



Todd S. Stewart  
Office: 717 236-1300 x242  
Direct: 717 703-0806  
[tsstewart@hmslegal.com](mailto:tsstewart@hmslegal.com)

100 North Tenth Street, Harrisburg, PA 17101 Phone: 717.236.1300 Fax: 717.236.4841 [www.hmslegal.com](http://www.hmslegal.com)

September 12, 2014

**VIA ELECTRONIC FILING**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

RE: Application Of PPL Electric Utilities Corporation Under 15 Pa.C.S. §1511(c) For A Finding And Determination That The Service To Be Furnished By The Applicant Through Its Proposed Exercised Of The Power Of Eminent Domain To Acquire Right-of-Way and Easement Over A Certain Portion Of The Lands of J.Roy's, Inc., c/o Mr. Grant Wise, in Brecknock Township, Lancaster County, Pennsylvania for Siting And Construction Of Transmission Lines Associated With The Proposed North Lancaster-Honey Brook Project is Necessary Or Proper For The Service, Accommodation, Convenience Or Safety of the Public; Docket No. A-2014-2430579; **Protest of J.Roy's, Inc.**

Dear Secretary Chiavetta:

Enclosed for electronic filing with the Commission is the Protest of J.Roy's, Inc. to the above-referenced Application. A copy of this Protest was served on the Applicant in accordance with the attached Certificate of Service.

Thank you for your attention to this matter. Please contact me with any questions you may have.

Sincerely,

Todd S. Stewart  
*Counsel to J.Roy's, Inc.*

TSS/jld  
Enclosure  
cc: Grant H. Wise

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

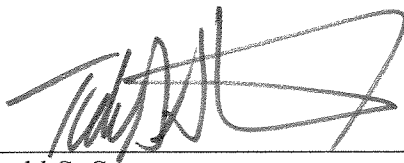
**VIA ELECTRONIC & FIRST CLASS MAIL**

David B. MacGregor  
Post & Schell, P.C.  
Four Penn Center  
1600 John F. Kennedy Boulevard  
Philadelphia, PA 19103-2808  
[dmacgregor@postschell.com](mailto:dmacgregor@postschell.com)

Paul E. Russell  
Associate General Counsel  
PPL Services Corporation  
Two North Ninth Street  
Allentown, PA 18101  
[perussell@pplweb.com](mailto:perussell@pplweb.com)

Christopher T. Wright  
Post & Schell, P.C.  
17 North Second Street, 12<sup>th</sup> Floor  
Harrisburg, PA 17101-1601  
[cwright@postschell.com](mailto:cwright@postschell.com)

DATED: September 12, 2014

  
\_\_\_\_\_  
Todd S. Stewart

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application Of PPL Electric Utilities :  
Corporation Under 15 Pa.C.S. §1511(c) For A :  
Finding And Determination That The Service :  
To Be Furnished By The Applicant Through : Docket No. A-2014-2430579  
Its Proposed Exercised Of The Power Of :  
Eminent Domain To Acquire Right-of-Way :  
and Easement Over A Certain Portion Of The :  
Lands of J.Roy’s, Inc., c/o Mr. Grant Wise, in :  
Brecknock Township, Lancaster County, :  
Pennsylvania for Siting And Construction Of :  
Transmission Lines Associated With The :  
Proposed North Lancaster-Honey Brook :  
Project is Necessary Or Proper For The :  
Service, Accommodation, Convenience Or :  
Safety of the Public :

Application of PPL Electric Utilities Corporation :  
For Approval of the Siting and Construction :  
of the North Lancaster-Honey Brook #1 : Docket No. A-2014-2340565  
& #2 138/69KV Transmission Lines :  
in Lancaster County Pennsylvania :

---

**PETITION TO INTERVENE AND PROTEST OF  
J. ROY’S INC.**

---

NOW COMES J.Roy’s, Inc. (“J.Roy’s”) by and through its counsel, Hawke McKeon & Sniscak LLP, and hereby submits this Petition to Intervene and Protest to the Application of PPL Electric Utilities Corporation (“PPL”) to Exercise Eminent Domain Over Certain Lands owned by J.Roy’s in Lancaster County, Pennsylvania, and to its construction of the transmission line over the prescribed route. Notice of the PPL’s Application was provided to J.Roy’s. Said Notice required that any Complaint or Protest must be filed with the Commission on or before September 12, 2014. J.Roy’s makes this Protest pursuant to the Pennsylvania Public Utility

Commission's ("Commission") Rules of Practice and Procedure at 52 Pa. Code §§ 5.51, *et seq.* and 5.71, *et seq.*

1. On or about July 8, 2014, PPL Electric Utilities Corporation filed the above-captioned Application seeking approval for the siting and construction of North Lancaster-Honey Brook #1 & #2 138/69 kV Transmission Lines in Lancaster County, along with an application to exercise eminent domain over portions of the property of J.Roy's, Inc., among others. At the same time, PPL Electric Utilities submitted the testimony of JoMarie Jenkins in support of its Application.

2. J.Roy's is the owner of a parcel of land in Lancaster County, Pennsylvania over which the proposed line is intended to be constructed. J.Roy's operates a drilling and blasting construction firm headquartered in Lancaster County and operating throughout Commonwealth of Pennsylvania, and uses the affected property as a storage facility for storing the explosives used in its blasting business. The parcel in question also contains a dwelling house.

3. J.Roy's is represented in this matter by the following counsel, please provide them with copies of all documents hereafter filed in this matter and include them on the service list:

Todd S. Stewart (Pa. ID No. 75556)  
[tsstewart@hmslegal.com](mailto:tsstewart@hmslegal.com)  
Christopher M. Arfaa (Pa. ID No. 57047)  
[cmarfaa@hmslegal.com](mailto:cmarfaa@hmslegal.com)  
Christopher J. Knight (Pa. ID No. 80058)  
[cjknight@hmslegal.com](mailto:cjknight@hmslegal.com)  
Hawke McKeon & Sniscak LLP  
100 North Tenth Street  
PO Box 1778  
Harrisburg, PA 17105  
(717) 236-1300 (voice)  
(717) 236-4841 (fax)

3. A substantial portion of the parcel is used for the storage of high explosives (“Facility”). The storage of such materials is regulated by the Federal Government’s Bureau of Alcohol, Tobacco and Firearms (“ATF”) and at the state level by Pennsylvania’s Department of Environmental Protection (“DEP”). Both of those agencies have very specific regulations regarding the storage of explosives and the facility currently complies with all applicable regulations.

4. Because J.Roy’s is the owner of a parcel of land over which the proposed transmission line has been sited, and over which PPL is seeking to exercise eminent domain, J.Roy’s has an immediate, direct and substantial interest in the outcome of this proceeding and it qualifies as a protestant and intervener under 52 Pa. Code § 5.52(a) and 52 Pa. Code § 5.72(a).

5. PPL’s Application should be denied and the Commission should find that PPL’s proposed exercise of eminent domain to claim an easement over the property of J.Roy’s Inc. is not reasonable or necessary for the health or safety of the Community, and to the contrary, will be detrimental to the same. In particular, the siting of a transmission line as proposed will:

- create the potential for contact between the high voltage line and the explosive materials because of its close proximity to the Facility;
- impede upon and reduce the currently compliant secure perimeter that is required to be established around a licensed storage facility thus, possibly causing the facility to become non-compliant which would cause J.Roy’s catastrophic harm; and,
- endanger the public and make it more likely that the Facility could be breached or damaged by the existence of the high voltage power line running across the property.

6. J.Roy's believes that PPL's application fails to consider:

- the possibility of a detonation, by whatever means, within the Facility and the impacts of such an occurrence on the reliability of the line;
- the proximity of the proposed line to the Facility, increasing the risk to both as a target of persons with malevolent intentions;
- the negative impact of electric fields and stray voltage on the sensitive blasting caps;
- the type and amount of explosives stored at the Facility and the impact of the line upon those explosives; and
- alternative routes that would avoid the multiple potential negative impacts of siting a high voltage line so close to a Facility such as J.Roy's.

7. PPL alleges that the proposed line will not "create any unreasonable risk of danger to the public health or safety." Based upon the foregoing, it should be obvious the Application and accompanying testimony have failed to consider these factors and that PPL's superficial claims to the contrary remain unproven. It is J.Roy's belief that the proposed line will create an unreasonable risk of danger to the public health and safety and that alleged compliance with National Electric Safety Code is not the *sine qua non* of whether the line is safe. Other factors need to be considered, including the close proximity of the proposed line to the Facilities and the impingement of the right-of-way upon the secure perimeter required for the storage of explosives. Nowhere does PPL discuss the Facility as a factor it considered. Moreover, it is noteworthy that in its Application (pg. 10, para. 37) PPL alleges that the property to be acquired through this Application does not contain a dwelling house. This statement clearly is incorrect and is contradicted by other statements in the application--the property in question clearly

contains a dwelling house. This lack of diligence permeates the Application, and refutes PPL's contentions that it has adequately explored alternate routes which would avoid the impingement upon the facility and the dwelling house on the parcel in question and has fully considered the impact on the public health and safety of its proposed dangerous route.<sup>1</sup> Accordingly, PPL's Application should be denied.

WHEREFORE, J.Roy's Inc. respectfully requests that the Commission examine the Application and find that, as to the affected parcel owned by J.Roy's, that PPL has failed to satisfy its burden of proof that the Application complies with the requirements of 52 Pa. Code § 57.76, and Deny the Application or impose such other conditions as the Commission concludes are necessary and appropriate.

Respectfully submitted,

By: 

Todd S. Stewart (Pa. ID No. 75556)  
Christopher M. Arfaa (Pa. ID No. 57047)  
Christopher J. Knight (Pa. ID No. 80058)  
Hawke McKeon & Sniscak LLP  
100 North Tenth Street  
PO Box 1778  
Harrisburg, PA 17105  
Office: (717) 236-1300  
Facsimile: (717) 236-4841  
[tsstewart@hmslegal.com](mailto:tsstewart@hmslegal.com)  
[cmarfaa@hmslegal.com](mailto:cmarfaa@hmslegal.com)  
[cjknight@hmslegal.com](mailto:cjknight@hmslegal.com)

*Counsel for J.Roy's, Inc.*


DATED: September 12, 2014

---

<sup>1</sup> J.Roy's reserves the right to amend this pleading at any appropriate stage of the proceeding if, upon further investigation, it determines that there are additional failings of PPL's Application. Further, the enumeration of specific failings in this document shall not be construed as any limitation on J.Roy's ability to include additional allegations upon proper notice.

**VERIFICATION**

I, Grant H. Wise, President of J.Roy's Inc., hereby state that the facts set forth in the foregoing document are true and correct to the best of my knowledge, information and belief, and that I expect J.Roy's Inc. to be able to prove the same at a hearing in this matter. This verification is made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.

  
\_\_\_\_\_  
Name: Grant H. Wise  
Title: President

DATED: 9-10-14