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Morgan Lewis
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Anthony C. DeCusatis
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July 16, 2004

VIA FIRST CLASS MAIL

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2d Floor North
Harrisburg, PA 17120

**DOCUMENT
FOLDER**

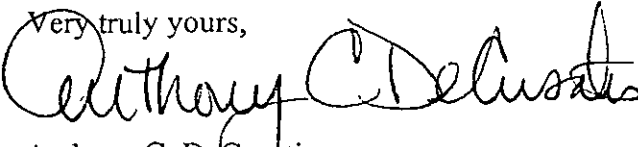
SECRETARY'S BUREAU
09 JUL 19 AM 9:11

Re: **Docket No. A-110500 F0333** (PPL Electric Utilities Corporation's Letter of Notification for the West Hempfield McGovernville #1 and #2 138/69 kV Tie Line); and **Docket No. A-110500 F0344** (Application of PPL Electric Utilities Corporation for the requisite finding and determination to exercise the power of eminent domain to construct the West Hempfield McGovernville #1 and #2 138/69 kV Tie Line over and across the land of John E. Landis)

Dear Secretary McNulty:

Enclosed please find the original and three copies of the Certificate of Service evidencing service upon the presiding Administrative Law Judge and the parties of record copies of PPL Electric Utilities Corporation's Statement Nos. 1-4 and Exhibit No. 2.

Very truly yours,


Anthony C. DeCusatis

cc: Per Certificate of Service

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RE: LETTER OF NOTIFICATION OF PPL ELECTRIC UTILITIES CORPORATION FILED PURSUANT TO 52 PA. CODE CHAPTER 57, SUBCHAPTER G, WITH RESPECT TO THE PROPOSED WEST HEMPFIELD-McGOVERNVILLE #1 AND #2 138/69 kV TIE LINE TO BE CONSTRUCTED IN EAST HEMPFIELD TOWNSHIP, LANCASTER COUNTY

Docket No. A-110500 F0333

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 RIGHT-OF-WAY FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF THE PROPOSED WEST HEMPFIELD-McGOVERNVILLE #1 AND #2 138/69 KV TIE LINE OVER AND ACROSS THE LANDS OF JOHN E. LANDIS IN EAST HEMPFIELD TOWNSHIP, LANCASTER COUNTY, IS NECESSARY OR PROPER FOR THE SERVICE, ACCOMMODATION, CONVENIENCE OR SAFETY OF THE PUBLIC

DOCKETED
OCT 14 2004

Docket No. A-110500 F0344

SECRETARY'S BUREAU
04 JUL 19 AM 9:11
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CERTIFICATE OF SERVICE

I hereby certify that I have, this 16th day of July, 2004, served true and correct copies of the PPL Statement Nos. 1-4 and PPL Exhibit No. 2 upon the persons and in the manner listed below.

VIA FEDERAL EXPRESS

W. Bryan Byler, Esq.
Byler, Goodley, Winkle & Hetrick, P.C.
363 West Roseville Road
Lancaster, PA 17601
Attorney for John E. Landis

Honorable Susan D. Colwell
Administrative Law Judge
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, West
Harrisburg, PA 17120

Susan J. Smith, Esq.
Reager & Adler, PC
2331 Market Street
Camp Hill, PA 17011-4642

**DOCUMENT
FOLDER**

Anthony C. DeCusatis
Anthony C. DeCusatis
Counsel for PPL Electric Utilities Corporation

July 16, 2004

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ORIGINAL

Anthony C. DeCusatis
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November 10, 2004

VIA HAND DELIVERY

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2d Floor North
Harrisburg, PA 17120

DOCUMENT
FOLDER

RECEIVED
2004 NOV 10 PM 12:09
SECRETARY'S BUREAU

Re: 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 Right-Of-Way For The Construction, Operation And Maintenance Of The Proposed West Hempfield-McGovernville #1 And #2 138/69 kV Tie Line Over And Across The Lands Of **John E. Landis** In East Hempfield Township, Lancaster County, Is Necessary Or Proper For The Service, Accommodation, Convenience Or Safety Of The Public
Docket No. A-110500F0344

Dear Secretary McNulty:

Enclosed for filing on behalf of PPL Electric Utilities Corporation ("PPL" or the "Company") are an original and three copies of its Petition To Withdraw Its Application To Exercise The Power Of Eminent Domain Across The Property of John E. Landis. As explained in the enclosed Petition, PPL and Mr. Landis have reached an agreement for the conveyance of the right-of-way PPL needs across Mr. Landis' property.

As evidenced by the Certificate of Service attached to the Petition, copies thereof have been served upon Mr. Landis, his counsel and the presiding Administrative Law Judge.

James J. McNulty, Secretary
November 10, 2004
Page 2

An additional copy of this letter and PPL's Petition are enclosed, which we request be date stamped and returned to us as evidence of filing.

Very truly yours,



Anthony C. DeCusatis
Counsel for PPL Electric Utilities Corporation

Enclosure

c: Per Certificate of Service

ORIGINAL

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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 Right-Of-Way For The :
Construction, Operation And Maintenance Of The :
Proposed West Hempfield-McGovernville #1 And #2 :
138/69 kV Tie Line Over And Across The Lands Of :
JOHN E. LANDIS In East Hempfield Township, :
Lancaster County, Is Necessary Or Proper For The :
Service, Accommodation, Convenience Or Safety Of :
The Public :

DOCKETED
FEB 14 2005

Docket No. A-110500F0344

**DOCUMENT
FOLDER**

SECRETARY'S BUREAU

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**PETITION OF
PPL ELECTRIC UTILITIES CORPORATION
TO WITHDRAW
ITS APPLICATION TO
EXERCISE THE POWER OF EMINENT DOMAIN
ACROSS THE PROPERTY OF
JOHN E. LANDIS**

Pursuant to 52 Pa. Code §1.82, PPL Electric Utilities Corporation ("PPL") petitions Administrative Law Judge Susan D. Colwell for approval to withdraw the above-captioned Application to exercise the power of eminent domain across the property of John E. Landis. As more fully explained below, PPL and Mr. Landis reached an agreement pursuant to which Mr. Landis has conveyed to PPL an easement across his property, together with attendant rights of ingress and egress, needed for the construction, operation and maintenance of the proposed West Hempfield-McGovernville #1 and #2 138/69 kV Tie Line.

1. PPL proposes to construct the West Hempfield-McGovernville #1 and #2 138/69 kV Tie Line to connect PPL's South Manheim-South Akron #1 and #2 138/69 kV Transmission Lines, via the existing Kellogg #1 and #2 Taps, to the existing West Hempfield-Donnegal 138/69

kV Line and the West Hempfield-South Manheim #3 138/69 kV Line in order to relieve a potential overloading of the South Manheim-South Akron #1 and #2 Transmission Lines. The need for the project, an engineering description of the project and the comprehensive analysis performed by PPL to select the route of the proposed line are set forth in the Letter of Notification filed by PPL pursuant to 52 Pa. Code §57.72(d)(1)(vi) for certification of the proposed West Hempfield-McGovernville #1 and #2 138/69 kV Tie Line. The Letter of Notification was docketed at A-110500 F0333.

2. Both prior to, and after, filing of the Letter of Notification, PPL sought to acquire necessary right-of-way for the line from landowners located along the proposed route. Mr. Landis is one of those landowners. When PPL's negotiations with Mr. Landis to acquire the needed right-of-way reached an impasse, PPL, on March 30, 2004, filed the above-captioned Application to exercise the power of eminent domain to obtain the necessary right-of-way and associated rights of ingress and egress.

3. This matter was assigned to Administrative Law Judge Susan D. Colwell ("ALJ"), and a Prehearing Conference was scheduled for June 10, 2004. At the Prehearing Conference, Mr. Landis appeared personally and through his counsel. During the Prehearing Conference, a schedule was adopted for prepared testimony to be presented and evidentiary hearings to be held.

4. In accordance with the schedule adopted at the Prehearing Conference, on July 16, 2004, PPL submitted the prepared testimony of four witnesses and accompanying exhibits. The prepared testimony of Mr. Landis was scheduled to be submitted on August 16, 2004.

5. Both prior to and after the submission of PPL's prepared direct testimony, PPL and counsel for Mr. Landis engaged in negotiations for PPL to acquire the right-of-way it needed across Mr. Landis' property. On July 30, 2004, counsel for Mr. Landis sent a letter to counsel

for PPL, with a copy to the ALJ, stating that Mr. Landis had agreed to accept PPL's offer to purchase the right-of-way needed for the West Hempfield-McGovernville Tie Line. The letter also stated that Mr. Landis would not submit any testimony or exhibits on August 16, 2004.

6. The conveyance of the right-of-way and attendant rights of ingress and egress across Mr. Landis' property was consummated on or about November 5, 2004. Accordingly, it is not necessary for PPL to exercise the power of eminent domain to acquire right-of-way across Mr. Landis's property and, therefore, it is not necessary for PPL to obtain from the PUC the findings that are a condition precedent to the exercise of such power under Section 1511 of the Business Corporation Law (15 Pa. C.S. §1511).

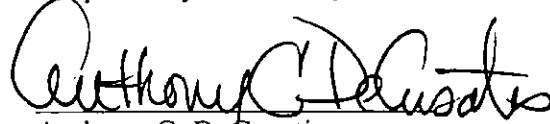
7. The Commission's regulation at 52 Pa. Code §1.82(a), which deals with the withdrawal of pleadings in uncontested proceedings, provides as follows:

A party which desires to terminate an uncontested matter or proceeding before final decision by the Commission or otherwise desires to withdraw a submittal or pleading shall file a petition for leave to withdraw the appropriate document. If no participant objects to the petition within 10 days, the matter may be stricken by the Commission or by the presiding officer. If upon review the presiding officer or the Commission determines that the public interest requires continuation of the proceedings, the petition shall be denied and the staff may be directed to participate.

8. This matter is now uncontested. As previously explained, Mr. Landis has conveyed the necessary right-of-way across his property pursuant to an agreement with PPL and, therefore, the issues raised by such Application are moot. Accordingly, the public interest would be served by granting the withdrawal requested by PPL.

WHEREFORE, PPL respectfully requests that the Commission grant this Petition to withdraw its Application to exercise the power of eminent domain across the property of John E. Landis and mark the docket at A-110500F0344 closed.

Respectfully submitted,



Anthony C. DeCusatis
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Philadelphia, PA 19103
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215.963.5001 (fax)

Paul E. Russell
PPL Electric Utilities Corporation
Two North Ninth Street
Allentown, PA 18101

Attorneys for PPL Electric Utilities
Corporation

Dated: November 10, 2004

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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 Right-Of-Way For The :
Construction, Operation And Maintenance Of :
The Proposed West Hempfield-McGovernville :
#1 And #2 138/69 kV Tie Line Over And Across :
The Lands Of **JOHN E. LANDIS** In East :
Hempfield Township, Lancaster County, Is :
Necessary Or Proper For The Service, :
Accommodation, Convenience Or Safety Of The :
Public :

Docket No. A-110500F0344

SECRETARY'S BUREAU

2004 NOV 10 PM 12:09

RECEIVED

CERTIFICATE OF SERVICE

I hereby certify that I have, this 10th day of November, 2004, served true and correct copies of the above-captioned Petition upon the persons and in the manner listed below.

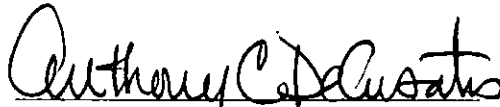
HAND DELIVERY

Honorable Susan D. Colwell
Administrative Law Judge
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor West
Harrisburg, PA 17120

FIRST CLASS MAIL

W. Bryan Byler, Esquire
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Lancaster, PA 17601
Counsel for John E. Landis

John E. Landis
2942 King Lane
Lancaster, PA 17601



Anthony C. DeCusatis
Counsel for PPL Electric Utilities
Corporation

Dated: November 10, 2004