

COMMONWEALTH OF PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

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Linda L. David  
v.  
PPL Electric Utilities  
Telephonic Hearing  
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Docket No.: C-20055501

DOCUMENT  
FOLDER

Pages: 1 - 53

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Philadelphia, PA 19130

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Monday, May 15, 2006  
Commencing at 10:04 a.m.

BEFORE:

CHARLES E. RAINEY, JR., Administrative Law Judge

APPEARANCES:

ANTHONY D. KANAGY, Esquire  
17 North 2nd Street, 12th Floor  
Harrisburg, PA 17101  
For PPL Electric Utilities Corporation

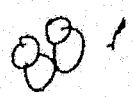
MARTIN J. DANKS, Esquire  
City of Allentown, City Solicitor's Office  
Room 519, 435 Hamilton Street  
Allentown, PA 18101  
For the City of Allentown

ANTHONY SHERR, Esquire  
P.O. Box 1547  
Blue Bell, PA 19422  
For South Whitehall Township

MS. LINDA DAVID, Pro Se  
2922 West Fairview Street  
Allentown, PA 18103

REPORTER: SHARON M. MARSH  
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JUDGE RAINEY:

Good morning. My name is Charles Rainey, and I am the Administrative Law Judge who has been assigned to this case. This is the case of Linda L. David versus PPL Electric Utilities Corporation and South Whitehall Township joined as an indispensable party and City of Allentown joined as an indispensable party. The Docket Number for this case is C-20055501. I'll give the parties an opportunity at this time to identify themselves for the record. I'll just ask you to, at this time, just to provide your name and address. We'll start with you, Ms. David.

MS. DAVID:

My name is Linda David. I live at 2922 West Fairview Street in Allentown.

JUDGE RAINEY:

Okay. You faded out on your address. Give your address again, Ms. David.

MS. DAVID:

I live at 2922 West Fairview Street, Allentown, Pennsylvania.

JUDGE RAINEY:

Mr. Kanagy?

1                   ATTORNEY KANAGY:

2                   Yes, Your Honor. It's Anthony Kanagy,  
3 K-A-N-A-G-Y. I represent PPL Electric Utilities  
4 Corporation in this matter. My address is 17 North  
5 2nd Street, 12th Floor, Harrisburg, Pennsylvania  
6 17101.

7                   JUDGE RAINEY:

8                   Thank you. Mr. Danks?

9                   ATTORNEY DANKS:

10                  Martin Danks, D-A-N-K-S. I represent the  
11 City of Allentown. The address here is City of  
12 Allentown Solicitor's Office, Room 519, 435 Hamilton  
13 Street, Allentown, PA 18101.

14                  JUDGE RAINEY:

15                  Okay. And Mr. Sherr?

16                  ATTORNEY SHERR:

17                  Yes, Your Honor. Anthony Sherr. I  
18 represent South Whitehall Township. My address is  
19 P.O. Box 1547, Blue Bell, PA 19422.

20                  JUDGE RAINEY:

21                  Thank you, Mr. Sherr. Let me set up this  
22 case as I'm familiar with it. On April 26, 2005,  
23 Linda L. David filed a complaint. The Complainant  
24 alleges that she was experiencing vibrations of  
25 electrical impulses from the water pumping station

1 that is located 200 feet from her home. The  
2 Complainant alleges that the vibrations and electrical  
3 impulses are felt in her home such that when she is  
4 awakened at night from the vibrations, she has burns  
5 on her face, arms and legs.

6           On November 21, 2005, PPL filed an  
7 answer, a new matter. On November 21, 2005, PPL filed  
8 a motion to dismiss the complaint on the ground that  
9 the Commission lacked subject matter jurisdiction, or  
10 in the alternative, to join South Whitehall Township  
11 and the Allentown Water Authority as indispensable  
12 parties.

13           By order dated March 9, 2006, the chief  
14 administrative law judge found that, quote,  
15 Respondent, PPL, is obligated to provide safe service  
16 to the public. Assuming that factual allegations of  
17 the complaint are true and without any other admitted  
18 facts, the issue of whether Respondent service to the  
19 pumping station is causing a safety concern to a  
20 member of the public, specifically Complainant,  
21 remains a contested question of fact. Accordingly,  
22 Respondent's motion to dismiss is denied, end quote.

23           The chief administrative law also found  
24 that, quote, the Township and the authority are  
25 clearly indispensable parties to this case. The

1 operation of the equipment, the pumping station, which  
2 appears to be the center of this controversy, is  
3 solely controlled by either the South Whitehall  
4 Township or the Allentown Water Authority on a  
5 neighboring property. Clearly, any order issued by  
6 the Commission will affect the Township and the  
7 authority's interest and rights such that any  
8 proceeding in this matter cannot be properly  
9 adjudicated without their presence and participation.

10           In her ordering paragraphs, the chief  
11 administrative law judge stated, one, that the motion  
12 to join an indispensable party filed by PPL Electric  
13 Utilities Corporation at Docket Number C-20055501 is  
14 granted. Two, the motion to dismiss filed by PPL  
15 Electric Utilities Corporation at Docket Number  
16 C-20055501 is denied. Three, a copy of this order,  
17 the original complaint and all subsequent  
18 correspondents and pleading shall be served on South  
19 Whitehall Township or the Allentown Water Authority.  
20 Four, that South Whitehall Township and the Allentown  
21 Water Authority shall file responsive pleadings to the  
22 Complainant within 20 days of the date of the order.  
23 And five, that the complaint be set for hearing.

24           The City of Allentown found its first  
25 answer on April 3, 2006, in which it stated, among

1 other things, that there's no legal entity named  
2 Allentown Water Authority and that it does not own,  
3 operate or maintain a water pumping station in the  
4 vicinity of Complainant's property. Then, in an  
5 answer dated May 3, 2006, the City of Allentown  
6 stated, among other things, that it provides water and  
7 sewer service to Complainant's property.

8                   Notice of this pre-hearing conference was  
9 issued on April 11, 2006. On May 1st, 2006, South  
10 Whitehall Township filed preliminary objection. Let  
11 me just state, Mr. Sherr, that I did not receive a  
12 copy of that, or no copy of that was submitted to me.  
13 So that in the future, all parties are directed to  
14 serve me or submit to me any documents that are filed  
15 with the Commission. I just became aware of the  
16 preliminary objections of South Whitehall Township as  
17 a result of receiving PPL's answer, a new matter to  
18 the preliminary objections.

19                   In any event, on May 3rd, 2006, South  
20 Whitehall Township filed preliminary objections. On  
21 May 10th, 2006, PPL filed an answer to a new matter to  
22 South Whitehall Township's preliminary objections.  
23 Also, on May 10, 2006, PPL filed a motion to join  
24 South Whitenall Township authority. My preliminary  
25 conference order dated May 2nd, 2006 directed the

1 parties to submit a pre-hearing conference memoranda  
2 by May 2nd, 2006. I note that the parties did file  
3 pre-hearing conference memoranda in this case.

4 At this time, I'm going to allow a brief  
5 oral argument with regard to the preliminary  
6 objections of South Whitehall Township. Mr. Sherr, if  
7 you want to briefly provide argument with regard to  
8 your preliminary objections.

9 ATTORNEY SHERR:

10 Sure. The preliminary objections ---.

11 JUDGE RAINEY:

12 Mr. Sherr, we're having some trouble  
13 hearing you, so we'd ask you to speak up, please.

14 ATTORNEY SHERR:

15 Okay. The preliminary objections are  
16 based primarily on the fact that the complaint by Ms.  
17 David seems to be a complaint for both personal  
18 injuries and property damage that she's claiming to  
19 have sustained as a result of vibrations to her house.  
20 Based on these allegations, preliminary objections  
21 state that this matter should be properly brought in  
22 the Court of Common Pleas and not before the PUC, in  
23 that the relief that she seeks is not available to her  
24 through the PUC, but rather through the Court of  
25 Common Pleas.

1                   JUDGE RAINEY:

2                   Do you want to respond to that, Mr.  
3 Kanagy?

4                   ATTORNEY KANAGY:

5                   Yes, Your Honor. With regard to that  
6 argument, we agree with the Township that the  
7 Commission does not have jurisdiction to hear this  
8 case, given that Ms. David's complaint is really about  
9 the water pumping station and things that are  
10 occurring from the water pumping station. So in that  
11 regard, we do agree with the Township that the  
12 Commission does not have jurisdiction over this  
13 matter.

14                   JUDGE RAINEY:

15                   Okay. I think that in light of the chief  
16 administrative law judge's order in this case on PPL's  
17 motion to dismiss for lack of subject matter's  
18 jurisdiction, that the chief administrative law judge  
19 at least felt, in the first instance, that there is a  
20 need to determine whether PPL is providing adequate,  
21 efficient, safe and reasonable electric service to the  
22 pumping station.

23                   I guess there's a number of things going  
24 on here that appear to be occurring that is resulting  
25 in the allegation by Ms. David that she's being

1 injured in this case. I guess we need to get to the  
2 bottom of exactly what is occurring here. There is  
3 some allegation of a possible relationship between  
4 this pumping station, the service that's being  
5 provided by PPL, some water lines that are provided by  
6 the City of Allentown and some impact that it is  
7 having on the household of Ms. David, as well as on  
8 her person. I don't know how we do that without  
9 getting all of the facts through some type of hearing.

10 We'll allow some time during the course  
11 of this pre-hearing conference for some further  
12 testimony explanation by Ms. David of exactly what it  
13 is that she is experiencing and what is her belief as  
14 to what is occurring with regard to all of these  
15 entities that is resulting in this particular injury  
16 that she is suffering. I believe, Mr. Kanagy, that  
17 there was another part of your answer?

18 ATTORNEY KANAGY:

19 Yes, Your Honor. I just wanted to make  
20 sure --- we wanted to make sure that given ALJ's ---  
21 we recognized that Chief ALJ Smith identified that  
22 issue. Given that issue, it's our understanding ---  
23 and we don't know what the relationship is that the  
24 Township has with regard to the water pumping station  
25 for sure. We just want to make sure that the correct

1 parties are in the proceeding in the event that we  
2 need to do something with our service to the pumping  
3 station, that the correct parties are there that can  
4 identify it and that we can work with.

5 JUDGE RAINEY:

6 Now, Mr. Sherr, was it your position that  
7 South Whitehall Township does not operate the pumping  
8 station?

9 ATTORNEY SHERR:

10 Yes. It's operated by an authority.

11 JUDGE RAINEY:

12 Okay. Does South Whitehall Township own  
13 the pumping station?

14 ATTORNEY SHERR:

15 No, the authority does.

16 JUDGE RAINEY:

17 The authority does. And you say that the  
18 authority is a separate entity?

19 ATTORNEY SHERR:

20 The authority is a separate entity.

21 JUDGE RAINEY:

22 Who represents the authority?

23 ATTORNEY SHERR:

24 I believe I would be representing the  
25 authority. No decision has been made on that, but I

1 think it would all come through. It will be a part of  
2 the same defense from my perspective.

3 JUDGE RAINEY:

4 Okay. Will you be filing an answer to  
5 the motion to join South Whitehall Township Authority?

6 ATTORNEY SHERR:

7 I believe that we have already.

8 JUDGE RAINEY:

9 Okay. I have not received a copy of  
10 that.

11 ATTORNEY SHERR:

12 We will make sure that you get everything  
13 that we file. Before we go on, I apologize for that.

14 JUDGE RAINEY:

15 Okay.

16 ATTORNEY SHERR:

17 I'm just looking through some  
18 proceedings. If we have not, I think we would be  
19 answering for the authority as well.

20 JUDGE RAINEY:

21 Okay.

22 ATTORNEY KANAGY:

23 Your Honor, this is Mr. Kanagy. I guess  
24 the only other question was whether or not the  
25 authority had --- what control the Township could

1 exercise over the authority in operating the station.  
2 I don't know that there is any. We just want to make  
3 sure that the correct party is, in fact, in the  
4 proceeding.

5 JUDGE RAINEY:

6 So Mr. Sherr, from your standpoint then,  
7 the authority should be separated independently or  
8 possibly, if it was decided, an independent party to  
9 this case, separate and apart from South Whitehall  
10 Township?

11 ATTORNEY SHERR:

12 I'm not saying that either should be a  
13 party to this.

14 JUDGE RAINEY:

15 Right. I'm just ---.

16 ATTORNEY SHERR:

17 Yes, that the authority, if we're seeking  
18 the entity that operates that pumping station, without  
19 any other questions, that is the entity that operates  
20 the pumping station.

21 JUDGE RAINEY:

22 Okay.

23 MS. DAVID:

24 Can I say something in that regard?

25 JUDGE RAINEY:

1                   Just a moment, Ms. David. I just want to  
2 get my points out. Then I'll allow you, certainly,  
3 some opportunity to make any statement that you want  
4 to make. So although they would be separately a  
5 separate entity that may be joined as an indispensable  
6 party. Mr. Sherr, I just want to be clear. However,  
7 you would be representing both South Whitehall  
8 Township, as well as South Whitehall Township  
9 Authority?

10                   ATTORNEY SHERR:

11                   I believe that's true. As I said though,  
12 I don't think there's been a decision with respect to  
13 the authority. As my understanding, I believe that is  
14 true.

15                   JUDGE RAINEY:

16                   Okay. You don't know for sure whether or  
17 not you filed an answer as of yet to the motion to  
18 join South Whitehall Township Authority?

19                   ATTORNEY SHERR:

20                   I don't believe it has been filed yet.

21                   JUDGE RAINEY:

22                   Okay. You have ten days from date of  
23 service of the motion to do that, so we will  
24 anticipate then, you're doing that, Mr. Sherr. Then  
25 we will act on that. Ms. David, did you have

1 something to say?.

2 MS. DAVID:

3 When I first started feeling these  
4 things, I was getting burned in my face. I could feel  
5 the pump working through the ---.

6 JUDGE RAINEY:

7 Ms. David? The court reporter can't hear  
8 you. I'm having some hard time hearing you as well.

9 MS. DAVID:

10 When I first called anyone about any  
11 problems here in the house, I called South Whitehall  
12 Township. I did not know that was separate from South  
13 Whitehall Township Authority. They did not say  
14 anything at that time. They sent someone to my home  
15 to pick up papers. Therefore, I really did not know  
16 that they were two separate.

17 JUDGE RAINEY:

18 Okay. So what we'll do then is I will  
19 wait then, for the filing of the answer to the motion  
20 to join South Whitehall Township Authority from Mr.  
21 Sherr.

22 ATTORNEY SHERR:

23 Judge?

24 JUDGE RAINEY:

25 Yes?

1                    ATTORNEY SHERR:

2                    Mr. Sherr again. With respect to the  
3 preliminary objections, if I just may expand on that,  
4 I think we've gone away from that, but it seems to me  
5 that the case law is very clear that where there are  
6 matters that are beyond the scope of the jurisdiction  
7 of the PUC as she has asserted, then the PUC does not  
8 have jurisdiction, and the Court of Common Pleas does.  
9 Clearly, in her complaint, she's asserting that she  
10 wants to be compensated for property damage and/or  
11 personal injuries as a result of the operation of this  
12 pumping station, which seems to go beyond any scope of  
13 jurisdiction that the Commission would have and that  
14 therefore, it should not have jurisdiction in this  
15 case.

16                    JUDGE RAINEY:

17                    Well, ultimately that may be the finding.  
18 There are some factual issues here, though, I think  
19 that need to be sorted out as for the chief  
20 administrative law judge's order in this case. Let me  
21 just be clear from you. Is it your statement that  
22 your preliminary objections go to your position that  
23 South Whitehall Township should be out of this case  
24 altogether because it does not own or operate the  
25 pumping station?

1                   ATTORNEY SHERR:

2                   Yes, recognizing, of course, that that is  
3 a factual issue. Certainly it would be a preliminary  
4 issue with respect to that factual determination.

5                   JUDGE RAINEY:

6                   That's what we need to get at. I don't  
7 know how we'd get at it, but we've got to get at the  
8 factual determination through a hearing, it would seem  
9 to me, so that I'm not --- really, I'm not willing to  
10 grant the preliminary objections at this particular  
11 point in time.

12                   ATTORNEY SHERR:

13                   I guess, and my only statement in that  
14 regard is that I don't think there's any question that  
15 a Court of Common Pleas would have jurisdiction.

16                   JUDGE RAINEY:

17                   Yeah. Usually I guess the ---.

18                   ATTORNEY SHERR:

19                   So I don't see where --- you know, we  
20 definitely know there are things that are beyond the  
21 scope of the jurisdiction and the Commission.

22                   JUDGE RAINEY:

23                   Yeah, and I guess the case law that  
24 you've submitted is one where the Court of Common  
25 Pleas had deferred jurisdiction to the Commission,

1 where it was initially filed with the Court of Common  
2 Pleas. The case was then sent by the Court of Common  
3 Pleas back to the Commission, the Court of Common  
4 Pleas deferring to the expertise of the Commission,  
5 but later finding of the State Supreme Court.

6 ATTORNEY SHERR:

7 That shouldn't have been done.

8 JUDGE RAINEY:

9 Yeah. That shouldn't have been done. It  
10 wasn't the type of matter that necessitated the  
11 Commission making a decision on it. We've got a  
12 little different situation here, and this matter being  
13 filed in the first instance with the Commission, the  
14 chief administrative law judge finding at least  
15 there's an issue in regard to whether or not PPL has  
16 provided a safe, adequate service to the pumping  
17 station, which appears to be at least part of a chain  
18 of entities or equipment that may be contributing to  
19 the problems that Ms. David is alleging that she's  
20 experiencing.

21 So we need some factual background. We  
22 need to know exactly what is going on here and what is  
23 this chain reaction that is occurring that may be  
24 causing Ms. David some problems. I believe that we  
25 need a hearing in order to get at that. I don't

1 believe that it would be appropriate at this time to  
2 grant the preliminary objections, and certainly,  
3 jurisdiction would be something that can be raised at  
4 a later point in time.

5                   Certainly, also, I want to make sure that  
6 we have all of the necessary parties in this matter  
7 that are needed to get at what is occurring here and  
8 who all are involved. Certainly we don't want to make  
9 any decisions that would impact on any parties and  
10 those parties not having an opportunity to be a part  
11 of this proceeding. That would include South  
12 Whitehall Township.

13                   With respect to where we are right now,  
14 and as I understand from the parties' pre-hearing  
15 conference memoranda, there may be some need to get  
16 some further detail at this point, to the extent  
17 possible, from Ms. David with regard to what has  
18 occurred. It's my understanding, with regard to  
19 discovery, that at least one party has issued some  
20 discovery on Ms. David, and we, of course, respect the  
21 fact that she is pro se Complainant.

22                   At this time, I'm going to get some  
23 information from Ms. David. And those parties who  
24 have some questions of her, we're going to ask that  
25 they ask those questions of her and get whatever

1 information they can. At this particular point in  
2 time, we'll use this opportunity to do that. Ms.  
3 David? I can't hear you again.

4 MS. DAVID:

5 Do you want me to ---?

6 JUDGE RAINEY:

7 Okay. I can hear you now. No, I just  
8 need you to do whatever it is you're doing now. Yeah,  
9 you can talk right into that phone so that we can hear  
10 you. I'm going to ask for some information from you.  
11 The parties may do so as well. Because this may be in  
12 the form of testimony, I'm going to swear you in;  
13 okay? All right.

14 -----  
15 LINDA DAVID, HAVING FIRST BEEN DULY SWORN, TESTIFIED  
16 AS FOLLOWS:  
17 -----

18 JUDGE RAINEY:

19 I'm going to ask you to provide your name  
20 again.

21 A. Linda David.

22 JUDGE RAINEY:

23 I think you provided your address, but  
24 would you provide your ZIP code?

25 A. 18103.

1                   JUDGE RAINEY:

2                   Why don't you briefly give us the facts  
3 of your complaint?

4 A.   First of all, I filed the complaint after trying  
5 to get four or five different lawyers to take the  
6 case. One environmental lawyer, she had all my papers  
7 and things for ten months and then she dropped it, so  
8 I kind of --- after trying other avenues and couldn't  
9 get anywhere ---.

10                   JUDGE RAINEY:

11                   Okay. Keep that voice strong. Go ahead.

12 A.   I had contacted all these parties involved,  
13 actually repeatedly. I called the PPL many, many  
14 times. It was really a very terrible thing here. I  
15 had testing done from three different --- four,  
16 actually, different places, and I thought that it was  
17 significant that each one of those, as I wrote in the  
18 memorandum, found similar findings. Did you want me  
19 to talk about those specifically?

20                   JUDGE RAINEY:

21                   I guess I'm particularly interested in  
22 what is the relationship, as you understand it,  
23 between PPL Electric Utilities Corporation, South  
24 Whitehall Township and/or South Whitehall Township  
25 Authority as either the owner or operator of this

1 pumping station, and also the City of Allentown, all  
2 of those entities' relationship to the problem that  
3 you have or are experiencing?

4 A. Okay. The vibrations can be felt in the house and  
5 through the furniture. There are also electrical  
6 currents. Last night was bad again. I woke up with  
7 red marks all over my arms and face. This is going on  
8 for like two-and-a-half years. The first test I had  
9 done was by an environmental group from Phillipsburg,  
10 New Jersey. And on ---.

11 JUDGE RAINEY:

12 I'm sorry, what part of New Jersey was  
13 that?

14 A. Phillipsburg, New Jersey.

15 JUDGE RAINEY:

16 I'm sorry, we didn't hear. Salsburg?

17 A. Phillipsburg.

18 JUDGE RAINEY:

19 Phillipsburg. Okay.

20 A. He found a current flow tied to the house up in  
21 the hill at a transformer pole. That is --- it  
22 pulsates in the house. Just like my electric heater,  
23 I have an electric hot-air system, and those two  
24 together, he said, could be a problem. That is  
25 written on the third page, point four and five of that

1 report talk about it's tied to the water pumps located  
2 down the street. That was done on March 28, 2004.  
3 Then on May 3, 2004, I had Trinity Associates, the  
4 electrical engineer, come here, and he did some, also,  
5 preliminary testing. He had contacted the manager of  
6 his company. I know that is the engineering company  
7 that South Whitehall uses. I think they are the ones  
8 that installed the pump.

9 JUDGE RAINEY:

10 They are the ones who did what?

11 A. Installed the pump station.

12 JUDGE RAINEY:

13 They installed the pump station? Do you  
14 know what the name of the pumping station is, Ms.  
15 David?

16 A. I really don't.

17 JUDGE RAINEY:

18 Okay. We can get that information from  
19 South Whitehall Township. Go right ahead.

20 A. That first preliminary testing that he did here,  
21 he had contacted that man, and on his letter in  
22 response to Mr. Steve Henning's (phonetic) report that  
23 there were no vibrations inside or outside the pump.  
24 He said well, never inside the location, all the above  
25 means is that the motor and pump vibration is free to

1 go into the 12-inch and 8-inch diameter pipe connected  
2 to the pump, which runs by Ms. David's house.

3 JUDGE RAINEY:

4 I'm sorry. The court reporter's having  
5 some problems hearing you. Did you say which runs by  
6 Ms. David's house?

7 A. Yes.

8 JUDGE RAINEY:

9 Okay. Stay right by that phone and speak  
10 up, Ms. David. We're having a hard time hearing you.

11 A. I asked him, in the next paragraph, is there a  
12 rubber vibration expansion sound isolation section in  
13 the pipe, and that was to control vibrations. He  
14 says, if it isn't, why don't you recommend suction and  
15 discharge vibration isolators be installed? As far as  
16 I know, there was no response to that.

17 JUDGE RAINEY:

18 Now, you say that these vibrations from  
19 the pumping station are coming through the pipes to  
20 your home? Now, are these through your water pipes?

21 A. Yes.

22 JUDGE RAINEY:

23 So they're coming --- I'm just trying to  
24 get some sense of what's going on here.

25 A. What I think is --- at some point, Allentown City

1 connected to this South Whitehall Authority Pumping  
2 Station.

3 JUDGE RAINEY:

4 Is it connected to the pumping station?

5 A. They did it as a backup system. I can't be  
6 absolutely sure about that, but I believe that is  
7 true. And it seems like after that happened, that's  
8 when the problems started.

9 JUDGE RAINEY:

10 Okay. So you've got these vibrations.  
11 They're coming --- you believe coming from the pumping  
12 station. PPL serves the pumping station; right,  
13 provides electricity to the pumping station?

14 A. Exactly.

15 JUDGE RAINEY:

16 All right. So PPL provides electricity  
17 to the pumping station. There are then some  
18 vibrations that --- as a result of this electric  
19 service provided to the pumping station, there are  
20 some vibrations then coming through your water pipes  
21 into your home?

22 A. Right.

23 JUDGE RAINEY:

24 Okay. You say that --- it is my  
25 understanding from your complaint, you experienced

1 some burns on your face and your legs, particularly at  
2 night. So these pipes, they're coming then into your  
3 home. Help me understand how then you're experiencing  
4 these burns on your face and your legs.

5 A. First of all, I think, too, they run one pump in  
6 the daytime continuously. Then the vibrations are  
7 minimal, but I still feel them. I guess that's partly  
8 because of just being very sensitive to it all. I'm  
9 on thyroid meds. I don't know if that has anything to  
10 do with it.

11 When the property manager first came here, when I  
12 called them, he didn't feel anything, but he brought  
13 his girlfriend and she did, so that might just tell  
14 you the difference between a man and a woman. A man  
15 doesn't feel it maybe because he has more muscle mass  
16 or bone mass. I don't know. The women seem to feel  
17 it. At any rate, one runs in the daytime, but at  
18 night, they run three of them. There are two large  
19 pumps and a chlorine pump. That's when it seems to be  
20 excessive.

21 JUDGE RAINEY:

22 Now, I'm just trying to get an  
23 understanding in terms of the connection between the  
24 vibrations that are traveling, you believe, through  
25 your water pipes.

1 A. I had more testing done. That, I will address in  
2 the next couple of papers here.

3 JUDGE RAINEY:

4 Okay. You have to speak louder. We're  
5 having a hard time hearing you, Ms. David.

6 A. The next thing, I had the EPA here from  
7 Philadelphia. Francis Docherty (phonetic) was an  
8 engineer, and he brought another ---.

9 JUDGE RAINEY:

10 I'm sorry. You'll have to start again  
11 with that, Ms. David. We just can't hear you. With  
12 the EPA.

13 A. The EPA came here on June 2nd, 2004 then. They  
14 did testing also. Likewise, he says in the report,  
15 that they found stray electrical current at very low  
16 levels except near the transformer pole that services  
17 the dwelling. This is a transformer which is right  
18 behind my house. This is the same thing that I think  
19 was referred to in the environmentalist's report.  
20 Whatever's happening at that transformer pole comes in  
21 here to my home.

22 JUDGE RAINEY:

23 Okay. Is that connected in any way to  
24 the pumping station?

25 A. Yes, it is.

1                   JUDGE RAINEY:

2                   I'm sorry. You said that it is?

3 A. Yes, it is.

4                   JUDGE RAINEY:

5                   What is the connection between this ---?

6 A. All those wires could've wrapped right around the  
7 back of my house and down there around that pump  
8 station that services the pumping station and my home.

9                   JUDGE RAINEY:

10                  Okay. Is there a connection between the  
11 transformer and your water pipes?

12 A. Well, it may be two separate things that are  
13 happening at the same time. I can just tell you from  
14 January until June of 2004, I had to pile up pillows  
15 to sit on a chair in my house because the vibrations  
16 were so awful, and I slept in the car a number of  
17 times because I just couldn't stand it.

18                  JUDGE RAINEY:

19                  The court reporter's having a real  
20 difficult time hearing you, Ms. David.

21 A. I don't know if I should move. I'm not sure if  
22 this is a separate thing from the transformer pole,  
23 but it could be two things happening at the same time.

24                  JUDGE RAINEY:

25                  Okay. Let me ask you about the water

1 pipe situation, because that seems to be what you're  
2 saying is tied to City of Allentown; is that correct?

3 A. Okay.

4 JUDGE RAINEY:

5 Okay. Now, the water pipes, are they  
6 water pipes that come into --- where in your home are  
7 you experiencing these burns? In your bedroom?

8 A. Well, the bedroom wing of the house is the closest  
9 to the pump station.

10 JUDGE RAINEY:

11 Do your water pipes come in proximity to  
12 where you're sleeping?

13 A. It's a ranch home, so they're underneath the  
14 house, and I guess they go the full length of the  
15 home. But I can feel it --- I've slept in the TV room  
16 also, which is on the other end of the house.

17 JUDGE RAINEY:

18 You said the TV room?

19 A. Yes. But you can feel it there, too. I felt it  
20 in the car, which is in the garage on a concrete slab,  
21 so it may be coming through the soil also, which I  
22 don't know about that. I did not have testing done  
23 there. Al Loch of Trinity Associates, he's an  
24 electrical engineer. He came then in September, and  
25 he did another test on the 13th, 17th, 23rd and 24th,

1 and that is the thickest test in this test folder, and  
2 it's the most comprehensive one. We rented an  
3 analyzer and went all around the house and out front  
4 and everywhere at the water pipes, and down under the  
5 house. He had hammered ground rods in the rock to  
6 divert current and so forth.

7 Right after the table of contents is a special  
8 comment page. That whole page is significant. Just  
9 for now, the last paragraph on the page, I thought,  
10 pretty much paralleled what the EPA said, as well as  
11 the environmental report. It says what this means is  
12 that much of the unbalanced current flows back to the  
13 transformer closest to Ms. David's house, through her  
14 water pipe, from her neighbors' houses, through the  
15 pipe, creating a magnetic field above the pipe as  
16 magnetic field measuring device of PPL showed.

17 JUDGE RAINEY:

18 This is what the EPA report states?

19 A. This is from Trinity Associates Electrical  
20 Engineer. But this is very similar to what the EPA  
21 says about the transformer pole. In the environmental  
22 testing, he also talks about that same pole and that  
23 same current flow around the back of the house down  
24 towards the pump station. In the beginning, of Al  
25 Loch's report, he says we found very low readings,

1 generally, except when the pumps were running at the  
2 water station. Then we measured five to ten times  
3 higher readings at distinctive frequencies. I think  
4 that's significant.

5 JUDGE RAINEY:

6 So let me just be clear. You have  
7 reports that state that there are vibrations that are  
8 resulting from electrical current that's coming  
9 through your water pipes into your home.

10 A. Yes.

11 JUDGE RAINEY:

12 That's causing a problem. And also,  
13 that's coming from a nearby electrical transformer ---

14 A. Yes.

15 JUDGE RAINEY:

16 --- into your home as well?

17 A. That stray voltage, I think that was really  
18 causing problems here. That has been gathered, but  
19 there's still the vibrations and electricity in the  
20 water pipe, I think.

21 JUDGE RAINEY:

22 And all of this is coming from the  
23 pumping station?

24 A. I believe so. In the Special Comments page of Al  
25 Loch's Trinity Associates report, the sixth paragraph,

1 he says, we also measured circulating currents in Ms.  
2 David's water pipes, as the charts show. The ground  
3 rods we were going to install were installed, but an  
4 eight-foot rod cut into three sections drilled into  
5 the rock only produced an ohm reading of 260 ohms,  
6 when the normal is under five. And required at  
7 commercial by the national electrical code is 25. So  
8 clearly we had a problem here.

9 We dumped 14-and-a-half containers of salt and got  
10 it down to 36 ohms. Then the next day, they did more  
11 work under the house. They hammered more ground rods,  
12 and it says, still we had a reading of 30 ohms.

13 JUDGE RAINEY:

14 Okay.

15 A. Needs another 14 or more large containers of salt  
16 and another ground rod somewhere, the project was put  
17 on hold. He states that the soil here is an extremely  
18 good insulator, such that only two or three locations  
19 where I've tested at 1,000 locations in 25 years  
20 equals the high resistance found at Linda's.

21 JUDGE RAINEY:

22 I'm sorry. We didn't get the last part  
23 of that, Ms. David.

24 A. The soil around Linda's house is an extremely good  
25 insulator, such that only two or three locations where

1 I've done testing at 1,000 locations in 25 years  
2 equals the high resistance found at Linda's. In other  
3 words, he couldn't do what he thought he could do as  
4 far as putting the ground rods in and diverting  
5 current. That's what he was trying to do.

6 JUDGE RAINEY:

7 So it's your understanding that there's  
8 too much current.

9 A. Then in that study, at one point he said they were  
10 running six amps of electricity in the water pipe, and  
11 he said that they should be fined for that.

12 Basically, I think the pump station has no insulation  
13 pads underneath. Likewise, I've talked to a Verizon  
14 engineer, and he said if they had insulation pads,  
15 there would be no problem here at the house.

16 JUDGE RAINEY:

17 All right. Did you have anything else  
18 that you wanted to add at this point before I allow  
19 questions from Counsel, Ms. David? Ms. David, I'm  
20 sorry, we can't hear you.

21 A. I just thought I would point out that those tests  
22 said the same thing or similar things and I thought  
23 that was significant, and that's why I filed the  
24 report or the claim.

25 JUDGE RAINEY:

1           Okay. Let me ask if Counsel for the  
2 other parties have any questions for you. Mr. Kanagy?

3           ATTORNEY KANAGY:

4           Yes, Your Honor. Your Honor, if I could  
5 just kind of note one clarification with regard to the  
6 statements made by Ms. David today. I just wanted to  
7 clarify, was it your understanding that these  
8 statements were solely for discovery and background  
9 purposes and weren't going to be admitted into the  
10 record as a whole?

11           JUDGE RAINEY:

12           Right.

13           ATTORNEY KANAGY:

14           It's still a concern that there was quite  
15 a bit of hearsay expert testimony that Ms. David's not  
16 qualified to bring, and I didn't want to interrupt if  
17 you were only doing background purposes.

18           JUDGE RAINEY:

19           Right. Basically, I wanted it for  
20 clarification. I think one of the parties in the  
21 pre-hearing conference memoranda did note that they  
22 had issued some discovery to Ms. David and had not  
23 received any responses to that, and I just wanted us  
24 to be cognitive of the fact that she is a pro se  
25 Complainant and any opportunity now for clarification

1 or for information that may be otherwise in the form  
2 of discovery is an opportunity to obtain that now.  
3 That's basically what I wanted to be able to obtain.

4 ATTORNEY KANAGY:

5 Thank you, Your Honor. That was my  
6 understanding as well, and I just wanted to clarify  
7 that.

8 JUDGE RAINEY:

9 Sure.

10 CROSS EXAMINATION

11 BY ATTORNEY KANAGY:

12 Q. Ms. David, I just have a few, I think, clarifying  
13 questions. It's because it's somewhat --- there are  
14 several different things here that have been raised.  
15 Do you think that all the problems are coming from the  
16 pumping station?

17 A. I think it is, but I don't know how the  
18 electricity gets in the water pipes. I just know we  
19 did testing and found it to be there and it shouldn't  
20 be there. I taught elementary school for 30 years,  
21 and even my little kids knew that you don't stand in a  
22 water puddle in a rainstorm because of the lightening  
23 and such. There's a problem there with water and  
24 electricity. It is hard to describe what's happening  
25 here because I live alone in this house, so nobody

1 knows. People come in the daytime and they sit here  
2 for ten minutes. They don't get it. If you're in the  
3 house longer or if you sleep in the house, then you  
4 know, but of course, nobody does testing at night. I  
5 tried to get that done, too, by some engineers at  
6 Lafayette College. He thought he could help me at  
7 first, but then he said he couldn't do that.

8 Q. Do you allege ---?

9 JUDGE RAINEY:

10 I'm sorry, Mr. Kanagy. Mr. Kanagy, I'm  
11 sorry, the court reporter didn't get the last part of  
12 what Ms. David stated.

13 ATTORNEY KANAGY:

14 I'm sorry, Your Honor.

15 JUDGE RAINEY:

16 That's all right.

17 OFF RECORD DISCUSSION

18 A. But then he likewise sent a letter saying he could  
19 not help me. Nobody's willing to do testing at night,  
20 in other words.

21 JUDGE RAINEY:

22 Okay. Thank you. Go ahead here, Mr.

23 Kanagy.

24 ATTORNEY KANAGY:

25 Okay. Thank you, Your Honor.

1 BY ATTORNEY KANAGY:

2 Q. Ms. David, are you complaining about PPL's  
3 electric service to your house in your complaint?

4 A. Well, they didn't respond when I called  
5 repeatedly, and that's when that stray voltage was  
6 coming from the transformer into the house. When the  
7 EPA came from Philadelphia, he put some sort of device  
8 in the laundry room up where the wires come into the  
9 house.

10 Q. Okay.

11 A. And all he said was oh, that is high. Then some  
12 sort of coil was set up on Hamilton Boulevard. Then  
13 those currents that were really excessive where I  
14 couldn't sit on a chair without piling pillows, that  
15 was more or less taken care of after that. So I do  
16 think the EPA contacted PPL. I can't be sure about  
17 it, but I think they did. Then they put that coil  
18 there, which gathers that stray voltage. But I think  
19 they should have come when I called them. They told  
20 me I had to investigate on my own.

21 Q. When did you call them again, please?

22 A. Between January and June of 2004. I mean, I had  
23 gotten some of these other people to do testing  
24 starting then in March, but I think had they come  
25 sooner, this could've been corrected.

1 Q. When was the first time that PPL came out to your  
2 house?

3 A. I think in June.

4 Q. In June?

5 A. It was after the stray voltage had been gathered.  
6 They came and said nothing was wrong and everything  
7 was fine, but it wasn't fine for a long time.

8 JUDGE RAINEY:

9 That's June of last year, Ms. David?

10 A. 2004.

11 JUDGE RAINEY:

12 2004.

13 BY ATTORNEY KANAGY:

14 Q. So it's your understanding --- you think that the  
15 transformer is fine now; is that correct?

16 A. Not at night. I think when the three pumps are  
17 running at night, I think that's when it bounces back  
18 there and gathers there and somehow gets in here. I'm  
19 not an electrical engineer, I can't explain it. But  
20 the three reports that I have, if you look at each one  
21 that talks about the transformer pole, I think  
22 somebody in the field would understand what  
23 significance that is.

24 Q. But you think that only happens when the water  
25 pumps are running?

1 A. That's right. And that Al Loch's report from  
2 September, in the second paragraph, he says we found  
3 low readings, generally, except when the pumps were  
4 running. Then we measured five to ten times higher  
5 readings. That is also significant.

6 Q. Ms. David, do you plan to call any witnesses to  
7 testify on your behalf?

8 A. I could ask this man to speak on my behalf, but I  
9 did not. I thought his report was very complete, and  
10 the pictures are very --- pretty much show what they  
11 did under the house, and it shows the reading, even on  
12 the analyzer that we rented. He took pictures of  
13 that. It's all the way through the whole report, so I  
14 thought that was enough.

15 ATTORNEY KANAGY:

16 Your Honor, I would like to note that if  
17 Ms. David intends to call a witness, we would need to  
18 know ahead of time. We would like to know so that we  
19 would be able to discuss, have discovery for the  
20 witness, or depose the witness if necessary.

21 JUDGE RAINEY:

22 Yes. Ms. David? I'm sorry, Ms. David,  
23 can you hear me?

24 A. Yes.

25 JUDGE RAINEY:

1                   Okay. We haven't scheduled a hearing as  
2 of yet.

3 A. Right.

4                   JUDGE RAINEY:

5                   But at the time that we do schedule a  
6 hearing, to the extent that you want to use this  
7 gentleman, this person, or anyone else, we are going  
8 to require that you provide that information. I think  
9 what I'm going to do is I'm going to actually have a  
10 second pre-hearing conference after the point where I  
11 have received the answer of --- South Whitehall  
12 Township Authority's answer to the motion to join it  
13 as an indispensable party.

14                   At that particular time, I may ask for  
15 updated pre-hearing conference memoranda, in which I  
16 would ask you then to provide the information  
17 regarding any witnesses that you would want to  
18 participate in this particular case so that that would  
19 be --- I would put that in a second pre-hearing  
20 conference order to the parties, so just be prepared  
21 for that. It may be a good thing for you to provide,  
22 as experts, these persons who you have relied upon in  
23 order to make your complaint.

24 A. At the bottom of the EPA report, it just says I  
25 would like to show my continued support by offering

1 assistance in the region's building science expert,  
2 Mr. Docherty. That's the engineer that was here. He  
3 says I would like to show continued support.

4 JUDGE RAINEY:

5 Oh, okay. I beg your pardon?

6 A. I'm assuming he would answer questions.

7 ATTORNEY SHERR:

8 This is Anthony Sherr. I just have that  
9 letter from Donna Walsh, the regional administrator of  
10 the EPA at the time, back in '04. That was actually a  
11 letter to Rick Santorum, so I don't know that he was  
12 offering that to Ms. David or to Senator Santorum.

13 JUDGE RAINEY:

14 Yeah. Ms. David, you would need to be in  
15 contact with these persons to find out, in terms of  
16 their availability to appear on your behalf or to be  
17 witnesses for you at the hearing that will be  
18 scheduled in the future. Just so that you are aware  
19 of that and the need to provide the other parties and  
20 myself with advance notice that you will be providing  
21 certain persons as witnesses. Okay. That having been  
22 said, Mr. Sherr, do you have any question for Ms.  
23 David?

24 ATTORNEY SHERR:

25 Just a few brief ones right now.

1 OFF RECORD DISCUSSION

2 JUDGE RAINEY:

3 You can go right ahead, Mr. Snerr.

4 CROSS EXAMINATION

5 BY ATTORNEY SHERR:

6 Q. You've mentioned four reports or four entities. I  
7 just want to clarify who they are. There's Sal Leduca  
8 (phonetic) ---

9 A. Right.

10 Q. --- from Environmental Essays, Inc. (phonetic) of  
11 Phillipsburg, New Jersey.

12 A. Right.

13 Q. There's Alan Loch from Trinity Associates in  
14 Swarthmore.

15 A. Right.

16 Q. Then I have this letter from Donald S. Walsh,  
17 Regional Administrator of the United States  
18 Environmental Protection Agency.

19 A. Right.

20 Q. What other entity are you ---?

21 A. Well, I had also Air Care and Restoration Company,  
22 Incorporated. They did their testing here because  
23 rock dust blows all over the house all the time.  
24 That's because the ground shakes and then the stones  
25 under the house --- it does not have a basement.

1 There's a crawl space, so those stones are constantly  
2 in motion and then the rock dust blows through the  
3 heating system.

4 Q. Did they write a report, Air Care and Restoration?

5 A. I'm battling that as well.

6 Q. Did they write a report, Air Care and Restoration?

7 A. Yes.

8 Q. What's the date of that report?

9 A. The date is April 12, but he was here on March 24,  
10 2004.

11 Q. Okay. So they're the four entities upon which you  
12 say wrote reports and which you reach in your  
13 conclusion?

14 A. Yes. Al Loch was actually here twice. They did  
15 like an investigative report first, then a vibration  
16 analysis and magnetic field study was done in  
17 September. He was here four days.

18 Q. Have you received any kind of word, report, or  
19 otherwise from any medical or healthcare provider with  
20 respect to your saying that the burns on your arms, et  
21 cetera, were caused by this?

22 A. Well, I went to the doctor and she gave me cream  
23 to put on it, but that's all I can tell you about  
24 that, but it keeps happening. It happened last night.

25 Q. When you say you went to the doctor, how often

1 would you go to the doctor about this problem?

2 A. Well, when the stray voltage was coming in here, I  
3 was over there a couple times. She would also check  
4 your heart to be sure that it's not affecting your  
5 heart rate. Luckily, everything has been okay, but I  
6 truly felt I was being almost electrocuted on a number  
7 of occasions.

8 Q. You say when the stray voltage was coming through  
9 there. You no longer believe it is?

10 A. I think that was gathered.

11 Q. As I understand it, right now you believe that the  
12 problem is as a result of vibration from the operation  
13 of this pump?

14 A. Well, I still sense there's electricity in the  
15 water pipes, and it shouldn't be there.

16 Q. Wouldn't that be stray voltage also, or do you  
17 call that something else?

18 A. Well, I guess stray voltage from the transformer  
19 was one thing and then the stray voltage in the water  
20 pipe is another thing. But there in the second  
21 engineer's report, there was a place where the highest  
22 reading was six amps of electricity in the water pipe.

23 Q. Do you know of any of your neighbors who have any  
24 kind of similar problems going on?

25 A. I have asked them, and no, but most of them have a

1 colonial home and they sleep on the second floor, so  
2 they are not getting it. Even the one closer to the  
3 pump station, there's only one house closer, they live  
4 above an accounting office, so again, they are on a  
5 second level and they are not getting what I'm  
6 getting.

7 ATTORNEY SHERR:

8 I think that's all I have right now, Your  
9 Honor.

10 JUDGE RAINEY:

11 Thank you, Mr. Sherr. Mr. Danks?

12 ATTORNEY DANKS:

13 No. I have no questions of the Claimant,  
14 Your Honor.

15 JUDGE RAINEY:

16 Okay. As I indicated, we'll have a  
17 second pre-hearing conference, and parties will be  
18 notified in writing as to when that will be held. In  
19 the meantime, Mr. Sherr will be submitting the answer  
20 to PPL's motion to join South Whitehall Township  
21 Authority. Upon receipt of that answer, I will  
22 provide a written order with regard to that. As I  
23 stated, at this point the preliminary objections that  
24 were filed by South Whitehall Township, I am not  
25 willing, at this point, to grant those preliminary

1 objections. Are there any questions from the parties  
2 at this particular juncture? Ms. David?

3 A. No.

4 JUDGE RAINEY:

5 Any other parties, any questions?

6 ATTORNEY KANAGY:

7 Yes, Your Honor. It's Mr. Kanagy. I was  
8 just kind of wondering about the procedure of it. We  
9 believe that it would be helpful to have written  
10 testimony prior to the oral hearing in this matter. I  
11 just would like to know what your position is with  
12 regard to that.

13 JUDGE RAINEY:

14 I've not made any hard and fast decisions  
15 with regard to that as of yet. So then you would be  
16 asking for first, written testimony from Ms. David and  
17 then the other parties would be filing a responsive  
18 written testimony to that?

19 ATTORNEY KANAGY:

20 Yes, Your Honor. Given the complexity  
21 and the number of different issues involved, I just  
22 think it's going to be clearer for everyone if we're  
23 given the opportunity to do that.

24 JUDGE RAINEY:

25 Did you have any position on that, Ms.

1 David, or what is your ---?

2 A. No. I will do whatever you tell me to do. I have  
3 never dealt with any legal proceedings ever, so I  
4 don't really know what I'm doing, but I'm doing the  
5 best I can. I apologize for that.

6 JUDGE RAINEY:

7 No problem whatsoever. The other  
8 parties, Mr. Sherr, Mr. Danks, is it your positions as  
9 well that you would like to have written testimony  
10 provided in this proceeding?

11 ATTORNEY SHERR:

12 This is Mr. Sherr. We would have no  
13 objection to that.

14 ATTORNEY DANKS:

15 This is Mr. Danks here. No objection,  
16 Your Honor.

17 JUDGE RAINEY:

18 Mr. Sherr, let me ask you this. The  
19 pumping station that's being referred to in this case,  
20 what is the name of that pumping station?

21 ATTORNEY SHERR:

22 I don't have --- I was looking for that.  
23 I don't have that right here, Your Honor. I will get  
24 that.

25 JUDGE RAINEY:

1           Okay.

2           ATTORNEY SHERR:

3           I don't have that at my fingertips.

4           JUDGE RAINEY:

5           Okay. Mr. Danks, do you know offhand, is  
6 there any relationship between the water pipes of the  
7 City of Allentown and this pumping station?

8           ATTORNEY DANKS:

9           I have been out to the site to take a  
10 look at what's out there. Ms. David's home is maybe  
11 like the second to the last house within the city. We  
12 provide her residential water and sewer service. The  
13 pumping station is maybe like a 20-by-12, if I  
14 remember correctly, a very small building. It's just  
15 outside of the city limits into South Whitehall  
16 Township.

17           From what I understand, and I don't have  
18 all the engineering documents in front of me, there is  
19 a connection between the city water system and the  
20 pumping station. The city provides filtered water to  
21 South Whitehall Township Authority, or to South  
22 Whitehall Township or whoever it happens to be,  
23 through that pumping station at various times. I  
24 don't have the whole layout of what the connection is,  
25 but it's one unified water system.

1                   So at some point, from my understanding,  
2 Ms. David's home is connected to the city system and  
3 this pumping station is connected to the city system,  
4 but the pumping station is outside of the city. It's  
5 not owned or controlled by the city. It's all within  
6 like a very confined little area there. It's a couple  
7 hundred yards from one to the other.

8                   JUDGE RAINEY:

9                   Thank you, Mr. Danks. And Mr. Kanagy,  
10 does the transformer that Ms. David's referred to in  
11 this particular case, that is a PPL transformer?

12                   ATTORNEY KANAGY:

13                   Your Honor, I'm not sure. I will have to  
14 check for sure. I assume it is, but I can't say for  
15 sure.

16                   JUDGE RAINEY:

17                   All right. And in response to your  
18 question, Mr. Kanagy, I certainly will consider that,  
19 and we'll make sure that there is, of course,  
20 sufficient time for any written testimonies to be  
21 pre-filed and submitted before any hearing is  
22 scheduled in this particular case. The parties will  
23 be notified in writing of the requirement of any  
24 written testimony and when that written testimony is  
25 to be submitted.

1                   ATTORNEY KANAGY:

2                   Thank you, Your Honor.

3                   JUDGE RAINEY:

4                   You're welcome. Are there any other  
5 questions or comments from any of the parties? Okay.  
6 If not, I'd like to thank all the parties for  
7 participating in this pre-hearing conference. The  
8 parties will be notified with regard to the second  
9 pre-hearing conference and also notified with respect  
10 to any documents that I will require from any parties  
11 prior to the second pre-hearing conference. So that  
12 there is nothing further, then this pre-hearing  
13 conference is adjourned. Thank you very much.

14                   ATTORNEY KANAGY:

15                   Oh, Your Honor, one more thing. I would  
16 like a copy of the transcript. This is Mr. Kanagy.

17                   JUDGE RAINEY:

18                   Oh, okay. Any other parties who want  
19 copies of the transcript?

20                   ATTORNEY SHERR:

21                   Yes. This is Mr. Sherr. I would like  
22 one as well, Your Honor.

23                   ATTORNEY DANKS:

24                   Same here. This is Mr. Danks.

25                   JUDGE RAINEY:

1 All right. Very well. Thank you all for  
2 participating, and this pre hearing conference is  
3 adjourned. Thank you.

4  
5 \* \* \* \* \*

6 HEARING CONCLUDED AT 11:20 A.M.

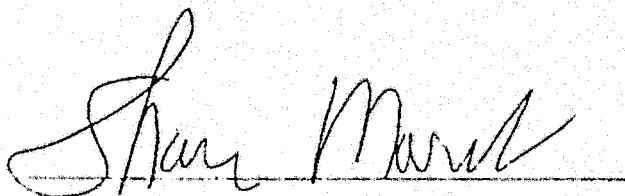
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C E R T I F I C A T E

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.



Court Reporter

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