



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

Jessica R. Rogers

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

August 30, 2012

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

RE: Daniel Brunda v. PPL Electric Utilities Corporation
Docket No. C-2012-2286040

Dear Secretary Chiavetta:

Enclosed is the Motion of PPL Electric Utilities Corporation to Reopen the Record for the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully Submitted,



Jessica R. Rogers

JRR/jl

Enclosure

cc: Certificate of Service
Honorable Katrina L. Dunderdale (*via Federal Express*)

CERTIFICATE OF SERVICE

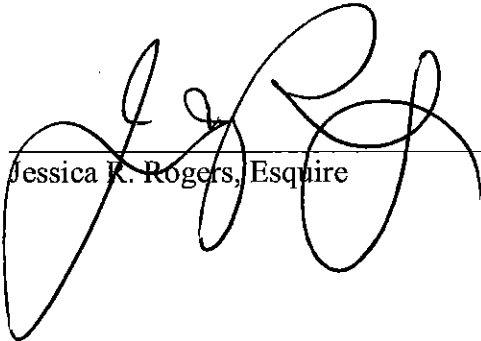
I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

VIA FEDERAL EXPRESS

Edward C. Logan, Esquire
Edward C. Logan, L.L.C.
3490 U.S. Route 1 North, Bldg. 7B
Princeton, NJ 08540

Daniel D. Brunda
106 W. Upper Ferry Road
Apartment 1
Ewing, NJ 08628-2740

DATED: August 30, 2012



Jessica K. Rogers, Esquire

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Daniel Brunda,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2012-2286040
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

**MOTION OF PPL ELECTRIC UTILITIES CORPORATION
TO REOPEN THE RECORD**

TO ADMINISTRATIVE LAW JUDGE KATRINA L. DUNDERDALE:

PPL Electric Utilities Corporation (“PPL Electric”) files this motion to reopen the record in the above-referenced matter pursuant to the Pennsylvania Public Utility Commission’s (“Commission”) regulations at 52 Pa. Code §§ 5.103 and 5.571. In support thereof, PPL Electric states as follows:

I. BACKGROUND

1. On February 1, 2012, Daniel Brunda (“Complainant”) filed a formal complaint with the Commission against PPL Electric. Complainant’s claim relates to Electric and/or Magnetic Fields (“EMFs”) generated by the power lines adjacent to his property in Lansford, Pennsylvania.

2. PPL Electric filed an Answer to the Complaint on February 21, 2012. In its Answer, PPL Electric generally denied Complainant’s allegations regarding EMFs.

3. On March 1, 2012, the Commission issued an Initial Hearing Notice, wherein Administrative Law Judge Katrina L. Dunderdale (“ALJ”) set an initial hearing for April 2, 2012.

4. On March 5, 2012, PPL Electric filed a request for relief asking that the initial hearing scheduled for April 2, 2012, be converted to a prehearing conference. The ALJ granted the Company’s request, and a revised hearing notice was issued on March 13, 2012.

5. On April 2, 2012, a telephonic prehearing conference was held before the ALJ. At the prehearing conference, the parties agreed to the establishment of a procedural schedule that would include prefiled written testimony by both parties.

6. On April 25, 2012, the ALJ issued an order which included a procedural schedule. In that schedule and a telephonic hearing was scheduled for June 21, 2012.

7. As a result of subsequent filings, the telephonic hearing was rescheduled for August 16, 2012.

8. On August 16, 2012, the ALJ presided over a telephonic evidentiary hearing, wherein PPL Electric and the Complainant moved their direct testimony into the record. At the hearing, the Complainant requested that the ALJ take into the record an additional document identified as Complainant’s Exhibit 2, which would be sent to PPL Electric subsequent to the hearing. PPL Electric requested the opportunity to respond to Complainant’s Exhibit 2, and to use its discretion in preparing the appropriate responsive documents. The ALJ allowed PPL Electric’s request, and gave the Company until August 31, 2012 to file its response.

9. The ALJ also provided the Complainant with an opportunity to respond to any documents filed by PPL Electric. Complainant’s response is due by September 10, 2012.

10. For these reasons, and as explained below, the record should be re-opened for the limited purpose of admitting PPL Electric's response to the Complainant's Exhibit 2 as set forth in the Verification attached hereto as "Appendix A."

II. ARGUMENT

11. PPL Electric received Complainant's Exhibit 2 on August 20, 2012.

12. After reviewing the Complainant's Exhibit 2, PPL Electric concluded that the document is primarily the Complainant's opinions on the topics covered in the direct testimony of PPL Electric's expert witness, J. Michael Silva, which was admitted into the record at the hearing. The Complainant's Exhibit 2 does not appear to contain any legal arguments.

13. As a result of this conclusion, PPL Electric believes that a verification from its expert witness discussing the factual allegations contained in Complainant's Exhibit 2 is necessary and appropriate. PPL Electric has included Mr. Silva's Verification with this motion as "Attachment A."

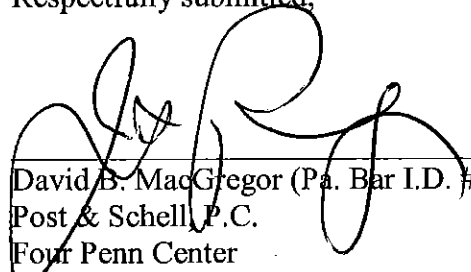
14. Therefore, based on the above stated analysis and pursuant to the ALJ's direction in the hearing held on August 16, 2012, PPL Electric requests that the record be re-opened for the limited purpose of admitting PPL Electric's response to Complainant's Exhibit 2, as set forth in the Verification attached hereto as "Appendix A."

III. CONCLUSION

WHEREFORE, PPL Electric Utilities Corporation respectfully requests that Administrative Law Judge Katrina L. Dunderdale re-open the evidentiary record for the limited purpose of admitting the Verification attached hereto as "Appendix A."

Respectfully submitted,

Paul E. Russell (Pa. Bar I.D. #21643)
Associate General Counsel
PPL Services Corporation
Two North Ninth Street
Allentown, PA 18101
Voice: 610.774.4254
Fax: 610.774.6726
E-mail: perussell@pplweb.com


David B. MacGregor (Pa. Bar I.D. #28804)
Post & Schell, P.C.
Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, PA 19103-2808
Voice: 215.587.1197
Fax: 215.320.4879
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
Voice: 717.731.1970
Fax: 717.731.1985
E-mail: jisom@postschell.com
E-mail: jrogers@postschell.com

Dated: August 30, 2012

Attorneys for PPL Electric Utilities Corporation

APPENDIX A
VERIFICATION OF
J. MICHAEL SILVA

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Daniel Brunda)	
)	
v.)	C-2012-2286040
)	
PPL Electric Utilities Co.)	
<hr/>)	

VERIFICATION OF J. MICHAEL SILVA, P.E.

I, J. Michael Silva, hereby attest and declare as follows:

1. I am the same J. Michael Silva who previously filed direct testimony in this matter. I have reviewed Mr. Brunda’s post hearing submission (“Brunda Exhibit 2”). Many if not most of the statements in Brunda Exhibit 2 demonstrate a fundamental lack of understanding of engineering and technical concepts central to electric and/or magnetic fields (“EMF”), electric power lines, and the role and function of scientific standard setting organizations.
2. For example, Exhibit 2 (p. 1) states that, “computer modeling is not accurate because it is based solely on EMF measurements.” Quite to the contrary, computer calculations (modeling) of EMF levels are conducted when direct measurements may not be possible, such as for a power line that has not been constructed. These calculations are not based on measurements but rather on power line design, line loading conditions and well-established scientific laws and equations. For example, magnetic field calculations are based on Ampere’s Law, one of Maxwell’s equations. These equations form the basis of electromagnetic field theory and are used widely by informed professionals in this field. Mr. Brunda’s statement that such calculations are based on “EMF measurements” shows a fundamental lack of understanding about the scientific principles underlying the study of electromagnetics.
3. Similarly, Exhibit 2 (p. 1) suggests that EMF from power lines are in some way equivalent to radioactive energy from a nuclear reactor. Radioactive decay is the process by which an unstable atomic nucleus emits energy in the form of high energy particles and gamma rays. Radioactive emissions can deliver tremendous amounts of energy. This is not the case for the extremely-low-frequency (60 Hz) EMF from a 12 kV power line or a home appliance such as a hair dryer. The suggestion that EMF from a power line is similar in nature to radioactive energy from a nuclear reactor is fundamentally wrong and misleading.
4. Exhibit 2 (p. 1) states there is a “gross omission” regarding the power line voltages related to my research experience identified on page 3 of my testimony. My engineering and research activities involved a wide range of electric power line designs and voltages ranging from low voltage distribution lines (including 12 kV) up to high voltage transmission lines exceeding 500 kV.

5. Exhibit 2 (p. 1) entirely misconstrues California General Order No. 95 (GO 95) and Resolution SU-25 (January 19, 1994). GO 95 is California's version of the National Electrical Safety Code (NESC). It does not address EMF and does not establish any public exposure limits for EMF. GO 95 is not a health-based standard, with the exception that it does provide for safe electrical clearances, as does the NESC, to avoid physical contact with energized conductors. Resolution SU-25 is a 258 page document listing routine amendments to GO 95 for overhead lines (and GO 128 for underground lines), which include definitions of communications circuit and crossing spans, setting of poles, marking of poles, traffic signals, street light equipment, guys and anchors, and gang operated switches. This type of updating is done every few years. Resolution SU-25 does not address EMF or exposure standards.

6. Exhibit 2 states that the internationally recognized standards by IEEE and ICNIRP are "JUST A LOT OF HOT AIR". The IEEE is one of the leading standards-making organizations in the world, and IEEE standards are relied upon in many areas, including power and energy, biomedical and healthcare, telecommunications, and nanotechnology, among others. ICNIRP is an independent scientific organization that provides expert advice and guidance about EMF in the frequency range from 0 Hz up to 300 GHz, including 60 Hz power frequency EMF. ICNIRP's exposure guidelines have been adopted by national authorities in more than 50 countries. The IEEE and ICNIRP exposure standards for EMF cited in my testimony were developed by committees of scientific experts and have been expressly endorsed by the World Health Organization (WHO), among others. Mr. Brunda may believe, based on his own novel theories, that "THE WHO IS COMPLETELY WRONG" (Exhibit 2, p. 2) about EMF, but WHO nonetheless is a well-recognized international public health agency and recently convened panels of scientific experts to conduct an extensive review of EMF research.

7. Exhibit 2 (p. 2) admits that, "lowering the voltage to 2-4kv clearly requires a reduction of the transmitted power which is not needed in the small non-industrial community of Lansford, PA...." This means Mr. Brunda contemplates that far less electric power would be transmitted over the hypothetical 2 to 4 kV distribution system he seeks, which in turn would require the other citizens, businesses, schools, and medical facilities of Lansford to drastically reduce their use of electric power.

8. In summary, there is nothing unusual about the 12 kV distribution lines near the Brunda property in Lansford, which are typical of the many other miles of distribution lines throughout Pennsylvania and the United States. There also is nothing unusual about the EMF from those lines, which are similar to EMF from many sources in our daily environments and are hundreds of times lower than the EMF exposure levels recommended by credible international expert organizations.

9. I, J. Michael Silva, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

 8-27-2012

J. Michael Silva

President of ENERTECH Consultants