

**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 its proposed exercise of the :
power of eminent domain to acquire a right of way : A-2016-2571918
and easement over and a certain portion of the lands :
of the Heirs of Davis Dean, in West Abington, :
Lackawanna County, Pennsylvania is necessary or :
proper for the service, accommodation, convenience :
or safety of the public :

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 : A-2016-2571923
the applicant through its proposed exercise of the :
power of eminent domain to acquire a right of way :
and easement over and a certain portion of the lands :
of Dalton Equity, Inc., in West Abington, :
Lackawanna County, Pennsylvania is necessary or :
proper for the service, accommodation, convenience :
or safety of the public :

PROCEDURAL ORDER

On December 13, 2016, a prehearing conference was held in the above-captioned matter. Appearing for PPL Electric Utilities Corporation were: Christopher Wright, Esquire, Lindsay Berkstresser, Esquire, and Kimberly Klock, Esquire. Appearing for Intervenor Dalton Equity, Inc., in its own right and as successor in interest to the Heirs of Davis Dean were Michael Mey, Esquire and Justin Sulla, Esquire. This order sets forth the procedural matters addressed at the prehearing conference.

THEREFORE,

IT IS ORDERED:

1. That the applications at A-2016-2571918 and A-2016-2571923 are hereby consolidated, pursuant to 52 Pa. Code §5.81, for purposes of hearing and decision because they involve common questions of law and fact.

2. That Dalton Equity, Inc.'s Petition to Intervene filed on November 23, 2016, is granted.

3. That pursuant to 52 Pa. Code §1.55, the service list is as attached to this order.

4. That the following procedural schedule is adopted.

Intervenor's Direct Testimony	February 28, 2017
Rebuttal Testimony	March 21, 2017
Surrebuttal Testimony	April 4, 2017
Hearing/oral rejoinder	April 12, 2017
Main Briefs	May 5, 2017
Reply Briefs	May 19, 2017

5. That the evidentiary hearing will be held in Harrisburg in an available hearing room in the Commonwealth Keystone Building and will begin at 10:00 a.m. on April 12, 2017.

6. That the transcript turnaround time for the evidentiary hearing shall be five (5) days.

7. That the parties are encouraged to discuss settlement negotiations and in the event that an amicable agreement is reached prior to the hearing, PPL Utilities Corporation is given leave to file a petition for leave to withdraw the application(s).

8. That counsel for PPL Utilities Corporation shall coordinate the order of witnesses and estimated time for cross-examination by each party, and will supply a copy of the witness order to the presiding officer at least one (1) day prior to the hearing.

9. That motions or objections with respect to written testimony must be presented in writing and provided to the parties and the presiding officer no later than close of business on Monday, April 10, 2017.

10. That the parties shall conduct discovery, attend hearings, or present or cross-examine witnesses, as appropriate. The parties shall serve the documents listed above so that the documents are received in-hand by the parties and presiding officer no later than 4:30 p.m. on the dates listed, unless otherwise indicated. Parties may serve the documents listed in Ordering Paragraph No. 4 via e-mail to meet this requirement, with hard copy to follow by regular first class mail, so long as the electronic version is Microsoft Word compatible. Parties shall not file testimony with the Commission, but shall file a certificate of service.

11. That written testimony shall comply with the requirements of 52 Pa.Code § 5.412 and shall be marked with numerical, sequential statement numbers. Parties serving preserved testimony pursuant to 52 Pa.Code § 5.412(f) are required, within thirty (30) days after the final hearing, to either eFile with or provide to the Secretary's Bureau a Compact Disc (CD) containing all testimony furnished to the court reporter during the proceeding, consistent with the Commission's Implementation Order, dated January 10, 2013, at Docket No. M-2012-2331973.

12. That all parties shall comply with the provisions of 52 Pa.Code §5.243(e) which prohibits the introduction of evidence during rebuttal which should have been included in the party's case-in-chief or which substantially varies from the party's case-in-chief, unless the party is introducing evidence in support of a proposed settlement.


13. That the parties shall conduct discovery pursuant to 52 Pa.Code §§5.321-5.373. The parties are encouraged to cooperate and exchange information on an informal basis. The parties shall cooperate rather than engage in numerous or protracted discovery disagreements that require formal resolution. There are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa.Code §§ 5.361, 5.371-5.372.

14. That the parties shall stipulate to any matters they reasonably can to expedite this proceeding, lessen the burden of time and expenses in litigation on all parties and conserve administrative hearing resources. 52 Pa.Code §§ 5.232 and 5.234.

15. That the evidentiary hearings in this matter constitute a formal legal proceeding and will be conducted in accordance with the Commission's Rules of Administrative Practice and Procedure, as well as the rules of evidence as applied to administrative hearings.

16. That any provision of this Order may be modified upon motion and good cause shown by any party in interest in accordance with 52 Pa.Code § 5.223(a).

Date: December 14, 2016


Elizabeth H. Barnes
Administrative Law Judge

APPLICATION OF PPL ELECTRIC UTILITIES CORPORATION

A-2016-2571918 - 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 AND EASEMENT OVER A CERTAIN PORTION OF THE LANDS OF THE HEIRS OF DAVIS DEAN IN WEST ABINGTON LACKAWANNA COUNTY PENNSYLVANIA IS NECESSARY OR PROPER FOR THE SERVICE ACCOMMODATION CONVENIENCE OR SAFETY OF THE PUBLIC

A-2016-2571923 - FOR THE 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 AND EASEMENT OVER A CERTAIN PORTION OF THE LANDS OF DALTON EQUITY INC IN WEST ABINGTON LACKAWANNA COUNTY PENNSYLVANIA

Revised 12/14/16

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