

COMMONWEALTH OF PENNSYLVANIA

PUBLIC UTILITY COMMISSION

ORIGINAL

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Application of PPL Electric Utilities)
Corporation Filed Pursuant to)
52 Pa. Code Chapter 57, Subchapter G)
Initial Prehearing Conference)
-----X

) Docket No.
) A-110500F0385

Pages 1 through 11

Hearing Room 1
Keystone Building
Harrisburg, Pennsylvania

Tuesday, January 23, 2007

Met, pursuant to notice, at 10:00 a.m.

BEFORE:

DAVID A. SALAPA, Administrative Law Judge

APPEARANCES:

**DOCUMENT
FOLDER**

JOHN H. ISOM, Esquire
Post & Schell, P.C.
17 N. 2nd Street, 12th Floor
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(For PPL Electric Utilities, Corp.)

BRADLEY C. BECHTEL, Esquire
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2001 Elmerton Avenue
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(For Pennsylvania Game Commission)

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WITNESS
 (None.)

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FORM 1

EXHIBITS INDEX

NUMBER FOR IDENTIFICATION IN EVIDENCE

(None.)

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FORM 1

P R O C E E D I N G S

ADMINISTRATIVE LAW JUDGE DAVID A. SALAPA:

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3 This is the time and place that the Pennsylvania Public
4 Utility Commission has set for a prehearing conference on the
5 application of PPL Electric Utilities Corporation filed
6 pursuant to 52 Pa. Code Chapter 57, Subchapter G, for
7 approval of the siting and construction of the proposed South
8 Lebanon Berks 230 kV transmission line in Spring Township,
9 Berks County and Easton Cocalico Township, Lancaster County,
10 Pennsylvania and the Berks-South Reading 230 kV line
11 rearrangement in Brecknock Township, Berks County,
12 Pennsylvania. All that docketed at A-110500F0385.

13 I'm Administrative Law Judge David Salapa.

14 The commission has assigned me to preside over this case and
15 to render a decision for the commission to consider.

16 Appearing this morning for PP&L is John Isom. Good morning,
17 Mr. Isom.

18 MR. ISOM: Good morning, your Honor.

19 JUDGE SALAPA: And appearing on behalf of the
20 Pennsylvania Game Commission is Bradley Bechtel.

21 MR. BECHTEL: Good morning.

22 JUDGE SALAPA: First of all, I have two
23 e-mails that were sent to me. The first one I'm reasonably
24 certain both Mr. Bechtel and Mr. Isom have copies of. It's
25 from Gena Delfonso, assistant counsel in charge of the

1 Pennsylvania Department of Transportation indicating to me
2 and to counsel that the Department of Transportation will not
3 be participating in this proceeding.

4 The second e-mail I received this morning, and
5 it is from Mr. James Lewis, solicitor for Spring Township,
6 Berks County. Mr. Lewis indicates that at last night's
7 meeting of the board of supervisors of Spring Township, the
8 board directed him to withdraw Spring Township's intervention
9 and appearance in the above in this case. And he's
10 requesting to be excused from the prehearing conference.

11 I received this e-mail. I did not notice that
12 it was sent to either Mr. Bechtel or Mr. Isom, so I forwarded
13 the e-mail to counsel. I don't know if you received it or
14 not.

15 MR. ISOM: I did, your Honor. I showed Mr.
16 Bechtel.

17 JUDGE SALAPA: Good. All right. Having taken
18 care of those preliminaries, I have a few matters that I want
19 to cover. And then after I've covered what I want to cover,
20 I'll open the floor up for whatever concerns counsel have.

21 The first thing that I have. I'd like to know
22 are there any other known parties out there that may not have
23 received notice of this prehearing conference? I think
24 that's --

25 MR. ISOM: Not that I'm aware of, your Honor.

1 We have contacted all the property owners and provided copies
2 of the application and accompanying exhibits. And to my
3 knowledge we have contacted everyone.

4 JUDGE SALAPA: All right. The other question
5 I have is, are there any possible indispensable parties that
6 would have to be joined at this point?

7 MR. ISOM: I'm not aware of any.

8 JUDGE SALAPA: All right. And the next issue
9 I have is the petition for intervention by the game
10 commission. I understand, Mr. Bechtel, that, from your
11 petition, that the game commission is concerned about the
12 widening of the right-of-way for state game land 274 and I
13 believe part of your prehearing memo talks about eminent
14 domain issues. Could you expand on that a little bit,
15 please?

16 MR. BECHTEL: Yes, sir.

17 JUDGE SALAPA: Now, you'll have to use the
18 microphone. The sound gets lost in here.

19 MR. BECHTEL: Yes, sir. The Pennsylvania Game
20 Commission, at the time that this was filed, the best
21 information we have is that it would be possible that PP&L
22 would be interested in filing eminent domain consolidating
23 this proceeding in order to widen the right-of-way.

24 We have no environmental objections to this
25 project that we know of. It was cleared twice. So it's not

1 an issue of those types of things. But we have certain
2 procedures we go through in order to grant rights-of-way or
3 not grant rights-of-way, but we felt the project should go
4 through those proceedings.

5 My client instructed me on that issue to file
6 here on the basis of what we know, which is probably why you
7 see a whole bunch of prehearing stuff about people I need to
8 depose because I was not sure at the time that this was filed
9 exactly what was requested or was going to be requested.

10 Since that time, my client learned some other
11 things I believe we'll hear here and that may make some
12 difference.

13 JUDGE SALAPA: All right. So the only issues
14 you had addressed were really issues of right-of-way and
15 property?

16 MR. BECHTEL: That's correct.

17 MR. ISOM: If I may?

18 JUDGE SALAPA: Mr. Isom, do you have any
19 response?

20 MR. ISOM: Yes, I do, your Honor. Mr. Bechtel
21 and I spoke -- I think it was yesterday but recently in any
22 event -- and I indicated to him that it was not the intention
23 of PP&L Electric to exercise its right for power of eminent
24 domain in conjunction with this project.

25 I realize this is a long document. But it's

1 indicated in paragraph 36 of the application, the company has
2 stated, that a landowner will grant us, under certain
3 circumstances, expanded right-of-way, that would be very
4 helpful. But to the extent that a landowner declines to, we
5 will construct the project entirely within the existing
6 rights-of-way.

7 And we're obligated to reach an agreement with
8 the state game land or the game commission. The project is
9 being designed and engineered to fit within the existing
10 right-of-ways. At this point we don't anticipate seeking to
11 obtain any additional right-of-way for this project in the
12 game land.

13 The conclusion is, I believe there -- with
14 those understandings, I believe there is no remaining issue
15 with the game commission.

16 JUDGE SALAPA: Mr. Bechtel?

17 MR. BECHTEL: Yes. Assuming that's correct
18 and it's on the record, I would agree with that. We have no
19 issue with withdrawing the objection at that point.

20 JUDGE SALAPA: All right. So at this point
21 you're going to withdraw your request to intervene; is that
22 what you're saying Mr. Bechtel?

23 MR. BECHTEL: Accepting the statements by Mr.
24 Isom, yes.

25 JUDGE SALAPA: Okay. All right. I'm going to

1 jump right down to the litigation schedule proposed by PP&L.

2 MR. ISOM: Your Honor, it would seem to me, at
3 least at this point, the litigation schedule is not
4 necessary. We have an unopposed application, which, in the
5 normal course, I believe it would be handled by the Fixed
6 Utilities Services Bureau.

7 JUDGE SALAPA: So at this point will you be
8 requesting that I issue an order basically referring this to
9 Fixed Utilities for further processing?

10 MR. ISOM: That would be fine. I don't know
11 the commission's procedure, whether that's done with an
12 internal memorandum or with an order. But whatever means is
13 used for such actions, I think that is the correct result.

14 JUDGE SALAPA: Okay. All right then. Is
15 there anything else at this point either counsel need to
16 address?

17 MR. ISOM: Not for the company.

18 JUDGE SALAPA: Mr. Bechtel?

19 MR. BECHTEL: Do I need to send something
20 directly to withdraw this or is the withdrawal on the record
21 acceptable?

22 JUDGE SALAPA: I hate to make you jump through
23 hoops because I think, if I'm recalling the commission's
24 rules of practice and procedure, I believe there is usually a
25 requirement to file a request to withdraw a pleading.

1 I'm going to request that only to make sure
2 that the record is clear on that. I'm kind of torn between
3 making you do what I see to be unnecessary paperwork and a
4 need to document the file. I also may request Spring
5 Township do the same thing.

6 Although strictly speaking, I did not receive
7 any petition to intervene from Spring Township. The only
8 thing that I received was the prehearing memorandum. Did
9 either counsel receive a petition to intervene or any such
10 thing from Spring Township?

11 MR. BECHTEL: No, I did not.

12 MR. ISOM: I don't have my file here with me
13 to be certain, but I believe it was only a prehearing
14 memorandum.

15 JUDGE SALAPA: So I may be able to just note
16 that they're not planning on participating. All right. Is
17 there anything further?

18 MR. ISOM: No. Thank you.

19 JUDGE SALAPA: All right then. I'd like to
20 thank counsel for attending and we are adjourned.

21 (Whereupon, at 10:03 a.m., the prehearing
22 conference was adjourned.)

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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: Linda C. Larson

Linda C. Larson

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