylvania* (“Letter of Notification”)¹ in early 2008. In a letter dated June 20, 2008, a true and correct copy of which is provided as Attachment B to the Answer, I notified the Complainants that PPL Electric had sufficient right-of-way to proceed with the proposed Project.

8. Once PPL Electric obtained Commission approval for the Project, it proceeded with construction pursuant to the route it proposed in its Letter of Notification. A portion of that route crossed the Complainants' property.

9. PPL Electric constructed the transmission line within the right-of-way described in the easement provided as Attachment A to the Answer.

10. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

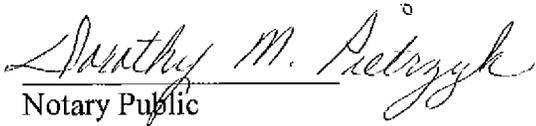
¹ Filed on February 12, 2010.



Marc A. Jackson
Manager of Real Estate Services of PPL
Services Corporation

Date: 5/31/12

Subscribed and sworn to
before me this 31st day
of May, 2012


Notary Public

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Dorothy M. Pietrzyk, Notary Public
City of Allentown, Lehigh County
My Commission Expires July 6, 2015
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

HAUPT AFFIDAVIT

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

David and Marilyn Wagner,	:	
	:	
Complainants,	:	
	:	
v.	:	Docket No. C-2012-2299384
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

**AFFIDAVIT OF
DOUGLAS L. HAUPT**

I, Douglas L. Haupt, hereby depose and say as follows:

1. I, Douglas L. Haupt, being duly sworn according to law, depose and say that I am authorized to make this Affidavit on behalf of PPL Electric Utilities Corporation (“PPL Electric” or the “Company”).

2. I am employed by PPL Electric. My position with PPL Electric is Senior Siting Specialist. In this position, I am responsible for identifying and selecting high voltage transmission line routes and substation locations. I am also responsible for preparing Applications and Attachments for approval by the Pennsylvania Public Utility Commission (“Commission”).

3. I have been employed by PPL Electric for 20 years. I have been in my current position, as Senior Siting Specialist, since September 2006. Prior to this position I held various

positions with the Company including: Abstract and Survey Assistant; Survey Level I & Survey Level II; Meter Reader; and Construction.

4. I have worked on more than ten projects involving transmission lines designed to operate at voltages greater than 100 kV (kilovolt) that have been approved under the Commission's siting regulations at 52 Pa. Code Ch. 57, Subchapter G.

5. I have a High School Diploma. My additional continuing education relevant to my current position includes the following courses and programs: EUCI, Public Participation in Transmission Siting (2010); EUCI, Public Communication During the Construction Phase (2010); Halfmoon LLC, Pennsylvania Land Use and Environmental Issues Impacting "Utility" Construction Projects (2009); and Burns & McDonnell, Transmission Line Symposium (2007). In addition, I have received the following PPL Electric Utilities Training: PPL Environmental Awareness (1996); PPL Standards of Conduct (2011); and ArcMap GIS Training.

6. PPL Electric is a public utility and electric distribution company subject to the regulatory jurisdiction of the Commission. I have prepared this Affidavit on behalf of PPL Electric in response to the Complaint of David and Marilyn Wagner, which was filed with the Commission on April 19, 2012.

7. On February 12, 2010, PPL Electric filed its *Letter of Notification of PPL Electric Utilities Corporation, Filed Pursuant to 52 Pa. Code Chapter 57 Subchapter G, With Respect to the Copperstone – Harrisburg #1 and #2 138/69 kV Transmission Line in South Hanover and Lower Paxton Townships, Dauphin County, Pennsylvania* ("Letter of Notification") with the Commission. The filing was docketed at Docket No. A-2010-2159604. In its Letter of Notification, PPL Electric requested Commission approval to site and construct a proposed

transmission line that will be 1.33 miles long and will tie the Hummelstown – Harrisburg #3 and #4 Transmission Line to the proposed Copperstone 230-69kV Substation.

8. In accordance with the Commission’s regulations at 52 Pa. Code § 57.72(d), PPL Electric served a copy of the Letter of Notification on all owners of property along the affected existing right-of-way. This included the Complainants. I have attached to this Affidavit, marked as Attachment A, a true and correct copy of the Certificate of Service that accompanied the Letter of Notification, which reflects the correct names and address of the Complainants. In addition, Attachment B is a true and correct copy of the signed return receipt that PPL Electric received showing that the Complainants were in receipt of the Letter of Notification.

9. The Complainants did not protest the Letter of Notification, and the Letter of Notification was approved by the Commission on July 21, 2010. Attachment C to my Affidavit is a true and correct copy of the Commission’s order.

10. PPL Electric began construction on the Copperstone – Harrisburg #1 and #2 138/69 kV Transmission Line in October of 2011. The transmission line was built pursuant to the plans submitted to and approved by the Commission in the Letter of Notification. PPL Electric built the transmission line within the existing right-of-way that was located on the Complainants’s property.

11. PPL Electric completed construction of the Copperstone – Harrisburg #1 and #2 138/69 kV Transmission Line in May of 2012. The line is now in service.

12. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Douglas L. Haupt

Douglas L. Haupt
Senior Siting Specialist
PPL Electric Utilities Corporation

Date: 6/4/12

Subscribed and sworn to
before me this 4th day
of June, 2012

Therese M. Schaller
Notary Public

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Therese M. Schaller, Notary Public
City of Allentown, Lehigh County
My Commission Expires Nov. 8, 2015
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

Attachment “A”

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Letter of Notification has been served upon the following persons, in the manner indicated, in accordance with the requirements of § 1.54 (relating to service by a participant).

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

Pennsylvania Historical and Museum
Commission
Bureau for Historic Preservation
Commonwealth Keystone Building, Second
Floor
400 North Street
Harrisburg, PA 17120-0053
Attn: Mr. Douglas C. McLearn, Chief

Pennsylvania Department of Transportation
Commonwealth Keystone Building
400 North Street, 8th Floor
Harrisburg, PA 17120
Attn: The Honorable Allen D. Biehler, P.E.,
Secretary

Department of Environmental Protection
P.O. Box 2063
Market Street State Office Building
Harrisburg, PA 17105-2063
Attn: Office of Field Operations

South Hanover Township Board of
Supervisors
111 West Third Street
Hershey, PA 17033-2498

South Hanover Township Planning
Commission
111 West Third Street
Hershey, PA 17033-2498
Attn: Penny Pollick, Township Manager

Lower Paxton Township Board of
Supervisors
425 Prince Street
Harrisburg, PA 17109

Lower Paxton Township Planning
Commission
425 Prince Street
Harrisburg, PA 17109

Dauphin County Planning Commission
112 Market Street, 2nd Floor
Harrisburg, PA 17101-2015

Dauphin County Commissioners
PO Box 1295
Harrisburg, PA 17108

Loyal E & Patricia A Morris
1616 Copperstone Road
Harrisburg, Pa 17111

Robert E. Smith
3161 Sunnyside Avenue
Harrisburg, Pa 17109

John H. & Sandra A. Mills
6500 Leonard Dr.
Harrisburg, PA 17111-4854

David K. & Marilyn S. Wagner
6510 Leonard Dr.
Harrisburg, PA 17111-4854

Gregory A. & Barbara A. Harris
6511 Leonard Dr.
Harrisburg, PA 17111-4855

Michael J. & Carol A. Carricato
6521 Leonard Dr.
Harrisburg, PA 17111-4855

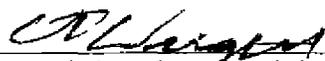
Francis X. & Norma J. Purcell
6510 Leo Dr.
Harrisburg, PA 17111-4852

Gerald W. Kapp, Jr. & Elsie J.
6521 Leo Dr
Harrisburg, PA 17111-4853

John L. & Suzanne E. Seitz
6520 Leo Dr.
Harrisburg, PA 17111-4852

Glenn L. & Barbara R. Cassel
6611 Union Deposit Rd.
Harrisburg, PA 17111-4807

Date: February 12, 2010


Christopher Wright

Attachment “B”

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

OFFICIAL USE

7007 1490 0000 7680 4340

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
Here

Sent To
 David K. & Marilyn S. Wagner
 Street, Apt. No.: 6510 Leonard Dr.
 or PO Box No. Harrisburg, PA 17111-4854
 City, State, ZIP+4

PS Form 3800, August 2006

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

David K. & Marilyn S. Wagner
 6510 Leonard Dr.
 Harrisburg, PA 17111-4854

2. Article Number
 (Transfer from service label)

7007 1490 0000 7680 4340

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 X D.K. Wagner Agent
 Addressee

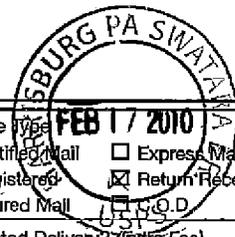
B. Received by (Printed Name)
 D.K. WAGNER

C. Date of Delivery
 2-17-10

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail G.O.D.

4. Restricted Delivery (Extra Fee) Yes



Attachment “C”

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265**

Public Meeting held July 15, 2010

Commissioners Present:

James H. Cawley, Chairman
Tyrone J. Christy, Vice Chairman
John F. Coleman, Jr.
Wayne E. Gardner
Robert F. Powelson

Letter of Notification of PPL Electric
Utilities Corporation filed pursuant to
52 Pa. Code Chapter 57 Subchapter G,
With respect to the Copperstone –
Harrisburg #1 & #2 138/69 kV Transmission
Line in South Hanover and Lower Paxton
Townships, Dauphin County, Pennsylvania.

A-2010-2159604

ORDER

BY THE COMMISSION:

On February 12, 2010, PPL Electric Utilities Corporation (“PPL Electric”) filed a Letter of Notification (“LON”) pursuant to 52 Pa. Code §57.72(d)(1)(vi) of the Commission’s transmission line siting regulations. Section 57.72 authorizes the abbreviated “Letter of Notification” siting application process in lieu of an application for the following:

- (i) An HV line which is proposed to be located entirely on an existing transmission line right-of-way, so long as the size, character, design, or

configuration, of the proposed HV line does not substantially alter the right-of-way.

(ii) An HV line which is proposed to be located entirely within a public road.

(iii) An HV line which is proposed to be located entirely within applicant's existing transmission line right-of-way and the property of the sole customer to be served by the line, so long as the size, character, design, or configuration of the proposed HV line does not substantially alter the right-of-way.

(iv) A line for which the voltage is proposed to be increased above its present levels, so long as the size, character, design, or configuration of the proposed HV line does not substantially alter the right-of-way.

(v) An HV which is to be reconductored or reconstructed so long as the size, character, design, or configuration of the proposed HV line does not substantially alter the right-of-way.

(vi) An HV line having a proposed route of 2 miles or less.

Copies of the Letter of Notification were served in accordance with Section 57.72(d) (3) and 57.74 (b), (c) on the PA Department of Transportation, PA Historical and Museum Commission, PA Department of Environmental Protection, South Hanover Township Board of Supervisors, South Hanover Township Planning Commission, Lower Paxton Township Board of Supervisor, Lower Paxton Township Planning Commission, Dauphin County Planning Commission, Dauphin County Commissioners, and other interested parties as listed in the Certificate of Service. No protests were filed. No hearings were held.

PPL Electric proposes to construct the Copperstone Substation to reinforce the 230 kV and 69 kV systems in central Dauphin County. The Project involves the construction of three separate transmission lines. Each transmission line will connect to the proposed Copperstone Substation. The three transmission lines are separate parts of a three-part transmission project, each of which is the subject of a separate filing with the Commission. In addition, PPL Electric filed with the Commission a petition, pursuant to Section 619 of the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, *as amended*, 53 P.S. § 10619, for a finding that will exempt the Copperstone Substation from local zoning ordinances.

In this first of the three transmission lines LONs, PPL Electric requests Commission approval of Part I of the Project, the construction of the Copperstone-Harrisburg #1 & #2 138/69 kV Line, which will be approximately 1.33 miles in length. It will tie into the existing PPL Electric Hummelstown-Harrisburg #3 & #4 69 kV Transmission Line, west of the existing Paxton 69-12 kV Substation, and will connect with the proposed Copperstone Substation. A portion of the existing Hummelstown-Harrisburg #3 & #4 69 kV Transmission Line will be renamed the Copperstone-Harrisburg #1 & #2 138/69 kV Transmission Line. The Copperstone-Harrisburg Line will be designed and constructed for 138 kV operation, although it initially will operate at 69 kV.

PPL Electric states that in the second part of the Project, the proposed Copperstone Substation will be connected with a different portion of the existing Hummelstown-Harrisburg #3 & #4 69 kV Transmission Line by constructing approximately 0.53 miles of new double circuit 138/96 kV line, initially operated at 69 kV. This will create the new Dauphin-Copperstone #1 & #2 138/69 kV Transmission Line, which is the subject of a subsequent filing with the Commission.

In Part 3 of the Project, PPL Electric will construct two new 230 kV taps to

connect with the proposed Copperstone Substation. One tap will be the proposed Middletown Junction-Copperstone 230 kV Tap, and the other tap will be the proposed Copperstone-North Lebanon 230 kV Tap. These taps will connect the proposed Coppertone Substation with the existing Metropolitan Edison Middletown Junction-North Lebanon 230 kV Transmission Line by splitting this line in the area of the proposed Copperstone Substation. Part 3 of the Project is the subject of a subsequent filing with the Commission.

According to PPL Electric, the Copperstone Substation and the three separate transmission lines are needed to relieve projected overloads on PPL Electric's 230 kV and 69 kV transmission systems in central Dauphin County.

PPL Electric states that studies conducted for PPL Electric's system, in conjunction with the PJM Regional Transmission Expansion Process ("RTEP"), revealed that several violations of the North American Reliability ("NERC") standards are likely to occur on PPL Electric's 230 kV electric system in central Dauphin County under N-1-I¹ conditions in the summer of 2012. The studies indicated the following N-1-I conditions would cause overloads:

- By the summer of 2012, under forecasted summer peak load conditions, a forced outage of the Dauphin-Juniata 230 kV Transmission Line and a subsequent outage of the Hummelstown-Middletown Junction #1 230 kV Transmission Line would overload the Hummelstown-Middletown Junction #2-Steel Tap 230 kV Transmission Line.
- By the summer of 2012, under forecasted summer peak load conditions, a forced outage of the Dauphin-Juniata 230 kV Transmission Line and subsequent outage of the Hummelstown-Middletown Junction #2-Steel Tap 230 kV Transmission Line would overload the Hummelstown-Middletown Junction #1 230 kV Transmission Line.

¹ An N-1-1 condition is defined as one 230 kV line outage, followed by a subsequent second 230 kV line outage.

Also, studies conducted for PPL Electric's transmission system, in conjunction with the PJM RTEP, also revealed that violations of PPL Electric's Reliability Principles and Practices (RP&P) are likely to occur on PPL Electric's 69 Kv system in central Dauphin County in the summer of 2012. The studies indicated that the following overloads would occur for single contingency operations:

- The Dauphin 230-69 kV Substation is designed with two 230-69 kV transformers. By the summer of 2012, under forecasted summer peak load conditions, a forced outage of either transformer at the Dauphin 230-69 kV Substation would overload the remaining transformer.
- The Hummelstown 230-69kV Substation is designed with three 230-69 kV transformers. By the summer of 2012, under forecasted summer peak load conditions, a forced outage of either transformer at the Hummelstown 230-69 kV Substation would overload the remaining 230-69 kV transformers.
- By the summer of 2012, under forecasted summer peak load conditions, a forced outage of the Hummelstown-Harrisburg #1 and #2 69 kV Transmission Line circuits would cause overloads on the Hummelstown-Harrisburg #3 and #4 69 kV Transmission Line circuits.
- By the summer of 2012, under forecasted summer peak load conditions, a forced outage of the Hummelstown-Harrisburg #4 69 kV Transmission Line circuit or the Harrisburg Substation 69 kV bus section #3, would cause overloads on the Hummelstown-Harrisburg #3 69 kV Transmission Line circuit.

PPL Electric states that to resolve these projected violations it plans to construct the proposed Copperstone Substation, together with the three separate transmission lines described above. This reinforcement will resolve all the above-mentioned overloads, and will provide additional capacity for future electric system load growth.

PPL Electric states that the proposed Copperstone-Harrisburg Line, which is Part 1 of the Project and the subject of this Letter of Notification, will be located entirely in South Hanover and Lower Paxton Townships, Dauphin County, Pennsylvania.

According to PPL Electric, the Copperstone-Harrisburg Line will be constructed using steel mono-poles that will be either direct embedded or installed on concrete foundations with an approximate above-ground height of 85 to 100 feet. Angles structures and tap structures may be guyed. The proposed line will consist of two circuits, both of which will have three conductors and one overhead ground wire. The power conductors will be 795.0 kc mil (thousands of circular mil)², 30/19 strand aluminum conductor steel reinforced. The overhead ground wire will be 3/8-inch steel and will provide lightning protection for the proposed transmission line.

PPL Electric states that the proposed Copperstone-Harrisburg Line will not create any unreasonable risk of danger to the public health or safety. The Copperstone-Harrisburg Line will be designed, constructed, operated, and maintained in a manner that meets or surpasses all applicable National Electrical Safety Code (“NESC”) minimum standards and all applicable legal requirements.

PPL Electric also states that most of the work for the new Copperstone-Harrisburg Line will be completed on PPL Electric fee-owned property and under existing PPL Electric right-of-way agreements with defined right-of-way widths. Further, PPL Electric has successfully negotiated right-of-way agreements with the owners of the remaining property necessary to construct and maintain the Copperstone-Harrisburg Line. Consequently, no additional land or rights-of-way need to be acquired for the Copperstone-Harrisburg Line.

PPL Electric states that visual impacts of Copperstone-Harrisburg Line are expected to be minimal based on the fact that the Copperstone-Harrisburg Line will be only 1.33 miles in length and will be in the vicinity of existing transmission facilities.

² A circular mil is the cross-sectional area of a wire one mil in diameter, where 1 kc mil = 0.5067 mm².

PPL Electric states that the Copperstone-Harrisburg Line was reviewed with representatives of South Hanover and Lower Paxton Townships and Dauphin County. The Townships and the County have no objection to the Copperstone-Harrisburg Line or Copperstone Substation.

The total estimated cost to design and construct the proposed three-part transmission line Project and Copperstone Substation is approximately \$28 million, which includes the estimated \$2.35 million cost for the proposed Copperstone-Harrisburg Line. Construction is scheduled to start in March 2011, for an in-service date of May 2012.

Contemporaneously with the filing of this Letter of Notification, PPL Electric is filing with the Commission a Petition for a finding that a building to shelter control equipment at the proposed Copperstone 230-69 kV Substation in South Hanover Township, Dauphin County, is reasonably necessary for the convenience or welfare of the public and, therefore, exempt from any local Zoning Ordinance ("Zoning Petition"). The Copperstone-Harrisburg Line will be connected to the proposed Copperstone Substation, including the control equipment building that is the subject of the Zoning Petition. Issues related to the Zoning Petition are interrelated with this Letter of Notification.

Upon review, the Commission finds that the PPL Electric's Letter of Notification and manner in which it was filed conform to the requirements of 52 Pa. Code § 57.72(d)(1)(vi) because the length of the transmission line to be constructed as part of the Project is less than two miles. Moreover, the Commission has reviewed the filing and does not find it to be inconsistent with the applicable law or Commission policy regarding transmission line siting; **THEREFORE,**

IT IS ORDERED:

That the Letter of Notification filed by PPL Electric Utilities Corporation
with respect to the Copperstone – Harrisburg #1 & #2 138/69 kV Transmission Line in
South Hanover and Lower Paxton Townships, Dauphin County, PA, is hereby approved.

BY THE COMMISSION,



Rosemary Chiavetta
Secretary

(SEAL)

ORDER ADOPTED: July 15, 2010

ORDER ENTERED: July 21, 2010