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February 22, 2016

VIA ELECTRONIC FILING

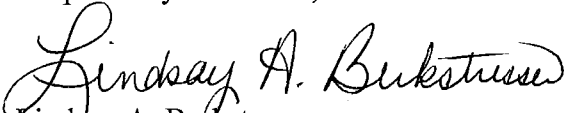
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: John Bradley Whitlock v. PPL Electric Utilities Corporation
Docket No. C-2016-2526939

Dear Secretary Chiavetta:

Enclosed please find the Preliminary Objections of PPL Electric Utilities Corporation to the Complaint of John Bradley Whitlock in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,


Lindsay A. Berkstresser

LAB/skr
Enclosure

cc: Certificate of Service

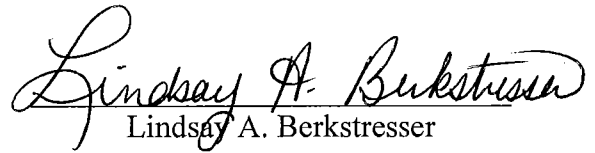
CERTIFICATE OF SERVICE

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 E-MAIL & FIRST CLASS MAIL

John Bradley Whitlock
133 Brindle Road
Mechanicsburg, PA 17055
E-mail: jbwbrad@comcast.net

Date: February 22, 2016


Lindsay A. Berkstresser

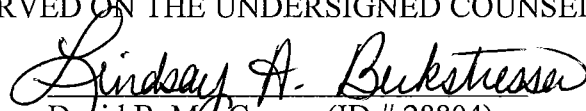
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

John Bradley Whitlock,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2016-2526939
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

NOTICE TO PLEAD

YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.101, YOU MAY FILE AN ANSWER TO THE ENCLOSED PRELIMINARY OBJECTIONS WITHIN TEN (10) DAYS OF THE DATE OF SERVICE HEREOF. YOUR ANSWER TO THE PRELIMINARY OBJECTIONS MUST BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL.

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Attorneys for PPL Electric Utilities Corporation

Of Counsel:

Post & Schell, P.C.

Date: February 22, 2016

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

John Bradley Whitlock,	:	
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v.	:	Docket No. C-2016-2526939
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

**PRELIMINARY OBJECTIONS OF
PPL ELECTRIC UTILITIES CORPORATION
TO THE COMPLAINT OF
JOHN BRADLEY WHITLOCK**

AND NOW, comes PPL Electric Utilities Corporation (“PPL Electric”) and hereby files Preliminary Objections, pursuant to the regulations of the Pennsylvania Public Utility Commission (“Commission”) at 52 Pa. Code § 5.101, and respectfully requests that the Complaint filed by John Bradley Whitlock (“Complainant”) be dismissed. In support thereof, PPL Electric states as follows:

I. BACKGROUND

1. PPL Electric furnishes electric distribution, transmission, and default supply services to approximately 1.4 million customers throughout its certificated service territory, which includes all or portions of twenty-nine counties and encompasses approximately 10,000 square miles in eastern and central Pennsylvania. PPL Electric is a “public utility,” an “electric distribution company,” and a “default service provider” as defined in Sections 102 and 2803 of the Pennsylvania Public Utility Code, 66 Pa.C.S. §§ 102, 2803.

2. The Complainant owns property located at 133 Brindle Road, Mechanicsburg, PA 17055. See Complaint ¶ 1.

3. Pursuant to Chapters 15 and 28 of the Public Utility Code, PPL Electric has a statutory obligation to provide adequate, efficient, safe and reasonable service and facilities, and to make all repairs, changes, alterations, substitutions, extensions, or improvements in or to such service or facilities as necessary for the accommodation, convenience, and safety to its customers. PPL Electric is further required to provide reasonably continuous service without unreasonable interruptions or delay.

4. “Electric service is essential to the health and well-being of residents, to public safety and to orderly economic development, and electric service should be available to all customers on reasonable terms and conditions.... Reliable electric service is of the utmost importance to the health, safety and welfare of the citizens of the Commonwealth.” 66 Pa.C.S. §§ 2808(9), (12).

5. On or about December 3, 2015, PPL Electric announced a proposal to build a new 69 kilovolt (“kV”) transmission line between the planned new Williams Grove 230-69 kV Substation in Upper Allen Township and the existing Carlisle Barracks 69 kV Tap in Silver Spring Township (hereinafter, the “Williams Grove-Carlisle Transmission Line Project” or the “Project”).

6. As part of the preliminary planning stage of the Project, PPL Electric has undertaken significant public outreach efforts and intends to continue engaging in discussions with potentially affected landowners as the planning process develops.

7. By Secretarial Letter dated February 2, 2016, PPL Electric was served with the above-captioned Complaint. The issues raised in the Complaint relate to the route selection and

construction of the proposed Williams Grove-Carlisle Transmission Line Project. (Complaint ¶ 4.) Specifically, the Complaint requests that the Commission order PPL Electric to use an alternative route or use an existing transmission line for the Williams Grove-Carlisle Transmission Line Project. (Complaint ¶ 5.)

8. As explained below, the Commission is without jurisdiction over the relief requested in the Complaint. Furthermore, even if the Commission had jurisdiction over the issues raised in the Complaint, the Complaint is premature and not ripe as further explained below.

9. PPL Electric herein files these Preliminary Objections to the Complaint. For the reasons explained below, PPL Electric respectfully requests that the Complaint be dismissed in its entirety for lack of Commission jurisdiction and legal insufficiency pursuant to Sections 5.101(a)(1) and 5.101(a)(4) of the Commission’s regulations, 52 Pa. Code §§ 5.101(a)(1), (4).

II. STANDARD OF REVIEW

10. Pursuant to the Commission’s regulations, preliminary objections in response to a pleading may be filed on several grounds, including:

- (1) Lack of Commission jurisdiction or improper service of the pleading initiating the proceeding.
- (2) Failure of a pleading to conform to this chapter or the inclusion of scandalous or impertinent matter.
- (3) Insufficient specificity of a pleading.
- (4) Legal insufficiency of a pleading.
- (5) Lack of capacity to sue, nonjoinder of a necessary party or misjoinder of a cause of action.
- (6) Pendency of a prior proceeding or agreement for alternative dispute resolution.

(7) Standing of a party to participate in the proceeding.

52 Pa. Code § 5.101(a).

11. In ruling on preliminary objections, the Presiding Officer must accept as true all well-pled allegations of material facts as well as all inferences reasonably deducible therefrom. *Stilp v. Cmwltth.*, 910 A.2d 775, 781 (Pa. Cmwltth. 2006) (citing *Dep't of Gen. Serv. v. Bd. of Claims*, 881 A.2d 14 (Pa. Cmwltth. 2005); accord *Complaint of Nat'l Fuel Gas Distrib. Corp. and Petition for an Order to Show Cause*, Docket No. P-00072343 (December 26, 2007). However, the Presiding Officer need not accept as true conclusions of law, unwarranted inferences from facts, argumentative allegations, or expressions of opinion. *Stanton-Negley Drug Co. v. Dep't of Pub. Welfare*, 927 A.2d 671, 673 (Pa. Cmwltth. 2007). For preliminary objections to be sustained, it must appear with certainty that the law will permit no recovery, and any doubt must be resolved in favor of the non-moving party. *Stilp*, at 781.

III. PRELIMINARY OBJECTION #1: The Commission Lacks Jurisdiction Over the Relief Requested in the Complaint.

12. PPL Electric incorporates by reference Paragraphs 1 through 11 as if fully set forth herein.

13. In the Complaint, the Complainant requests that the Commission order PPL Electric to use an alternative route or use existing transmission lines for the Williams-Grove Carlisle Transmission Line Project. (Complaint ¶ 5).

14. Section 57.71 of the Commission's regulations, 52 Pa. Code § 57.71, empowers the Commission to authorize the location and construction of HV transmission lines.

Upon the application of a public utility for authorization to locate and construct a **HV transmission line** or any portion thereof, upon approval of the application by the Commission first had and obtained, and upon compliance with

existing laws, it shall be lawful for a public utility to commence construction of the HV transmission line or portion thereof.

52 Pa. Code § 57.71 (emphasis added). A HV transmission line, however, is defined as “an overhead electric supply line with a design voltage **greater than 100,000 volts.**” 52 Pa. Code § 57.1 (emphasis added). Thus, the Commission’s jurisdiction over the siting, location, and construction of transmission lines is limited to transmission lines with a design voltage of 100,000 volts (100 kV) and above. See *Application of Pennsylvania Electric Company*, Docket No. A-110400F008, 1989 Pa. PUC LEXIS 80, *6 (April 5, 1989).

15. The proposed Williams Grove-Carlisle Transmission Line that is the subject of the Complaint is a 69 kV line. That is, it will not be designed or operated for any voltage other than 69 kV.

16. Because the design voltage of the proposed Williams Grove-Carlisle Transmission Line is less than 100 kV, it does not meet the definition of an HV line. Accordingly, the proposed Williams Grove-Carlisle Transmission Line does not fall within the Commission’s jurisdiction over the design, siting and construction of HV transmission lines. See 52 Pa. Code §§ 57.1 and 57.71.

17. Based on the foregoing, the Commission lacks jurisdiction over the relief and remedy requested in the Complaint and, therefore, PPL Electric respectfully requests that the Complaint be dismissed in its entirety pursuant to 52 Pa. Code § 5.101(a)(1).

IV. PRELIMINARY OBJECTION #2: Alternatively, the Complaint Is Not Ripe For Disposition by the Commission.

18. PPL Electric incorporates by reference Paragraphs 1 through 17 as if fully set forth herein. As explained above, the Complaint should be dismissed in its entirety for lack of jurisdiction. In the event the Complaint is not dismissed for lack of jurisdiction, PPL Electric

herein requests, in the alternative, that the Complaint be dismissed without prejudice or held in abeyance because the claims are not ripe for review as explained below.

19. The allegations in the Complaint relate solely to the prospective route selection and construction of the proposed Williams Grove-Carlisle Transmission Line Project, including the alleged adverse effect on real estate values.

20. The Project referenced in the Complaint is still in the planning stage. PPL Electric is continuing to evaluate the proposed Project, including the possible alternative routes for the Project. PPL Electric intends to continue its discussion with potentially affected landowners throughout the public input process and to select a route that balances the functional requirements of the project, the environmental impacts, the social impacts, costs of the viable alternative line routes, and other factors identified in the Commission's siting regulations. Importantly, however, no final decision regarding the Project has been made.

21. Any allegation that the Complainant will be impacted by the proposed Project is merely speculative. Depending upon PPL Electric's final evaluation of the Project, the Complainant's concerns may become moot. For these reasons, the issues raised in the Complaint are premature and not ripe for Commission review.

22. Indeed, at this juncture, the Commission cannot order a remedy to finally resolve the Complainant's concerns because it is not clear that the Complainant will even be affected by the proposed Project. PPL Electric submits that, rather than requesting relief that is not ripe for review, the appropriate remedy for Complainant is to wait and seek appropriate relief that may be available to the Complainant if and when PPL Electric selects a route for the proposed Project that impacts the Complainant's interests. The Complainant's concerns regarding the route

selection and construction of the proposed Project are simply premature and not ripe for the Commission's disposition.

23. For these reasons, in the event the Complaint is not dismissed for lack of jurisdiction, PPL Electric respectfully requests that the Complaint should be dismissed without prejudice pursuant to 52 Pa. Code § 5.101(a)(1).

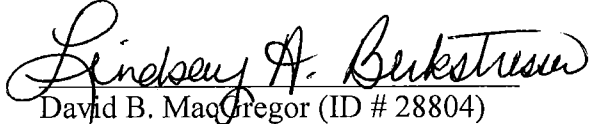
24. In the alternative, in the event the Complaint is not dismissed, PPL Electric respectfully requests that the Complaint be held in abeyance until PPL Electric ultimately selects a route for the siting and construction of the proposed Project.

V. CONCLUSION

WHEREFORE, PPL Electric Utilities Corporation respectfully requests that the Complaint of John Bradley Whitlock be: (i) dismissed in its entirety for lack of jurisdiction; (ii) alternatively, dismissed without prejudice as not ripe for disposition; or (iii) alternatively, held in abeyance unless and until a route has been selected that potentially impacts the interest of the Complainant.

Respectfully submitted,

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Date: February 22, 2016

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