

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of PPL Electric Utilities Corporation :  
under 15 Pa. C.S. § 1511(c) for a finding and :  
determined that the service to be furnished by :  
the applicant through its proposed exercise of the :  
power of eminent domain to acquire a right of way :  
and easement over and across the lands of the :  
following property owners in Lower Mahanoy :  
Township, Northumberland County, Pennsylvania :  
:  
Randall Clark : A-2011-2267352  
:  
John & Evelyn Zeiders : A-2011-2267353  
:  
Roy & Cindy Maurer : A-2011-2267416  
:  
Ronald & Dianne Mace : A-2011-2267418  
:  
The Shoop Family Trust c/o Edwin & Denny Shoop : A-2011-2267426  
:  
Gary & Dorene Lahr : A-2011-2267429  
:  
Elijah & Faye Lahr : A-2011-2267446  
:  
And the following property owners in Perry :  
Township, Snyder County, Pennsylvania :  
:  
Michael & Logan Wendt : A-2011-2267349  
:  
for the proposed Richfield-Dalmatia 69 kV :  
transmission tie line is necessary or proper for the :  
service, accommodation, convenience or safety :  
of the public :  
:  
Application of PPL Electric Utilities Corporation :  
under 15 Pa. C.S. § 1511(c) for a finding and :  
determination that the service to be furnished by :  
the applicant through its proposed exercise of the :  
power of eminent domain to acquire a right of way : A-2011-2267448  
and easement over and across the lands of Marvin :  
Roger Hess and Leona Hess for the proposed :  
Richfield-Dalmatia 69 kV transmission tie line and :

Meiserville 69-12 kV substation in Susquehanna :  
Township, Juniata County, Pennsylvania is :  
necessary or proper for the service, accommodation :  
convenience or safety of the public :

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**PROTESTANTS' ANSWER TO MOTION OF PPL ELECTRIC UTILITIES  
CORPORATION TO STRIKE CERTAIN PORTIONS OF THE REPLY EXCEPTIONS  
OF PROTESTANTS OR IN THE ALTERNATIVE,  
MOTION FOR LEAVE TO RESPOND**

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Date: February 21, 2013

Pursuant to Section 5.103(c) of the Commissions' regulations, 52 Pa. Code §5.103(c), Protestants, Marvin Roger Hess and Leona Hess, Ronald and Dianne Mace, Roy and Cindy Maurer and The Shoop Family Trust ("Protestants"), hereby submit this Answer to the Motion of PPL Electric Utilities Corporation to Strike Certain Portions of the Reply Exceptions of Protestants or, in the Alternative, a Motion for Leave to Respond filed with the Commission on February 1, 2013. Protestants respectfully submit that the Motion to Strike should be denied because Protestants did not submit any "extra record" evidence in their Reply to Exceptions and PPL Electric has not been prejudiced by Protestants' discussion of the worst performing list data repeatedly referenced and relied upon by PPL Electric throughout this proceeding.

### **Introduction**

Throughout its Application, evidence and briefs, PPL Electric sought to justify its Project by repeatedly insisting that the "36-02" Circuit was on the list of worst-performing circuits for "16 of the last 31 quarters." The lists PPL Electric itself repeatedly referenced in its case were its own quarterly reports filed with the Commission at Docket No. L-00030161. Protestants pointed out, in their Reply to Exceptions, that the 36-02 circuit was not on the list for 15 of the most recent quarters, including the quarter when the Application was filed. PPL objected, arguing that it is somehow unfair to PPL for Protestants and the Commission to be aware of this truth by looking at the filings PPL made and expressly cited in its case. Notably, PPL acknowledges in its motions the truth and accuracy of Protestants' assertion.

As Mark Twain famously noted, "There are lies, damn lies, and statistics." PPL wants the Commission to accept its "16 of 31 quarters" statistic, but to avert its eyes from the "only 1 of most recent 16 quarters" statistic. Both are true and both should be considered. PPL and Protestants both accurately characterized the very same filings and neither introduced the actual

filings. Where PPL states that a circuit appears 16 of 31 quarters on a list, it is fair to note that the circuit appeared only once in the most recent 16 quarters on the very same list. Imagine the reaction if the Commission asked the legislature for new computers because “for 16 of the last 31 years, the Commission had no computers.” Yes, PPL indeed may be “prejudiced” by the Protestants’ truthful and accurate reference to PPL’s own filings, but PPL is not *unfairly* prejudiced by the reference. Accordingly, the Motion to Strike and the Motion for Leave to Respond should be denied.

In support of their Answer, Protestants submit the following:

**I. ANSWER TO MOTION**

1. Admitted.

2. Admitted.

3. Denied. It is specifically denied that PPL Electric filed Exceptions to the Recommended Decision (“R.D.”) on January 15, 2013. PPL Electric’s Exceptions to the R.D. were filed on January 14, 2013.

4. Admitted.

5. Admitted in part, denied in part. It is admitted that PPL Electric repeatedly stated that the Dalmatia 36-02 circuit was on the list filed with the Commission pursuant to 52 Pa. Code § 57.195(e) of PPL Electric’s worst performing five percent of circuits in the past. It is specifically denied that Protestants’ Reply to Exceptions improperly relied upon or cited to extra-record evidence. Protestants simply relied upon and referenced the very same information that PPL Electric relied upon and cited throughout this proceeding. It is specifically denied that quarterly report information repeatedly referenced and relied upon by PPL Electric is not part of the record of this proceeding. To the contrary, PPL Electric has specifically referenced the worst

performing circuit list nearly one hundred times in documents filed and testimony presented during this proceeding.<sup>1</sup> In its Exceptions, PPL Electric devoted a significant amount of discussion to the presence of the 36-02 circuit on the worst performing circuit list.<sup>2</sup> PPL Electric raised the issue of the worst performing circuit list in its Exceptions and Protestants, in their Reply to Exceptions, addressed the potentially misleading nature of the statistic offered by PPL Electric.

6. Admitted in part, denied in part. It is admitted that it is improper to present new evidence or testimony at the exception stage of a Commission proceeding. It is specifically denied that Protestants' Replies to Exceptions improperly presented "new" evidence or testimony at the exception stage of the present proceeding. It is also specifically denied that PPL Electric was deprived of any opportunity to test the reasonableness of the new evidence or to present evidence in response. The information complained of by PPL Electric can be found in reports prepared by PPL Electric and filed with the Commission at Docket No. L-00030161. The worst performing circuit lists, therefore, carry a presumption of accuracy. PPL Electric should have no need to test the reasonableness of data compiled and submitted to the Commission by PPL Electric itself. It is specifically denied that Protestants' Reply to Exceptions raised any new arguments or presented any new evidence that violated the due process rights of PPL Electric in this matter. PPL Electric itself repeatedly referenced and relied upon the worst performing circuit lists to support the purported necessity for the project proposed in PPL Electric's Application in this matter and rejected by the R.D. By way of further response,

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<sup>1</sup> PPL Electric referenced the worst performing circuit list forty times in its Exceptions and eighteen times in its Main Brief, including six references in its Proposed Findings of Fact. The R.D. referred to the worst performing circuit data ten times, including five instances within the Findings of Fact.

<sup>2</sup> PPL Electric referenced the worst performing circuit list forty times in its Exceptions alone.

the filings referenced by Protestants in their Reply to Exceptions were documents filed by PPL Electric to a docket previously cited by PPL Electric in this proceeding, including in PPL Electric's Exceptions. Such filings do not constitute testimony or evidence, but rather regulatory filings that are more akin to Public Utility Commission decisions than extra-record evidence.

7. Admitted in part, denied in part. It is admitted only that Protestants acknowledged that the Commission may prefer to take judicial notice of the worst performing circuit reports to correct PPL Electric's failure to include the actual reports in the record. PPL Electric's attempt to characterize Protestants' discussion of the worst performing circuit list data as a reliance on facts not otherwise in evidence is disingenuous. The worst performing circuit list information was referenced nearly one hundred times throughout this proceeding.

8. Denied. It is specifically denied that the taking of judicial notice is inappropriate under the present circumstances. Remarkably, PPL Electric claims that it has been prejudiced by a discussion of regulatory filings submitted and repeatedly referenced by PPL Electric throughout this proceeding. PPL Electric prepared and filed the worst performing circuit report with the Commission. PPL Electric also proffered a response to Protestants' discussion of the worst performing circuit list, but yet did not dispute that the 36-02 circuit was not on the worst performing circuit list for fifteen consecutive quarters beginning in 2008 and continuing through the filing of PPL Electric's Application. In fact, the information presented in Appendix A to PPL Electric's Motion to Strike clearly demonstrates that the 36-02 circuit was absent from the worst performing circuit list for fifteen consecutive quarters and did not reappear until after the Application was filed.<sup>3</sup> PPL Electric chose to repeatedly reference and rely upon the presence of the 36-02 circuit on the worst performing circuit list to support the necessity of the project and

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<sup>3</sup> Table 1 actually demonstrates that the 36-02 circuit was absent for sixteen consecutive quarters beginning with the second quarter of 2008 and continuing through the second quarter of 2012.

chose to concoct an awkward statistic in an effort to better its Application. Protestants' discussion of the very same information does not prejudice PPL Electric in any way, except perhaps to point out PPL Electric's exaggeration.

9. Admitted in part, denied in part. It is admitted that the Commission has held that it is inappropriate to offer public documents into evidence through Exceptions. It is specifically denied that the cases cited by PPL Electric in Paragraph 9 of its Motion to Strike are applicable to the present facts or present a similar situation. Here, PPL Electric has repeatedly presented, referenced and relied upon the worst performing circuit list data to support its Application. The information considered in *Application of Apollo* was never referenced or relied upon previously in the underlying proceedings. Furthermore, PPL Electric itself inserted the worst performing circuit list data into this proceeding well before the record for the proceeding was closed. PPL Electric referenced the worst performing circuit list in the Application that gave rise to this proceeding. *See, e.g.*, PPL St. No. 2, P. 4; PPL Application, Attachment 1, P. 6. Protestants are not presenting any new facts, but rather are clarifying the misleading manner in which PPL Electric chose to present the information throughout this proceeding, including within PPL Electric's Exceptions.

10. Denied. It is specifically denied that any facts relied upon in the Protestants' Reply to Exceptions are not part of the record in this proceeding. The worst performing circuit lists were referenced and relied upon by both PPL Electric and the R.D. PPL Electric proposed Findings of Fact that included reference to the worst performing circuit list, but now claims that the information cannot support a finding of fact in this proceeding. PPL Electric's position is both internally inconsistent and contrary to its own filings throughout this proceeding.

11. Denied. It is specifically denied that PPL Electric is prejudiced by Protestants' more accurate reference to the very same reports referenced and relied upon by PPL Electric within this proceeding. PPL Electric argues that despite reference to the worst performing circuit list nearly one hundred times throughout this proceeding, the number of times the 36-02 circuit has appeared on the worst performing circuit list recently prejudices PPL Electric. PPL Electric claims that it would have presented evidence that the 36-02 circuit is a poor performing circuit, yet never denied that the 36-02 circuit did not appear on the worst performing circuit list for fifteen consecutive quarters beginning in 2008 and continuing through the filing of its Application. It would be neither improper nor contrary to the requirements of due process for the Commission to rely upon the very same data presented, referenced and relied upon by PPL Electric throughout this proceeding. Nothing in Protestants' Reply to Exceptions should be stricken. Alternatively, if the Commission believes discussion of the worst performing circuit list is improper, PPL Electric's own references to the very same information would seemingly be improper.

12. Denied. It is specifically denied that PPL Electric should be provided with any opportunity to respond. Protestants did not advance any new arguments by discussing the very same information referenced and relied upon by PPL Electric from the beginning of this proceeding. Protestants merely pointed out that PPL Electric was exaggerating and omitting mention that the 36-02 circuit was not on the list recently. Had PPL Electric been more forthright and candid with the Commission, Protestants would not have had to point out PPL Electric's exaggerations. Furthermore, the information contained in Section III and contained in Appendix A does not rebut anything found in Protestants' Reply to Exceptions and would not provide any probative value to the record in this matter. PPL Electric does not deny that the 36-



02 circuit was absent from the worst performing circuit list for fifteen consecutive quarters. Instead, it seeks to expand the discussion to include one fifth of all circuits maintained by PPL Electric. This is despite a complete lack of regulatory mandate to repair those circuits outside the worst five percent and thereby an utter lack of probative value on the point of necessity of the project.

13. Denied. It is specifically denied that PPL Electric should be granted any opportunity to respond to Protestants' Reply to Exceptions. PPL Electric cannot demonstrate that it was adversely affected by Protestants' discussion of the very same information referenced and relied upon by PPL Electric throughout this proceeding, including PPL Electric's Exceptions to which Protestants were responding. Nothing requires that PPL be granted an opportunity to respond to Protestants' Reply to Exceptions.

14. Denied. It is specifically denied that PPL Electric provides any information within Appendix A to its Motion to Strike that demonstrates that Protestants' Reply to Exceptions is misleading or inaccurately represents the specific history of the 36-02 circuit. PPL Electric concocted the statistic that the 36-02 circuit was on the worst performing circuit list for 16 of 31 quarters. PPL Electric failed, however, to disclose that the 36-02 was split in 2008 and vanished from the worst performing circuit list for fifteen consecutive quarters thereafter.

## II. ARGUMENT

### a. PPL's Motion to Strike Should Be Denied

PPL's Motion to Strike focuses on a single point raised by the Protestants on page 14 of their Reply to Exceptions. PPL contended throughout the entire case that one reason for its proposed project was that the distribution circuit in question, Dalmatia 36-02, was on PPL's list of worst performing circuits for "16 of the last 31 quarters." Protestants pointed out that PPL

was overstating its case because the circuit, in fact, did not appear on the worst-performing circuit list for 15 consecutive quarters, and then only once since 2008. PPL's use of that statistic without admitting that the circuit was off the list more recently might have been seriously misleading without correction. Thus, PPL used "16 of 31" and not the more accurate "only 1 of the most recent 16." PPL now moves to strike Protestants' effort to alert the Commission to PPL's less than forthright couching of the evidence. Protestants respectfully request that the Commission deny PPL's Motion to Strike and accept reference to the true and accurate status of circuit 36-02, rather than PPL's characterization of it.

By mid-2008, the Dalmatia 36-02 circuit was split by addition of the Dalmatia 36-01 circuit. Beginning with the second quarter of 2008, the 36-02 circuit was removed from the worst performing circuit list by PPL Electric. This began a period of sixteen consecutive quarters in which the 36-02 circuit did not appear on the worst performing circuit list filed with the Commission. The circuit split in 2008 caused the circuit to vanish from the worst performing circuit list for approximately four years, underscoring Protestants' point that a simple circuit split would obviate the need for the entire transmission and distribution project proposed by PPL Electric. *See* Protestants' Main Brief, p. 19-20; Protestants' Reply Brief, p. 11. The 36-02 circuit did not reappear on the worst performing circuit list until *after* PPL Electric filed the Application giving rise to this proceeding in October of 2011. This data is clearly presented within the worst performing circuit list and also within Table 1 proffered by PPL Electric in its proposed response.

PPL Electric's allegation that Protestants' discussion of the worst performing circuit list information is misleading and distorts the specific history of the circuit ignores its accuracy. PPL Electric has previously argued that the worst performing circuit list may be susceptible to

misinterpretation by the public. *Application of PPL for a Protective Order*, Docket No. L-00030161. The Commission dismissed PPL Electric's concern that the reports are capable of misinterpretation. *Id.* The worst performing circuit list is not difficult to decipher. It is simply a list of the worst performing five percent of circuits. A circuit is either on the list or it is not. As demonstrated by the worst performing circuit list and Table 1, proffered by PPL, the 36-02 circuit was not on the list for sixteen consecutive quarters following the circuit split that occurred in 2008 and was not on the list when PPL filed the Application in 2011. It cannot possibly, therefore, support PPL's Application.

Proper resolution of the Motion to Strike depends entirely on how the issue is stated. Protestants urge the Commission to understand that PPL Electric itself removed 36-02 from its own worst-performing circuits list long before it filed the Application in this case. The Commission can simply note that PPL Electric failed to present evidence that 36-02 was actually *on* the list any time after March 2008. Protestants' Reply to Exceptions, p. 14, n. 7.

PPL Electric admits, as it must, the accuracy of Protestants' argument that 36-02 came off the list in 2008 and stayed off the list in recent years. PPL does not seek to introduce evidence to *dispute* Protestants' assertions about 36-02's absence from the worst-performing circuit list.<sup>4</sup> Instead PPL wants to argue that the very basis for PPL's project is not relevant. PPL Electric contends in its Motion to Strike that it is somehow unfair for the Commission to look behind PPL Electric's ham-handed 16/31 statistic to Commission-required filings submitted by PPL. Regardless of whether PPL's efforts to prevent the Commission from relying on PPL's own filings as to this circuit are wise, they should be denied in the name of accuracy. Why does PPL strain to keep reference of its own filings out of the record? Does it believe it can convince

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<sup>4</sup> In fact, PPL's response proves that Protestants' assertions are completely accurate and beyond dispute.

the Commission that 36-02 performed worse than PPL told the Commission previously? PPL cannot spirit the 36-02 circuit back onto the historical worst-performing circuit lists *post-hoc*.

The evidence at issue is not “extra-record” evidence. Extra-record evidence is evidence that was not admitted into the record or referenced at hearing. This statement is buttressed by PPL Electric’s own reasoning adopted by the Commission in *Lloyd v. PPL Electric Utilities Corp.*, Order Granting Motion to Strike, Docket No. C-2011-2245906/M-2011-2243137. In *Lloyd*, the Commission adopted PPL Electric’s reasoning for excluding testimony and interrogatory responses from a separate proceeding. PPL Electric argued that the materials do not appear in, *nor were they referenced in*, any portion of the evidentiary record. PPL Electric also asserted that it was not a party to, and did not participate in, the other proceeding that Lloyd sought to introduce evidence from. Here, PPL referenced 36-02’s alleged worst-performing circuit status in its Application (*See, e.g.*, PPL St. No. 2, P. 4; PPL Application, Attachment 1, P. 6.), in its testimony (*See, e.g.*, N.T. 142-44, 149-52) and in its briefing (*See, e.g.*, PPL Main Brief P. 6, 8, 11, 28, 29, and 36; PPL Reply Brief P. 2, 6, 7, 9, 11, 19, 28). The worst performing circuit list formed the very basis for PPL’s necessity argument throughout this proceeding. Furthermore, PPL was much more than a party or participant in the other “proceeding.” PPL prepared and submitted the worst performing circuit list as required by Commission Order. Based upon the Commission’s reasoning in *Lloyd*, supplied by PPL, the worst performing circuit information is not extra-record evidence and should not be excluded.

The Commission is not faced with the situation found in *Application of Apollo Gas Co.*, 1994 Pa. PUC LEXIS 45 (Feb. 10, 1994). As discussed above, PPL Electric referenced and relied upon the very same information it now decries. Here, PPL Electric has repeatedly referenced and relied upon the worst performing circuit list data to support its Application. The

information considered in *Application of Apollo* was never referenced or relied upon previously in the underlying proceedings. Here, PPL Electric itself inserted the worst performing circuit list data into this proceeding well before the record for the proceeding was closed. PPL Electric referenced the worst performing circuit status of the 36-02 circuit in the Application that gave rise to this proceeding. *See, e.g.*, PPL St. No. 2, P. 4; PPL Application, Attachment 1, P. 6. Protestants are not presenting any new facts, but rather are clarifying the potentially misleading manner in which PPL Electric chose to present the information throughout this proceeding, including within PPL Electric's Exceptions. *Application of Apollo* is inapposite to the facts present in this proceeding.

The doctrine of judicial estoppel should also prevent PPL from distancing itself from the content of its own reports to the Commission. Under the doctrine of judicial estoppel, a party is precluded from switching positions or asserting contrary positions in the same or related actions. *Ligon v. Middletown Area School Dist.*, 584 A.2d 376 (1990). The federal courts have often applied this doctrine "where litigants play fast and loose with the courts" by switching positions to suit their own needs. *Id.* PPL made the lists relevant by repeatedly referring to them and using its reports in an attempt to justify its project, which has now been recommended for denial. Judicial estoppel should apply to preclude PPL from asserting contrary positions with respect to the worst performing circuit reports within the proceeding.

PPL Electric should also be prohibited from playing "fast and loose" with its characterization of its own filings with the Commission. On one hand, PPL must rely on the worst performing circuit list to support its argument made throughout this proceeding that the proposed project is necessary to satisfy a Commission Order to remediate those circuits appearing on the worst performing circuit lists. On the other hand, PPL seeks to preclude

Protestants from pointing out to the Commission that PPL presented the content of the worst performing circuit list in a misleading fashion and failed to note the circuit's removal and absence from the list after 2008. In short, PPL was caught exaggerating and its Motion to Strike is little more than an effort to prevent the Commission from correcting that exaggeration. Judicial estoppel should be exercised to prevent PPL from mischaracterizing the 36-02's history on worst performing circuit reports.

Because PPL itself relied on its own filings throughout its case, it cannot possibly be prejudiced by reference to those very same filings. PPL's position is illogical. PPL Electric argues that despite reference to the worst performing circuit list nearly one hundred times throughout this proceeding, the number of times the 36-02 circuit has appeared on the worst performing circuit list recently somehow prejudices PPL Electric. The Commission can and should take judicial notice of PPL's representations, especially where those express and detailed filings undermine the inference PPL tried to make in its Application. The rules of evidence should be applied here to reveal the truth, not obscure it.

PPL's argument that reference to its own filings deprives it of due process (Motion to Strike, paragraph 6) is incorrect. It is not "new evidence." It is evidence, or proof rather, that PPL mischaracterized the very filings it referred to in its Application and evidence. PPL's argument that it would be deprived of an "opportunity to test the reasonableness of the new evidence or present evidence in response" makes little sense considering that PPL created the evidence and then referred to it repeatedly in its case, albeit in a way that was less than forthright. What would PPL do, retract its historical filings? Say it was wrong and that 36-02 was erroneously excluded from the list after 2008? PPL supplies its answer in its proposed response. It would not.

PPL Electric argues that the worst performing circuit lists should be treated like evidence taken in another case. The worst performing circuit lists are, however, completely unlike evidence taken in other cases. The worst performing circuit lists are submitted by PPL Electric to inform the public and Commission regarding the reliability of its facilities and steps being taken to better performance on poorly performing circuits. *See Application of PPL, Docket No. L-00030161.* Unlike evidence taken in another case, regulatory-mandated filings have special qualities because they are presumed to be accurate.

For the reasons stated above, Protestants' reference to the same information repeatedly referenced and relied upon by PPL Electric should not be stricken.

**b. PPL's Motion for Leave to File Reply Should Be Denied**

PPL's alternative Motion for Leave to File a Reply should be denied because it goes far beyond simply trying to refute Protestants' point; PPL attempts to supply an entirely new basis for its project. Despite having contended, unsuccessfully, that the project was justified by the 36-02's appearance on a list of the bottom five percent worst-performing circuits, PPL's proposed reply now asserts that PPL truly believes the bottom twenty percent deserve attention.

Moving the bar does nothing to justify the project and is completely contrary to PPL's express contention throughout this proceeding. More importantly, PPL Electric's new standard is contrary to Commission regulation. According to PPL's Exceptions, "the Commission's regulations specifically require utilities to report and plan remedial action to improve the quality of service on the worst performing 5% of their distribution circuits." PPL Exceptions, Page 31 (citing 52 Pa. Code § 57.195) (emphasis added). Contending for the first time after the hearing that the circuit places among the bottom twenty percent of PPL distribution circuits certainly violates Protestants' due process rights if it is accepted by the Commission as a basis for the

project. More to the point, that is not evidence that PPL's project is justified as set forth in the Application; it is a new and different attempt to justify the project that is directly at odds with PPL's prior position in this proceeding and Commission regulation.

PPL's proposed reply clearly contends that an entirely different standard, created by PPL after the Recommended Decision was issued, should apply. That more relaxed action threshold, i.e., whether a circuit is in the bottom twenty percent of circuits eighty percent of the time, appears to be little more than a more liberal test created for this case, and well after the fact. The standard is not found within Commission regulations or within the present record evidence.

After chiding Protestants about "new evidence," PPL tries to sneak into the record the 36-02 circuit's recent and miraculous reappearance on the worst performing circuit list. PPL placed the 36-02 circuit back on the list of the bottom five percent of circuits in the final quarter of 2012, only its second appearance in nineteen quarters. The careful reader will note that PPL's fourth quarter of 2012 submission was filed on January 31, 2013, *thirty-eight days after* the R.D. urged denial of PPL's project. If that transparently self-serving, newly created information is admitted into this record, it ought to be accorded the absolute lowest evidentiary weight its post-decision issuance deserves.

### **III. CONCLUSION**


Based on the foregoing, Protestants respectfully request that the Commission deny PPL Electric's Motion to Strike and Motion for Leave to Respond.



Respectfully Submitted,

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Date: Feb. 21, 2013

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## CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of § 1.54 (relating to service by a party).

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Dated this 21<sup>st</sup> day of February, 2013

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