

ORIGINAL

COMMONWEALTH OF PENNSYLVANIA

PUBLIC UTILITY COMMISSION

-----x
 :
Application of PPL Electric :
Corporation : Docket No.
 Under 15 Pa.C.S. Section 1511(c) For A :
 Finding And Determination That The Service: A-110500F0342
 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 A cross 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. :
 :
 Initial Telephone Hearing :
 :
 -----x

Pages 1 through 25

Robing Room
Hearing Room 3
Keystone Building
Harrisburg, Pennsylvania

DOCUMENT
FOLDER

Thursday, June 10, 2004

Met, pursuant to notice, at 10:17 a.m.

BEFORE:

Susan D. Colwell, Administrative Law Judge

APPEARANCES:

ANTHONY DeCUSATIS, Esquire
Morgan, Lewis & Bockius, L.L.P.
701 Market Street
Philadelphia, Pennsylvania 19103-2921
(For PPL Utilities - by telephone)

DOCKETED
JUL 07 2004

Commonwealth Reporting Company, Inc.

700 Lisburn Road
Camp Hill, Pennsylvania 17011

(717) 761-7150

SECRETARY'S BUREAU
JUL -1 AM 9:30
RECEIVED
1-800-334-1063
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPEARANCES CONT.:

BRIAN BYLER, Esquire
363 West Roseville Road
Lancaster, Pennsylvania 17601
(For Defendants Landis - by telephone)

SUSAN SMITH, Esquire
Reager & Adler, P.C.
2331 Market Street
Camp Hill, Pennsylvania 17011-4642
(For East Hempfield Township)

FORM 2

WITNESS INDEX

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

WITNESSES

DIRECT

CROSS

REDIRECT

RECROSS

None

FORM 2

EXHIBIT INDEX

<u>NUMBER</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
---------------	---------------------------	--------------------

None

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

FORM 2

Any reproduction of this transcript is prohibited without authorization by the certifying reporter.

* * *

P R O C E E D I N G S

1
2 ADMINISTRATIVE LAW JUDGE COLWELL: This is
3 the time and the place set for the prehearing conference in a
4 number of cases that have been consolidated for that purpose.
5 They are -- we'll go in numerical order here -- A-11050050342
6 the Application of PPL Electric Utilities Corporation under
7 15 Pa. C.S. Section 1511(c) for a finding and determination
8 that the service to be furnished by the applicant through its
9 proposed exercise of the Power of Eminent Domain to acquire
10 right-of-way for the construction, operation and maintenance
11 of the proposed West Hempfield-McGovernville #1 and #2 138/69
12 kV tie line over and across the lands of Mahlon N. Zimmerman
13 and Rozanne L. Zimmerman in East Hempfield Township,
14 Lancaster County, as necessary or proper for the service,
15 accommodation, convenience or safety of the public.

16 I note that on this particular case, a
17 Petition to Withdraw this application has been filed. It was
18 filed on May the 28th and no responses have been received.

19 We also have A-11050050333 -- sorry, this was
20 the first number -- Letter of Notification of PPL Electric
21 Utilities Corporation filed pursuant to 52 Pa. Code Chapter
22 57, sub-chapter G with respect to the proposed West-
23 Hempfield-McGovernville #1 and #2 138/69 kV tie line to be
24 constructed in East Hempfield Township, Lancaster County.

25 The other two, A-110500F0343, which is the

1 application of PPL for, with the proposed lines, for East
2 Hempfield Township, same caption as the Zimmermans except we
3 substitute East Hempfield Township for the Zimmermans.

4 And in A-110500F0344, we have the same
5 caption as the Zimmermans except we substitute the name John
6 E. Landis.

7 Okay. I'm Administrative Law Judge Susan D.
8 Colwell, appointed by the Commission to preside in this
9 matter.

10 Present on the phone with us we have for PPL
11 Anthony DeCusatis. Present with him are a number of
12 individuals who may or may not be speaking today. They will
13 be identified as necessary.

14 We also have on the phone Brian Byler who is
15 representing John Landis and John Landis, both of whom are
16 present in his office.

17 Present in the hearing room with me is Susan
18 Smith who is representing East Hempfield Township.

19 Have I missed anyone?

20 (No response)

21 JUDGE COLWELL: Okay. Then we will start off
22 by having PPL give us a short explanation of this case.

23 Mr. DeCusatis.

24 MR. DECUSATIS: Yes. Thank you, your Honor.

25 Your Honor, you correctly identified that we have four

1 separate pleadings which have been consolidated. The first
2 was a Letter of Notification that was filed with respect to
3 the proposed West Hempfield-McGovernville #1 and #2 lines.

4 That application was filed pursuant to the
5 Commission's high voltage citing regulations in Chapter 57,
6 sub-chapter G of Title 52.

7 Subsequently, there were three applications
8 that were filed in order to obtain the findings there are
9 necessary, as a prerequisite to condemnation. And those
10 filings were made on March 30, 2004 with respect to East
11 Hempfield Township, Mr. Landis and the Zimmermans.

12 Subsequently, there was an agreement reached
13 with the Zimmermans. That right-of-way has been obtained by
14 the Company and we did indeed file a Petition to Withdraw
15 that application, a copy of which was sent to your Honor.
16 And it's my understanding that under the applicable
17 provisions and regulations, there was a ten-day response
18 time, but having said that, I have been in touch with counsel
19 for the Zimmermans, Mr. Dwight Yoder, and as represented in
20 our petition, they have no objection to the withdrawal.

21 That, therefore, leaves us with three
22 consolidated dockets, those being the Letter of Notification
23 and the two applications for the Findings for Condemnation.
24 Those obviously have been necessary because there was an
25 inability to reach agreement to obtain the necessary right-

1 of-way for this project.

2 The Letter of Notification contains a very
3 extensive description of the project from an engineering
4 perspective as well as a description of the necessity for the
5 project, the electrical necessity for the project and
6 environmental siting analysis.

7 The Letter of Notification filing consisted
8 of the Pleading, the Letter of Notification, together with
9 the exhibits that are contained in a white, three-ring binder
10 which is also marked with the caption of the Letter of
11 Notification and was filed as part of the Letter of
12 Notification.

13 The Applications for Condemnation similarly
14 consisted of a written dating the application as well as a
15 series of separately bound exhibits marked as Exhibits A
16 through E which are each identified and discussed in the
17 respective applications.

18 Your Honor, we have requested, as regulations
19 permit, that each of those applications be consolidated for
20 hearing and decision. And the issues, we believe, are common
21 to all three and that is to say essentially two issues, one,
22 the necessity for the project and whether a reasonable route
23 had been determined for the proposed line.

24 It is with respect to both the siting
25 approval and the Request for Findings pursuant to 15

1 Pennsylvania Consolidated Statutes Section 1511(c) that are
2 requested in our pleadings in this case.

3 JUDGE COLWELL: Okay. Is there anything
4 else?

5 MR. DECUSATIS: That's all, your Honor.
6 Obviously there is a general and a technical description of
7 the proposed line that's contained in each of the three
8 pleadings. We could get into that, but I thought it would be
9 best to put that aside for now.

10 JUDGE COLWELL: All right. Mr. Byler, would
11 you like to state your position for the record since I have
12 nothing from you.

13 MR. BYLER: Certainly, your Honor. First of
14 all, what we have here is a farm that's been placed in the
15 agricultural preserve. The farm has been preserved. The
16 farm also, for a number of years, had a portion of it
17 condemned by the State in order to construct a four-lane
18 highway down the side of it such that we have an eight-acre
19 parcel that's actually part of this farm that lies across
20 Route 283 from the parent tract of the farm which to us
21 essentially is a dead tract.

22 It's bordered by the railroad tracks. We
23 can't get our equipment across the four-lane highway to do
24 anything with it. So while we own it and while we pay real
25 estate taxes on it, it's dead to us.

1 And we're not engineers, but it sure seems to
2 a layman who is viewing the situation that it would make a
3 whole lot of sense, rather than condemning our farm, to run
4 your power lines right up through the middle of a dead space
5 to us and anybody else in the world -- it's waste land. It
6 borders the railroad -- rather than to jump across the
7 highway before you get to our farm and then come right down
8 through the side of our field with your transmission lines.

9 So again, from simply a common sense,
10 layman's perspective, that makes a whole lot more sense for,
11 certainly, the land owner, we would think, for the community
12 and aesthetics as well as the surrounding area.

13 So that's basically our position, that it
14 just doesn't make sense.

15 JUDGE COLWELL: Okay.

16 MR. BYLER: I guess it doesn't make sense
17 from the perspective that I just gave you and without
18 performing -- and I'm not qualified to perform a cost
19 estimate for PPL of installing these poles and lines, but the
20 amount of money that has been proposed as a payment to the
21 State, inadequate as we believe it might be, wouldn't need to
22 be paid at all if the lines were located where I'm
23 suggesting.

24 Therefore, from a cost benefit analysis,
25 you've got that much money in your pocket to start out with

1 that you won't with if you come across the highway and have
2 to pay us.

3 So that's basically it.

4 JUDGE COLWELL: You realize there are legal
5 standards that have been established in cases like these
6 though, don't you?

7 MR. BYLER: I do.

8 JUDGE COLWELL: All right. Then we'll turn
9 to Ms. Smith and she can tell us what East Hempfield has.

10 MS. SMITH: Thank you, your Honor. Your
11 Honor, we still hold, I believe, as expressed to PPL, no
12 opposition to the siting of the line or to the exercise of
13 condemnation. I believe there have been some preliminary
14 discussions with PPL as to the compensation amount and I
15 think there has been an indication of support for the amount
16 that has been discussed.

17 MR. BYLER: Your Honor, if I could just add
18 -- we caught very little of what Ms. Smith said.

19 JUDGE COLWELL: Okay. We'll have her move
20 closer to the phone.

21 MS. SMITH: I'll be happy to repeat it. I'm
22 sorry for not speaking more loudly.

23 East Hempfield has no opposition to the
24 proposed siting of the line or to your exercise of
25 condemnation powers. I understand that had been expressed to

1 PPL previously and that there has been some preliminary
2 discussion as to an amount of compensation and that East
3 Hempfield has indicated support for that as well.

4 We we're here to monitor the proceeding at
5 this point and for me to make sure that if money is
6 discussed, that we're on the same page.

7 JUDGE COLWELL: Okay. Let me ask you this:
8 Is there land involved that's actually owned by the Township?

9 MS. SMITH: Yes. Less than an acre.

10 JUDGE COLWELL: Less than an acre. So I
11 would have to assume that what you refer to as a preliminary
12 discussion is perhaps not viewed the same way by PPL?

13 Is that true, Mr. DeCusatis? Because to this
14 point, where you're filing these, you've actually discussed
15 it in some detail, haven't you?

16 MR. DECUSATIS: Your Honor, Mr. Kuhns is
17 shaking his head that there have been discussions.

18 MR. KUHNS: Yes, that's correct.

19 JUDGE COLWELL: All right. In terms of
20 possible settlement then, what are we looking at here? Mr.
21 DeCusatis?

22 MR. DECUSATIS: Your Honor, may I have just
23 one moment?

24 JUDGE COLWELL: Yes.

25 (Pause)

1 MR. DECUSATIS: Your Honor, just to review
2 the bidding at this point, we appreciate Ms. Smith's
3 statement on the record. That's been very, very helpful and,
4 therefore, we've obviously, subject to reaching an agreement
5 in conversation, which is out of context of this proceeding,
6 obviously, we do not see any contested issues with respect to
7 matters within the Commission's jurisdiction, vis-a-vis, East
8 Hempfield Township.

9 As I previously indicated, our application
10 with respect to serving the property with Petition to
11 Withdraw, because we have that right-of-way, that obviously
12 leaves us with the Landis property. We have, in fact, been
13 in discussions with the Landises. I don't know how
14 comfortable I am or how comfortable you would be with us
15 getting into that right now, or if you indeed want us to go
16 there, except to say that we did have discussions and we
17 thought there was an opportunity for those discussions to
18 continue. Perhaps Mr. Byler could let us know.

19 JUDGE COLWELL: Okay. Mr. Byler, how do you
20 feel about a possible settlement?

21 MR. BYLER: Well, preliminarily, I would say
22 that late last summer, both Mr. Landises that are sitting in
23 my conference room right now, and myself, sat here with, I
24 believe it is Jim Leonard, and asked him to discuss -- we
25 were discussing the current settlement proposal from PPL, and

1 the meeting concluded with us requesting that he come back
2 and explain to us in more detail why it was unreasonable for
3 PPL to utilize the waste area across the highway, rather than
4 skipping onto our farm and to review up grading the proposal
5 that PPL had made.

6 And we understood from that rather amicable
7 meeting that we would be hearing something further and we
8 heard nothing further until the present documents were served
9 upon us.

10 So the process caught us a bit by surprise
11 here a number of weeks ago when that process began more
12 formally, rather than the continued discussion.

13 JUDGE COLWELL: Okay.

14 MR. DECUSATIS: Your Honor, I don't know that
15 it would be at all productive to get into characterizing
16 meetings, except to say that we obviously came away from that
17 meeting -- I was not present, but certainly Mr. Leonard came
18 away from that meeting with a much different view of the
19 situation.

20 And it is also my understanding that there
21 were several attempts to get back in touch with the Landises
22 and counsel after that meeting.

23 That having been said, there were discussions
24 or a discussion that took place after the filing of the
25 application. That all having been said, I guess the

1 fundamental question here is Are we here to contest the
2 siting and the route of the line, because that's really what
3 it comes down to? And the only thing I would point out, if
4 this would be at all helpful to our Honor to get oriented in
5 this stage of the proceeding, because we seem to be, in
6 addition to not being present in the hearing room, we
7 obviously are trying to do something verbally.

8 There is an aerial photograph of the entire
9 route which is contained in our Letter of Notification
10 filing, the three-ring binder. In Exhibit C, there is a Tab
11 C of that binder, there's a map pocket and there is an
12 Exhibit C which is designated aerial exhibit Chief one of
13 one. It has a legend on the lower part of it which
14 identifies each parcel of land by number. It also shows the
15 proposed route. And I believe you can identify the locations
16 that we've been talking about and that Mr. Landis has been
17 talking about.

18 JUDGE COLWELL: Well I could accept that. I
19 wasn't given that, so I don't have your three-ring binder.
20 It's probably in the File Room, but when the file was
21 transmitted to me, that was not included with it. So I don't
22 have it.

23 MR. DECUSATIS: Your Honor, just as an aside,
24 would it be at all helpful for us, could we expedite this if
25 we were to separately send you a copy of that rather than try

1 to get it from your File Room?

2 JUDGE COLWELL: It certainly wouldn't hurt
3 anything.

4 MR. DECUSATIS: Okay. We'll do that.

5 JUDGE COLWELL: Thank you. In the meantime,
6 you're giving me directions to find something that it's not
7 helpful.

8 MR. DECUSATIS: I apologize, Judge.

9 JUDGE COLWELL: That's all right. I'm sure
10 once I get the transcript here, I can refer back to your
11 notes and look at it in my office, but I can't look at it
12 today.

13 So you're right, we don't have to fight about
14 that particular issue today, or who is right about what the
15 meeting was. But I think what we can agree on is that there
16 appears to be room for more settlement discussions between
17 you and Mr. Byler. So I think we need to give you time to do
18 that and then you can let me know whether those were fruitful
19 or whether they were not.

20 In the meantime, we can go ahead and set up a
21 schedule of filings and hearing date if you would be so
22 inclined.

23 MR. DECUSATIS: I think that would be wise,
24 your Honor. I guess the only other point which I was
25 thinking about, I thought it would be helpful if we actually

1 had a Petition to Intervene filed on behalf of the party
2 that's going to be active participants in this case.

3 JUDGE COLWELL: I'll tell you what I do
4 expect and after this, I'll issue an Order following this
5 prehearing conference, telling you, it will set forth the
6 schedules we will discuss after this, and it will also
7 require that the parties file what is usually filed before a
8 prehearing conference. And that is something that states the
9 issues so that we're all agreed on what it is we're talking
10 about at any rate.

11 So I would expect, after I issue that Order,
12 that the other parties who wish to be here, Mr. Byler and
13 East Hempfield Township, they will file something with me
14 that will serve as an Answer or Notice of Intervention and
15 tell me what their intent is regarding the issues, which
16 issues they're interested in. Then we'll have that written
17 down. Okay?

18 MR. BYLER: Okay. That will be fine.

19 JUDGE COLWELL: Okay.

20 MR. DECUSATIS: Your Honor, obviously one of
21 the reasons we have all the folks in the room today, I sat
22 down and I tried to put together a schedule.

23 JUDGE COLWELL: Okay.

24 MR. DECUSATIS: The easiest way is to just
25 put it out there it would require obviously the usual

1 scheduling process which the Commission uses with the filing
2 of testimony and then a hearing at the end. In this case, we
3 fully understand that we will be the party that will be going
4 first. And it was largely for that reason that I mention the
5 idea which you then expanded on about getting some sort of
6 statement of the parties' positions so that we would have
7 some notice of the issues we need to focus on.

8 JUDGE COLWELL: Sure. That's fair.

9 MR. DECUSATIS: That being said, we would be
10 looking at filing direct testimony on July 1. The Intervenor
11 protestants' direct testimony on July 15. And that would be,
12 of course, prepared, written testimony with accompanying
13 exhibits. And those would be in-hand dates.

14 Then I think, given the nature of the case,
15 we could probably look then at having a hearing with a
16 reservation for both oral rebuttal on our part maybe the week
17 of July 26th to 30th. And of course, it's going to depend on
18 your Honor's schedule.

19 JUDGE COLWELL: Yes. Mr. Byler, do you have
20 your schedule in front of you?

21 MR. BYLER: I do.

22 JUDGE COLWELL: Okay. Do those proposed
23 dates suit you?

24 MR. BYLER: They're way too rapid, based on
25 both my client and my own vacation schedules.

1 JUDGE COLWELL: What would you suggest?

2 MR. BYLER: I wouldn't expect that we would
3 be prepared to submit any written testimony until at least
4 mid-August.

5 (Pause)

6 JUDGE COLWELL: Ms. Smith, how do you feel
7 about this?

8 MS. SMITH: Your Honor, I have no particular
9 position on the schedule.

10 JUDGE COLWELL: Mr. DeCusatis, do you have
11 any objection to moving back the direct testimony of Mr.
12 Byler's client?

13 MR. DECUSATIS: Actually, that's a little
14 longer than we had anticipated, your Honor. I think that our
15 objective here is to see if it wouldn't be possible to get a
16 Decision from the Commission by late fall, maybe end of the
17 year, given the timing for this project and potential
18 construction plan.

19 I don't know if a mid-August filing of their
20 responsive testimony would get that done, coupled with the
21 fact that obviously we're looking at over two months from
22 now. I mean we could maybe extend the schedule we talked
23 about earlier. With mid-August filing on their part, I
24 suppose we'd then be looking at a hearing date, maybe we
25 could accelerate the hearing date. That seems rather

1 extended schedule for a case of this nature.

2 JUDGE COLWELL: On the other hand, PPL
3 already has its ducks in a row and Mr. Byler can't be
4 expected to have done that. And also, I think because, it
5 seems to me anyway, that you do need time to talk to him
6 before you spend a lot of time and perhaps more money than
7 you need to on testimony on perhaps working out a settlement.

8 So I really think his option is okay. If you
9 would like to move your direct date back to maybe the third
10 week of July because of that, that would be fine.

11 MR. DECUSATIS: Your Honor, one thing that
12 might be helpful and that would be if we could determine a
13 hearing date maybe relative to that. What's your schedule
14 like? Would we be looking at maybe a hearing date as early
15 as maybe the end of the third week of August?

16 JUDGE COLWELL: Well, I hesitate to give you
17 a hearing date that week because I have school-age children
18 and they go back to school the following Monday. So that
19 would be like their last hurrah.

20 MR. DECUSATIS: What about the following
21 week?

22 JUDGE COLWELL: That's clear because they're
23 in school.

24 MR. DECUSATIS: Just so I'm clear on that,
25 when I said the third week, I was thinking about the week of

1 the 16th to the 20th of August and then the following week,
2 the 23rd to the 27th, that's a good week for you?

3 JUDGE COLWELL: No, actually, it's not
4 because the children go back on the 30th. The first two
5 weeks of August are busy. I'm sure you understand why the
6 second week of August is busy, because of the PPL rate
7 hearings.

8 I don't have anything the third week, well,
9 one hearing, but I think it's been cancelled. But that's
10 when the testimony would be filed.

11 How soon after the testimony from the
12 Landises can you have your hearing? How much time do you
13 need?

14 MR. DECUSATIS: I don't think we need a lot,
15 your Honor.

16 JUDGE COLWELL: Then why don't we have -- I'm
17 inclined to set the hearing for the week of the 30th of
18 August. So we can go back from there. We could have the
19 Landises' testimony due the 16th or the 13th. It doesn't
20 matter because if you file something on a Friday, nobody gets
21 it anyway until Monday.

22 Then you can have your own testimony due --
23 why don't we give you two additional weeks -- instead of
24 July 1st, we'll give you the 19th.

25 MR. DECUSATIS: Okay.

1 JUDGE COLWELL: So PPL's direct testimony is
2 due July 19th. Landises and East Hempfield, if they're so
3 inclined, testimony will be due on August the 16th. Then
4 we'll set the hearings for the week of August 30th.

5 Once you get it in my hands, it shouldn't
6 take me long to do what I do. I'm pretty quick at getting
7 things out. But we will need time for briefing after that.

8 But I can promise you that it isn't going to
9 languish on my desk. I can't speak for once it gets off my
10 desk.

11 I think that's what we're looking for for a
12 schedule. Now are there any discovery issues we need to
13 address?

14 MR. DECUSATIS: We certainly don't have any,
15 your Honor.

16 JUDGE COLWELL: Mr. Byler?

17 MR. BYLER: No, your Honor.

18 JUDGE COLWELL: Ms. Smith?

19 MS. SMITH: No, your Honor.

20 JUDGE COLWELL: All right. Does anybody have
21 anything else we need to discuss?

22 MR. DECUSATIS: We don't, your Honor.

23 JUDGE COLWELL: Then what I will do is issue
24 an Order which sets forth that schedule that we just
25 discussed and direct the intervening or responding parties to

1 set down their positions, I'll set that down within a
2 reasonable period of time.

3 In the meantime, I encourage you to speak
4 with Mr. Byler, Mr. DeCusatis, and see what you can work out.

5 MR. DECUSATIS: Thank you, your Honor. We
6 intend to do that and we'll certainly start to do that.

7 JUDGE COLWELL: I believe that would be in
8 everybody's best interest.

9 MR. BYLER: Thank you, your Honor.

10 JUDGE COLWELL: Anybody have anything else?

11 MR. BYLER: While I have you on the line or
12 while I have Mr. DeCusatis on the line, it sure seems like --
13 I mean if we're willing to entertain settlement discussions,
14 I think there's questions that the Landises have. And maybe
15 since you have clearly a lot of high-powered minds in your
16 office with you there, maybe we don't need to bother the
17 Judge with discussions, but maybe after we hang up with her,
18 we can dial each other up and talk a bit more this morning.

19 MR. DECUSATIS: That sounds fine. That would
20 be fine. I'll keep the folks assembled here. The number
21 that we are at right now is Area Code 610 774-7461.

22 MR. BYLER: Okay. I'll give you a call in a
23 minute and maybe we can take a few minutes to clear some
24 questions we have.

25 MR. DECUSATIS: Very good.

1 MR. BYLER: Okay.

2 MS. SMITH: Just to note, on the East
3 Hempfield side, I guess I'll get with you, Mr. DeCusatis,
4 about finalizing the discussions that I think have already
5 occurred.

6 MR. DECUSATIS: Yes, your Honor.

7 JUDGE COLWELL: That's Ms. Smith speaking.

8 MS. SMITH: That was Susan Smith making that
9 request.

10 MR. DECUSATIS: I'm sorry, I didn't hear.

11 JUDGE COLWELL: That was Ms. Smith talking to
12 you; not the Judge.

13 MS. SMITH: I said I'll be contacting you or
14 you can contact me and we'll talk about finalizing what has
15 been the agreement reached between East Hempfield Township
16 and you folks.

17 MR. DECUSATIS: Yes, that's great. I
18 appreciate that. I was going to suggest the same thing.

19 JUDGE COLWELL: Okay. Before we hang up,
20 we'll go off the record now.

21 (Whereupon, at 10:51 a.m., the hearing was
22 adjourned.)

23 * * *

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

I hereby certify, as the stenographic reporter, that the foregoing proceedings were taken stenographically by me, and thereafter reduced to typewriting by me or under my direction; and that this transcript is a true and accurate record to the best of my ability.

COMMONWEALTH REPORTING COMPANY, INC.

BY: *Lyn Wilson*
Marilyn F. "Lyn" Wilson, CVR
* * *

RECEIVED

2004 JUL - 1 AM 9: 30

SECRETARY'S BUREAU

FORM 2