



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

Christopher T. Wright

cwright@postschell.com
717-612-6013 Direct
717-731-1985 Direct Fax
File #: 140066

November 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 Gas Insulated Switchyard Building and a Building to Shelter Control Equipment at the Proposed Sunbury 500 kV Gas Insulated Switchyard to be Constructed in Monroe Township, Snyder 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.

Respectfully Submitted,

Christopher T. Wright

CTW/jl

Enclosures

cc: Certificate of Service
Robert F. Young
Paul T. Diskin
Nicholas Okoro
Kimberly Hafner

RECEIVED
2012 NOV 30 PM 2:23
PA PUC
SECRETARY'S BUREAU

ALLENTOWN HARRISBURG LANCASTER PHILADELPHIA PITTSBURGH PRINCETON WASHINGTON, D.C.

A PENNSYLVANIA PROFESSIONAL CORPORATION

10246735v1

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PPL Electric Utilities :
Corporation for a Finding that a Gas :
Insulated Switchyard Building and a :
Building to Shelter Control Equipment at the : Docket No. P-2012-_____
Proposed Sunbury 500 kV Gas Insulated :
Switchyard to be Constructed in Monroe :
Township, Snyder County, Pennsylvania is :
Reasonably Necessary for the Convenience :
or Welfare of the Public :

RECEIVED
2012 NOV 30 PM 2:23
PA PUC
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 new Gas Insulated Switchyard ("GIS") building and building to shelter control equipment ("Control Equipment Building") at the proposed new Sunbury 500 kV GIS in Monroe Township, Snyder County, Pennsylvania are reasonably necessary for the convenience or welfare of the public and, therefore, exempt from any local zoning ordinance ("Zoning Petition").¹ Subject to the Commission's approval, construction of this Project is scheduled to begin in June 2013, to support an in-service date of May 2015. In support of this Zoning Petition, PPL Electric states as follows:

¹ PPL Electric believes its GIS and control equipment buildings are not "buildings" 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:

PPL Electric Utilities Corporation
Two North Ninth Street
Allentown, Pennsylvania 18101

3. PPL Electric's attorneys are:

Paul E. Russell (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 (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

John H. Isom (Bar I.D. #16569)
Christopher T. Wright (Bar I.D. # 203412)
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: cwright@psotschell.com

RECEIVED
2012 NOV 30 PM 2:23
PA PUC
SECRETARY'S BUREAU

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.

6. Contemporaneously herewith, PPL Electric is filing a Letter of Notification seeking Commission approval to re-terminate approximately 400 feet of the existing Sunbury-Susquehanna #2 500 kV Transmission Line into a new dead-end structure for the new Sunbury 500 kV GIS at the Sunbury 500-230-138-69 kV Substation ("Sunbury LON"). The re-termination of the Sunbury-Susquehanna #2 500 kV Transmission Line is necessary to provide a 500 kV power source to the new Sunbury 500 kV GIS. PPL Electric's Sunbury LON and supporting Attachments are incorporated herein by reference.

II. PROJECT SUMMARY

A. OVERVIEW

7. The existing and aged Sunbury 500 kV GIS located at the Sunbury Substation is *no longer supported by the vendor*. The vendor who supplied the original equipment for the existing 500 kV GIS no longer offers support or parts for this equipment. Consequently, any equipment failure within the Sunbury 500 kV GIS would result in extended outages, for at least one month, while replacement parts are obtained. In addition, several components of the Sunbury 500 kV GIS have been identified by PPL Electric's Engineering group as being at risk of failure.

8. PPL Electric proposes to replace the existing Sunbury 500 kV GIS with a new 500 kV GIS. In order to connect the new Sunbury 500 kV GIS to the electric grid, PPL Electric seeks Commission approval to re-terminate approximately 400 feet of the existing Sunbury-Susquehanna #2 500 kV Transmission Line into a new dead-end structure for the new Sunbury 500 kV GIS.

9. This Project will resolve maintenance concerns that PPL Electric has with the existing Sunbury 500 kV GIS. This Project also will resolve violations of PPL Electric's RP&P, help ensure compliance with the operation limits set forth in PJM's Manual for Transmission Operations as defined in PJM Manual 03: Transmission Operations, Revision 40 (June 1, 2012), and improve reliability and increase operating flexibility in central Pennsylvania.

10. The total cost of the Project, including the construction of the new Sunbury 500 kV GIS and re-termination of the transmission line, is estimated at \$33,076,000. The estimated cost to re-terminate the Sunbury-Susquehanna #2 500 kV Transmission Line is \$258,900.

11. Subject to the Commission's approval, construction of this Project is scheduled to begin by October 2014 to meet a required in-service date of May 2015.

12. PPL Electric does not require any additional right-of-way for the re-termination of the Sunbury –Susquehanna #2 500 kV Transmission Line.

13. An aerial plot plan is provided at the end of Attachment 2 to the Sunbury LON. The plot plan depicts the location of the existing transmission facilities for this Project.

B. NEED FOR THE PROJECT

1. Transmission Planning

14. 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.

15. PJM has developed the PJM Manual for Transmission Operations to establish operational limits and guidelines for transmission owners within the PJM service territory. Transmission owners within the PJM service territory are required to operate their transmission systems in compliance with the PJM Manual for Transmission Operations.

16. 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 (non-BES) 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 PJM Manual for Transmission Operations. A further description of PPL Electric's system planning process is provided in Attachment 1 to the Sunbury LON.

17. The Necessity Statement for the proposed Sunbury Project is provided as Attachment 1 to the Sunbury LON. As explained in greater detail therein, the purpose of the project is to resolve reliability violations of the PPL Electric RP&P, maintain compliance with the PJM Manual for Transmission Operations, and to improve the reliability of the BES serving central Pennsylvania.

2. Existing System

18. The Sunbury 500-230-138-69 kV Substation is located at the Sunbury Generating LLC power station in Monroe Township, Snyder County. The Sunbury 500-230-138-69 kV

Substation contains five switchyards: two at 69 kV, one at 138 kV, one at 230 kV, and one at 500 kV.

19. Two transmission lines terminate at the existing Sunbury 500 kV GIS: the Sunbury-Susquehanna # 2 500 kV Transmission Line, and the Juniata-Sunbury 500 kV Transmission Line.² The Sunbury 500 kV GIS receives and provides 500 kV supply by way of these two Lines. The Sunbury Substation also serves local customer load by way of 69 kV circuits.

20. The existing Sunbury 500 kV GIS is also connected to the Sunbury 230 kV Switchyard through the 500/230 kV Transformer T24, which transforms or steps-up the voltage from 230 kV to 500 kV. The Sunbury 500 kV GIS also receives power from the 230 kV transmission system through Transformer T24 by way of 230 kV transmission lines that terminate at the Sunbury 230 kV Switchyard.

21. A further description of the existing system is provided in Attachment 1 to the Sunbury LON.

3. Need to Replace the Existing Sunbury 500 kV GIS

22. The Sunbury 500 kV GIS is critical to the reliability of the BES and interconnected transmission grid serving central Pennsylvania.

23. The existing Sunbury 500 kV GIS is approximately 30 years old (installed in 1982). The vendor that supplied the original equipment for the existing Sunbury 500 kV GIS no longer offers support or parts for this equipment. Therefore, any equipment failures within the

² Although the Juniata-Sunbury 500 kV Transmission Line terminates at the existing Sunbury 500 kV GIS, this Line will not be re-terminated as part of this project. The Juniata-Sunbury 500 kV Transmission Line will be re-terminated via gas piping and an existing switchyard dead-end structure. No new transmission line is required for the Juniata-Sunbury 500 kV Transmission Line.

Sunbury 500 kV GIS would result in extended outages, for at least one month, while replacement parts are obtained.

24. In addition, PPL Electric's Engineering Group has identified several components of the Sunbury 500 kV GIS as being at risk of failure.

25. The lack of readily-available spare parts and the potential for equipment failures in the near future qualify the existing Sunbury 500 kV GIS for replacement under PPL Electric's RP&P.

26. Further, an unplanned outage (contingency) of the Transformer T24 would exceed the applicable transfer limits of the central Pennsylvania BES. Transfer limits are used to limit the total flow across the transmission paths to protect the system from large voltage drops or collapse caused by a contingency. This would be a violation of the PJM Manual for Transmission Operations.

27. In addition, the unplanned outage of the Sunbury-Susquehanna #2 500kV transmission line or the Juniata-Sunbury 500 kV Transmission Line or the loss of the Sunbury 500kV GIS switchyard would cause the BES serving the area to exceed the stability limits. PJM established stability limits to prevent electrical separation of a generating unit or a portion of a regional transmission operator from the electric grid. The loss of any one of these facilities would require operating personnel to reduce Susquehanna generator unit #2 to 900MW until the Lines are put back into service to avoid this stability concern. Further, if during this time the Susquehanna-Wescosville-Alburtis 500kV Transmission Line also has a unplanned outage, the special protection scheme (SPS) at Susquehanna will trip off line the Susquehanna generator unit #2 to avoid a stability concern.

28. To mitigate both the transfer and stability limit issues, and maintain compliance with the PJM Manual for Transmission Operations, the Sunbury 500 kV GIS, including the T24 Transformer and the two 500 kV transmission lines connected to the GIS, must be maintained as a highly reliable and operating substation.

29. A further description of the need for the Sunbury Project is provided in Attachment 1 to the Sunbury LON.

C. THE PROPOSED PROJECT

30. In order to resolve the reliability, maintenance, and operations issues described above, PPL Electric, with approval from the Commission, plans to re-terminate approximately 400 feet of the existing Sunbury-Susquehanna #2 500 kV Transmission Line into the new 500 kV dead-end structure at the proposed Sunbury 500 kV GIS.

31. Replacement of the existing 500 kV GIS will increase the reliability of this switchyard and alleviate concerns about future maintenance problems with the existing 500 kV GIS. The proposed Sunbury Project will resolve the violations of PPL Electric's RP&P and help ensure compliance with the PJM Manual for Transmission Operations.

32. A further explanation of the proposed Sunbury Project is provided in the Attachments accompanying the to the Sunbury LON.

33. The new Sunbury 500 kV GIS will include a GIS Building. The purpose of the building is to house and protect the GIS equipment and allow construction and maintenance during weather extremes.

34. The GIS Building will be approximately 180 feet by 46 feet. It will be steel framed metal building built on a concrete slab foundation.

35. The new Sunbury 500 kV GIS also will include a Control Equipment Building. The Sunbury 500 kV GIS 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 Sunbury 500 kV GIS from the elements so that the control equipment, and the entire substation, can function properly.

36. The Control Equipment Building will be approximately 60 feet by 40 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.

37. The Sunbury 500-230-138-69 kV Substation and associated transmission line connections are located adjacent to and within the fenced area of the Sunbury Generating LLC coal fired generating station, located along South Old Trial Road in Monroe Township. The substation is further fenced from the power station in an area controlled by PPL via locked gates. Access to the Substation, including the GIS and Control Equipment Buildings, must be limited because the high voltages at which the 500 kV GIS will operate present hazards to untrained persons. The GIS and Control Equipment Buildings will be contained within the fenced perimeter of the Substation.

38. The entire site for the proposed Sunbury Project is within the existing easement owned by PPL Electric for the Sunbury 500 kV GIS.

39. The new Sunbury 500 kV GIS will be located next to the existing 500 kV GIS that it will replace. This arrangement will minimize the length of transmission lines needed to

connect the Sunbury 500 kV GIS to the electric grid, as well as minimize the costs and environmental impacts of the connecting the associated lines to the new Sunbury 500 kV GIS.

40. Provided as “**Appendix A**” on the compact disk filed with this Petition is an exhibit showing the location of the tract of land on which the proposed Sunbury 500 kV GIS, together with the GIS and Control Equipment Buildings, will be constructed.

III. EXEMPTION FROM LOCAL ZONING

41. 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).

42. As explained above, and more fully in the Sunbury LON and supporting Attachments, the Sunbury 500 kV GIS, together with the re-terminated Sunbury-Susquehanna #2 500 kV Transmission Line, is necessary to increase the reliability of this switchyard, alleviate future maintenance problems with the existing 500 kV GIS, resolve the violations of PPL Electric’s RP&P, and help maintain compliance with the PJM Manual for Transmission Operations. The Sunbury 500 kV GIS must include certain 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 GIS is construction of GIS and Control Equipment Buildings on the site proposed for the new Sunbury 500 kV GIS.

43. Because the Sunbury 500 kV GIS is reasonably necessary for the public convenience and welfare, the Commission should find that the GIS Building and Control Equipment Building are reasonably necessary and, therefore, exempt from the Monroec 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 MONROE TOWNSHIP ZONING ORDINANCE

44. 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.

45. Monroe Township has adopted a zoning ordinance. See MONROE TOWNSHIP ZONING ORDINANCE, *as amended* (January 29, 2008). Provided as “**Appendix B**” on the compact disk filed with this Petition is a copy of the MONROE TOWNSHIP ZONING ORDINANCE.

46. Under the Zoning Ordinance, public utility buildings and structures are Conditional Uses in every zoning district in Monroe Township.³ A Conditional Use is only permitted upon application to and approval from the Township Board of Supervisors following a public hearing. See MONROE TOWNSHIP ZONING ORDINANCE, Article 2, *passim*, and Article 7, Section 700.

47. In order to be eligible for a Conditional Use, the applicant must demonstrate compliance with the following general criteria:

- A. Where appropriate, there should be the presence of adjoining compatible uses.
- B. The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance and shall not be detrimental to the health, safety, or welfare of the neighborhood.
- C. The proposed use shall not detract from the use or enjoyment or character of adjoining or nearby properties or cause land deterioration or potentially decrease the value of surrounding properties.
- D. The proposed use will not effect a change in character of the subject property’s neighborhood.
- E. Adequate public facilities are available to serve the proposed use (e.g., schools, fire, police and ambulance protection, sewer, water and other utilities, parks, vehicular access, recreation, etc.)
- F. For development within the Floodplain that the application complies with those requirements listed in Section 217 of this Ordinance and the necessity of the development to be located in the floodplain.

³ Although the matrix found on page 2 of the Zoning Ordinance indicates that public utility buildings and structures are Permitted Uses, the Zone Regulations for each zoning district indicates that public utility buildings and structures are Conditional Uses. See MONROE TOWNSHIP ZONING ORDINANCE, Article 2.

G. The proposed use shall comply with those criteria specifically listed in the Specific Criteria and General Regulations of this Ordinance. In addition, the proposed use must comply with all other applicable regulations of this Ordinance.

H. The proposed use shall not impair the integrity of the Township's Comprehensive Plan.

I. The parking, traffic, and pedestrian access shall be in conformance with those specified in Section 303, 304 and elsewhere in this Ordinance.

J. The proposed use is compatible with the existing traffic conditions and adjacent uses.

K. Screening, landscaping, and slope are sufficient to prevent negative impact upon surrounding uses and shall comply with Article 3 and Section 216.

L. The use of this site complies with the requirements of any other public agency having jurisdiction over the proposed use.

M. Operations in connection with a conditional use shall not be more objectionable to nearby properties than would be the operations of the permitted use.

See MONROE TOWNSHIP ZONING ORDINANCE, Article 7, Section 700. PPL Electric reasonably believes that the proposed Sunbury Project complies with the foregoing general criteria of the Monroe Township Zoning Ordinance.

48. In addition to the above-mentioned general criteria, a Conditional Use must also comply with specific criteria under Article 7 of the Zoning Ordinance. With respect to public utility buildings and structures, the Conditional Use must meet the following requirements:

In the R-1, R-2, R-3, and V Zones, the permitted building shall not include the storage of vehicles or equipment used in the maintenance of any utility and no equipment causing unreasonable noise, vibration, smoke, odor, or hazardous effect shall be installed.

Un-housed equipment shall be enclosed with a fence or wall not less than six (6) feet in height which shall be so constructed as not to have openings, holes or gaps larger than six (6) inches in any dimension.

When equipment is totally enclosed within a building, no fence or screen planting shall be required and the yard shall be maintained *in conformity with the zone in which the building is located.*

The Board of Supervisors may require additional screening for Public Utility Buildings/Structures located in a Residential or Village Zone.

See MONROE TOWNSHIP ZONING ORDINANCE, Article 7, Section 714. PPL Electric reasonably believes that the proposed Sunbury Project complies with the specific criteria required under Section 714 of the Monroe Township Zoning Ordinance.

49. In addition to the foregoing, a zoning permit must be obtained prior to the erection, construction, reconstruction, addition, conversion, alteration, enlargement, repair, moving, demolition or use of any building, structure, or portion thereof. A zoning permit is also required prior to the use or change in use of a building, structure, or land. *See* MONROE TOWNSHIP ZONING ORDINANCE, Article 8, Section 800.1.

50. Further, a use certificate is required before use of any structure or land, as well as before any change in the use of a structure or land. *See* MONROE TOWNSHIP ZONING ORDINANCE, Article 8, Section 800.2.

51. Based on the foregoing, in the absence of a finding by the Commission under Section 619 of the MPC, it is unlawful under the Monroe Township Zoning Ordinance for PPL Electric to commence work on and begin to use of the GIS and Control Equipment Buildings.

52. Although PPPL Electric reasonably believes that the proposed Sunbury Project will comply with the applicable general and specific criteria, PPL Electric would be required to obtain conditional use approval for the GIS and Control Equipment Buildings, as well as a zoning permit and use certificate. In order to obtain such approvals, PPL Electric must follow the permitting procedures set forth in the Zoning Ordinance, including the payment of fees. *See* MONROE TOWNSHIP ZONING ORDINANCE, Article 8, Section 805.

53. If PPL Electric were required to obtain zoning and/or use permits prior to the construction and use of the GIS and Control Equipment Buildings, the process, including any appeals from adverse determinations, could consume substantial time, which could delay the construction of the Sunbury Project, which is reasonably necessary for the convenience or welfare of the public as explained above.⁴

54. Construction of the Sunbury Project is scheduled to begin in June 2013, to support an in-service date of May 2015.

55. PPL Electric has provided information to representatives of Monroe Township and Snyder County describing the Sunbury 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 Monroe Township Board of Supervisors, the Snyder County Commissioners, and the Snyder County Office of Planning.

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

⁴ 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 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).

57. For these reasons, PPL Electric requests that the Commission find that the GIS and Control Equipment Buildings at the proposed new Sunbury 500 kV GIS are reasonably necessary for the convenience or welfare of the public and are, therefore, exempt from the requirements of the Monroe Township Zoning Ordinance that may, in the Township's opinion, impose any restriction, condition, or regulation on the construction of the GIS and Control Equipment Buildings at the Sunbury Substation.

V. RELATED PROCEEDINGS

58. Contemporaneously with the filing of this Zoning Petition, PPL Electric is filing with the Commission the Sunbury LON. Therein, PPL Electric is requesting approval for the re-terminatio approximately 400 feet of the existing Sunbury-Susquehanna #2 500 kV Transmission Line into a new dead-end structure for the new Sunbury 500 kV GIS, including the GIS and Control Equipment Buildings that are the subject of this Zoning Petition. Issues relating to the necessity for the re-termination of the Sunbury-Susquehanna #2 500 kV Transmission Line are interrelated with this Zoning Petition.

59. Pursuant to 52 Pa. Code § 57.75(i)(1), PPL Electric requests that these related proceedings be consolidated for purposes of hearings, if necessary, and decision.

RECEIVED
2012 NOV 30 PM 2:24
PA PUC
SECRETARY'S BUREAU

VI. CONCLUSION

WHEREFORE, PPL Electric Utilities Corporation respectfully requests that the Pennsylvania Public Utility Commission find that the Gas Insulated Switchyard Building and Control Equipment Building proposed by PPL Electric Utilities Corporation at the Sunbury 500-230-138-69 kV Substation are reasonably necessary for the convenience or welfare of the public and, therefore, are exempt from the Zoning Ordinance of the Monroe Township.

Respectfully submitted,



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: 215-320-4879
E-mail: dmacgregor@postschell.com

Paul E. Russell (ID # 21643)
Associate General Counsel
PPL Services Corporation
Office of General Counsel
Two North Ninth Street
Allentown, PA 18106
Phone: 610-774-4254
Fax: 610-774-6726
E-mail: perussell@pplweb.com

John H. Isom (ID # 16569)
Christopher T. Wright (ID # 203412)
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
E-mail: cwright@postschell.com

Of Counsel:
Post & Schell, P.C.

Date: November 30, 2012

Attorneys for PPL Electric Utilities Corporation

RECEIVED
2012 NOV 30 PM 2:24
PA PUC
SECRETARY'S BUREAU

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**

Snyder County Office of Planning
Snyder County Courthouse
PO Box 217
Middleburg, PA 17842

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

Snyder County Board of Commissioners
PO Box 217
9 West Market Street,
Middleburg, PA. 17842

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

Monroe Township Supervisors
39 Municipal Drive
Selinsgrove, PA 17870

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

Sunbury Generating LLC
PO Box 517
Shamokin Dam, PA 17876

Date: November 30, 2012



Christopher T. Wright

RECEIVED
2012 NOV 30 PM 2:23
PA PUC
SECRETARY'S BUREAU