

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PPL Electric Utilities :
Corporation for a Finding that a Building to :
Shelter Control Equipment at the :
Breinigsville 500-138-69 kV Substation to : Docket No. P-2012-_____
be Constructed in Upper Macungie :
Township, Lehigh County, Pennsylvania is :
Reasonably Necessary for the Convenience :
or Welfare of the Public :

PETITION OF PPL ELECTRIC UTILITIES CORPORATION

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

PPL Electric Utilities Corporation (“PPL Electric”) hereby petitions the Pennsylvania Public Utility Commission (“Commission”), pursuant to 52 Pa. Code § 5.41 and 53 P.S. § 10619, for a finding that a building to shelter control equipment (“Control Equipment Building”) at the proposed Breinigsville 500-138-69 kV Substation (“Breinigsville Substation”) in Upper Macungie Township, Lehigh County, Pennsylvania is reasonably necessary for the convenience or welfare of the public and, therefore, exempt from any local zoning ordinance (“Zoning Petition”).¹ Construction is scheduled to commence as soon as practical following Commission approval to meet a required in-service date of May 2015. In support of this Zoning Petition, PPL Electric states as follows:

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.

I. INTRODUCTION AND OVERVIEW

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

2. PPL Electric's address is as follows:

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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 and 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 kV (kilovolts) or higher, approximately 375 substations with a capacity of 10 MVA (megavolts ampere) or more, and approximately 43,000 miles of distribution lines operating at less than 69 kV.

II. PROJECT SUMMARY

A. OVERVIEW

6. PPL Electric proposes to build the new Breinigsville Substation to resolve violations of the PJM Interconnection, L.L.C. (“PJM”) Reliability Planning Criteria as defined in “Manual 14B: PJM Region Transmission Planning Process” (PJM Manual 14B) and PPL Electric’s Reliability Principles and Practices (RP&P), to meet increasing load, and to maintain reliable electric service to customers in portions of the Upper Macungie, Lower Macungie, and Upper Milford Townships of Lehigh County.

7. In preparation for the construction of the new Breinigsville Substation, on June 29, 2012, PPL Electric filed a Letter of Notification with the Commission at Docket No. A-2012-2312665. Therein, PPL Electric sought Commission approval of the following: (1) re-routing approximately 3,300 feet of the existing AT&T #1 and #2 138/69 kV Tap Line (AT&T Tap Line) to create the required space for construction of the new Breinigsville Substation; (2) splitting and re-terminating approximately 1,525 feet of the existing Albertis-Wescosville 500 kV Transmission Line into the new Breinigsville Substation; and (3) constructing approximately 325 feet of new double-circuit new Breinigsville-Wescosville #1 & #2 138/69 kV Transmission Line (“Breinigsville-Wescosville Transmission Line”) to connect the relocated portion of the

AT&T Tap Line to the 69 kV yard at the new Breinigsville Substation. On September 13, 2012, the Commission approved the Breinigsville Letter of Notification.² Collectively, the Breinigsville Substation and the construction, relocation, and re-termination of the associated transmission lines are referred to as the “Breinigsville Project.”

8. The estimated cost of the proposed Breinigsville Project is approximately \$43.8 million, which includes \$2,900,000 for the constructing and relocation of the associated transmission lines. The Project’s overall in-service date is May 2015.

9. A further explanation of the proposed Breinigsville Project is provided in “Appendix A,” which is the Attachments accompanying the Letter of Notification previously approved by the Commission at Docket No. A-2012-2312665. The Commission’s Order approving the Letter of Notification at Docket No. A-2012-2312665 is provided in “Appendix B.”

B. NEED FOR THE PROJECT

1. Transmission Planning

10. The North American Electric Reliability Corporation (“NERC”) has developed mandatory reliability standards, which define the reliability requirements for planning and operating transmission systems in North America. The NERC Reliability Standards apply to all users, owners, and operators of the nation’s interconnected transmission grid, including PPL Electric. NERC achieves compliance through monitoring, audits, investigations, the imposition of financial penalties, and other enforcement actions for non-compliance. PPL Electric’s transmission planning has adopted and incorporated the NERC Reliability Standards. A further description of the NERC Reliability Standards is provided in Attachment 1 of Appendix A.

² In the Order approving the Breinigsville Letter of Notification, the Commission stated that the Letter of Notification was not inconsistent with the applicable law or Commission policy regarding transmission line siting. *Slip Op.* at 7.

11. PJM is the Federal Energy Regulatory Commission-approved Regional Transmission Organization charged with ensuring the reliability of the electric transmission system under its functional control and coordinating the movement of electricity in all or parts of thirteen states and the District of Columbia, including most of Pennsylvania. PPL Electric, as an owner of transmission facilities in Pennsylvania, is a member of PJM and actively participates in the PJM transmission planning process.

12. In order to ensure reliable transmission service, PJM prepares an annual Regional Transmission Expansion Plan (“RTEP”) to identify system reinforcements that are required to, among other things, meet the mandatory NERC Reliability Standards. A further description of PJM’s RTEP process is provided in Attachment 1 of Appendix A.

13. PJM has developed the PJM Reliability Planning Criteria as set forth in the PJM Manual 14B. The PJM Reliability Planning Criteria consist of multiple standards and applicable planning principles that include PJM planning procedures, NERC Planning Standards, NERC Regional Council planning criteria, Reliability First Corporation Standards, and Transmission Owner-defined reliability criteria (in this case, the PPL Electric RP&P). PJM applies all applicable planning criteria when identifying reliability problems and determining the need for transmission system upgrades in the PJM service territory. As a transmission owner in the PJM service territory, PPL Electric is required to follow the PJM Reliability Planning Criteria.

14. PPL Electric undertakes an independent analysis of both its bulk electric system (BES) transmission facilities, which include transmission facilities operated at voltages of 100 kV or higher and are under the functional control of PJM, and its non-bulk electric system transmission facilities. The PPL Electric planning guidelines are outlined in the RP&P, which was developed to ensure adequate and appropriate levels of electric service to its customers

consistent with good utility practice. The PPL Electric RP&P for the bulk electric system is consistent with the NERC Reliability Standards and PJM Reliability Planning Criteria. A further description of PPL Electric's system planning process is provided in Attachment 1 of Appendix A.

15. The Necessity Statement for the proposed Breinigsville Project is provided as Attachment 1 of Appendix A. As explained in greater detail therein, the purpose of the project is to resolve reliability violations of the PJM Reliability Planning Criteria and PPL Electric RP&P, to meet increasing load growth, and to maintain reliable electric service to customers in portions of the Upper Macungie, Lower Macungie, and Upper Milford Townships of Lehigh County.

2. Existing System

16. Customers in the western portion of Lehigh County primarily are served by the Wescosville 500-230-138-69 kV Substation ("Wescosville Substation"). Presently, approximately 27,000 customers (approximately 300 MVA of load) in western Lehigh County are served from the 69 kV yard at the Wescosville Substation.

17. The Wescosville Substation is supplied by the existing Susquehanna-Wescosville-Alburtis 500 kV Line, which is connected to the 500 kV yard

18. The Wescosville Substation currently has four transformers: the T1 138-69 kV transformer, the T2 230-69 kV transformer, the T3 500-138 kV transformer, and the T4 138-69 kV transformer.

19. The 138 kV yard at the Wescosville Substation is supplied by the T3 500-138 kV transformer. The 138 kV yard feeds four 138 kV lines and the T1 and T4 138-69 kV transformers at the Wescosville Substation.

20. The T1 and T4 138-69 kV transformers at the Wescosville Substation feed the 69 kV yard. The 69 kV yard feeds six 69 kV lines, including the Wescosville-Trexlerstown #1, #2,

#3, and #4 138/69 kV Transmission Lines. The AT&T Tap Line is connected to and supplied by the Wescosville-Trexlerstown #1 & #2 138/69 kV Transmission Line.

21. The T2 230-69 kV transformer at the Wescosville Substation can also supply the 69 kV yard. However, due to the criticality of the 69 kV bus at the Wescosville Substation, the T2 230-69 kV transformer does not normally carry load and serves as an emergency backup source in the event of a loss of one of the T1 or T4 138-69 kV transformers.

22. The basic functional arrangement of the existing transmission system in the region is shown in Figure 1 of Attachment 1 of Appendix A.

3. Reliability Violations

23. The violations of the PJM Reliability Planning Criteria and PPL Electric RP&P were first identified in the 2010 RTEP, which was approved by the PJM Board in November 2010. Specifically, the 2010 RTEP identified a load loss violation and a thermal overload for an N-1 event.

24. Load growth in the western Lehigh area has been increasing beyond normal load growth projections with new industrial, commercial, and residential loads. As a result, the Wescosville Substation serving customers in this region has become heavily loaded.

25. PPL Electric's transmission planning studies indicate that, by the summer of 2015, the peak load on the 69 kV yard at the Wescosville Substation will be approximately 300 MVA. A failure to relieve the loading on the Wescosville Substation could result in thermal damage to either the T1 or T4 138-69 kV transformer, an N-1 event, if either transformer were lost. This could put approximately 300 MVA of load, approximately 27,000 customers, served by the Wescosville Substation at risk of being interrupted. This load loss would violate the PJM Reliability Planning Criteria identified in Manual 14B, which limits load loss to 300 MW for all criteria tests.

26. Although the T2 230-69 kV transformer could be placed into network operation via Supervisory Control and Data Acquisition (“SCADA”) by the Transmission System Operator, it would only be able to restore approximately 230 MVA of load. Further, due to the limited transfer capability of the existing system, only approximately 40 MVA of load could be supplied from alternate sources. Consequently, if either the T1 or T4 transformer were lost, about 30 MVA of load would experience an extended interruption until a mobile transformer could be installed on an emergency basis.

27. A contingency loss of either the T1 or T4 138-69 kV transformer at the Wescosville Substation, an N-1 event, also will overload the remaining transformer to 112% of its summer 2-hour emergency rating³ of 269 MVA, which would be a violation of both the PPL Electric RP&P guidelines and PJM Planning Criteria.⁴

28. Although the T2 230-69 kV transformer at the Wescosville Substation could be placed into network operation via SCADA control, it would only slightly reduce the loading on the remaining 138-69 kV transformer. As such, even with the support of the T2 230-69 kV transformer, the load on the remaining 138-69 kV transformer would be approximately 100% of its one month thermal rating⁵ of 231 MVA.

29. In addition, a contingency loss of the T3 500-138 kV transformer at the Wescosville Substation, and N-1 event, would result in an 8% voltage drop on the networked 138 kV lines between the Wescosville Substation and the Siegfried 230-138-69 kV Substation.

³ The 2 hour emergency rating is used for the initial loss of one transformer. The remaining transformers must be below the 2 hour emergency rating after the loss of the first transformer.

⁴ If the T1 138-69 kV transformer were lost, the T4 138-69 kV transformer would become overloaded and vice versa.

⁵ The one month thermal rating is used after another transformer is put in service via SCADA to relieve the loading on the remaining transformer. It takes approximately one month to install a replacement transformer.

This voltage drop would violate the maximum allowable voltage drop of 5% permitted after a contingency as set forth in both the PPL Electric RP&P guidelines and PJM Planning Criteria.

30. Further, a double-circuit outage of the Wescosville-Trexlerstown #1 & #2 138/69 kV Transmission Line would initially interrupt approximately 150 MW of load. The load interrupted by this contingency would exceed the RP&P guideline for maximum allowable load drop due to a double-circuit outage, which only allows a maximum of 120 MW of load to be interrupted for up to 2 hours until manual switching can be completed.

31. In addition, a single-circuit outage of either circuit on the Wescosville-Trexlerstown #1 or #2 138/69 kV Transmission Line would initially interrupt approximately 75 MW of load. The load interrupted by this contingency would exceed the RP&P guideline for maximum allowable load drop due to a single-circuit outage, which only allows a maximum of 60 MW of load to be interrupted for up to 2 hours until manual switching can be completed.

32. The Wescosville-Trexlerstown #1 & #2 138/69 kV Transmission Line normally has open ties to the Wescosville-Trexlerstown #3 & #4 138/69 kV Transmission Line. However, transferring load from the Wescosville-Trexlerstown #1 & #2 138/69 kV Transmission Line to the Wescosville-Trexlerstown #3 & #4 138/69 kV Transmission Line to reduce loading below the RP&P guidelines for maximum allowable load drop is not a viable option because this Line is also heavily loaded.

33. A further explanation of the need for the proposed Breinigsville Project is provided in Attachment 1 of Appendix A.

C. THE PROPOSED PROJECT

34. To resolve the reliability criteria violations described above, PPL Electric proposes to construct the new Breinigsville Substation⁶ and connecting lines.

35. The Breinigsville Project is being carefully planned to coordinate with and take advantage of a planned outage of the Susquehanna-Wescosville-Alburtis 500 kV Transmission Line that ultimately will be re-terminated and connected to the proposed Breinigsville 500-138-69 kV Substation.⁷ The Project's overall in-service date is May 2015.

36. The new Breinigsville Substation will provide load relief for the T1 and T4 138-69 kV transformers at the Wescosville Substation, as well as load relief for the Wescosville-Trexlerstown #1 & #2 138/69 kV Transmission Line. The new Breinigsville Substation will enable approximately 120 MVA of load to be transferred from the heavily loaded Wescosville Substation.

37. Upon completion of the Breinigsville Substation, the load on each of the T1 and T4 138-69 transformers at the Wescosville 500-230-138-69 kV Substation will be reduced from approximately 150 MVA to 85 MVA of load during the summer of 2015.

38. Further, the loading on the Wescosville-Trexlerstown #1 & #2 138/69 kV Transmission Line will be reduced from approximately 80 MVA to approximately 20 MVA during the summer of 2015.

⁶ Although a temporary 69 kV yard will temporarily be installed at the Breinigsville 500-138-69 kV Substation, the Substation will be designed to accommodate the future 500 – 138 kV arrangement. Conversion to 138 kV is expected within 10 years from the installation of the Substation.

⁷ As explained in the Breinigsville Letter of Notification, the proposed Project will be completed as follows: (1) re-routing a segment of the existing AT&T Tap Line is scheduled to begin in October 2012 and be completed by May 2013 to accommodate the scheduled construction of the new Breinigsville Substation; (2) splitting and re-terminating the existing Alburtis-Wescosville 500 kV Transmission Line into the Breinigsville Substation is scheduled to begin by October 2012 to coordinate with planned outages of the Susquehanna-Wescosville-Alburtis 500 kV Transmission Line; and (3) constructing the new double-circuit Breinigsville-Wescosville Transmission Line to connect the relocated AT&T Tap Line with the Breinigsville Substation is scheduled to coordinate with the construction of the Breinigsville Substation and be completed by May 2015.

39. In addition, the new Breinigsville Substation will allow for the implementation of the future plan to convert the area to 138 kV operation. Load from Wescosville Substation will be transferred to Breinigsville Substation while the 138 kV yard at the Wescosville Substation is expanded to accommodate additional 138 kV bays.

40. The new Breinigsville Substation and connecting lines will resolve all the identified violations of the PJM Planning Criteria and PPL Electric RP&P. A further explanation of the proposed Breinigsville Project is provided in the Appendix A, which is the Attachments accompanying the Letter of Notification previously approved by the Commission at Docket No. A-2012-2312665.

41. The new Breinigsville Substation will include a Control Equipment Building. The Breinigsville Substation must include certain switches, relays, and other control equipment to control the flow of electricity into, within, and from the substation. In order to function properly, much of this equipment must be protected from the elements. The purpose of the Control Equipment Building is to protect the control equipment at the proposed Breinigsville Substation from the elements so that the control equipment, and the entire substation, can function properly.

42. The Control Equipment Building will be approximately 60 feet by 60 feet. It will be constructed on a concrete slab. The exterior walls will be constructed of corrugated aluminum. 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 the limits required for the control equipment to operate properly. The Control Equipment Building will not be intended for human occupancy; there will be no supply of water and no sanitary facilities.

43. The Breinigsville Substation will be surrounded by an 8-foot high fence to prevent entry by unauthorized persons. The fenced area for the Breinigsville Substation will be varying approximately 555 feet by 775 feet. Access to the Substation, including the Control Equipment Building, must be limited because the high voltages at which the substation will operate present hazards to untrained persons. The Control Equipment Building will be contained within the fenced perimeter of the Substation.

44. The Breinigsville Substation will be located on a 62-acre tract of land in Upper Macungie Township, Lehigh County. The entire 62-acre site for the proposed Breinigsville Substation is owned in fee by PPL Electric. The Breinigsville Substation fence area will only occupy approximately 8.5 acres.

45. The new Breinigsville Substation will be more centrally located to the load it will serve. Further, the location of the Breinigsville Substation is advantageous because the relocated AT&T Tap Line, re-terminated Wescosville-Alburtis 500 kV Transmission Line, and new Breinigsville-Wescosville Transmission Line traverse the substation site for the Breinigsville Substation, which is owned in fee by PPL Electric. By siting the Breinigsville Substation within close proximity to the associated transmission lines, PPL Electric can minimize the length of transmission lines necessary to connect the Substation to the electric grid,⁸ as well as minimize the costs and environmental impacts of the connecting the associated lines to the Substation.

⁸ The re-located AT&T Tap Line will require approximately 3,300 feet of transmission line to connect the relocated portion of the AT&T Tap Line to the 69 kV yard at the new Breinigsville Substation. The re-terminated Wescosville-Alburtis 500 kV Transmission Line will require approximately 1,525 feet of transmission line to split and terminated the Wescosville-Alburtis 500 kV Transmission Line to the 500 kV yard at the new Breinigsville Substation. The new Breinigsville-Wescosville Transmission Line will require approximately 325 feet of new double-circuit new Breinigsville-Wescosville #1 & #2 138/69 kV Transmission Line to connect the new line to the 138 kV yard at the Breinigsville Substation.

46. Provided as "Appendix C " hereto is an exhibit showing the location of the tract of land on which the proposed Breinigsville Substation, together with the Control Equipment Building, will be constructed.

III. EXEMPTION FROM LOCAL ZONING

47. 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 municipality may zone a public utility building unless the Commission determines that the building is reasonably necessary for the convenience or welfare of the public. If the Commission finds that the building is reasonably necessary, the building is exempt from local zoning ordinances under the MPC. *Del-AWARE Unlimited, Inc. v. Pa. P.U.C.*, 513 A.2d 593, 596 (Pa. Cmwlth. 1986).

48. As explained above, and more fully in the previously approved Breinigsville Letter of Notification and supporting Attachments at Docket No. A-2012-2312665, the Breinigsville Substation, together with the associated transmission lines, is necessary to resolve reliability violations of the PJM Reliability Planning Criteria and PPL Electric RP&P, to meet increasing load growth, and to maintain reliable electric service to customers in portions of the Upper Macungie, Lower Macungie, and Upper Milford Townships of Lehigh County. The Breinigsville Substation must include certain control equipment in order to operate properly, and said equipment must be protected from the elements. The most efficient and appropriate means

of protecting the equipment at this substation is construction of a Control Equipment Building on the site proposed for the Breinigsville Substation.

49. Because the Breinigsville Substation is reasonably necessary for the public convenience and welfare, the Commission should find that the Control Equipment Building is reasonably necessary and, therefore, exempt from the Upper Macungie 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).

IV. THE UPPER MACUNGIE TOWNSHIP ZONING ORDINANCE

50. 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 Regulations provides:

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

(2) Siting electric transmission lines.

(3) Siting a public utility "building" under section 619 of the Municipalities Planning Code (53 P.S. § 10619)....

52 Pa. Code § 69.1101.

51. Upper Macungie Township has adopted a zoning ordinance.⁹ See UPPER MACUNGIE TOWNSHIP ZONING ORDINANCE, *as amended* (2011) (hereinafter “UMT ZONING ORDINANCE”). Under the Zoning Ordinance, a construction permit, zoning permit, and building permit are required for the construction of any building or structure. See UMT ZONING ORDINANCE, Article 2, § 202, pp. 57-58, Article 10, Section 1006, p. 226.

52. The UMT ZONING ORDINANCE defines a “building” as any structure, or part thereof, having a permanent roof and intended for the shelter, work area, housing or enclosure of persons, animals, vehicles, equipment or materials and that has a total area under roof of greater than 50 cubic feet. See *id.*, Article 2, § 202, p. 35. In turn, the UMT ZONING ORDINANCE defines a “structure” to include any man-made object having an ascertainable stationary location on land. See *id.*, Article 2, § 202, p. 68.

53. The UMT ZONING ORDINANCE also provides that any structure shall be subject to the principal or accessory setbacks of the Zoning Ordinance unless specifically exempted. See *id.*, Article 2, § 202, p. 68. With respect to electrical substation, the UMT ZONING ORDINANCE provides that electrical substations with outdoor structures at least 10 feet in height are required to provide evergreen screening on the sides of the substation that are within 150 feet of a dwelling, undeveloped residentially zoned land, expressway, or arterial street. See *id.*, Article 3, § 306(D)(2), p. 92. Further, the UMT ZONING ORDINANCE requires specific fencing parameters for electrical substations, as well as specific set backs for each zoning district. See *id.*, Article 3, § 307, and Article 4, § 403(D)(6)(c)(3).

54. The site for the proposed Breinigsville Substation currently is zoned as a R1 Rural Residential District. The UMT ZONING ORDINANCE provides that, unless exempted, public

⁹ The UMT ZONING ORDINANCE is not attached to this Petition because it is 245 pages in length. It is, however, publicly available at the home page for Upper Macungie Township, Lehigh County, Pennsylvania under “2011 Upper Macungie Township Zoning Ordinance Book.” Available at: <http://www.uppermac.org/zoning.html>.

utility facilities are not permitted, as a permitted use or by special exemption, in any residential district, including R1 Rural Residential Districts. *See id.*, Article 3, § 306, p. 82.

55. Notwithstanding the foregoing, the UMT ZONING ORDINANCE expressly recognizes that public utilities may be exempt from zoning and local regulation under Section 619 of the MPC. *See id.*, Article 1, Section 114, p. 20. Therefore, consistent with Section 619 of the MPC, the UMT ZONING ORDINANCE provides that a public utility building is exempt from local zoning upon a finding by the Commission that the building is necessary for the convenience or welfare of the public.

56. Based on the foregoing, in the absence of a finding by the Commission under Section 619 of the MPC, it is unlawful under the UMT ZONING ORDINANCE for PPL Electric to commence work on and begin to use the Control Equipment Building at the Breinigsville Substation until zoning, construction, and/or building permits have been obtained. *See id.*, Article 1, § 107(A), p. 10. In order to obtain such permits, PPL Electric must follow the permitting procedures set forth in the UMT ZONING ORDINANCE, including the payment of fees. *See id.*, Article 1, §§ 104, 118-119, and Article 10, § 1007. If PPL Electric were required to obtain zoning, construction, and/or building permits prior to the construction and use of the Control Equipment Building, the process, including appeals from adverse determinations, could consume substantial time, which could delay the construction of the Breinigsville Substation, and associated transmission facilities, which are reasonably necessary for the convenience or welfare of the public as explained above.¹⁰ Construction on the Breinigsville Project is scheduled to

¹⁰ The lack of authority for a local municipality to regulate the design, location, or construction of public utility facilities is consistent with the long line of cases holding that public utilities are exempt from local ordinances. *See Duquesne Light Company v. Monroeville Borough*, 449 Pa. 573, 580, 298 A.2d 252, 256 (1972) (“This Court has consistently held, however, that the Public Utility Commission has exclusive regulatory jurisdiction over the implementation of public utility facilities”) (citations omitted). *See, e.g., County of Chester v. Philadelphia Elec. Co.*, 420 Pa. 422, 218 A.2d 331 (1966) (holding that regulation by a multitude of jurisdictions would result in “twisted and knotted” public utilities with consequent harm to the general welfare); *Newtown Twp. v. Philadelphia*

begin as soon as practical following Commission approval to meet a required in-service date of May 2015. The required in-service date is the date the proposed facilities need to be placed in service to prevent equipment overloads that have the potential to damage existing facilities and, thereby, cause the interruption of service to customers.

57. PPL Electric has provided information to representatives of Upper Macungie Township and Lehigh County describing the Breinigsville project. These entities have not objected to the project. Further, as indicated in the attached certificate of service, PPL Electric is serving a copy of this Zoning Petition on the Upper Macungie Township Planning Board, Upper Macungie Township Board of Supervisors, Lehigh County Commissioners, and Lehigh Valley Planning Commission.¹¹

58. In addition, in all of its interactions with Lehigh County, Upper Macungie Township, and their respective planning commissions, PPL Electric will continue to apply its long-standing policy of cooperating with local governments.

59. For these reasons, PPL Electric requests that the Commission find that the Control Equipment Building at the proposed Breinigsville Substation is reasonably necessary for the convenience or welfare of the public and is, therefore, exempt from the requirements of the UMT ZONING ORDINANCE that may, in the Upper Macungie Township's opinion, impose any

Elec. Co., 594 A.2d 834, 837 (Pa. Cmwlth. 1991) (noting that "it is clear that no 'implied' power exists in the MPC which would allow the Township to regulate [the Philadelphia Electric Company] through its subdivision and land development ordinance"); *Heintzel v. Zoning Hearing Bd. of Millcreek Twp.*, 533 A.2d 832 (Pa. Cmwlth. 1987) (holding that township had no power to regulate, under its zoning ordinance, city's erection of water tower because that power was under the exclusive jurisdiction of the PUC); *South Coventry Twp. v. Philadelphia Elec. Co.*, 504 A.2d 368 (Pa. Cmwlth. 1986) (noting that to possibly subject [the Philadelphia Electric Company] to a miscellaneous collection of regulations upon its system would clearly burden and indeed disable it from successfully functioning as a utility); *Commonwealth v. Delaware and Hudson Railway Co.*, 339 A.2d 155 (Pa. Cmwlth. 1975) (holding that the MPC did not authorize local governments to regulate public utilities in any manner which infringes upon the power of the Commission to so regulate).

¹¹ PPL Electric also notes that it served a copy of the previously approved Breinigsville Letter of Notification on these municipal entities. These municipal entities did not intervene, object to, or otherwise oppose the Breinigsville Project.

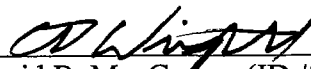
restriction, condition, or regulation on the construction of the Control Equipment Building at the Breinigsville Substation.

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 Breinigsville 500-138-69 kV Substation is reasonably necessary for the convenience or welfare of the public and, therefore, is exempt from the Zoning Ordinance of the Upper Macungie Township.

Respectfully submitted,

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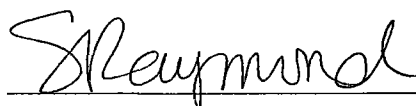
Date: October 2, 2012

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: 9/26/12



Stephanie Raymond