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File #: 140066

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: Petition Of PPL Electric Utilities Corporation For A Finding That A Building To Shelter Control Equipment At The West Hershey 69 - 13 kV Substation To Be Constructed In Derry Township, Dauphin County, Pennsylvania Is Reasonably Necessary For The Convenience Or Welfare Of The Public
Docket No. P-2012-

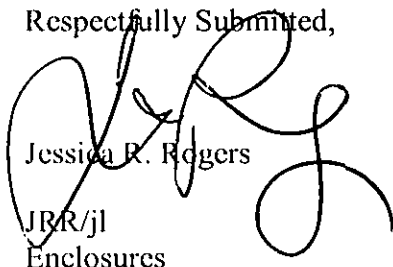
Dear Secretary Chiavetta:

Enclosed, for filing, are an original and three (3) copies of the Petition of PPL Electric Utilities Corporation in the above-referenced proceeding. Also enclosed is a CD containing copies of the Petition and attachments.

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

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

Respectfully Submitted,


Jessica R. Rogers
JRR/jl
Enclosures

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Rosemary Chiavetta, Secretary
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cc: Robert F. Young
Paul T. Diskin
Nicholas Okoro
Kimberly Hafner

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition Of PPL Electric Utilities :
Corporation For A Finding That A Building :
To Shelter Control Equipment At The West :
Hershey 69 - 13 kV Substation To Be : Docket No. P-2012-_____
Constructed In Derry Township, Dauphin :
County, Pennsylvania Is Reasonably :
Necessary For The Convenience Or Welfare :
Of The Public :

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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 West Hershey 69-13 kV Substation ("West Hershey Substation") in Derry Township, Dauphin 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 West Hershey Substation with representatives of Derry

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.

Township and Dauphin 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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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 330 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 West Hershey Substation, together with the West Hershey #1 & #2 138/69 kV Transmission Tap Line ("West Hershey Tap Line") and additional distribution facilities in order to meet the increasing demand for electricity and to improve reliability of service in the Derry Township, Dauphin County area.

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. The area of concern is currently served from the Hershey 69-13 kV Substation and the South Hershey 69-13 kV Substation via each substation's associated 13 kV distribution lines: the Hershey 55-1, Hershey 55-2, Hershey 55-3, Hershey 55-4, Hershey 55-5, Hershey 55-6, Hershey 55-7, Hershey 55-8, South Hershey 54-1, South Hershey 54-2, South Hershey 54-5, South Hershey 55-6, South Hershey 55-7, and South Hershey 55-8 distribution lines. Presently, these 13 kV distribution lines serve more than 9,300 customers in the Derry Township area.

9. PPL Electric has identified four separate issues in the Derry Township, Dauphin County area that will be resolved by the proposed Project. First, loading at the South Hershey 69-13 kV Substation exceeds RP&P guidelines for maximum substation capability. The capability for this substation is 30.4 MVA. The substation reached a peak load of 37.5 MVA during the 2011 summer season and is forecasted to reach a peak load of 37.6 MVA by 2013. As a result, South Hershey Substation cannot accommodate any additional load for future growth, and load shedding may be required during peak summer months for maintenance and other outages.

10. The second issue identified by PPL Electric is that loading at the Hershey 69-13 kV Substation also exceeds PPL Electric's RP&P guidelines for maximum substation capability. The capability for this substation is 29.6 MVA. The substation reached a peak load of 35 MVA during the 2011 summer and is forecasted to reach a peak load of 38 MVA by 2013. As a result, Hershey Substation cannot accommodate any additional load for future growth, and load shedding may be required during peak summer months for maintenance and other outages.

11. The third issue identified by PPL Electric is that loading on the South Hershey 54-1 distribution line exceeds the normal planning guidelines based on PPL Electric's RP&P. The existing South Hershey 54-1 13 kV getaway conductor is a #500 XLP copper conductor located

in a shared duct pack² with two other distribution circuits. The normal planning guideline for this conductor is 9,100 kVA. The distribution line reached a peak load of 10,500 kVA during the 2011 summer, which is *greater than the normal planning guideline but less than the emergency guideline*. However, overloading the South Hershey 54-1 13 kV line could result in conductor damage or failure, which would interrupt service to approximately 2,175 customers until repairs could be made.

12. The final issue identified in this area is that loading on the South Hershey 54-5 distribution line exceeds the normal planning guidelines based on PPL Electric's RP&P. The existing South Hershey 54-5 13 kV getaway conductor is a #500 XLP copper conductor located in a shared duct pack with two other distribution circuits. The normal planning guideline for this conductor is 9,500 kVA. The distribution line reached a peak load of 9,700 kVA during the 2011 summer, which is *greater than the normal planning guideline but less than the emergency guideline*. However, overloading the South Hershey 54-5 13 kV line could result in conductor damage or failure, which would interrupt service to approximately 1,100 customers until repairs could be made.

13. In order to resolve the issues explained above, PPL Electric proposes to construct the West Hershey Tap Line, which will serve the proposed West Hershey 69-13 kV Substation. Two new 13 kV distribution lines will be constructed from the new substation to serve customer load in the area. These system additions will relieve overloading on existing facilities and increase reliability and operating flexibility of the electric distribution system. The proposed West Hershey 69-13 kV Substation will provide critical substation capability and improve reliability in the Hershey area.

² A duct is an underground tube and/or pipe used for enclosing electrical cables.

14. The Project includes the construction of approximately 150 feet of new 138/69 kV transmission line, the proposed West Hershey Tap Line. The new West Hershey Tap Line will connect the Reese Candy #1 and #2 138/69 kV Transmission Tap Line to the proposed substation, which will supply the proposed West Hershey Substation. The new West Hershey Substation, in turn, will supply two new 13 kV distribution lines.

15. Contemporaneously with this Petition, PPL Electric is filing with the Commission the *Letter Of Notification Of PPL Electric Utilities Corporation, Filed Pursuant To 52 Pa. Code Chapter 57 Subchapter G, With Respect To The West Hershey #1 And #2 138/69 kV Transmission Tap Line In Derry Township, Dauphin County, Pennsylvania* (hereinafter the “Letter of Notification”). With the Letter of Notification, PPL Electric filed Attachments 1 through 6, which provide additional detailed information regarding the West Hershey Tap Line. The Letter of Notification and its accompanying Attachments are incorporated herein by reference.

16. 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 3 to Attachment 1 of the Letter of Notification.

17. A one-line diagram of the transmission facilities in the area, as altered by the Project, is provided in Figure 2 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 West Hershey Tap Line, the West Hershey Substation, and the distribution lines that will be supplied by the West Hershey Substation.

18. The Project will improve reliability of service in Derry Township by reducing the load on the existing Substations, as well as the distribution lines supplied by those Substations.

19. The estimated total cost of the Project, including the West Hershey Tap Line, West Hershey Substation, and related distribution lines is approximately \$2.5 million. Project construction is scheduled to begin in April 2013, in order to meet a scheduled in-service date of May 2014.

20. The new West Hershey 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 West Hershey Substation is to protect the control equipment from the elements so that the line equipment, and the entire substation, can function properly.

21. 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.

22. The West Hershey Substation will be surrounded by a high fence to prevent entry by unauthorized persons. The fenced area for the West Hershey Substation will be 104 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 present dangers to untrained persons.

23. The West Hershey Substation will be on an approximately 2.19 acre parcel of land owned in fee by PPL Electric.

24. PPL Electric's distribution planning department selected a general location for the substation, and then developed its selection based on proximity to a source line, distribution lines, the location of the load being served and the location of other substations in the area and other factors.

25. Provided as Attachment A hereto is an aerial map showing the location of PPL Electric's tract of land on which the proposed West Hershey Substation, together with the required Control Equipment Building, will be constructed. An aerial map in Attachment 2 of the Letter of Notification also depicts the tract of land for the proposed transmission line associated with the Project, which will connect the West Hershey Substation with the transmission grid.

26. 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.

27. As explained above, the West Hershey Substation, together with the West Hershey Tap Line and additional distribution facilities, are necessary to alleviate violations of the RP&P in Derry Township. The proposed facilities will provide additional capacity for future electric system load growth. The West Hershey 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 West Hershey Substation Site is to provide that protection.

28. Because the West Hershey Substation is reasonably necessary for the public convenience and welfare and because the Control Equipment Building is necessary to properly operate the West Hershey Substation, the Commission should find that the Control Equipment Building is reasonably necessary and, therefore, exempt from the Derry 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 DERRY TOWNSHIP ZONING ORDINANCE

29. 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.

30. Derry Township has adopted a zoning ordinance. *See The Zoning Ordinance of Derry Township, Ordinance of January 23, 1996, as amended (“Zoning Ordinance”).*³ The area where the substation will be located is zoned industrial.

31. With respect to public utility facilities, the Derry Township zoning ordinance defines a public utility building as follows:

A building which is used for the administration or functioning of public or private utility, not including a communications equipment building as defined in this article.

See Zoning Ordinance, Article II § 225-8.

The structure proposed in this zoning petition should be considered a utility building. Under the Zoning Ordinance, public utility service structures are a permitted use in areas zoned industrial. *See Zoning Ordinance, Article XVIII § 225-73.* Article XVIII imposes certain limitations on the construction of permitted structures in industrial areas, as described in Section 225-76 of the Zoning Ordinance.

32. The Derry Township Zoning Ordinance recognizes that public utility buildings may be exempt from local regulation, including the height limitation which is found in Section 225-76. The Zoning Ordinance states as follows:

The Zoning Hearing Board may grant a special exception to permit public utility service structures to exceed the maximum height regulations when the Board finds that the proposal does not adversely affect the health, safety or welfare of the general public

³ A copy of the complete Zoning Ordinance can be found at the Derry Township website. The URL is as follows: <http://www.ccode360.com/11769913>.

or adversely affect the use and value of abutting properties and when the applicant can demonstrate a public need for the structures that could not be accommodated if the structures were not constructed to a height in excess of this chapter's maximum height limitations. This special exception procedure shall not be available in or applicable to the Airport Safety Zone Overlay District.

See Zoning Ordinance. Chapter 27 § 225-172(C). It is unclear if the Derry Township Zoning Ordinance applies to other aspects of public utility service structures, including lot size and dimensions, as well as yard requirements.

33. In addition, the Zoning Ordinance requires a minimum vegetative cover of 30% of the lot. § 225-76(e). 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 West Hershey Substation; however, PPL Electric does not have any plans to plant additional vegetation to meet the 30% requirement. Nor should PPL Electric be held to the 30% requirement, as such a requirement may interfere with the safe operation of the substation and associated facilities.

34. Under the Zoning Ordinance, if the Commission does not make the finding under Section 619 of the MPC, PPL Electric could be required to obtain a building permit prior to constructing the Control Equipment Building. § 225-209.

35. If PPL Electric were required to obtain a building 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 West Hershey Substation and transmission lines associated with the project, which are reasonably necessary for the convenience or welfare of the public.

36. Making the finding under Section 619 of the MPC would not be contrary to the interests of Derry Township. The proposed Project, including the Control Equipment Building,

was reviewed with representatives of Derry Township and Dauphin County. The Township and the County had no objection to the West Hershey 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 Derry Township, the Derry Township Planning Commission, Dauphin County, and the Dauphin County Planning Commission.

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

38. The West Hershey Substation is necessary in order for PPL Electric to continue to provide adequate and reliable service. The proposed substation will alleviate overloading on the existing substations in Derry Township, as well as on surrounding 13 kV distribution lines providing service to customers in the area. The West Hershey Substation is needed to improve the reliability of electric service in the area.

39. 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 Derry Township Zoning Ordinance that may, in Derry Township's opinion, impose any restriction, condition, or regulation on the construction of the Control Equipment Building.

IV. RELATED PROCEEDINGS

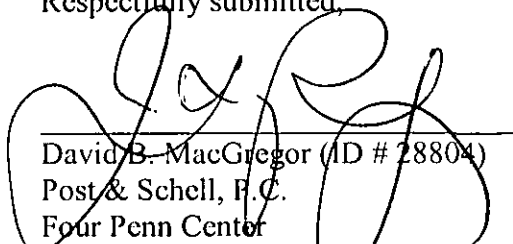
40. Contemporaneously herewith, PPL Electric filed with the Commission the Letter of Notification for the West Hershey Tap Line. There, PPL Electric is requesting approval for the siting and construction of the West Hershey Tap Line, which will be connected to the proposed West Hershey Substation, including the Control Equipment Building that is the subject

of this Zoning Petition. Issues relating to the necessity for and location of the West Hershey Tap Line 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 West Hershey 69-13 kV Substation is reasonably necessary for the convenience or welfare of the public and, therefore, is exempt from the Zoning Ordinance of Derry Township.

Respectfully submitted,


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Of Counsel:
Post & Schell, P.C.
Date: August 30, 2012

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Attorneys for PPL Electric Utilities Corporation

VERIFICATION

I, Stephanie Raymond, being the General Manager of Transmission and Substations 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: 8-23-12



Stephanie Raymond

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **Zoning Petition** 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**

Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101-1923

Dauphin County Board of Commissioners
PO Box 1295
Harrisburg, PA 17108
ATTN: Jeffrey T. Haste, Chairperson

Bureau of Investigation & Enforcement
PO Box 3265
Commonwealth Keystone Building
400 North Street, 2nd Floor West
Harrisburg, PA 17105-3265

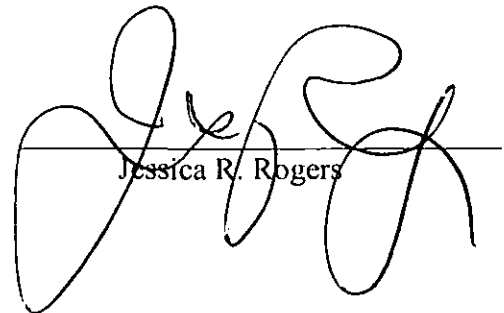
Derry Township Planning Commission
600 Clearwater Road
Hershey, PA 17033
ATTN: Ned Wehler, Chairperson

Office of Small Business Advocate
Commerce Building
300 North Second Street, Suite 1102
Harrisburg, PA 17101

Derry Township Board of Supervisors
600 Clearwater Road
Hershey, PA 17033
ATTN: E. Christopher Abruzzo, Chairperson

Dauphin County Planning Commission
Dauphin County Veterans Memorial Building
112 Market Street, 2nd Floor
Harrisburg, PA 17101
ATTN: Thomas Clark, Chairperson

Date: August 30, 2012



Jessica R. Rogers

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