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Jessica R. Rogers

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File #: 2507/140074

August 24, 2012

BY E-FILE

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

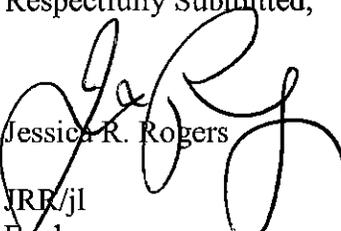
RE: Alan Villano v. PPL Electric Utilities Corporation
Docket No. C-2011-2259758

Dear Secretary Chiavetta:

Enclosed please find the Motion of PPL Electric Utilities Corporation to Dismiss Complaint for Failure to Prosecute in the above-referenced proceeding.

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

Respectfully Submitted,


Jessica R. Rogers

JRR/jl

Enclosures

cc: Honorable Ember S. Jandebour (*via e-mail*)
Certificate of Service

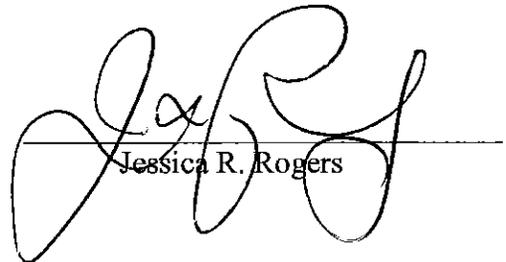
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **Motion to Dismiss** 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 CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Alan Villano
P.O. Box 193
Reeders, PA 18352-0193

Date: August 24, 2012



Handwritten signature of Jessica R. Rogers in black ink, written over a horizontal line. The signature is stylized and cursive.

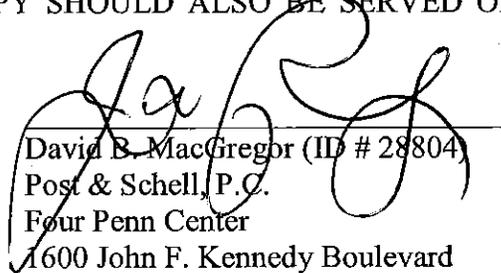
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Alan Villano, :
 :
 Complainant, :
 :
 v. : Docket No. C-2011-2259758
 :
 PPL Electric Utilities Corporation, :
 :
 Respondent. :

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
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Four Penn Center
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Of Counsel:

Post & Schell, P.C.

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

Date: August 24, 2012

Attorneys for PPL Electric Utilities Corporation

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Alan Villano,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2011-2259758
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

**MOTION OF PPL ELECTRIC UTILITIES CORPORATION
TO DISMISS COMPLAINT FOR FAILURE TO PROSECUTE**

TO ADMINISTRATIVE LAW JUDGE EMBER S. JANDEBEUR:

AND NOW comes PPL Electric Utilities Corporation (“PPL Electric”) and files this Motion to Dismiss pursuant to Section 5.103 of the Pennsylvania Public Utility Commission’s (“Commission”) regulations, 52 Pa. Code § 5.103, and requests that the above-captioned Complaint be summarily dismissed for Complainant’s failure to prosecute. 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. On August 30, 2011, Alan Villano (“Complainant”) filed a formal complaint with the Public Utility Commission (“Commission”) against PPL Electric. Complainant’s claim relates to Electric and Magnetic Fields (“EMFs”) allegedly generated by the Appenzell #1 and #2 138 kV Tap Line (“Appenzell Line”), which was then under construction in Monroe County, Pennsylvania. The Commission had approved construction of the Appenzell Line in *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 Appenzell #1 & #2 138 kV Taps in Jackson Township, Monroe County, Pennsylvania*, Docket No. A-2010-2164476 (May 27, 2010). Complainant’s house is located on a tract of land adjacent to the right-of-way in which the Project was being constructed.

5. PPL Electric filed its Answer to the Complaint on September 19, 2011. In its Answer, PPL Electric denied Complainant’s allegations regarding EMFs.

6. On April 23, 2012, Administrative Law Judge Ember S. Jandebeur (the “ALJ”) held a prehearing in which the Complainant and counsel for PPL Electric participated.

7. At the prehearing, the ALJ set a procedural schedule which included a schedule for the submission of written testimony. Complainant's testimony was due on June 29, 2012.

8. Complainant failed to submit his testimony on the date set forth in the procedural schedule. Complainant did not request any extension of time for the filing of his testimony.

9. Counsel for PPL Electric attempted to contact Complainant via telephone on two occasions, as well as sending letters via first class and certified mail. With regard to the telephone calls, Complainant appears to have changed his telephone number. A copy of the letter that was sent via first class mail is included hereto as "Attachment A." PPL Electric did not receive any response to the letter sent via first class mail. The letter that was sent via certified mail was returned marked refused. A copy of the certified letter marked refused is included hereto as "Attachment B" to this motion.

10. Complainant has been provided an additional seven (7) weeks in which to contact the Commission or the Company with regard to the continued prosecution of his complaint. Complainant has not filed his testimony, and has not contacted the Company. Therefore, the Commission should dismiss the Complaint with prejudice for failure to prosecute.

WHEREFORE, PPL Electric Utilities Corporation respectfully requests that the Honorable Administrative Law Ember S. Jandebour enter an order dismissing with prejudice the above-captioned Complaint for failure to prosecute.

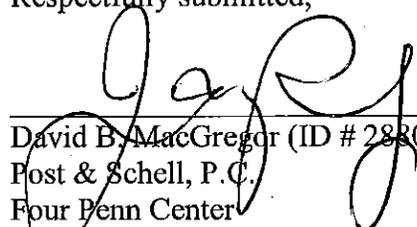
Paul E. Russell (ID # 21643)
Associate General Counsel
PPL Services Corporation
Two North Ninth Street
Allentown, PA 18106
Phone: 610-774-4254
Fax: 215-587-1444
E-mail: perussell@pplweb.com

Of Counsel:

Post & Schell, P.C.

Date: August 24, 2012

Respectfully submitted,


David B. MacGregor (ID # 28804)
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E-mail: jisom@postschell.com
jrogers@postschell.com

Attorneys for PPL Electric Utilities Corporation

ATTACHMENT “A”



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File #: 2507/140074

July 19, 2012

Alan Villano
P.O. Box 193
Reeders, PA 18352-0193

RE: Alan Villano v. PPL Electric Utilities Corporation; Docket No. C-2011-2259758

Dear Mr. Villano:

I am writing you with regard to your testimony in the above referenced proceeding. I have been unable to reach you by telephone. Your direct written testimony was due on June 29, 2012. I did not receive a copy of your testimony. If you have filed your testimony with the Public Utility Commission ("Commission") or directly with Administrative Law Judge Jandebour, please send me a copy of what you have filed. If you have decided not to proceed with your complaint, please contact me directly at (717) 612-6018 so that I can prepare and file the appropriate documents with the Commission.

Very truly yours,

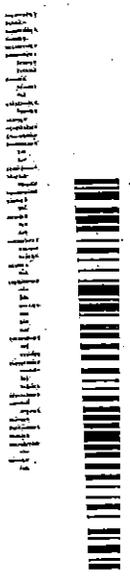
A handwritten signature in black ink, appearing to read "Jessica R. Rogers". The signature is stylized and fluid.

Jessica R. Rogers

JRR/kmg

cc: Honorable Ember Jandebour

ATTACHMENT “B”



7010 0290 0003 0250 9505

ADDRESS SERVICE REQUESTED



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:

Alan Villano
PO Box 193
Reeders, PA 18352-0193

2. Article Number
(transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery

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 C.O.D.

4. Restricted Delivery? (Extra Fee) Yes



ATTORNEYS AT LAW

17 North Second Street
12th Floor
Harrisburg, PA 17101-1601

RTS
RETURN TO SENDER

T O S

INSUFFICIENT ADDRESS OTHER
 ATTEMPTED NOT KNOWN
 NO SUCH NUMBER/ STREET
 NOT DELIVERABLE AS ADDRESSED
 UNABLE TO FORWARD

refused.

1st NOTICE 8/4
2nd NOTICE 8/9
RETURNED 8/9



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Jessica R. Rogers

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717-612-6018 Direct
717-731-1985 Direct Fax
File #: 140074

August 1, 2012

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

Alan Villano
PO Box 193
Reeders, PA 18352-0193

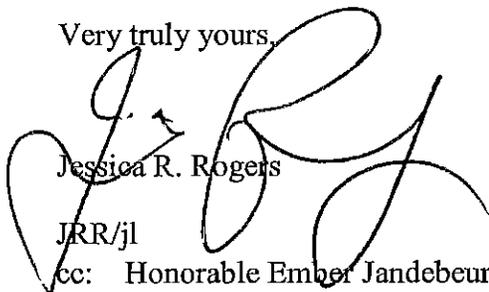
RE: Alan Villano v. PPL Electric Utilities Corporation
Docket No. C-2011-2259758

Dear Mr. Villano:

I am writing you with regard to your testimony in the above referenced proceeding. This letter is a follow-up to my letter dated July 19, 2012. Your direct written testimony was due on June 29, 2012. I contacted Administrative Law Judge Jandebeur, and she informed me that you did not serve a copy of your testimony on her.

If you have decided not to proceed with your complaint, please contact me directly at (717) 612-6018 so that I can prepare and file the appropriate documents with the Commission. If I do not hear from you by August 10th, I will prepare and file a motion to have this case dismissed with prejudice for failure to prosecute.

Very truly yours,



Jessica R. Rogers

JRR/jl

cc: Honorable Ember Jandebeur