



17 North Second Street
12th Floor
Harrisburg, PA 17101-1601
717-731-1970 Main
717-731-1985 Main Fax
www.postschell.com

Christopher T. Wright

cwright@postschell.com
717-612-6013 Direct
717-731-1985 Direct Fax
File #: 140074

March 30, 2015

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Richard and Sandy Lehet v. PPL Electric Utilities Corporation
Docket No. C-2014-2449983

Dear Secretary Chiavetta:

Enclosed for filing are the Exceptions of PPL Electric Utilities Corporation in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. Wright', is written over the typed name.

Christopher T. Wright

CTW/jl
Enclosures

cc: Honorable Susan D. Colwell
Certificate of Service
Office of Special Assistants (*Via e-mail to ra-OSA@pa.gov*)


CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

VIA FIRST CLASS MAIL

Richard & Sandy Lehet
5116 SR 487
Benton, PA 17814

Date: March 30, 2015



Christopher T. Wright

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Richard and Sandy Lehet,	:	
Complainants,	:	Docket No. C-2014-2449983
	:	
v.	:	
	:	
PPL Electric Utilities Corporation,	:	
Respondent.	:	

**EXCEPTIONS OF
PPL ELECTRIC UTILITIES CORPORATION**

PPL Electric Utilities Corporation (“PPL Electric”) herein files these Exceptions pursuant to the Secretarial Letter dated March 9, 2015, and Section 5.535 of the Pennsylvania Public Utility Commission’s (“Commission”) regulations, 52 Pa. Code § 5.535. An Initial Decision dated February 25, 2015, concluded that PPL Electric’s vegetation management method for 69 kilovolt (“kV”) transmission lines is unreasonable, arbitrary, and not consistently applied to landowners. The Initial Decision therefore ordered that PPL Electric shall not be permitted to remove certain pear trees from the 69 kV transmission line right-of-way that traverses the property of Complainants Richard and Sandy Lehet (“Complainants”).

On the unique facts presented in this case, PPL Electric does not take any exception to the result reached by the Initial Decision -- that the pears trees shall not be removed. However, PPL Electric herein takes exception to certain limited findings by the Initial Decision and respectfully requests that the result reached by the Initial Decision be limited to the specific and unique facts presented in this case. In support thereof, PPL Electric states as follows:

I. INTRODUCTION AND BACKGROUND

On October 17, 2014, the Complainants filed a formal Complaint alleging that PPL Electric intends to remove certain pear trees from the 69 kV transmission line right-of-way that traverses the Complainants property in Benton, Columbia County, Pennsylvania. On November 11, 2014, PPL Electric filed an Answer admitting that there are pear trees within an existing right-of-way for a 69 kV transmission line that crosses Complainants' property, that PPL Electric is the holder of a valid and irrevocable right-of-way agreement that grants the right to remove vegetation within the 69 kV transmission line right-of-way, and that PPL Electric intends to remove the pear trees located in the right-of-way pursuant to PPL Electric's vegetation management policies and procedures.

PPL Electric acquired the right-of-way in 1996 and, thereafter, constructed the 69 kV transmission line across the property in question. (Tr., pp. 23, 25; PPL Electric Ex. Nos. 1 and 2) The right-of-way and easement agreement provides PPL Electric with, among other things, the right to:

[C]ut down, trim, remove, and to keep cut down and trimmed by mechanical means or otherwise, any and all trees, brush or other undergrowth on said strip of land or adjoining the same which in the judgment of the said Company, its successors and assigns, may at any time interfere with the construction, reconstruction, maintenance or operation of the said electric lines or menace the same, and in connection therewith, the right to remove, if necessary, the root systems of said trees, brush or other undergrowth....

(PPL Electric Ex. Nos. 1 and 2) In 1999, the Complainants acquired the property in question, subject to the aforementioned right-of-way agreement. (Tr., pp. 13-14)

In 2000, the Complainants planted the pear trees to provide a buffer between their mobile home park and SR 487. (Tr., pp. 8, 16) The pear trees in question were planted after the 69 kV transmission line had been constructed across the Complainant's property. (Tr., p. 16) Although

the Complainants were aware that PPL Electric held a valid right-of-way for the existing 69 kV transmission line, the Complainants did not check the right-of-way or confer with PPL Electric before planting the pear trees within the right-of-way. (Tr., p. 11) There are a total of 30 trees that currently range in height from 16 to 30 feet located within PPL Electric's right-of-way. (Tr., p. 8) Although the pear trees in question presently are 30 feet or less in height, there have been some instances where this same species has reached a height of 50 feet. (Tr., p. 44)

PPL Electric's vegetation management policies and procedures for all transmission lines operating at 69 kV and above are based on and developed from the mandatory transmission vegetation management plan ("TVMP") required by the North American Electric Reliability Corporation ("NERC") and the Federal Energy Regulatory Commission ("FERC"). (Tr., pp. 35-37) PPL Electric's vegetation management policies and procedures for 69 kV transmission lines rely on the "Wire Zone/Border Zone" vegetation management method.¹ Under PPL Electric's vegetation management policies and procedures, all non-compatible species must be removed from both the "wire zone" and the "border zone." (Tr., p. 33)

The pear trees in question are located approximately twenty-seven (27) feet from the centerline of the 69 kV transmission line and are within the border zone of the existing right-of-way. (Tr., p. 39) Under PPL Electric's vegetation management policies and procedures for transmission lines operating at 69 kV, these trees are non-compatible species within a designated border zone. (Tr., p. 40) Therefore, PPL Electric proposed to remove the pears trees from the border zone of the right-of-way. (Tr., p. 40)

¹ The "wire zone" is defined as the area within the right-of-way that includes the area underneath the conductor. For 69 kV lines, the "wire zone" extends ten (10) feet outward from the outer-most conductor on both sides of the transmission line. The "border zone" is defined as the "the remainder of the right-of-way," or the area within the right-of-way that extends from the edge of the wire zone, as defined above, to the outer-most edge of the right-of-way. (Tr., pp. 33-34)

The parties engaged in settlement discussions but were unable to reach a mutually satisfactory resolution. (Tr., p. 5) As a result, an evidentiary hearing was held on January 8, 2015. At the hearing, the parties presented testimony and moved their respective exhibits into the record. The record closed on January 30, 2015.

The Initial Decision was issued by Secretarial Letter dated March 9, 2015. Therein, the Initial Decision found that PPL Electric's diligence and success in maintaining transmission service is praise-worthy and impressive. (Initial Decision, p. 13) However, the Initial Decision found that it was not reasonable for PPL Electric to apply its Wire Zone/Border Zone vegetation method in this case because the transmission line in question operates at 69 kV and is not subject to the TVMP required by FERC and NERC that applies to transmission lines considered crucial to the bulk electric system. (Initial Decision, pp. 12-13). The Initial Decision also found that PPL Electric's list of compatible species is arbitrary and could vary depending upon the specific property at issue. (Initial Decision, pp. 15, 16-17) The Initial Decision further found that PPL Electric does not apply its vegetation management policies and procedures in a consistent manner. (Initial Decision, p. 15) Finally, the Initial Decision found that PPL Electric's witness was unable to state whether its vegetation management policies and procedures for transmission lines operating at 69 kV have been approved by the Commission. (Initial Decision, p. 14) For these reasons, the Initial Decision ordered that PPL Electric shall not be permitted to remove the pear trees in question from the right-of-way that traverses the Complainants' property. (Initial Decision, p. 20)

On the unique facts presented in this case, PPL Electric does not take exception to the Initial Decision's conclusion and direction that PPL Electric shall not be permitted to remove pear trees in question from the right-of-way that traverses the Complainants' property. Rather,

PPL Electric's exceptions are limited to certain findings made by the Initial Decision as discussed below, and respectfully requests that the result reached by the Initial Decision be limited to the specific and unique facts presented in this case.

II. EXCEPTIONS

A. EXCEPTION No. 1 – PPL Electric's Vegetation Management Policies and Procedures for Transmission Lines Operating at 69 kV are Reasonable and Consistent with the Statutory Obligation to Provide Safe and Reliable Electric Service

The Initial Decision found that it was not reasonable for PPL Electric to apply its Wire Zone/Border Zone vegetation method in this case because the transmission line in question operates at 69 kV and is not subject to the TVMP required by FERC and NERC that applies to transmission lines considered crucial to the bulk electric system. (Initial Decision, pp. 12-13) For the reasons explained below, PPL Electric's vegetation management policies and procedures for transmission lines operating at 69 kV are reasonable and consistent with the statutory obligation to provide safe and reliable electric service.

PPL Electric is required to "maintain adequate, efficient, safe and reasonable service and facilities, and shall make all such repairs, changes, alterations, substitutions, extensions and improvements in or to the service and facilities as shall be necessary or proper for the accommodation, convenience and safety of its patrons, employees and the public. Such service also shall be reasonably continuous and without unreasonable interruptions or delay." 66 Pa.C.S. § 1501; *see also* 52 Pa. Code § 57.194(a). In addition, PPL Electric must maintain and operate its system in conformity with the applicable requirements of the National Electrical Safety Code

“NESC”).² 52 Pa. Code § 57.194(b). To meet these requirements, PPL Electric must maintain the vegetation on and along its transmission and distribution rights-of-way.

Vegetation contact with electric transmission or distribution conductors is a leading cause of power outages. (Tr., p. 26) For example, the largest power blackout in North American history, which occurred on August 14, 2003, was caused after a tree came in contact with a transmission line. The vegetation-caused blackout affected an area with a population of approximately 50 million people in the United States and Canada. Also illustrative were the prolonged power outages experienced by approximately 390,000 PPL Electric customers when a heavy snowstorm in October 2011 caused leaf-laden trees and limbs to come into contact with PPL Electric’s transmission and distribution lines operating at less than 230 kV. (Tr., p. 26)

In addition, there are public safety reasons why the vegetation must be maintained within transmission line rights-of-way. Trees and other vegetation are capable of conducting electricity and represent a serious hazard to the public if they come in contact with power lines. There also could be a potential fire hazard as a result of vegetation that comes into contact with an electric conductor. Vegetation in close proximity to a power line can be blown into an electric conductor in high winds, which could pull the conductor down from supporting towers or poles. If the downed line remains energized, this would create a very dangerous, life-threatening situation for an unaware passerby. (Tr., p. 27)

To comply with the statutory obligation to provide safe and reliable service, PPL Electric has adopted three vegetation management policies. The first is PPL Electric’s the TVMP required by FERC and NERC, which applies to transmission lines that operate at 230 kV or above and any other transmission lines that are “essential” to the Bulk Electric System. (Tr., p.

² The NESC provides, among other things, that an electric provider must trim or remove vegetation that may interfere with electric lines. *See* NESC Rule 218.

27) The second is PPL Electric's Specification for Transmission Management, LA-79827-9 (hereinafter, "STM"), which applies to all transmission lines operating at 69 kV and above. (Tr., p. 27; PPL Electric Exhibit 3) The third is PPL Electric's URS-3001 Distribution and 69 kV Vegetation Management Specification (hereinafter, "DVM"), which applies to all transmission and distribution lines operating at 69 kV and below. (Tr., p. 28; PPL Electric Exhibit 4) Both the STM and DVM apply to the 69 kV transmission line right-of-way that traverses the Complainants' property.³ (Tr. pp. 29, 31)

PPL Electric explained that its vegetation management method for 69 kV transmission lines is based upon and consistent with the TVMP required by NERC and FERC.⁴ PPL Electric's TVMP applies the Wire Zone/Border Zone vegetation management methodology. Under this methodology, all non-compatible species in both the wire zone and border zone areas must be removed. (Tr. pp. 33-34) PPL Electric further explained that the Wire Zone/Border Zone vegetation management methodology is a long-standing, well-accepted industry best practice. (Tr. pp. 34-35)

PPL Electric explained that in 2013 it adopted the Wire Zone/Border Zone vegetation management method for all transmission lines operating at 69 kV or above based upon lessons learned from Hurricane Irene, the 2011 Halloween snow storm, and Super Storm Sandy. Specifically, PPL Electric explained that: approximately 430,000 customers of PPL Electric experienced power outages caused by Hurricane Irene in August 2011; approximately 390,000

³ The Initial Decision overlooked that both the STM and DVM applied to the subject transmission line right-of-way and, instead, found that only the DVM was applicable. (Initial Decision, p. 5, Finding of Fact No. 24)

⁴ For critical transmission lines operating below 200 kV and all transmission lines operating at 200 kV or higher, PPL Electric must comply with the NERC Standard FAC-003-3. The NERC Standard FAC-003-3 was adopted in response to the 2003 blackout in North America that affected approximately 50 million people. The NERC Standard FAC-003-3 requires that transmission facility owners, such as PPL Electric, adopt and keep current a formal TVMP that has been approved by NERC. The plan is required to specify clearances, or safety zones, between vegetation and transmission conductors within which no vegetation is permitted to grow. The NERC Standard FAC-003-3 is mandatory and binding on owners and operators of transmission systems, such as PPL Electric, with penalties or sanctions of up to \$1 million per day per violation. (Tr. p. 32)

customers of PPL Electric experienced power outages during the 2011 Halloween snow storm; and that approximately 524,000 customers of PPL Electric experienced power outages caused by Super Storm Sandy in October 2012. Each of the power outages associated with these storms were the result of vegetation and/or limbs coming into contact with conductors operating at 138 kV or less. (Tr. pp. 35-35)

Importantly, at the time of these storm events, PPL Electric's 69 kV and 138 kV transmission line rights-of-way were not cleared to the extent required by the TVMP (i.e., the Wire Zone/Border Zone vegetation management method) because it only applies to transmission lines operating at 230 kV or higher and other PJM essential transmission lines. (Tr. p. 36) Unlike the conductors operating at 138 kV or less, PPL Electric's transmission system operating at 230 kV or higher did not experience a single outage related to vegetation during these storm events because the Wire Zone/Border Zone method had been applied to all existing 230 kV or higher transmission line rights-of-way at the time of these storms. (Tr. p. 36)

Based on the lessons learned from these storms, PPL Electric determined that it was necessary to take a more active vegetation management approach with respect to its 69 kV and 138 kV systems. As a result, in 2013 PPL Electric adopted the Wire Zone/Border Zone vegetation management method for all transmission lines operating at 69 kV or above. (Tr. pp. 36-37) Therefore, PPL Electric currently applies the Wire Zone/Border Zone to all 69 kV and 138 kV transmission lines where PPL Electric has sufficient rights under the applicable easement and/or right-of-way. (Tr. p. 37)

As explained above, vegetation management is crucial to minimizing the potential for electrical outages on the electric system. Actual experience during major storms has demonstrated that proper vegetation management is critical to PPL Electric's ability to meet its

statutory obligation to continue to provide safe and reliable electric service to customers. PPL Electric's current vegetation management method for transmission lines operating at 69 kV is based on an industry best practice that has proven to be a very successful methodology for maintaining vegetation and preventing electrical outages. For these reasons, PPL Electric's vegetation management policies and procedures for transmission lines operating at 69 kV are reasonable and consistent with the statutory obligation to provide safe and reliable electric service.

B. EXCEPTION No. 2 - It would be Impractical and Cost Prohibitive to Apply PPL Electric's Vegetation Management Policies and Procedures on a Case-by-Case Basis

The Initial Decision also found that PPL Electric's list of compatible species is arbitrary and could vary depending upon the specific property at issue. (Initial Decision, pp. 15, 16-17) This finding by the Initial Decision could be construed to suggest that PPL Electric should undertake an individual property specific approach to vegetation management. For the reasons explained below, it would be impractical and cost prohibitive to apply PPL Electric's vegetation management policies and procedures on a case-by-case basis.

As explained above, PPL Electric currently applies the Wire Zone/Border Zone to all 69 kV and 138 kV transmission lines where PPL Electric has sufficient rights under the applicable easement and/or right-of-way. (Tr. p. 37) PPL Electric currently operates and maintains approximately 5,000 miles of transmission lines operating at 69 kV or higher, and approximately 43,000 miles of distribution lines operating at less than 69 kV. (Tr. p. 41) If PPL Electric was required to separately evaluate and determine a specific growth rate for every single species within the rights-of-way or was required to make major individual adjustments to its vegetation management practices for each and every affected parcel of land, the result would be customized

vegetation management for each tract of land crossed by transmission lines.⁵ Such an approach to vegetation management would be extremely difficult for PPL Electric to administer across its more than 5,000 miles of transmission lines and approximately 43,000 miles of distribution lines, and would be very expensive to the detriment of all customers. (Tr. p. 41)

It also should be noted that PPL Electric cannot rely on individual landowners to maintain the vegetation within its rights-of-way. In order to meet its statutory obligation to provide safe and reliable service, PPL Electric must ensure that the vegetation near its high voltage transmission lines is properly being maintained, which further supports having a consistent approach to maintaining the vegetation within its rights-of-way to ensure safe and reliable service to customers. (Tr. pp. 41-42) Further, tree clearing near high voltage transmission lines is very hazardous. Trees and other vegetation are capable of conducting electricity and represent a serious hazard to the public if they come in contact with power lines. Therefore, tree clearing activities near high voltage transmission lines must only be performed by certified contractors with the skill, training, equipment, and knowledge required for working in close proximity to hazardous high voltage transmission lines. (Tr. p. 42) This factor again supports having a consistent approach to maintaining the vegetation within its rights-of-way to ensure safe and reliable service to customers.

Based on the foregoing, it would be impractical and cost prohibitive to apply PPL Electric's vegetation management policies and procedures on a case-by-case basis.

⁵ PPL Electric submits that such approach would likely lead to the Commission, Office of Administrative Law Judge, the Bureau of Consumer Services, and electric distribution companies being inundated with numerous vegetation management complaints alleging discriminatory treatment due to different vegetation methods being applied to their property when compared to neighboring properties.

C. EXCEPTION No. 3 – PPL Electric’s Vegetation Management Policies and Procedures are Consistently Applied to All Transmission Line Rights-of-Way

The Initial Decision found that PPL Electric’s vegetation management policies and procedures are not applied consistently because the width of the right-of-way granted by easements could vary from property to property. (Initial Decision, p. 15) For the reason explained below, PPL Electric’s vegetation management policies and procedures are consistently applied to all transmission line rights-of-way.

As explained above, PPL Electric currently applies the Wire Zone/Border Zone to all 69 kV and 138 kV transmission lines where PPL Electric has sufficient rights under the applicable easement and/or right-of-way. (Tr. p. 37) The terms and conditions of a right-of-way granted by a property owner, including the width of the right-of-way, is a matter initially determined by and between the property owner and PPL Electric. PPL Electric cannot and does not exceed the legal rights granted by a valid and irrevocable right-of-way or easement agreement.

The right-of-way in this case extends 35 feet from the centerline of the right-of-way, *i.e.*, a total right-of-way width of 70 feet.⁶ (Tr., p. 44; PPL Electric Ex. Nos. 1 and 2) The Initial Decision is correct that the width of transmission line rights-of-way granted by different and separately negotiated easement agreements could vary from property to property. However, the Initial Decision overlooks the fact that PPL Electric treats each property owner exactly the same by applying its vegetation management policies and practices to the full extent of each right-of-way granted. (Tr. p. 37) It would be unfair to allow an exception to PPL Electric’s vegetation management policies and practices for one land owner and not others. (Tr. p. 41)

⁶ It should be noted, however, that the right-of-way agreement and the transmission line both preceded the pear trees in question. The right-of-way agreement was executed in 1996, which gave PPL Electric the right to, among other things, remove vegetation within the 69 kV transmission line right-of-way. (PPL Electric Ex. Nos. 1 and 2) The pear trees in question were planted in 2000 -- after the 69 kV transmission line had been constructed across the Complainants’ property. (Tr., p. 16) The Complainants did not check the right-of-way or confer with PPL Electric before planting the pear trees within the right-of-way. (Tr., p. 11)

Given the miles and miles of transmission and distribution lines in PPL Electric's service territory, PPL Electric must have a consistent approach to maintaining the vegetation within its rights-of-way. To that end, PPL Electric has developed and maintains a list of compatible wire zone and border zone species that generally will not encroach the required clearances, based on the maximum sag of the applicable transmission line, or otherwise interfere with the safe and reliable operation of the transmission line. PPL Electric uses that list as a general guideline for compatible species across the entire transmission system. (Tr. p. 34; PPL Electric Exhibit Nos. 3 and 5)

PPL Electric provides all landowners with notice of the type of compatible species that are acceptable in the wire and border zones of its transmission line rights-of-way. Specifically, PPL Electric provides a brochure to all owners of land that are traversed by 69 kV facilities. (Tr. p. 38; PPL Electric Exhibit 5) The brochure is intended to aid landowners in understanding PPL Electric's transmission vegetation management practices and policies, including the type of compatible species that are acceptable in the wire and border zones. Similar to all owners of land that are traversed by 69 kV facilities, this brochure was provided to the Complainants. (Tr. p. 39)

Based on the foregoing, PPL Electric's vegetation management policies and procedures are consistently applied to all transmission line rights-of-way.

D. EXCEPTION No. 4 – The Commission Should Take Official Notice that PPL Electric's Vegetation Management Policies and Procedures Applicable to 69 kV Transmission Lines have been Submitted to and Reviewed by the Commission

The Initial Decision found that PPL Electric's witness was unable to state whether its vegetation management policies and procedures for transmission lines operating at 69 kV has been approved by the Commission. (Initial Decision, p. 14) For the reasons explained below,

the Commission should take official notice that PPL Electric's vegetation management policies and procedures applicable to 69 kV transmission lines have been presented to and reviewed by the Commission.

During the evidentiary hearing, PPL Electric's forester was without personal knowledge of whether the Company's vegetation management policies and procedures applicable to 69 kV transmission lines were approved by the Commission. (Tr. p. 45) The Initial Decision therefore concluded that PPL Electric's vegetation management policies and procedures applicable to 69 kV transmission lines were unreasonable because they have not been approved by the Commission pursuant to Section 57.198 of the Commission's regulations, 52 Pa. Code § 57.198. (Initial Decision, p. 14)

Section 57.198 of the Commission's regulations provides, in pertinent part, as follows:

(a) Filing date and plan components. Every 2 years, by October 1, an EDC shall prepare and file with the Commission a biennial plan for the periodic inspection, maintenance, repair and replacement of its facilities that is designed to meet its performance benchmarks and standards under this subchapter. . . .

* * *

(f) Clearance of vegetation. The plan must include a program for the maintenance of clearances of vegetation from the EDC's overhead distribution facilities.

* * *

(n) Inspection and maintenance intervals. An EDC shall maintain the following inspection and maintenance plan intervals:

* * *

(1) Vegetation management. The Statewide minimum inspection and treatment cycle for vegetation management is between 4-8 years for distribution facilities. An EDC shall submit a condition-based plan for vegetation management for its distribution system facilities explaining its treatment cycle.

52 Pa.Code § 57.198. Section 57.198 of the Commission's regulations applies to "distribution facilities" and, therefore, is not applicable to the 69 kV transmission line that is the subject of the pending Complaint. Notwithstanding, PPL Electric has in fact fully complied with the requirements of Section 57.198 and submitted its bi-annual inspection and maintenance plan to the Commission. Included therein is a summary of PPL Electric's program for the maintenance of clearances of vegetation from overhead distribution facilities as required by Section 57.198. PPL Electric respectfully requests that the Commission take official notice of its bi-annual inspection and maintenance plan submitted to the Commission.⁷

PPL Electric also notes that the STM that applies to the transmission line right-of-way that traverses the Complainants' property has been submitted to and reviewed by the Commission as part of its review and approval of numerous transmission line siting applications and letters of notification. Indeed, the STM applicable to the 69 kV transmission line right-of-way in this case also applies to all transmission lines operating at voltages above 69 kV, including 138 kV transmission lines (Tr. p. 31), and historically has been submitted as an exhibit to PPL Electric's filings requesting Commission approval of the siting and construction of 138 kV transmission line projects. For example, the STM that was submitted with PPL Electric's full siting application at Docket Nos, A-2012-2340872, *et al.*, which was fully litigated and approved by the Commission. *See Application of PPL Electric Utilities Corporation filed Pursuant to 52 Pa. Code Chapter 57, Subchapter G, for approval of the siting and construction of transmission*

⁷ "Official notice" is the administrative counterpart of judicial notice. The doctrine allows an agency to take official notice of facts which are obvious and notorious to an expert in the agency's field and those facts contained in reports and records in the agency's files, in addition to those facts which are obvious and notorious to the average person. Thus, official notice is a broader doctrine than is judicial notice and recognizes the special competence of the administrative agency in its particular field and also recognizes that the agency is a storehouse of information on that field consisting of reports, case files, statistics and other data relevant to its work. *See FCC v. National Citizens Committee for Broadcasting*, 436 U.S. 775 (1978); *NLRB v. Seven-Up Bottling Co.*, 344 U.S. 344 (1953); *Department of State v. Stecher*, 506 Pa. 203, 484 A.2d 755 (1984); *Falasco v. Commonwealth of Pennsylvania Board of Probation and Parole*, 521 A.2d 991, 994 (Pa. Cmwlth. 1987).

lines associated with the Northeast-Pocono Reliability Project in Portions of Luzerne, Lackawanna, Monroe, and Wayne Counties, Pennsylvania, Docket Nos, A-2012-2340872, *et al.*, (Opinion and Order entered January 9, 2014). PPL Electric respectfully requests that the Commission take official notice of the STM submitted with previously approved transmission line siting applications and letters of notification.

Based on the foregoing, PPL Electric respectfully requests that the Commission take official notice that PPL Electric's vegetation management policies and procedures applicable to 69 kV transmission line at issue in this case have been previously presented to and reviewed by the Commission.

III. CONCLUSION

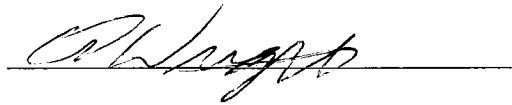
As explained herein, PPL Electric takes exception to certain limited findings by the Initial Decision. Specifically, PPL Electric respectfully requests that the Commission find: (1) that PPL Electric's vegetation management policies and procedures for transmission lines operating at 69 kV are reasonable and consistent with the statutory obligation to provide safe and reliable electric service; (2) it would be impractical and cost prohibitive to apply PPL Electric's vegetation management policies and procedures on a case-by-case basis; (3) PPL Electric's vegetation management policies and procedures are consistently applied to all transmission line rights-of-way; and (4) that PPL Electric's vegetation management policies and procedures applicable to 69 kV transmission line at issue in this case have been previously presented to and reviewed by the Commission.

Notwithstanding, PPL Electric does not take any exception to the result reached by the Initial Decision and, on the specific and limited facts presented in this case, agrees that the existing pears trees within the 69 kV transmission line right-of-way that traverses the

Complainants' property will not be removed, subject to PPL Electric's present and future obligation to comply with all applicable reliability and safety standards and other legal or regulatory requirements or industry standards. PPL Electric respectfully requests that the result reached by the Initial Decision be limited to the unique and specific facts of this case.

WHEREFORE, PPL Electric Utilities Corporation respectfully requests that the Public Utility Commission grant these Exceptions and not adopt certain limited findings in the Initial Decision described herein.

Respectfully submitted,



Paul E. Russell (ID #21643)
PPL Services Corporation
Office of General Counsel
Two North Ninth Street
Allentown, PA 18106
Phone: 610-774-4254
Fax: 610-774-6726
E-mail: perussell@pplweb.com

David B. MacGregor (ID # 28804)
Christopher T. Wright (ID # 203412)
Post & Schell, P.C.
17 North Second Street, 12th Floor
Harrisburg, PA 17101-1601
Phone: 717-731-1970
Fax: 717-731-1985
E-mail: dmacgregor@postschell.com
E-mail: cwright@postschell.com

Of Counsel:
Post & Schell, P.C.

Date: March 30, 2015

Attorneys for PPL Electric Utilities Corporation