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Writer's E-Mail Address:

July 1, 2004

BY FIRST CLASS MAIL AND FACSIMILE
Honorable Susan D. Colwell
Office of Administrative Law Judge
Pennsylvania Public Utility Commission
PO Box 3265
Keystone Office Building
Harrisburg, PA 17105-3265

DOCKETED
JUL 23 2004

**DOCUMENT
FOLDER**

SECRETARY'S BUREAU

2004 JUL -2 AM 9:23

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Re: **In the Matter of: PPL Electric Utilities Corp.**
Docket Nos. A-11500F0333, A-110500F0343

A-110500F0333

Dear Judge Colwell:

PPL Electric Utilities Corp. and East Hempfield Township have reached agreement as to the value of the Township's property at issue in the above-captioned dockets. Therefore, East Hempfield Township does not intend to continue its participation in the proceeding and will not be filing a position statement.

Very truly yours,


Susan J. Smith

cc: James J. McNulty, Secretary, Pennsylvania Public Utility Commission
Pennsylvania Public Utility Commission
George Marcinko, East Hempfield Township Manager

Morgan, Lewis & Bockius LLP
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04 JUL 19 AM 9:11
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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

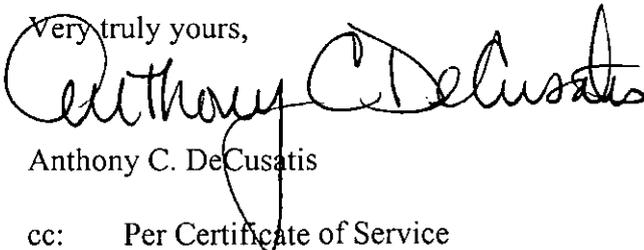
**DOCUMENT
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Re: **Docket No. A-110500 F0333** (PPL Electric Utilities Corporation's Letter of Notification for the West Hempfield McGovernville #1 and #2 138/69 kV Tie Line); and **Docket No. A-110500 F0344** (Application of PPL Electric Utilities Corporation 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
OCT 19 AM 9:11

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.

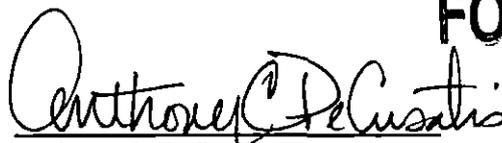
VIA FEDERAL EXPRESS

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.
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2331 Market Street
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**DOCUMENT
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Anthony C. DeCusatis
Counsel for PPL Electric Utilities
Corporation

July 16, 2004

OALJ Hearing Report

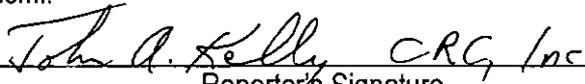
Please Check Those Blocks Which Apply

Docket No.:	A-110500F0333, A-110500F0343 & A-110500F0344	Prehearing Held:	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
Case Name:	Application of PPL Electric Utilities Corporation	Hearing Held:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Testimony Taken:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Transcript Due:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Hearing Concluded:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Location:	HBG	Further Hearing Needed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Date:	September 1, 2004	Estimated Add'l Days:		
		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 type="checkbox"/>
<div style="font-size: 2em; font-weight: bold; margin: 0;">DOCUMENT FOLDER</div>		REMARKS:		
		AWAITING ADDITIONAL INFO.		
		FROM PPL		

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

Name and Telephone Number	Address	Who are you representing?
ANTHONY G. DeCusatis Telephone: 215-963-5034	Morgan, Lewis & Bockius, LP 1701 Market Street City: Philadelphia State: PA Zip: 19103 E-mail Address: adecusatis@morganlewis.com	PPL Electric Utilities Corp. 5299 Fax Number: 215-963- 5034

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.

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November 17, 2004

VIA HAND DELIVERY

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

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2004 NOV 17 PM 3:58
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DOCUMENT

**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**

Dear Secretary McNulty:

Enclosed for filing in the above-captioned matter are an original and three copies of the **Memorandum of Law** and the appended **Proposed Findings of Fact, Conclusions of Law and Ordering Paragraphs** of PPL Electric Utilities Corporation (PPL) in support of its Letter of Notification.

Upon the withdrawal of Applications filed by PPL for approval to exercise the power of eminent domain, which were docketed at Nos. A-110500 F0342, F0343 and F0344 and had been consolidated with the Letter of Notification, this matter became, and remains, uncontested. Accordingly, this case will be transferred from the Office of Administrative Law Judge to the Bureau of Fixed Utility Services.

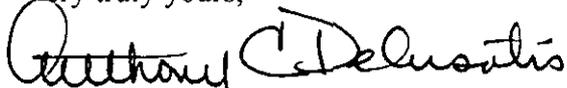
As evidenced by the enclosed Certificate of Service, copies of the enclosed are also being served upon the Administrative Law Judge to whom this case was initially assigned.

James J. McNulty, Secretary
November 17, 2004
Page 2

We are also enclosing an additional copy of this letter and of the Memorandum of Law, which we request be date-stamped as evidence of filing and returned to us.

If there are any questions, please contact the undersigned.

Very truly yours,

A handwritten signature in black ink, reading "Anthony C. DeCusatis". The signature is written in a cursive style with a large initial "A" and a distinct "C" before "DeCusatis".

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 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-110500 F0342
(Withdrawn)

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 EAST HEMPFIELD TOWNSHIP IN EAST HEMPFIELD TOWNSHIP, LANCASTER COUNTY, IS NECESSARY OR PROPER FOR THE SERVICE, ACCOMMODATION, CONVENIENCE OR SAFETY OF THE PUBLIC

Docket No. A-110500 F0343
(Withdrawn)

DOCUMENT

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-110500 F0344
(Withdrawn)

DOCKETED

NOV 24 2004

MEMORANDUM OF LAW OF
PPL ELECTRIC UTILITIES CORPORATION

In Support Of Its
Letter Of Notification

Paul E. Russell
Associate General Counsel
PPL Electric Utilities Corporation

Anthony C. DeCusatis
David B. MacGregor
Morgan, Lewis & Bockius LLP

Counsel for PPL Electric Utilities Corporation

Dated: November 17, 2004

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I. INTRODUCTION

A. Procedural History

PPL Electric Utilities Corporation (“PPL” or the “Company”) made four filings with respect to its proposed West Hempfield-McGovernville #1 and #2 138/69 kV Tie Line, each of which is described below. Because these filings involved common issues of fact and law, they were consolidated for the Commission’s consideration and decision.

On July 10, 2003, PPL filed with the Commission a Letter of Notification pursuant to 52 Pa. Code §57.71 et seq. for authorization to locate and construct the West Hempfield-McGovernville Tie Line on the route delineated therein. With the Letter of Notification PPL also filed a separate ring binder containing Exhibits A-D and Appendices A-H. The Letter of Notification and accompanying exhibits and appendices contain all of the information specified in 52 Pa. Code §57.72(d)(4) as well as a full siting analysis, including an environmental inventory and aerial photographs of the proposed route, which are not required for Letters of Notification. *Compare* 52 Pa. Code §§57.72(c)(1)-(15) and 57.72(d)(4).

Copies of PPL’s Letter of Notification and accompanying exhibits and appendices were served upon the applicable state, county and local governmental entities, including all of those specified in 52 Pa. Code §57.74(b), as follows:¹

- Pennsylvania Historical and Museum Commission
- Pennsylvania Department of Transportation
- Pennsylvania Department of Environmental Protection

¹ Pursuant to 52 Pa. Code §57.74(c)(1), PPL was required to serve only a notice of filing upon the Historical and Museum Commission and the Department of Transportation. Nonetheless, PPL served those agencies with its entire filing.

- Lancaster County Commissioners
- Lancaster County Planning Commission
- Lancaster County Agricultural Preserve Board
- East Hempfield Township Supervisors
- East Hempfield Township Planning Commission

In addition, PPL served copies of its entire Letter of Notification and accompanying exhibits and appendices upon all of the owners of property within the proposed right-of-way of the West Hempfield-McGovernville Tie Line. Under 52 Pa. Code §57.74(c)(1), PPL was only required to serve a notice of its filing upon such landowners.

In its Letter of Notification, PPL explained that, as of July 10, 2003, it had not yet acquired all of the right-of-way needed for the proposed line. Although PPL continued to negotiate in good faith to acquire the remainder of the required right-of-way by mutual agreement with the landowners, the inability to reach agreement with three property owners made it likely that PPL would have to exercise the power of eminent domain vested in it by 15 Pa. Code §1511. Accordingly, on March 30, 2004, PPL filed with the Commission three Applications asking the Commission to make the findings and determinations required by 15 Pa. Code §1511(c) as a prerequisite to its exercise of the power of eminent domain to acquire right-of-way for aerial electric facilities over and across the lands of Mahlon N. Zimmerman and Rozanne L. Zimmerman, East Hempfield Township and John E. Landis (collectively the “Landowners”). A complete copy of each Application and accompanying exhibits was served on the property owner(s) to whom it pertained.

On May 13, 2004, the Commission issued a notice to PPL and Landowners that the Letter of Notification and Applications had been assigned to Administrative Law Judge Susan D.

Colwell ("ALJ") and a Prehearing Conference had been scheduled for June 10, 2004. The Notice provided parties the option of participating telephonically.

In May 26, 2004, the Zimmermans executed and delivered the documents conveying to PPL the right-of-way across their property needed by PPL for the West Hempfield-McGovernville Tie Line. The conveyance was made pursuant to the terms of an agreement reached by PPL and the Zimmermans subsequent to PPL's filing of its Application to exercise the power of eminent domain across their property. Consequently, on May 28, 2004, PPL filed with the Commission a Petition to Withdraw its Application pursuant to 52 Pa. Code §1.82. The Petition to Withdraw was served upon the Zimmermans, their attorney and the ALJ.

The Prehearing Conference was held as scheduled. At the Prehearing Conference, counsel for East Hempfield Township stated that the Township did not oppose the siting of the West Hempfield-McGovernville Tie Line or PPL's exercise of the power of eminent domain to acquire the necessary right-of-way and, therefore, the Township sought to renew earlier discussions concerning the compensation it would be paid for selling the right-of-way to PPL (Tr. 11). Following a discussion among the ALJ and counsel for PPL and Mr. Landis, a litigation schedule was established that called for PPL to file its prepared testimony on July 19, 2004, other parties to file prepared testimony on August 16, 2004 and evidentiary hearings to be held on September 1 and 2, 2004. The schedule and other procedural matters were memorialized in the ALJ's Order issued on June 11, 2004.

On July 16, 2004, PPL served upon the parties and the ALJ its direct testimony, which consisted of four statements and accompanying exhibits. Thereafter, 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 then-outstanding offer to purchase the right-of-way across his property 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. In fact, no testimony was submitted in this case by any party other than PPL.

An evidentiary hearing was held on September 1, 2004 in accordance with the previously-established schedule and the ALJ's Prehearing Order. PPL was the only party that appeared at the hearing, at which it presented each of its four witnesses, identified and authenticated each witness' testimony and exhibits and entered all of its testimony and exhibits upon the record (Tr. 30-55).

On or about September 16, 2004, East Hempfield Township executed and delivered documents conveying to PPL the right-of-way across its property needed by PPL for the West Hempfield-McGovernville Tie Line. The conveyance was made pursuant to an agreement reached between the Township and PPL on the consideration for the purchase. On October 22, 2004, PPL filed a Petition to Withdraw its Application to exercise the power of eminent domain over the Township's property pursuant to 52 Pa. Code §1.82. The Petition to Withdraw was served upon the Township's attorney and the ALJ.

On November 5, 2004, pursuant to his prior agreement, Mr. Landis executed and delivered documents conveying to PPL the right-of-way across his property needed by PPL for the West Hempfield-McGovernville Tie Line pursuant. On November 10, 2004, PPL filed a Petition to Withdraw its application to exercise the power of eminent domain over Mr. Landis' property pursuant to 52 Pa. Code §1.82. The Petition to Withdraw was served upon Mr. Landis, his attorney and the Administrative Law Judge.

No protests or interventions were filed with respect to PPL's Letter of Notification. Therefore, upon the acquisition of the needed right-of-way from the Zimmermans, East Hempfield Township and Mr. Landis and upon the withdrawal of PPL's Applications to exercise the power of eminent domain, this matter ceased to be contested. Accordingly, the ALJ transferred PPL's Letter of Notification to the Commission's Bureau of Fixed Utility Services ("FUS") to be reviewed and acted upon by the Commission as an uncontested siting application. This Memorandum of Law and the accompanying Proposed Findings of Fact, Conclusion of Law and Order are submitted to assist FUS and the Commission in their review of this matter and in the preparation of a final Order.

B. The Proposed West Hempfield-McGovernville Tie Line

The West Hempfield-McGovernville #1 and #2 138/69 kV Tie Line will be 1.8 miles in length and will be located in East Hempfield Township, Lancaster County. The line will be designed and constructed for double circuit 138 kilovolt (kV) operation. However, the line will initially be energized at 69 kV until projected load growth requires increasing the voltage of the regional transmission system to 138 kV.² The proposed route of the line is depicted on the aerial photograph provided in the map pocket of Exhibit "C" in PPL Exhibit No. 1.

The West Hempfield-McGovernville Tie Line will connect the existing South Manheim-South Akron #1 and #2 138/69 kV Transmission Lines, via the existing Kellogg #1 and #2 Tap Lines, to the existing West Hempfield-Donegal and West Hempfield-South Manheim #3 138/69 kV Lines, thereby creating a high-capacity link between those two lines and, thereby, providing

² The voltage designation "138/69 kV" connotes the fact that a line is designed to operate at 138 kV but is energized at 69 kV.

much needed load transfer capability, as explained in PPL Statement No. 1 (pp. 2-6).

Additionally, six switches will be added to existing and proposed facilities to enhance operating flexibility (PPL St. 3, pp. 2-3).

The West Hempfield-McGovernville Tie Line will be constructed with single shaft steel poles with steel upswept conductor support arms. The line will have approximately 17 structures averaging 95 feet in height, and average span lengths will be 605 feet. The line will have six power conductors, arrayed with three lines on each side of the poles, and will have one overhead ground wire (OHGW) (PPL St. 3, pp. 2-3).

The Company presented extensive, detailed information explaining the need for the proposed West Hempfield-McGovernville Tie Line and the reasons why the construction and operation of the line will have no significant environmental or land use impacts. This information is discussed in greater detail hereafter.

II. SUMMARY OF THE EVIDENCE

In support of its Letter of Notification and Applications, PPL submitted four prepared statements and four accompanying exhibits, as summarized below by responsible witness:

Gopi R. Kedia. Mr. Kedia holds the position of Senior Engineer with PPL. Mr. Kedia submitted PPL Statement No. 1 and sponsored the portion of PPL Exhibit No. 1 designated therein as Exhibit "A" (Necessity Statement). In his testimony, Mr. Kedia described PPL's regional transmission planning process and the existing transmission supply system in the area of the proposed project. He also explained how the regional transmission planning process was

used to anticipate and identify problems with the existing system and why the West Hempfield-McGovernville Tie Line is needed to resolve those problems.

Kenneth B. Kuhns. Mr. Kuhns holds the position of Siting Supervisor in PPL's Transmission and Distribution Engineering Section. Mr. Kuhns submitted PPL Statement No. 2 and sponsored the portions of PPL Exhibit No. 1 designated therein as the Summary, Exhibit "B" (Core Area Environmental Inventory), Exhibit "C" (Siting Analysis) and Appendices A-E, G and H.³ In addition, Mr. Kuhns sponsored PPL Exhibit No. 2, which consists of eight color photographs that depict geographic and manmade features described in Mr. Kuhns' testimony that are relevant to the Company's decision to select the proposed route for the West Hempfield-McGovernville Tie Line. In his testimony, Mr. Kuhns described the process PPL used to site the West Hempfield-McGovernville Tie Line including the area delineated for detailed study, the inventory PPL conducted of significant features and environmental factors, the alternative route identified for comparative analysis and the reasons why the preferred route for the line balances functional requirements, environmental factors and cost considerations.

Jay Alan Keeler. Mr. Keeler holds the position of Supervising Engineer in Transmission and Distribution Design with PPL. Mr. Keeler submitted PPL Statement No. 3 and sponsored the portions of PPL Exhibit No. 1 designated therein as the Exhibit "D" (Engineering

³ Appendix A consists of the guidelines used in compiling the Core Area Environmental Inventory. Appendix B is the bibliography of sources consulted to prepare the Core Area Environmental Inventory. Appendix C is the list of governmental agencies, municipalities and other public entities contacted as part of the Siting Analysis. Appendix D is a list of Lancaster County historic sites. Appendix E is a list of those owning property within the proposed right-of-way of the line. Appendix G is a copy of PPL's Magnetic Field Management Program. Appendix H is a list of the municipalities and other public entities that PPL was required to notify of the filing of its Letter of Notification.

Description) and Appendix F (PPL Design Criteria and Safety Practices). In his testimony, Mr. Keeler described the major design and safety features of the West Hempfield-McGovernville Tie Line.

Barry L. Gebhard. Mr. Gebhard holds the position of System Property/Land Manager in Real Estate Services with PPL. Mr. Gebhard submitted PPL Statement No. 4 and sponsored PPL Exhibit Nos. 3 and 4, which are copies of the exhibits (contained in a bound presentation folder) that were filed in support of PPL's Applications for the findings and determinations needed to exercise the power of eminent domain over the property of John E. Landis and East Hempfield Township, respectively. PPL Exhibit Nos. 3 and 4 each contain: (1) an electrical system map of PPL's service territory showing facilities operated at or above 69 kV; (2) a metes and bounds description of the property owned by the landowners in the project area; (3) a metes and bounds description of the right-of-way easement sought by PPL from the landowner(s); (4) a drawing of the right-of-way easement sought by PPL from the landowners; and (5) a copy of the certified resolutions of the Board of Directors of PPL authorizing the proposed condemnations. In his testimony, Mr. Gebhard described the status of PPL's right-of-way acquisition for the West Hempfield-McGovernville Tie Line up to the time he appeared at the evidentiary hearing and explained why PPL's exercise of the power of eminent domain would be necessary if agreements were not reached with the landowners to acquire the necessary right-of-way across their properties.

III. ARGUMENT

A. The Legal Criteria For Approval Of The Siting Of A High Voltage Transmission Line

The Commission's regulations at 52 Pa. Code §57.71 require prior approval for a public utility to construct a high voltage (i.e., greater than 100 kV) transmission line. The information a public utility is required to submit with an application for siting approval is delineated in 52 Pa. Code §57.72(c). However, if the proposed project is eligible for approval by means of a Letter of Notification, the supporting information required is much less. *See* 52 Pa. Code §57.72(d)(4). A proposed high voltage transmission line project may be approved by a Letter of Notification filing if it meets any one of the six criteria set forth in 52 Pa. Code §57.72(d)(1). The West Hempfield-McGovernville Tie Line qualifies for approval by the filing of a Letter of Notification because it is less than two miles in length. 52 Pa. Code §57.72(d)(1)(vi). However, because PPL anticipated the possibility of a contested proceeding, it submitted the same information in support of its Letter of Notification that would have been required for a full application under 52 Pa. Code §57.72(c).⁴

Under 52 Pa. Code §57.76(a), the Commission must make four findings to support its decision to approve a proposed high voltage transmission line, as follows:

- (1) That there is a need for the line;
- (2) That the line will not create an unreasonable risk of danger to the health and safety of the public;

⁴ Under 52 Pa. Code §57.72(d)(4)(5), the Commission can approve or disapprove a Letter of Notification. If the Commission does not approve the Letter of Notification, then its final order must direct the applicant to file all of the information required for a full application, and the request for approval is re-examined in light of that additional information.

- (3) That the line is in compliance with applicable statutes and regulations providing for the protection of the natural resources of the Commonwealth; and
- (4) That the line will have minimum adverse environmental impact, considering the electric power needs of the public, the state of available technology and the available alternatives.

PPL presented evidence showing that the proposed West Hempfield-McGovernville Tie Line satisfies all of the criteria for approval set forth in the Commission's regulations.

B. The West Hempfield-McGovernville Tie Line Is Needed For PPL To Maintain Reliable Service

PPL's regional transmission planning process identified a problem with its existing South Manheim-South Akron #1 and #2 138/69 kV transmission lines. Specifically, if either the #1 or the #2 line were to experience an outage for any reason, the line remaining in service would experience an unacceptable overloading under summer peak conditions. In addition, PPL identified three other overloading conditions that could affect these facilities (PPL St. 1, p. 4).

In order to address this problem, the Company identified and analyzed five functional alternatives for providing the needed load transfer capability to its system in the project area. Each alternative was developed based on its ability to eliminate the overload of one circuit of the South Manheim-South Akron #1 and #2 138/69 kV Lines if the other circuit were lost (PPL St. 1, p. 5).

After careful review, PPL determined that the best functional alternative would be to construct the proposed West Hempfield-McGovernville Tie Line (PPL St. 1, p. 5). The construction of the West Hempfield-McGovernville Tie Line resolves the capacity problem identified above by relieving the overloading on the South Manheim – South Akron #1 and #2 lines. *Id.* The West Hempfield-McGovernville Tie Line will create a high-capacity transmission

link between the South Manheim – South Akron #1 and #2 lines and other 138/69 kV transmission lines (PPL’s West Hempfield-Donegal 138/69 kV and West Hempfield-South Manheim #3 138/69 kV transmission lines) that provide a separate electrical feed into the project area (PPL St. 1, pp. 2-3). Creating this transmission link will alleviate potential overloading of the South Manheim-South Akron #1 and #2 138/69 kV transmission lines under projected summer peak conditions in the event of a single contingency outage of either of the South Manheim-South Akron circuits. (Both the existing transmission lines and the proposed West Hempfield-McGovernville Tie Line are shown in Figures 1 and 2 in Exhibit “A” of PPL Exhibit No. 1.) *Id.*

The inability of a transmission line to survive a single contingency outage would constitute a violation of PPL’s applicable reliability criteria. The construction of the West Hempfield-McGovernville Tie Line will provide the additional transmission capacity to eliminate this potential overloading. *Id.* It has the added benefit of creating a high capacity link between the West Hempfield and South Manheim Substations that will provide needed transfer capability in the event the power transformers at either substation were lost for any reason (PPL St. 1, pp. 5-6). A substantial advantage of the West Hempfield-McGovernville Tie Line over other functional alternatives studied is that no extensive transmission line outages will be required to build the line and, therefore, reliable electric service can be maintained to customers during the construction of the project. *Id.*

In summary, the West Hempfield-McGovernville Tie Line is needed to alleviate summer overload conditions on one of the South Manheim – South Akron #1 and #2 138/69 kV Lines in the event of a single contingency outage of either circuit. The load transfer capability that the project will provide is necessary to comply with PPL’s applicable reliability criteria. The

Company conducted a detailed study of functional alternatives to address capacity expansion needs before selecting the West Hempfield-McGovernville Tie Line as the best alternative (PPL St. 1, p. 6).

C. PPL Selected An Appropriate Route That Minimizes Adverse Environmental And Other Impacts

The siting analysis process employed by PPL has four fundamental components: (1) determination of the project's "core" area and "study" area; (2) compilation of an environmental inventory; (3) selection and analysis of potential preferred and alternative line routes; and (4) selection of the best alternative for siting the proposed line (PPL St. 2, p. 4).

The Core Area And Study Area. The Core Area is defined by the supply and destination service points and the natural and man-made boundaries beyond which no reasonable alternative line routes exist. The Core Area is designated for detailed study. The Study Area extends two miles beyond the Core Area's boundary and is used to map significant archeological resources, historic sites and unique environmental features (PPL St. 2, p. 4).

The eastern and western boundaries of the Core Area for this project were dictated by the functional requirement of locating and constructing the West Hempfield-McGovernville Tie Line between the West Hempfield-Donnegal/West Hempfield-South Manheim #3 Lines and the South Mainheim-South Akron #1 and #2 Transmission Lines (via the Kellogg #1 and #2 Tap Lines), as described in PPL Statement No. 1 and as depicted on Figures 1 and 2 in Exhibit "A" of PPL Exhibit No. 1. The northern and southern boundaries are parallel to, and equidistant from, State

Highway 283 and two railroad tracks owned by Amtrak.⁵ Specifically, the northern and southern boundaries of the Core Area are approximately three-quarters of a mile on either side of this transportation corridor, as depicted in Map 1 of Exhibit “B” in PPL Exhibit No. 1. The Core Area is approximately 2.5 miles long, 1.6 miles wide and encompasses approximately 4.25 square miles in total land area (PPL St. 2, p. 5).

The Environmental Inventory. PPL conducted a detailed environmental inventory of the Core Area to identify and locate environmental factors that should be considered when evaluating and selecting transmission line routes, which include, in this case (all citations below are to portions of PPL Exhibit No. 1):

- Linear features, such as existing electric transmission lines, roads and highways, railroads and pipelines (Exhibit “B,” pp. 4-6 and Map 1).
- Existing and proposed land use (Exhibit “B,” pp. 7-11 and Map 2).
- Municipal zoning (Exhibit “B,” pp. 11-13 and Map 3).
- Geology, soils and floodplains (Exhibit “B,” pp. 13-15 and Map 4).
- Slopes, grades and natural features (vegetation, wetlands, streams, wildlife and wildlife habitat and endangered and threatened species of flora and fauna) (Exhibit “B,” pp. 15-21 and Map 5).
- Farmland preservation areas (farmland within agricultural preservation areas) (Exhibit “B,” pp. 21-22 and Map 6).
- Cultural and other unique features, such as schools, churches, parks, natural and recreational areas, historic sites and archeological sites (Exhibit “B,” pp. 22-24 and Map 7).

⁵ State Highway 283 is a four-lane, limited access freeway that provides a high-speed link between the cities of Lancaster and Harrisburg. The Amtrak railroad tracks run along the south side of State Highway 283. A complete description of the Amtrak tracks and associated railroad spurs within the Core Area is provided in Exhibit “B” (pp. 6-7) of PPL Exhibit No. 1. State Highway 283 and the railroad tracks can be seen on the aerial photograph provided in the map pocket of Exhibit “C” of PPL Exhibit No. 1.

The Analysis Of Potential Routes And Selection Of The Best Alternative.

Information gathered from the environmental inventory was recorded on a series of maps (Maps 1-7 in Exhibit "B" of PPL Exhibit No. 1). By applying the Environmental Inventory Guidelines (Appendix A of PPL Exhibit No. 1), PPL identified and plotted the constraints (i.e., areas that should be avoided, if possible) and opportunities for transmission line construction. Line route alternatives were selected to try to minimize impacts on the constrained areas while meeting the functional and economic goals of the project (PPL St. 2, p. 6).

PPL also reviewed the project with municipal and state officials and agencies.

Information gleaned from those meetings was used, in conjunction with the environmental inventory, to identify constraints. For example, East Hempfield Township expressed considerable concern that the proposed line should not be located where it could have significant visual or other impacts on the historic Amos Herr House (PPL St. 2, p, 6-7)

Using its mapping and analysis procedures, PPL identified two line routes to try to take advantage of existing linear features and minimize land use "constraints" to the extent possible. Both alternatives were developed to achieve the functional goal of creating a high capacity transmission link between PPL's South Manheim-South Akron #1 and #2 138/69 kV Transmission Lines (via the Kellogg Tap Lines) and PPL's West Hempfield-Donegal 138/69 kV and West Hempfield-South Manheim #3 138/69 kV Transmission Lines (PPL St. 2, p. 7).

Alternative 1, which is the line route ultimately selected by PPL as its preferred route, is depicted on the large aerial photograph provided in the map pocket of Exhibit "C" of PPL Exhibit No. 1. This route begins at the West Hempfield-Donegal/West Hempfield-South Manheim #3 138/69 kV Transmission Lines approximately 1,650 feet west of Landisville Road.

The point of connection lies between State Highway 283 and the Amtrak railroad corridor. The proposed route heads northeast and crosses to the north side of State Highway 283 approximately 315 feet from that connection point (PPL St. 2, pp. 7-8).

After crossing to the north side of State Highway 283, the line heads southeast, parallel to State Highway 283, a distance of approximately 1.1 miles. The majority of this line route section occupies farmland. A portion of the line crosses property of the former Armstrong World Industries. *Id.*

The last section of the line, approximately 2,890 feet in length, also heads southeast and crosses both State Highway 283 and the Amtrak railroad tracks, such that it is to the south of, and parallel to, both of those linear features. A small segment of this line section occupies undeveloped property owned by East Hempfield Township. The balance of the line route occupies property zoned for industrial use. The proposed line route ties into the Kellogg #1 and #2 Tap Lines on the property of Kellogg USA. *Id.*

Alternative 2 is a route that would attempt to locate the proposed line entirely on the south side of State Highway 283 between the highway and the Amtrak railroad tracks. PPL rejected Alternative 2 for several reasons (PPL St. 2, pp. 8-11):

Lack Of Accessibility. State Highway 283 and the Amtrak railroad tracks would present obstacles making access extremely difficult, if not impossible, and potentially unsafe either for initial construction or subsequent operation, maintenance or reconstruction of the line, over most of its length. The elevation of the Amtrak railroad tracks creates a major physical barrier to access (*see* PPL Exhibit No. 2, Photograph 5), in addition to the obstacles created simply by hemming in the line between a high-speed limited access highway and a major, heavily-

trafficked, high-speed rail line. An overpass for Landisville Road, at the western end of the route, and the bridge carrying State Route 722, at the eastern end of the route, which both carry traffic across the railroad and the highway, impede access from either end. Access is critically important because large, heavy equipment must get to the site, and operate there, for construction and future maintenance and repair (PPL St. 2, p. 9).

Interference With Amtrak. If Alternative 2 were used, it would be necessary to locate the line on Amtrak property. This is a heavily trafficked main line between the Northeast Corridor and Harrisburg, Pittsburgh and Chicago. Amtrak regulations would require the presence of an Amtrak flagman on site at all time and, more significantly, would require PPL to stop work and clear the site each time a train passed. This would severely limit the periods when construction crews could work on line and would increase the time and cost of construction. The same problems would arise whenever maintenance had to be done on the line. Those delays would materially increase the time needed to restore or repair the line in the event of a failure or accident, which, in turn, would increase the duration and severity of any interruption of customer service (PPL St. 2, p. 9).

Need For Much Larger Structures. If the transmission line were to occupy Amtrak property, PPL would have to use taller structures to support the line in order to meet Occupational Safety and Health Administration (OSHA) and National Electrical Safety Code clearance requirements relative to the overhead railroad catenaries. (Photographs 7 and 8 of PPL Exhibit No. 2 show the railroad catenaries.) This would also add to the cost and visual impact of the project (PPL St. 2, p. 11).

Impact On The Historic Herr House. East Hempfield Township opposed Alternative 2 because the tree line separating the railroad from the highway would need to be removed. The tree line provides a natural backdrop to the Township park and the historic Amos Herr House, which screens these areas from the visual and other impacts of State Highway 283. Photograph 6 in PPL Exhibit No. 2 shows the historic Amos Herr House and barn. *Id.*

Greater Environmental Impact. Forested habitat within the Core Area is almost non-existent. The most significant area of woodland is concentrated in the strip of land between the highway and the railroad. *See* Photographs 1, 2, 3, 4, 7 and 8 of PPL Exhibit No. 2. The forested habitat that does exist in the Core Area becomes more important because of its scarcity. Consequently, because of the need to remove trees to construct Alternative 2, it has greater environmental impact than PPL's preferred route. *Id.*

By comparison, PPL's preferred route is superior in all major aspects. First, it provides the necessary access for construction and maintenance of the line. Because the route is located north of State Highway 283, it is fully accessible from the north without the need for construction and maintenance personnel and equipment to cross either a railroad or a limited access highway. In addition, the land is level and there are no abrupt changes in grade to create physical barriers to access (PPL St. 2, p. 11-12).

Second, the preferred route is located on agricultural land, which is compatible with transmission line construction. The only land physically occupied will be the "footprints" of the single-shaft steel poles, which is minimal. There will be a total of 17 structures over the entire length of the line. The agricultural land located under the line, outside the "footprints" of the

poles, can continue to be farmed and, therefore, will not be removed from agricultural production. *Id.*

Third, most of the farms traversed by the proposed line route are in an Agricultural Security Zone. This means that the line would not restrict an area of future development. *Id.*

Fourth, the preferred route closely parallels existing linear features and, in particular, the north side of State Highway 283. *Id.*

Fifth, unlike the route south of State Highway 283, the preferred route will require minimal tree clearing. *Id.*

PPL's Siting Analysis shows that the construction, operation and maintenance of the West Hempfield-McGovernville Tie Line will not have any significant environmental or land use impacts (all citations below are to portions of PPL Exhibit No. 1):

- The proposed line will have no adverse impact on the operation of communications or cellular telephone towers, and no other utilities will be affected by the proposed line (Exhibit "C," p. 3).
- The proposed line will not affect any airports (Exhibit "C," p. 3).
- No endangered or threatened plant or animal species will be affected because federal and state reviews show it is unlikely any such species exist in the Core Area. Habitat that might be conducive to "species of concern" will not be affected by the proposed line. The impact on common plant and animal species and habitat is minimal. Only minor tree clearing will be necessary (Exhibit "C," p. 3-4).
- No lakes, ponds or major bodies of water will be affected. The proposed line will cross three small unnamed tributaries of Swarr Run. The three stream crossings required will be easily spanned. Structures will be located well away from the streams, and no impacts will occur (Exhibit "C," p. 3).
- Wetlands along the line will be delineated and all necessary permits will be obtained from the Pennsylvania Department of Environmental Protection and

U.S. Army Corps of Engineers if there is any potential for wetlands to be affected (Exhibit "C," p. 3).

- No encroachment on flood-prone areas will occur because no flood-prone areas were identified along the proposed route (Exhibit "C," p. 4).
- Several National Register Historic Sites are located within the Core and Study Areas (PPL Exhibit No. 1, Appendix D). The only site close enough to the two alternative line routes studied by PPL to be potentially affected is the Amos Herr House. PPL's preferred route keeps the transmission line approximately 500 feet from the Amos Herr House. The impact on the Amos Herr House site will be minimal and far less than Alternative 2 (Exhibit "C," p. 4-5).
- PPL also reviewed the proposed line route with the Pennsylvania Historical and Museum Commission ("PHMC") to determine if any significant archeological sites are present. PHMC informed PPL that there are no known sites along the proposed line route and it is unlikely that any unknown site would exist in the immediate area (Exhibit "C," p. 5).
- No schools, churches, cemeteries, parks or recreational areas will be affected (Exhibit "C," p. 5).

PPL will also employ various measures to mitigate any potential environmental consequences of construction. PPL's standard mitigating measures are set forth in formal Company program documents entitled (1) "Transmission Line Right-Of-Way Program for Vegetation Management" and (2) "Specifications for Soil Erosion and Sedimentation Control on Transmission Line Rights-of-Way." These measures have been effectively and successfully applied in many Company transmission line projects, and they will be followed in the construction and operation of the proposed line. Other mitigating factors include PPL's use of the "long-span" construction technique, which minimizes the number of structures that must be built, and the use of single-shaft steel poles, which minimizes visual impacts (PPL St. 2, pp. 13-14).

In summary, PPL has used an extensive, multi-faceted technical analysis to site the West Hempfield-McGovernville Tie Line, which fully complies with the filing and information

requirements of the Commission's regulations for Letters of Notification and, in fact, provides all of the same information that would be required in a full siting application. Moreover, the same type of siting analysis has been used, with PUC approval, in numerous siting applications by PPL. The proposed location for the West Hempfield-McGovernville Tie Line uses existing linear features to the extent feasible and, thereby, reduces any associated impacts to a minimum. The preferred route is superior to the alternative route studied by PPL, which would pose significant obstacles to the construction and subsequent operation and maintenance of the line as well as having greater environmental and other impacts and being opposed by the municipality were the line would be located (PPL St. 2, p. 14). For all of the foregoing reasons, PPL's preferred route constitutes the appropriate balance of environmental and land use considerations, functional requirements and cost considerations and will have the minimum adverse environmental impact, considering the electric power needs of the public, the state of available technology and the available alternatives.

D. The Proposed Line Will Comply With Applicable Statutes And Regulations Providing For The Protection Of The Natural Resources Of The Commonwealth

PPL will comply with all of the permitting and associated environmental regulatory requirements that may be implicated by this project, as fully explained in Section III.C, above, and in Exhibit "C" (p. 2) of PPL Exhibit No. 1. Hence, the construction, operation and maintenance of the proposed line will be in full compliance with applicable statutes and regulations providing for the protection of the natural resources of the Commonwealth (PPL St. 2, pp. 13-14).

E. The Proposed Line Will Not Create Any Unreasonable Risk Of Danger To The Health And Safety Of The Public

The major design and safety features of the West Hempfield-McGovernville Tie Line are described in detail in Exhibit "D" and Appendix F of PPL Exhibit No. 1. The line will be 1.8 miles in length and will be designed and constructed for double circuit 138 kV operation, although it will initially be operated at 69 kV until load growth requires increasing the voltage of the regional transmission system to 138 kV. As part of this project, six switches will be added to existing and proposed facilities to enhance operating flexibility (PPL St. 3, pp. 2-3).

The West Hempfield-McGovernville Tie Line will consist of single shaft steel poles with steel upswept conductor support arms. Tangent poles (i.e., poles that support the line where it runs in a straight line) will be direct embedded. Angle poles (i.e., those that support the line at a point where it makes an angle) will be installed on concrete foundations. The line will have approximately 17 structures averaging 95 feet in height. Average span lengths will be 605 feet. The proposed structures are depicted in Figures 1 and 2 of Exhibit "D" in PPL Exhibit No. 1 (PPL St. 3, p. 3).

The West Hempfield-McGovernville Tie Line will consist of six power conductors, three on each side of the poles, and one overhead ground wire (OHGW). The technical specifications for the power conductors are set forth in detail in PPL Exhibit No. 1 (Exhibit "D," p. 1). The OHGW will be 3/8-inch extra high strength steel (PPL St. 3, p. 3).

The West Hempfield-McGovernville Tie Line will be designed, constructed, operated and maintained in accordance with the *National Electrical Safety Code* ("NESC") and will include such further design, construction and maintenance features as are required by PPL standards and by law. Appendix F to PPL Exhibit No. 1 contains a detailed discussion of PPL

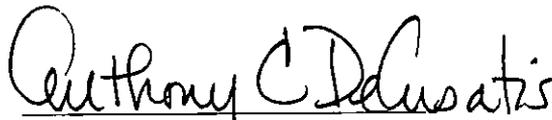
Design Criteria and Safety Practices. The complete Engineering Description for the line is set forth in Exhibit "D" of PPL Exhibit No. 1. Table 1 within that Engineering Description sets forth the minimum conductor-to-ground clearances and the thermal ratings for which the line is being designed and will be built. The clearances and thermal ratings meet, or are better than, the requirements of the *NESC* (PPL St. 3, pp. 3-4). The West Hempfield-McGovernville Tie Line will use materials and designs employed in numerous PPL transmission lines of similar type and voltage that have been providing safe and reasonable service for many years.

The evidence presented by PPL clearly demonstrates that the West Hempfield-McGovernville Tie Line will not create any unreasonable risk of danger to the health and safety of the public.

IV. CONCLUSION

For the reasons set forth above, PPL has satisfied the Commission's applicable criteria for approval to construct and operate the West Hempfield-McGovernville #1 and #2 138/69 kV Tie Line in the manner and in the location described in its Letter of Notification. Accordingly, the Commission should enter an order granting such approval.

Respectfully submitted,



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Dated: November 17, 2004

Counsel for PPL Electric Utilities
Corporation

PROPOSED FINDINGS OF FACT

Procedural History

1. The applicant is PPL Electric Utilities Corporation (“PPL” or the “Company”), duly incorporated in Pennsylvania for the purpose of supplying light, heat and power by means of electricity, and having its principal place of business at Two North Ninth Street, Allentown, Pennsylvania 18101.

2. On July 10, 2003, PPL filed with the Pennsylvania Public Utility Commission (“PUC” or the “Commission”) a Letter of Notification pursuant to 52 Pa. Code §57.71 et seq. for authorization to locate and construct the West Hempfield-McGovernville 138/69 kilovolt (kV) Tie Line (“West Hempfield-McGovernville Tie Line”) in East Hempfield Township, Lancaster County.

3. With its Letter of Notification PPL also filed a separate ring binder containing Exhibits A-D and Appendices A-H. The Letter of Notification and accompanying exhibits and appendices contain all of the information specified in 52 Pa. Code §57.72(d)(4) as well as a full siting analysis, including an environmental inventory and aerial photographs of the proposed route.

4. PPL served copies of its Letter of Notification upon the property owners within the proposed right-of-way and to the appropriate government officials and agencies, in fulfillment of the service and notice requirement of the Commission’s regulations at 52 Pa. Code §57.74(b) and (c)(1). In addition, newspaper notice of the filing of the Letter of Notification was published on July 18 and 25, 2003 in newspapers of general circulation in the project area. Proofs of publication thereof were filed with the Commission on August 13, 2003.

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5. On March 30, 2004, PPL filed three Applications asking the Commission to make the findings and determinations required by 15 Pa. Code §1511(c) as a prerequisite to its exercise of the power of eminent domain to acquire right-of-way for aerial electric facilities over and across the lands of Mahlon N. Zimmerman and Rozanne L. Zimmerman, East Hempfield Township and John E. Landis (collectively the “Landowners”). A complete copy of each Application and accompanying exhibits was served on the property owner(s) to whom it pertained.

6. On May 13, 2004, the Commission issued a notice to PPL and Landowners that the Letter of Notification and Applications had been assigned to Administrative Law Judge Susan D. Colwell (“ALJ”) and a Prehearing Conference had been scheduled for June 10, 2004.

7. On May 26, 2004, the Zimmermans executed and delivered the documents conveying to PPL the right-of-way across their property needed by PPL for the West Hempfield-McGovernville Tie Line.

8. On May 28, 2004, PPL filed with the Commission a Petition to Withdraw its Application for approval to exercise the power of eminent domain across the Zimmerman property pursuant to 52 Pa. Code §1.82. The Petition to Withdraw was served upon the Zimmermans, their attorney and the ALJ.

9. The Prehearing Conference was held on June 10, 2004. At the Prehearing Conference, a litigation schedule was established and other procedural matters addressed, all of which was memorialized in the ALJ’s Order issued on June 11, 2004.

10. On July 16, 2004, PPL served upon the parties and the ALJ its direct testimony, which consisted of four statements and accompanying exhibits.

11. 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 then-outstanding offer to purchase the right-of-way across his property 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.

12. PPL is the only party that submitted testimony or exhibits in this case.

13. An evidentiary hearing was held on September 1, 2004 in accordance with the previously-established schedule and the ALJ's Prehearing Order. PPL was the only party that appeared at the hearing, at which it presented each of its four witnesses, identified and authenticated each witness' testimony and exhibits and entered all of its testimony and exhibits upon the record (Tr. 30-55).

14. On or about September 16, 2004, East Hempfield Township executed and delivered documents conveying to PPL the right-of-way across its property needed by PPL for the West Hempfield-McGovernville Tie Line.

15. On October 22, 2004, PPL filed a Petition to Withdraw its Application to exercise the power of eminent domain over the Township's property pursuant to 52 Pa. Code §1.82. The Petition to Withdraw was served upon the Township's attorney and the ALJ.

16. On or about November 5, 2004, Mr. Landis executed and delivered documents conveying to PPL the right-of-way across his property needed by PPL for the West Hempfield-McGovernville Tie Line.

17. On November 10, 2004, PPL filed a Petition to Withdraw its Application to exercise the power of eminent domain over Mr. Landis' property pursuant to 52 Pa. Code §1.82. The

Petition to Withdraw was served upon Mr. Landis, his attorney and the Administrative Law Judge.

Description Of The Project

18. The West Hempfield-McGovernville #1 and #2 138/69 kV Tie Line will be 1.8 miles in length and will be located in East Hempfield Township, Lancaster County.

19. The line will be designed and constructed for double circuit 138 kV operation. However, the line will initially be energized at 69 kV until projected load growth requires increasing the voltage of the regional transmission system to 138 kV (PPL St. 3, p. 2)

20. The West Hempfield-McGovernville Tie Line will connect the existing South Manheim-South Akron #1 and #2 138/69 kV Transmission Lines, via the existing Kellogg #1 and #2 Tap Lines, to the existing West Hempfield-Donegal and West Hempfield-South Manheim #3 138/69 kV Lines. This connection will create a high-capacity link between those two lines and, thereby, provide much needed load transfer capability, as explained in PPL Statement No. 1 (pp. 2-6).

21. Additionally, six switches will be added to existing and proposed facilities to enhance operating flexibility (PPL. St. 3, pp. 2-3).

22. The West Hempfield-McGovernville Tie Line will be constructed with single shaft steel poles with steel upswept conductor support arms.

23. The line will have approximately 17 structures averaging 95 feet in height, and average span lengths will be 605 feet (PPL St. 3, pp. 2-3).

24. The line will have six power conductors, arrayed with three lines on each side of the poles, and will have one overhead ground wire (OHGW) (PPL St. 3, pp. 2-3).

The Need For The Line

25. Through analyses conducted as part of its regional transmission planning process, PPL found that if either the #1 or #2 line of its existing South Manheim-South Akron #1 and #2 138/69 kV transmission lines were to experience an outage for any reason, the line remaining in service would be overloaded under summer peak conditions. In addition, PPL identified three other overloading conditions that could affect these facilities (PPL St. 1, p. 4).

26. The Company identified and analyzed five functional alternatives for providing the needed load transfer to eliminate the overload of one circuit of the South Manheim-South Akron #1 and #2 138/69 kV Lines if the other circuit were lost (PPL St. 1, p. 5).

27. PPL determined that the best functional alternative would be to construct the proposed West Hempfield-McGovernville Tie Line (PPL St. 1, p. 5).

28. The construction of the West Hempfield-McGovernville Tie Line resolves the capacity problem identified by PPL by relieving the overloading on the South Manheim – South Akron #1 and #2 lines (PPL St.1, p. 5).

29. The West Hempfield-McGovernville Tie Line will create a high-capacity transmission link between the South Manheim – South Akron #1 and #2 lines and other 138/69 kV transmission lines (PPL's West Hempfield-Donnegal 138/69 kV and West Hempfield-South Manheim #3 138/69 kV transmission lines) that provide a separate electrical feed into the project area (PPL St. 1, pp. 2-3).

30. The high capacity transmission link created by the West Hempfield-McGovernville Tie Line will alleviate potential overloading of the South Manheim-South Akron #1 and #2 138/69 kV transmission lines under projected summer peak conditions in the event of a single contingency outage of either of the South Manheim-South Akron circuits (PPL St. 1, pp. 2-3).

31. The inability of a transmission line to survive a single contingency outage would constitute a violation of PPL's applicable reliability criteria (PPL St. 1, p. 3).

32. The construction of the West Hempfield-McGovernville Tie Line will provide the additional transmission capacity to eliminate potential overloading and has the added benefit of creating a high capacity link between the West Hempfield and South Manheim Substations that will provide needed transfer capability in the event the power transformers at either substation were lost for any reason (PPL St. 1, pp. 5-6).

33. A substantial advantage of the West Hempfield-McGovernville Tie Line over other functional alternatives studied is that no extensive transmission line outages will be required to build the line and, therefore, reliable electric service can be maintained to customers during the construction of the project. *Id.*

**Siting Analysis; Compliance With Statutes And
Regulations; And Absence Of Health And Safety Risks**

34. The siting analysis process employed by PPL has four fundamental components: (1) determination of the project's "core" area and "study" area; (2) compilation of an environmental inventory; (3) selection and analysis of potential preferred and alternative line routes; and (4) selection of the best alternative for siting the proposed line (PPL St. 2, p. 4).

35. The Core Area is defined by the supply and destination service points and the natural and man-made boundaries beyond which no reasonable alternative line routes exist. The Core Area is designated for detailed study. The Study Area extends two miles beyond the Core Area's boundary and is used to map significant archeological resources, historic sites and unique environmental features (PPL St. 2, p. 4).

36. PPL conducted a detailed environmental inventory of the Core Area to identify and locate environmental factors that should be considered when evaluating and selecting transmission line routes, which include, in this case, linear features; existing and proposed land use; municipal zoning; geology, soils and floodplains; slopes, grades and natural features; farmland preservation areas; and cultural and other unique features (PPL St. 2, pp. 5-6; PPL Exhibit No. 1 (Ex. "B", pp. 7-22)).

37. Information gathered from the environmental inventory was recorded on a series of maps (Maps 1-7 in Exhibit "B" of PPL Exhibit No. 1).

38. By applying its Environmental Inventory Guidelines (Appendix A of PPL Exhibit No. 1), PPL identified and plotted the constraints (i.e., areas that should be avoided, if possible) and opportunities for transmission line construction. Line route alternatives were selected to try to minimize impacts on the constrained areas while meeting the functional and economic goals of the project (PPL St. 2, p. 6).

39. PPL also reviewed the project with municipal and state officials and agencies. Information from those meetings was used, in conjunction with the environmental inventory, to identify constraints. (PPL St. 2, p. 6-7).

40. Using its mapping and analysis procedures, PPL identified two line routes to try to take advantage of existing linear features and minimize land use “constraints” to the extent possible. Both alternatives were developed to achieve the functional goal (PPL St. 2, p. 7).

41. Alternative 1, which is the line route PPL ultimately selected begins at the point of interconnection with the West Hempfield-West Donegal/West Hempfield-South Manheim transmission lines south of State Highway 283; crosses to the north side of State Highway 283; heads southeast parallel to State Highway 283 a distance of approximately 1.1 miles; crosses back to the south side of State Highway 283; and ties into the Kellogg #1 and #2 Tap Lines (PPL St. 2, pp. 7-8).

42. Alternative 2 is a route that would attempt to locate the proposed line entirely on the south side of State Highway 283 between the highway and Amtrak railroad track (PPL St. 2, p. 8).

43. PPL rejected Alternative 2 because (1) it is not accessible for either construction or subsequent maintenance because of the obstacles created by a limited access highway on one side and a high-speed train line on the other; (2) there would be significant interference with Amtrak that would impeded construction and subsequent maintenance; (3) because of the need to meet OSHA clearance requirements imposed because of the proximity to the Amtrak catenaries, much taller structures would be needed, which would increase cost and visual impact; (4) the route would have a significant visual impact on an historic site and park; (5) there would be significantly greater environmental impact because of the need for much more tree clearing (PPL St. 2, pp. 8-11).

44. PPL’s preferred route is superior in all major aspects (PPL St. 2, p. 11-12).

45. The propose route provides the necessary access for construction and maintenance of the line because, being located north of State Highway 283, it is fully accessible from the north without the need for construction and maintenance personnel and equipment to cross either a railroad or a limited access highway (PPL St. 2, pp. 11-12).

46. The proposed route is located on land that is compatible with transmission line construction. The only land physically occupied will be the “footprints” of single-shaft steel poles, which is minimal. The agricultural land located under the line, outside the “footprints” of the poles, can continue to be farmed and, therefore, will not be removed from agricultural production (PPL St. 2, pp. 11-12).

47. Most of the farms traversed by the proposed line route are in an Agricultural Security Zone and, therefore, the line would not restrict an area of future development. *Id.*

48. The preferred route closely parallels existing linear features and, in particular, the north side of State Highway 283. *Id.*

49. *Fifth*, unlike the route south of State Highway 283, the preferred route will require minimal tree clearing *Id.*.

50. PPL’s Siting Analysis shows that the construction, operation and maintenance of the West Hempfield-McGovernville Tie Line will not have any significant environmental or land use impacts (PPL St. 2, pp. 12-13; PPL Exhibit No. 1 (Ex. “C”, pp. 12-13)).

51. PPL will also employ various measures to mitigate any potential environmental consequences of construction. PPL’s standard mitigating measures are set forth in formal Company program documents entitled (1) “Transmission Line Right-Of-Way Program for

Vegetation Management” and (2) “Specifications for Soil Erosion and Sedimentation Control on Transmission Line Rights-of-Way.” These measures have been effectively and successfully applied in many Company transmission line projects, and they will be followed in the construction and operation of the proposed line (PPL St. 2, pp. 13-14).

52. Other mitigating factors to be used by PPL include the “long-span” construction technique, which minimizes the number of structures that must be built, and the use of single-shaft steel poles, which minimizes visual impacts (PPL St. 2, pp. 13-14).

53. PPL has used an extensive, multi-faceted technical analysis to site the West Hempfield-McGovernville Tie Line, which complies with the filing and information requirements of the Commission’s regulations for Letters of Notification. PPL has voluntarily provided all of the same information that would be required in a full siting application (PPL Exhibit No. 1).

54. The same type of siting analysis has been used, with PUC approval, in numerous siting applications by PPL (PPL St. 2, p. 14).

55. PPL’s preferred route constitutes the appropriate balance of environmental and land use considerations, functional requirements, and cost considerations and will have the minimum adverse environmental impact, considering the electric power needs of the public, the state of available technology and the available alternatives (PPL St. 2, p. 14).

56. PPL will comply with all of the permitting and associated environmental regulatory requirements that may be implicated by this project, as fully explained in Section III.C, above, and in Exhibit “C” (p. 2) of PPL Exhibit No. 1. Hence, the construction, operation and

maintenance of the proposed line will be in full compliance with applicable statutes and regulations providing for the protection of the natural resources of the Commonwealth (PPL St. 2, pp. 13-14).

57. The West Hempfield-McGovernville Tie Line will be designed, constructed, operated and maintained in accordance with the *National Electrical Safety Code* (“*NESC*”) and will include such further design, construction and maintenance features as are required by PPL standards and by law (PPL St. 3, p. 3).

58. Appendix F to PPL Exhibit No. 1 contains a detailed discussion of PPL Design Criteria and Safety Practices. The complete Engineering Description for the line is set forth in Exhibit “D” of PPL Exhibit No. 1.

59. Table 1 within the Engineering Description (Ex. “D”) in PPL Exhibit No. 1 sets forth the minimum conductor-to-ground clearances and the thermal ratings for which the line is being designed and will be built. The clearances and thermal ratings meet, or are better than, the requirements of the *NESC* (PPL St. 3, pp. 3-4).

60. The West Hempfield-McGovernville Tie Line will use materials and designs employed in numerous PPL transmission lines of similar type and voltage that have been providing safe and reasonable service for many years (PPL St. 3, pp. 3-4).

61. The evidence presented by PPL demonstrates that the West Hempfield-McGovernville Tie Line will not create any unreasonable risk of danger to the health and safety of the public (PPL St. 3; PPL Exhibit No. 1 (Ex. “D” and Appendix F)).

PROPOSED CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter and the parties to this proceeding.

2. PPL has shown sufficient need and justification for the construction of the proposed West Hempfield-McGovernville Tie Line.

3. The construction, operation and maintenance of the proposed line will not create any unreasonable risk of danger to the health or safety of the public.

4. PPL has the legal authority to construct the West Hempfield-McGovernville Tie Line, as proposed in its Letter of Notification.

5. The construction, operation and maintenance of the West Hempfield-McGovernville Tie Line, as proposed in its Letter of Notification, will be in compliance with all applicable statutes and regulations for the protection of the natural resources of the Commonwealth.

6. The construction, operation and maintenance of the West Hempfield-McGovernville Tie Line, as proposed in its Letter of Notification, will have minimal environmental impacts considering the electric power needs of the public, the state of available technology and available alternatives.

PROPOSED ORDER

1. That the Letter of Notification as filed by PPL Electric Utilities Corporation ("PPL") at Docket No. A-110500 F0333 for authorization to construct the West Hempfield-McGovernville #1 and #2 139/69 kV Tie Line and associated facilities, as proposed, in East Hempfield Township, Lancaster County, is hereby approved;

2. That the West Hempfield-McGovernville #1 and #2 139/69 kV Tie Line, as proposed, be constructed and maintained in a manner that complies with the standards of the National Electrical Safety Code; and

3. That the West Hempfield-McGovernville #1 and #2 139/69 kV Tie Line, as proposed, be constructed, operated and maintained in compliance with all applicable statutes and regulations for the protection of the public and natural resources of the Commonwealth.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

LETTER OF NOTIFICATION OF PPL :
ELECTRIC UTILITIES CORPORATION :
FILED PURSUANT TO 52 PA. CODE :
CHAPTER 57, SUBCHAPTER G, WITH :
RESPECT TO THE PROPOSED WEST : Docket No. A-110500F0333
HEMPFIELD-McGOVERNVILLE #1 AND #2 :
138/69 kV TIE LINE TO BE CONSTRUCTED :
IN EAST HEMPFIELD TOWNSHIP, :
LANCASTER COUNTY :

CERTIFICATE OF SERVICE

I hereby certify that I have, this 17th day of November, 2004, served true and correct copies of the Memorandum of Law of PPL Electric Utilities 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


Anthony C. DeCusatis
Counsel for PPL Electric Utilities
Corporation

Dated: November 17, 2004

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