

DATE: April 22, 2004

SUBJECT: A-110500F0342; A-110500F0343  
A-110500F0344

TO: Office of Administrative Law Judge

FROM: James J. McNulty, Secretary *ddt*

DOCUMENT  
FOLDER

**APPLICATION OF PPL ELECTRIC UTILITIES CORPORATION**

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We attach hereto a copy of the Application of PPL Electric Utilities Corporation for Approval of 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:

Mahlon N. Zimmerman and Rozanne L. Zimmerman:  
A-110500F0342;

East Hempfield Township: A-110500F0343

John E. Landis: A-110500F0344

Applicant has filed a Certificate of Service evidencing a copy of the Application has been served upon the property owners listed above whose interest the Company seeks to acquire.

Applicant has requested the above-referenced Applications be consolidated with the pending Letter of Notification, docketed at A-110500F0333, pursuant to 52 Pa Code, §57.75(i)(1).

Attachments

cc: Law Bureau  
FUS - copy of memo only

ddt

**DOCKETED**

APR 22 2004

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P. O. BOX 3265, HARRISBURG PA 17105-3265

IN REPLY PLEASE  
REFER TO OUR FILE  
Secretary  
717-772-7777

April 22, 2004

A-110500F0342  
A-110500F0343  
A-110500F0344

David B. MacGregor, Esquire  
Anthony C. DeCusatis, Esquire  
Morgan, Lewis & Bockius, LLP  
1701 Market Street  
Philadelphia, PA 19103

DOCUMENT  
FOLDER

Dear Mr. DeCusatis:

Receipt is acknowledged of the Application of PPL Electric Utilities Corporation for Approval of 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:

Mahlon N. Zimmerman and Rozanne L. Zimmerman:  
A-110500F0342;

East Hempfield Township: A-110500F0343

John E. Landis: A-110500F0344

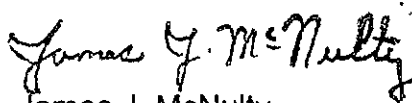
DOCKETED

APR 22 2004

Receipt is also acknowledged of the Certificate of Service served upon the property owners listed above whose interest the Company seeks to acquire.

The above-referenced applications have been assigned to our Office of Administrative Law Judge for consideration of consolidating them with PPL's Letter of Notification docketed at A-110500F0333.

Sincerely,

  
James J. McNulty  
Secretary

JJM:ddt

cc: Paul E. Russell, Esquire

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
RECEIPT

*The addressee named here has paid the PA P.U.C. for the following bill:*

ANTHONY C. DECUSATIS  
MORGAN, LEWIS & BOCKIUS LLP  
1701 MARKET STREET  
PHILADELPHIA PA 19103

DATE 4/30/2004  
RECEIPT # 250170

In re: Electrical Generation fees for PPL ELECTRIC UTILITIES CORPORATION

Docket Number A-110500F0342..... \$350.00

REVENUE ACCOUNT: 001780-017601-107

CHECK NUMBER: 7398

CHECK AMOUNT: \$350.00

C. Joseph Meisinger  
(for Department of Revenue)

DOCUMENT  
FOLDER

**DOCKETED**  
MAY 04 2004



**COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Office Of Administrative Law Judge  
P.O. Box 3265, Harrisburg, PA 17105-3265

IN REPLY PLEASE  
REFER TO OUR FILE

**DOCUMENT**

May 13, 2004

In Re: A-110500F0342

«FIRSTNAME» «MIDDLEINITIAL» «LASTNAME» «JOBTITLE»  
«COMPANY»  
«ADDRESS1»  
«ADDRESS2»  
«ADDRESS3»  
«CITY» «STATE» «POSTALCODE»

**DOCKETED**

JUL 07 2004

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 MAHLON N. ZIMMERMAN AND ROZANNE L. ZIMMERMAN In East Hempfield Township, Lancaster County, Is Necessary Or Proper For The Service, Accommodation, Convenience Or Safety Of The Public

**NOTICE**

This is to inform you that Conference by Telephone on the above-captioned case will be held as follows:

Type: Initial telephone hearing  
Date: Thursday, June 10, 2004  
Time: 10:00 a.m.  
Presiding: Administrative Law Judge Susan D. Colwell  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
Telephone: (717) 783-5452  
Fax: (717) 787-0481

If you have not provided a current telephone number where you can be reached for participation in the conference OR YOUR AREA CODE HAS CHANGED, then you must contact the presiding officer at least 7 days before the actual conference and provide the necessary information.

At the above date and time, the Administrative Law Judge will contact the parties as follows:

Anthony C. Decusatis, Esquire 610.774.7461  
Paul E. Russell, Esquire 610.774.7461  
Mahlon & Rozanne Zimmerman (\*phone number to be provided)

\*At least 7 days before the hearing, please provide the presiding officer with the telephone number where you can be reached for the hearing.

If you are a person with a disability, and you wish to attend the hearing, we may be able to make arrangements for your special needs. Please call the scheduling office at the Public Utility Commission:

- Scheduling Office: (717) 787-1399.
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1-800-654-5988.

Morgan, Lewis & Bockius LLP  
1701 Market Street  
Philadelphia, PA 19103-2921  
Tel: 215.963.5000  
Fax: 215.963.5001  
www.morganlewis.com

Morgan Lewis  
COUNSELORS AT LAW

ORIGINAL

Anthony C. DeCusatis  
215-963-5034  
adecusatis@morganlewis.com

RECEIVED  
2004 MAY 28 AM 11:33  
SECRETARY'S BUREAU

May 28, 2004

DOCUMENT  
FOLDER

VIA HAND DELIVERY

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

A-110500 F0342

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 MAHLON N. ZIMMERMAN AND ROZANNE L. ZIMMERMAN In East Hempfield Township, Lancaster County, Is Necessary Or Proper For The Service, Accommodation, Convenience Or Safety Of The Public

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 Mahlon N. Zimmerman and Rozanne L. Zimmerman. As explained in the enclosed Petition, PPL and the Zimmermans have reached an agreement for the conveyance of the right-of-way PPL needs across the Zimmermans' property.

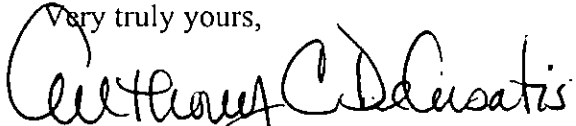
As evidenced by the Certificate of Service attached to the Petition, copies thereof have been served upon the Zimmermans, their counsel and the presiding Administrative Law Judge.

41

James J. McNulty, Secretary  
May 28, 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 :  
**MAHLON N. ZIMMERMAN AND ROZANNE L.** :  
**ZIMMERMAN** In East Hempfield Township, :  
Lancaster County, Is Necessary Or Proper For The :  
Service, Accommodation, Convenience Or Safety Of :  
The Public :

**DOCKETED**  
AUG 25 2004

Docket No. A-110500F0342

**DOCUMENT  
FOLDER**

**RECEIVED**  
2004 MAY 28 AM 11:33  
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  
MAHLON N. ZIMMERMAN AND ROZANNE L. ZIMMERMAN**

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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 Mahlon N. Zimmerman and Rozanne L. Zimmerman (hereafter, the "Zimmermans"). As more fully explained below, PPL and the Zimmermans have reached an agreement pursuant to which the Zimmermans will convey to PPL an easement across their 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-Donegal 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. The Zimmermans are one of those landowners. When PPL's negotiations with the Zimmermans 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. Shortly after the Application was filed, the Zimmermans resumed negotiations with PPL. As a result of those negotiations, an agreement was reached by which the Zimmermans will convey to PPL the necessary right-of-way and attendant rights of ingress and egress. Accordingly, it is not necessary for PPL to exercise the power of eminent domain to acquire such rights 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).

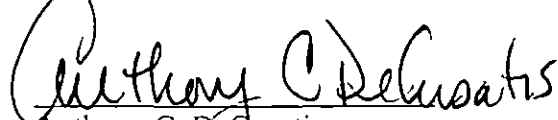
4. The Commission's regulation at 52 Pa. Code §1.82(a), which deals with the withdraw of pleadings in uncontested proceedings, provides as follows:

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.

5. This matter is uncontested. The Zimmermans did not file a protest to PPL's Application nor did they seek to intervene at the above-referenced docket. Moreover, and as previously explained, an agreement has been reached between the Zimmermans and PPL that renders moot the issues raised by such Application. Finally, PPL has contacted counsel for the Zimmermans, who has indicated that the Zimmermans will not contest this Petition. Accordingly, the public interest would be served by granting the withdraw 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 Mahlon N. Zimmerman and Rozanne L. Zimmerman and mark the docket at A-110500F0342 closed.

Respectfully submitted,



Anthony C. DeCusatis  
Morgan, Lewis & Bockius LLP  
1701 Market Street  
Philadelphia, PA 19103  
215.963.5448  
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: May 28, 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 MAHLON N. ZIMMERMAN :  
AND ROZANNE L. ZIMMERMAN In East :  
Hempfield Township, Lancaster County, Is :  
Necessary Or Proper For The Service, :  
Accommodation, Convenience Or Safety Of The :  
Public :

Docket No. A-110500F034

RECEIVED  
2004 MAY 28 AM 11:33  
SECRETARY'S BUREAU

**CERTIFICATE OF SERVICE**

I hereby certify that I have, this 28th day of May, 2004, served true and correct copies of the above-captioned Petition upon the persons and in the manner listed below.

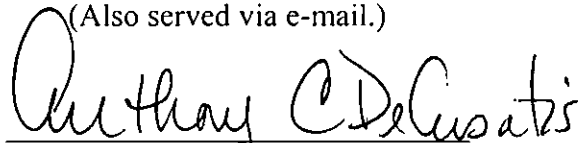
**HAND DELIVERY**

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

**OVERNIGHT DELIVERY**

Mahlon N. Zimmerman and Rozanne L.  
Zimmerman  
204 S. Conestoga View Drive  
Akron, PA 17501

J. Dwight Yoder, Esquire  
Gibbel, Kraybill & Hess  
41 East Orange Street  
Lancaster, PA 17602  
717-291-1700  
Counsel for the Zimmermans  
(Also served via e-mail.)



Anthony C. DeCusatis  
Counsel for PPL Electric Utilities  
Corporation

Dated: May 28, 2004

# OALJ Hearing Report

Please check Those Blocks Which Apply

Docket No.:	A-110500F0342		YES	NO
		Prehearing Held:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Case Name:	Application of PPL Electric Utilities Corporation	Hearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Testimony Taken:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Transcript Due:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Hearing Concluded:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Location:	HBG	Further Hearing Needed:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Estimated Add'l Days:	2	
Date:	June 10, 2004	RECORD CLOSED:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ALJ:	Susan D. Colwell	DATE:		
		Briefs to be Filed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Reporting Firm:	Commonwealth Reporting	DATE:		
		Bench Decision:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>DOCKETED</b> JUN 18 2004</p> <p><b>DOCUMENT FOLDER</b></p> <p><b>RECEIVED</b> JUN 14 2004</p> <p>PA PUBLIC UTILITY COMMISSION SECRETARY'S OFFICE</p>		REMARKS:	ORDER SETTING SCHEDULE	
			TO BE ISSUED, TO BE SET FOR	
			HEARING	

**PLEASE PRINT CLEARLY - Incomplete information may result in delay of processing.**

Name and Telephone Number	Address	Who are you representing?
SUSAN J. SMITH Reager & Keller, PC 717-763-1303	2331 Market St  City: Camp Hill    State: PA    Zip: 17011	East Hempfield Township
Telephone:	E-mail Address: <u>sssmith@reagerkeller.com</u>	Fax Number: 717-730-7366
	City:    State:    Zip:	
Telephone:	E-mail Address:	Fax Number:
	City:    State:    Zip:	
Telephone:	E-mail Address:	Fax Number:
	City:    State:    Zip:	

Check this box if additional parties or attendees appear on back of form.

  
 Reporter's Signature

**Note: Completion of this form does not constitute an entry of appearance, see 52 Pa. Code §§1.24 and 1.25.**