

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Linda L. David

v.

PPL Electric Utilities Corporation
and
South Whitehall Township (Joined as an
Indispensable Party)
and
City of Allentown (Joined as an
Indispensable Party)

C-20055501

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PREHEARING CONFERENCE ORDER

A telephonic initial prehearing conference¹ pursuant to 52 Pa. Code §5.222 will be held on May 15, 2006. In preparation for the prehearing conference, submit to me and serve on all parties a prehearing conference memorandum. Your prehearing conference memorandum must be in my hands and the hands of the other parties by 4:00 p.m. on May 11, 2006. Your prehearing memorandum must include:

- (1) the status of any settlement discussions;
- (2) the status of discovery;
- (3) proposed discovery rules (if necessary);
- (4) a proposed schedule for discovery;
- (5) any admissions or stipulations;
- (6) the factual issues to be addressed in this case;
- (7) the legal issues to be addressed in this case;
- (8) the names, titles and business addresses of each witness;
- (9) the issues each witness will address;
- (10) a proposed date for a second prehearing conference (if necessary);

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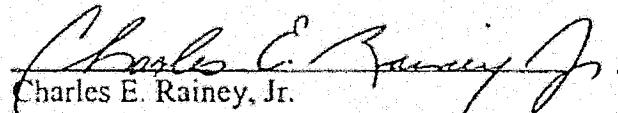
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¹ The parties are to disregard the prehearing order dated April 24, 2006, which was sent out in error.

BA

- (11) a proposed schedule for the submission of written testimonies;
- (12) a proposed schedule for evidentiary hearings;
- (13) a proposed briefing schedule;
- (14) any other pertinent information.

The parties are encouraged to communicate with each other and arrive at mutually acceptable proposals. A representative of the parties may telephone me regarding the dates I am available for hearings in this case.


Charles E. Rainey, Jr.
Administrative Law Judge

Date: May 2, 2006



Linda L. David v. PPL Electric Utilities Corporation
Docket Number C-20055501

SERVICE LIST

Linda L. David
2922 W. Fairview Street
Allentown, PA 18103

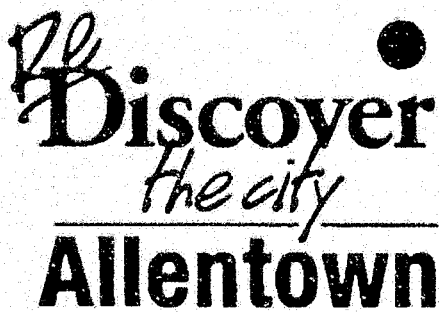
Anthony D. Kanagy, Esquire
Post & Schell
17 North Second Street
12th Floor
Harrisburg, PA 17101-1601

Martin J. Danks, Esquire
Assistant City Solicitor
City of Allentown
435 Hamilton Street, Suite 519
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Anthony R. Sherr, Esquire
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3031 Walton Road
P.O. Box 1547
Blue Bell, PA 19422-0440

Blake C. Marles, Esquire
Stevens & Lee
190 Brodhead Road, Suite 200
P.O. Box 20830
Lehigh Valley, PA 18002-0830

South Whitehall Township
444 Walbert Avenue
Allentown, PA 18104



HENRY S. PERKIN
City Solicitor
Assistant City Solicitors
Francis P. Burianek
Martin J. Danks
John T. Marchetto
610.437.7545 Fax 610.437.8701

May 3, 2006

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MAY - 8 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
Office of Administrative Law Judge
P.O. Box 3265
Harrisburg PA 17105-3265

RE: Linda L. David v PPL Electric Utilities Corporation
C-20055501

Dear Sir/Madam:

Enclosed please find an original Answer to the above-captioned matter.

If you have any questions, please feel free to contact the undersigned.

DOCUMENT
FOLDER

Very truly yours,

Martin J. Danks
Assistant City Solicitor

MJD/jls

Enclosures

cc: Administrative Law Judge Charles E Rainey, Jr.
Anthony R. Sherr, Esquire
Linda L. David
Anthony D. Kanagy, Esquire
South Whitehall Township
Luisa T. Chen, Esquire

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FILED
MAY 8 2006
SECRETARY'S BUREAU



BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Linda L. David

v.

PPL Electric Utilities Corporation

C-20055501

DOCUMENT
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ANSWER OF CITY OF ALLENTOWN

City of Allentown (hereinafter City), by its attorney, hereby answers the Complaint in the above-captioned proceeding as follows:

1. Admitted in part and denied in part. The information contained in Paragraph 1 of Complainant's Complaint is admitted with the exception of the Utility account number provided. The City of Allentown is unaware of what the account number provided refers to however by way of further answer, the City of Allentown provides water and sewer service to Complainant's property at 2922 Fairview Street, Allentown, PA 18103 under a water and sewer account number 18-2174000.

2. Admitted in part and denied in part. It is admitted that the City of Allentown provides water and sewer service to Complainant's property. Upon information and belief the City believes that PPL Electric Utilities Corporation provides electrical power to Complainant's property. This City is unaware of any relationship that Complainant has with South Whitehall Township.

3. Admitted.

4. Denied. By way of further answer, the City denies that there are

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any safety or quality problems with respect to Complainant's utilities service provided by the City. The City is without knowledge or information sufficient to form a belief as to Complainant's concerns related to a pumping station apparently on an adjacent property that is not owned by the City and of which the City has no authority or control, therefore all such allegations are denied. By way of further answer, the City responded to a Complaint by Ms. David in June of 2004. At that time, Ms. David was informed that the water pumping station near her property was not owned or operated by the City. The City denies that any problems involving electrical or magnetic fields in or about Complainant's house is a result of any action taken by the City or the result of any failure by the City to act. The City denies that it has been unreasonable or failed to provide adequate service to the Complainant. The City denies it has violated any provisions of the Public Utility Code or regulation of the Public Utility Commission, to the extent that such are applicable. The City does not have sufficient information to either admit or deny all the other allegations in Complainant's Complaint. Therefore all such allegations are denied.

5. Paragraph 5 constitutes a request for relief to which no response is required. To the extent that any further response may be required, the City incorporates by reference, its response to Paragraph 4 of the Complaint.

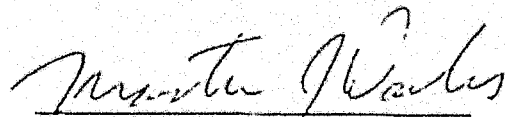
6. Admitted.

7. Admitted.

WHEREFORE in view of the foregoing, the City respectfully requests that
the Pennsylvania Public Utility Commission deny the above captioned Complaint.

Respectfully Submitted,

BY:



MARTIN J. DANKS, ESQUIRE
Assistant City Solicitor
I.D.# 71890
City of Allentown
435 Hamilton Street Room 519
Allentown, PA 18101

Dated.

5/3/06

CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the foregoing Entry of Appearance upon the following persons by depositing same in the United States mail, regular first class mail, postage prepaid, addressed as follows:

Administrative Law Judge Charles E. Rainey, Jr.
1302 Philadelphia State Office Building
1400 West Spring Garden Street
Philadelphia PA 19130

Anthony R. Sherr, Esquire
3031 Walton Road, Building A
Suite 330 P.O. Box 1547
Blue Bell, PA 19422

Attorney for South Whitehall

Linda L. David
2922 West Fairview Street
Allentown PA 18103

Complainant

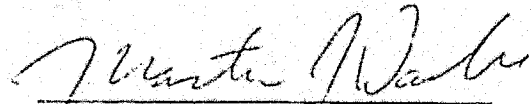
Anthony D Kanagy Esquire
Post & Schell
17 North Second Street 12th Floor
Harrisburg, PA 17101-1601

Counsel for Respondent PPL

South Whitehall Township
444 Walbert Avenue
Allentown PA 18104

Respondent

Luisa T. Chen, Esquire
White & Williams
1800 One Liberty Place
Philadelphia PA 19103-7395



MARTIN J. DANKS, ESQUIRE
Assistant City Solicitor
I.D. #71890
City of Allentown
435 Hamilton Street Room 519
Allentown PA18101
danks@allentowncity.org

Date:

5/3/06

White and Williams LLP

ORIGINAL



1800 One Liberty Place
Philadelphia, PA 19103-7395
Phone: 215 864 7000
Fax: 215 864 7123

Louisa T. Chen
Direct Dial: 215.864.6399
Direct Fax: 215.789.6665
chenl@whiteandwilliams.com

May 5, 2006

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Anthony D. Kanagy, Esquire
17 North Second Street
12th Floor
Harrisburg, PA 17101-1601

Martin J. Danks, Esquire
Assistant City Solicitor
City of Allentown
435 Hamilton Street - Room 519
Allentown, PA 18101

Anthony R. Sherr, Esquire
Mayers, Mennies & Sherr, LLP
3031 Walton Road
Building A - Suite 330
Blue Bell, PA 19422-0440

RE: Linda L. David v. South Whitehall Township, et al.
Docket No: C-20055501


Dear Sirs:

On May 4, 2006, I received an Entry of Appearance on behalf of South Whitehall Township for the above-referenced matter. Please be advised that our firm does not represent Ms. Linda David in this matter. Please be guided accordingly. Thank you.

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FOLDER

Very truly yours,

WHITE AND WILLIAMS LLP

By: 
Louisa T. Chen

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MAY 15 2006

LTC:bh
Enclosure

cc: Linda David

Allentown, PA • Berwyn, PA • Cherry Hill, NJ
New York, NY • Paramus, NJ • Pittsburgh, PA • Wilmington, DE

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92:13 111 C-20055501
41

Anthony D. Kanagy

akanagy@postschell.com
717-612-6034 Direct
File #: 2507-127814

May 10, 2006

VIA HAND DELIVERY

James J. McNulty
Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
PO Box 3265
Harrisburg, PA 17105-3265

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SECRETARY'S BUREAU

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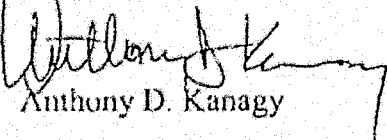
RE: Linda L. David v. PPL Electric Utilities Corporation and
South Whitehall Township (Joined as an Indispensable Party)
and City of Allentown (Joined as an Indispensable Party)
Docket No. C-20055501

Dear Secretary McNulty:

Enclosed, for filing, are an original and three (3) copies of the Answer and New Matter of PPL Electric Utilities Corporation to South Whitehall Township's Preliminary Motions in the above-referenced proceeding.

As indicated in the certificate of service, copies have been served on the parties in the manner indicated.

Respectfully submitted,


Anthony D. Kanagy

ADK/jl

Enclosures

cc: Honorable Charles F. Rainey, Jr.
Certificate of Service

49

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Answer and New Matter of PPL Electric Utilities Corporation to South Whitehall Township's Preliminary Motions has been served upon the following persons, in the manner indicated, in accordance with the requirements of § 1.54 (relating to service by a participant).

VIA FEDERAL EXPRESS

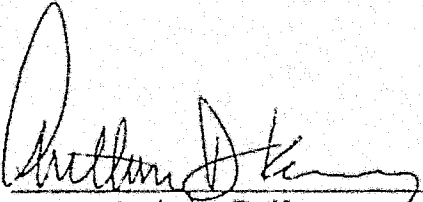
Linda L. David
2922 W. Fairview Street
Allentown, PA 18103

Martin J. Danks, Esquire
Assistant City Solicitor
City of Allentown
435 Hamilton Street, Suite 519
Allentown, PA 18101

Anthony R. Sherr, Esquire
Mayers, Mennies & Sherr
3031 Walton Road
P.O. Box 1547
Blue Bell, PA 19422-0440

South Whitehall Township Authority
4444 Walbert Avenue
Allentown, PA 18104

Date: May 10, 2006



Anthony D. Kanagy

2006 MAY 10 PM 3:13
SECRETARY'S BUREAU

ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Linda L. David :
 :
 v. :
 :
 PPL Electric Utilities Corporation :
 and :
 South Whitehall Township (Joined as an :
 Indispensable Party) :
 and :
 City of Allentown (Joined as an :
 Indispensable Party) :

Docket No. C-20055501

SECRETARY'S BUREAU

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NOTICE TO PLEAD

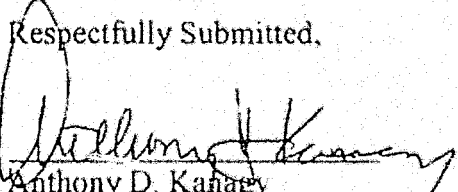
TO: Anthony R. Sherr, Esquire
Mayers, Mennies & Sherr
3031 Walton Road
P.O. Box 1547
Blue Bell, PA 19422-0440

South Whitehall Township Authority
4444 Walbert Avenue
Allentown, PA 18104

Linda L. David
2922 W. Fairview Street
Allentown, PA 18103

Martin J. Danks
Assistant City Solicitor
City of Allentown
435 Hamilton Street, Suite 519
Allentown, PA 18101

Pursuant to 52 Pa. Code § 5.63, you are hereby notified that you have twenty (20) days from the date of service of this Answer and New Matter to reply.

Respectfully Submitted,

Anthony D. Kapagy
Counsel for PPL Electric Utilities Corporation

Dated: May 10, 2006

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Linda L. David

v.

PPL Electric Utilities Corporation

and

South Whitehall Township (Joined as an
Indispensable Party)

and

City of Allentown (Joined as an
Indispensable Party)

Docket No. C-20055501

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ANSWER AND NEW MATTER OF
PPL ELECTRIC UTILITIES CORPORATION
TO SOUTH WHITEHALL TOWNSHIP'S PRELIMINARY MOTIONS

PPL Electric Utilities Corporation ("PPL Electric") hereby answers, pursuant to 52 Pa.
Code § 5.101(i) South Whitehall Township's ("Township") preliminary motions

1. Admitted.

2. Admitted.

3. Admitted.

4. PPL Electric agrees that the Commission does not have the authority to award
damages. PPL Electric also notes that Ms. David's complaint appears to be against the owner
and/or operator of the pumping station and not PPL Electric.

5. Admitted.

6. Admitted in part. Ms. David's allegations also concern the operation of a
pumping station and the safety and adequacy of her water service, which is provided by the City
of Allentown.

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7. PPL Electric agrees that the Commission does not have jurisdiction to decide this matter.

8. Admitted.

9. In response to Paragraph No. 9, PPL Electric incorporates its responses to Paragraph Nos. 1 through 8

10. As explained in more detail below, PPL Electric does not have sufficient information to confirm or deny the averments contained in Paragraph No. 10, and therefore, they are denied.

11. Admitted.

12. Admitted.

13. Admitted.

14. Denied.

15. PPL Electric does not have sufficient information to confirm or deny the averments contained in Paragraph No. 15, and therefore, they are denied. In Paragraph No. 16 of its motion, the Township alleges that the South Whitehall Township Authority ("Township Authority") operates the pumping station. However, the Township does not indicate who owns the pumping station. Therefore, it is not clear whether the Township or the Township Authority owns the pumping station referred to by Ms. David in her complaint.

A review of the Township's website indicates that the Township has an agreement with the Township Authority regarding the water and sewer systems in the Township. However, the scope of this agreement is not clear, especially with regard to what control the Township has over the Township Authority and/or the pumping station. Therefore, even if the Township does

not "operate" the pumping station, the Township may still be an indispensable party in this proceeding

16 PPL Electric does not have sufficient information to confirm or deny the averments contained in Paragraph No. 16, and therefore, they are denied. In addition, please refer to the response to Paragraph No. 15.

17 PPL Electric does not have sufficient information to confirm or deny the averments contained in Paragraph No. 17, and therefore, they are denied. In addition, please refer to the response to Paragraph No. 15.

18 PPL Electric does not have sufficient information to confirm or deny the averments contained in Paragraph No. 17, and therefore, they are denied. In addition, please refer to the response to Paragraph No. 15.

19 PPL Electric does not have sufficient information to confirm or deny the averments contained in Paragraph No. 19, and therefore, they are denied. In addition, please refer to the response to Paragraph No. 15.

NEW MATTER

20 Based upon Ms. David's complaint and the Township's Preliminary Motion, it is unclear whether the Township, the Township Authority or both entities are indispensable parties in this proceeding. The Township alleges that the pumping station is operated by the Township Authority. However, it is unclear at this time who owns the pumping station and what control, if any, the Township has over the Township Authority.

21 In her complaint, Ms. David does not allege that PPL Electric is providing her with inadequate service. Ms. David also does not allege that PPL Electric's service to the pumping station is inadequate. Rather, Ms. David alleges that the pumping station is causing harm to her through vibrations, electrical impulses and electric current in her water pipes. It is

clear that Ms. David's complaint concerns the pumping station and not PPL Electric's service to her or to the pumping station. However, PPL Electric recognizes that Chief Administrative Law Judge Veronica A. Smith has denied PPL Electric's motion to dismiss the complaint filed on November 21, 2005, on the grounds that it is a contested question of fact whether PPL Electric's service to the pumping station is causing a safety concern to the public. Given this characterization, the owner of the pumping station is an indispensable party in this proceeding.

22. As such, PPL Electric respectfully requests that the Commission deny the Township's Motion to be dismissed from this matter until the parties can be certain that the proper entity or entities are joined.

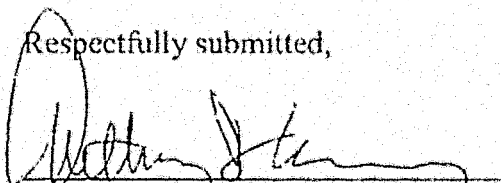
23. Given the averments contained in the Township's Motion, it appears that the Township Authority is also an indispensable party to this proceeding.

24. The Township states that the Township Authority operates the pumping station.

25. In the Order denying PPL Electric's motion to dismiss, the Chief ALJ stated that whether PPL Electric's service to the pumping station is causing a safety concern remains a contested question of fact. With regard to this issue, the operator of the pumping station is certainly an indispensable party in this proceeding. *Powell v. Shepard*, 381 Pa. 405, 113 A.2d 261 (1955).

26. As such, PPL Electric is filing a motion to join the Township Authority as an indispensable party in conjunction with this Answer.

Respectfully submitted,



David B. MacGregor (ID # 28804)
Post & Schell, P.C.
Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, PA 19103-2808
Phone: 215-587-1000
Fax: 215-320-4879
E-mail: dmacgregor@postschell.com

Anthony D. Kanagy (ID # 85522)
Post & Schell, P.C.
17 North Second Street
12th Floor
Harrisburg, PA 17101-1601
Phone: 717-731-1970
Fax: 717-731-1985
E-mail: akanagy@postschell.com

Paul E. Russell (ID # 21643)
Associate General Counsel
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

Of Counsel:

Post & Schell, P.C.

Date: May 10, 2006

Attorneys for PPI Electric Utilities Corporation

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA)
: SS
COUNTY OF LEHIGH)

ROBERT M. GENEZKO, being duly sworn according to law, deposes and says that he is Vice President-Customer Service for PPL Electric Utilities Corporation; that he is authorized to and does make this affidavit for it; and that the facts set forth above are true and correct to the best of his knowledge, information and belief and he expects the said PPL Electric Utilities Corporation to be able to prove the same at any hearing hereof.

Robert M. Genezko

Sworn to and subscribed
before me this 9th day
of May, 2006.

Francine A. Greenzweig

NOTARIAL SEAL
FRANCINE A. GREENZWEIG, Notary Public
City of Allentown, Lehigh County, PA
My Commission Expires Oct. 29, 2006

Anthony D. Kanagy

akanagy@postschell.com
717-612-6034 Direct

May 10, 2006

VIA HAND DELIVERY

James J. McNulty
Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
PO Box 3265
Harrisburg, PA 17105-3265

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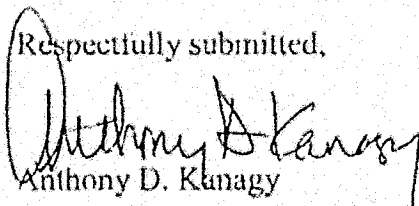
RE: Linda L. David v. PPL Electric Utilities Corporation and
South Whitehall Township (Joined as an Indispensable Party)
and City of Allentown (Joined as an Indispensable Party)
Docket No. C-20055501

Dear Secretary McNulty:

Enclosed, for filing, are an original and three (3) copies of the Prehearing Memorandum of PPL Electric Utilities Corporation in the above-referenced proceeding.

As indicated in the certificate of service, copies have been served on the parties in the manner indicated

Respectfully submitted,


Anthony D. Kanagy

ADK/jl

Enclosures

cc: Honorable Charles E. Rainey, Jr.
Certificate of Service

2006 MAY 10 PM 3:21
SECRETARY'S BUREAU

5

CERTIFICATE OF SERVICE

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

VIA FEDERAL EXPRESS

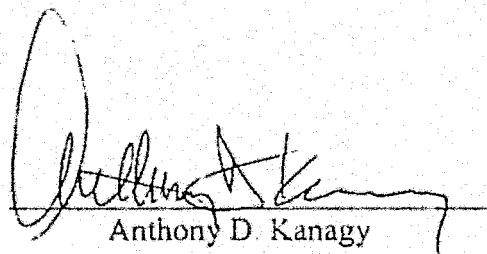
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P.O. Box 1547
Blue Bell, PA 19422-0440

South Whitehall Township Authority
4444 Walbert Avenue
Allentown, PA 18104

Date: May 10, 2006


Anthony D. Kanagy

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MAY 10 PM 3:21
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ORIGINAL
BEFORE THE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

SECRETARY'S OFFICE
MAY 11 10 41 AM '06

Linda L. David

v.

PPL Electric Utilities Corporation
and
South Whitehall Township (Joined as an
Indispensable Party)
and
City of Allentown (Joined as an
Indispensable Party)

DOCKETED
MAY 18 2006

Docket No. C-20055501

**DOCUMENT
FOLDER**

**PREHEARING MEMORANDUM OF
PPL ELECTRIC UTILITIES CORPORATION**

TO ADMINISTRATIVE LAW JUDGE CHARLES E. RAINEY, JR.

PPL Electric Utilities Corporation ("PPL Electric") hereby submits this Prehearing Conference Memorandum in compliance with the Prehearing Conference Order issued by Administrative Law Judge Charles E. Rainey, Jr. (the "ALJ") on May 2, 2006.

I. INTRODUCTION

On October 26, 2005, Linda David filed the above-captioned complaint against PPL Electric, South Whitehall Township ("Township") and the Allentown Water Authority ("City of Allentown"). In her complaint, Ms. David alleges that a water pumping station located near her home is causing her harm. Ms. David alleges that the pumping station is causing vibrations and electrical impulses and is creating an electrical current in her water pipes.

On November 21, 2005, PPL Electric filed an answer to the Complaint. PPL Electric also filed a Motion to Dismiss for lack of jurisdiction, and in the alternative, a Motion to join South Whitehall Township and the City of Allentown.

On March 9, 2006, Chief Administrative Law Judge Veronica A. Smith (the "Chief ALJ") issued an Order denying PPL Electric's motion to dismiss and granting PPL Electric's motion to join the Township and the City of Allentown¹ as indispensable parties. In the Order, the Chief ALJ characterized the issue in this proceeding as follows:

Assuming the factual allegations of the Complaint are true, and without any other admitted facts, the issue of whether Respondent[']s service to the pumping station is causing a safety concern to a member of the public, specifically Complainant, remains a contested question of fact.

On May 2, 2006, the ALJ issued a Prehearing Conference Order scheduling an initial prehearing conference for May 15, 2006. The ALJ also ordered the parties to submit prehearing conference memoranda. Pursuant to the ALJ's May 2, 2006, Order, PPL Electric hereby submits its prehearing conference memorandum.

II. SETTLEMENT DISCUSSIONS

No settlement negotiations have been conducted to date, although PPL Electric stands ready to discuss settlement with the Complainant. However, PPL Electric does not believe that settlement is likely given that the crux of Ms. David's complaint involves a water pumping station that is not owned, operated or controlled by PPL Electric. Moreover, given that the water pumping station is owned by either the South Whitehall Township or the South Whitehall Township Authority, the Commission does not have jurisdiction over the pumping station or service from the pumping station. 66 Pa. C.S. § 1501; *See also, Ernest Renda Contracting Co., Inc v. Commonwealth*, 516 Pa. 325, 532 A.2d 416 (1987).

¹ On March 31, 2006, the City of Allentown filed an answer to the Complaint. In the answer the City of Allentown explained that there was no authority or legal entity named the Allentown Water Authority. The City of Allentown also stated that it provided water service to Ms. David.

III. DISCOVERY

Parties have not conducted discovery at this time. Discovery is necessary to determine the scope of Ms. David's complaint and to determine what testimony and witnesses, including potential expert witnesses, she intends to present. Other than these general issues, discovery should be limited to the issue identified by the Chief ALJ that is within the Commission's jurisdiction, i.e., whether PPL Electric's service to the water pumping station is causing a safety concern to the public. PPL Electric proposes that discovery be completed within six weeks of the date of the prehearing conference.

IV. ADMISSIONS OR STIPULATIONS

The parties have made no admissions or stipulations.

V. FACTUAL ISSUES

As stated by the Chief ALJ, the sole factual issue in this proceeding concerns whether PPL Electric's service to the water pumping station is causing a safety concern to the public. Other factual issues raised by Ms. David, including vibrations from the pumping station, electrical impulses from the pumping station, and electrical current in Ms. David's water pipes, are not within the scope of the Commission's jurisdiction. The pumping station is owned by either the South Whitehall Township or the South Whitehall Township Authority. The Commission does not have jurisdiction over these entities or over their service. 66 Pa. C.S. § 1501. In addition, Ms. David's water service is provided by the City of Allentown. The Commission does not have jurisdiction over water service provided by the City of Allentown. 66 Pa. C.S. § 1501.

VI. LEGAL ISSUES

The primary legal issue in this proceeding involves whether the Commission has jurisdiction to hear Ms. David's complaint. This should be determined by discussing the Complaint with Ms. David to determine if her complaint solely concerns the water pumping station. The second legal issue, as characterized by the Chief ALJ, is to determine whether PPL Electric is providing safe and reasonable service to the water pumping station pursuant to Section 1501 of the Public Utility Code, 66 Pa. C.S. § 1501.

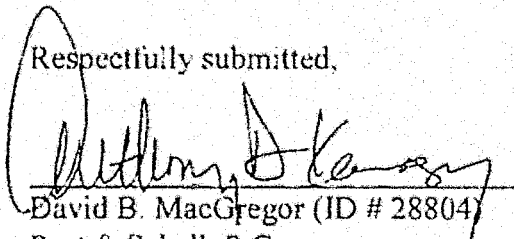
VII. WITNESSES

PPL Electric anticipates presenting the testimony of one witness in this proceeding to testify to the safety and adequacy of PPL Electric's service to the water pumping station. PPL Electric has not specifically identified this witness at this time, but anticipates that this witness will be an employee of PPL Electric.

VIII. SCHEDULE

PPL Electric does not anticipate that a second prehearing conference will be necessary in this proceeding. The Complainant bears the burden of proof in this proceeding. Therefore, the Complainant should present her testimony first, followed by the other parties' responses. PPL Electric believes that it would be useful to the parties and to the ALJ to have prefiled testimony in this proceeding. PPL Electric proposes that Complainant submit her pre-filed testimony on or about July 17, 2006. PPL Electric and the other parties' testimony should be due approximately thirty days thereafter, or on or about August 17, 2006. PPL Electric proposes that hearings be scheduled approximately 10 days thereafter, with briefing to follow. PPL Electric proposes that the briefing schedule be determined at the hearing.

Respectfully submitted,



David B. MacGregor (ID # 28804)
Post & Schell, P.C.
Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, PA 19103-2808
Phone: 215-587-1000
Fax: 215-320-4879
E-mail: dmacgregor@postschell.com

Anthony D. Kanagy (ID # 85522)
Post & Schell, P.C.
17 North Second Street
12th Floor
Harrisburg, PA 17101-1601
Phone: 717-731-1970
Fax: 717-731-1985
E-mail: akanagy@postschell.com

Paul E. Russell (ID # 21643)
Associate General Counsel
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

Of Counsel:

Post & Schell, P.C.

Date: May 10, 2006

Attorneys for PPL Electric Utilities Corporation

ORIGINAL

17 North Second Street
12th Floor
Harrisburg, PA 17101-1631
717-731-1970 Main
717-731-1985 Fax
www.postschell.com

Anthony D. Kanagy
akanagy@postschell.com
717-612-6034 Direct

May 10, 2006

VIA HAND DELIVERY

James J. McNulty
Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
PO Box 3265
Harrisburg, PA 17105-3265

RE: Linda L. David v. PPL Electric Utilities Corporation and
South Whitehall Township (Joined as an Indispensable Party)
and City of Allentown (Joined as an Indispensable Party)
Docket No. C-20055501

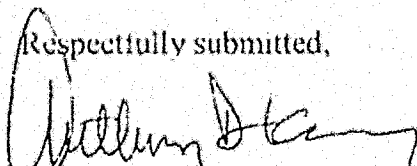
BTL

Dear Secretary McNulty:

Enclosed, for filing, are an original and three (3) copies of the Motion of PPL Electric Utilities Corporation to Join South Whitehall Township Authority as an Indispensable Party in the above-referenced proceeding.

As indicated in the certificate of service, copies have been served on the parties in the manner indicated.

Respectfully submitted,


Anthony D. Kanagy

DOCUMENT
FOLDER

ADK/jl

Enclosures

cc: Honorable Charles E. Rainey, Jr.
Certificate of Service

SECRETARY'S BUREAU

2006 MAY 10 PM 3:15

25

CERTIFICATE OF SERVICE

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

VIA FEDERAL EXPRESS

Linda L. David
2922 W. Fairview Street
Allentown, PA 18103

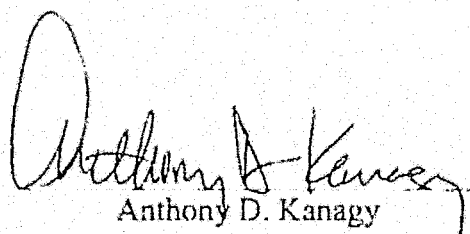
Martin J. Danks, Esquire
Assistant City Solicitor
City of Allentown
435 Hamilton Street, Suite 519
Allentown, PA 18101

Anthony R. Sherr, Esquire
Mayers, Mennies & Sherr
3031 Walton Road
P.O. Box 1547
Blue Bell, PA 19422-0440

South Whitehall Township Authority
4444 Walbert Avenue
Allentown, PA 18104

2006 MAY 10 PM 3:15
SECRETARY'S BUREAU

Date May 10, 2006


Anthony D. Kanagy

ORIGINAL

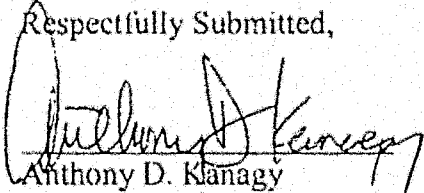
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Linda L. David	:	
	:	
v.	:	
	:	
PPI Electric Utilities Corporation	:	Docket No. C-20055501
and	:	
South Whitehall Township (Joined as an	:	
Indispensable Party)	:	
and	:	
City of Allentown (Joined as an	:	
Indispensable Party)	:	

NOTICE TO PLEAD

TO South Whitehall Township Authority
4444 Walbert Avenue
Allentown, PA 18104

Pursuant to 52 Pa. Code § 5.103, you are hereby notified that you have twenty (20) days from the date of service of this Motion to respond.

Respectfully Submitted,

Anthony D. Kanagy
Counsel for PPI Electric Utilities Corporation

Dated: May 10, 2006

2006 MAY 10 PM 3:15
SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Linda L. David :
 :
 v. :
 :
 PPL Electric Utilities Corporation :
 and : Docket No. C-20055501
 South Whitehall Township (Joined as an :
 Indispensable Party) :
 and :
 City of Allentown (Joined as an :
 Indispensable Party) :

MOTION OF
PPL ELECTRIC UTILITIES CORPORATION
TO JOIN SOUTH WHITEHALL TOWNSHIP AUTHORITY
AS AN INDISPENSABLE PARTY

PPL Electric Utilities Corporation ("PPL Electric") hereby requests, pursuant to 52 Pa. Code § 5.103, that the Pennsylvania Public Utility Commission ("Commission") join South Whitehall Township Authority ("Township Authority") as an indispensable party to this proceeding. In support of this Motion, PPL Electric states as follows.

1. On October 26, 2005, Linda David filed the above-captioned complaint against PPL Electric, South Whitehall Township ("Township") and the Allentown Water Authority ("City of Allentown"). In her complaint, Ms. David alleges that a water pumping station located near her home is causing her harm. Ms. David alleges that the pumping station is causing vibrations and electrical impulses and is creating an electrical current in her water pipes.

2. On November 21, 2005, PPL Electric filed an answer to the Complaint. PPL Electric also filed a Motion to Dismiss for lack of jurisdiction, and in the alternative, a Motion to join South Whitehall Township and the City of Allentown.

DOCUMENT
FOLDER

DOCKETED
DEC 15 2006

3. On March 9, 2006, Chief Administrative Law Judge Veronica A. Smith (the "Chief ALJ") issued an Order denying PPL Electric's motion to dismiss and granting PPL Electric's motion to join the Township and the City of Allentown¹ as indispensable parties.

4. In the March 9, 2006 Order, the Chief ALJ directed the Township and the City of Allentown to file responsive pleadings to the Complaint within 20 days.

5. On April 27, 2006, the Township filed preliminary motions requesting that the Commission dismiss the complaint for lack of jurisdiction and claiming that the Township was improperly joined as an indispensable party.

6. In conjunction with this Motion, PPL Electric is filing an Answer to the Township's preliminary objections.

7. In the Township's preliminary objections, the Township alleges that the Township Authority operates the pumping station that is the subject of Ms. David's complaint.

8. PPL Electric hereby requests that the Commission join the Township Authority as an indispensable party in this proceeding.

9. The Supreme Court of Pennsylvania has held that "...a party is indispensable where his rights are so connected with the claims of the litigants that no decree can be made between them without impairing such rights." *Powell v. Shepard*, 381 Pa. 405, 412, 113 A.2d 261, 264-65 (1955).

10. The subject of Ms. David's complaint concerns the pumping station. Any relief that the Commission could grant in this proceeding would necessarily involve the pumping station. As such, the Township Authority, as the operator of the pumping station, would clearly be affected if the Commission grants the Complainant any relief.

¹ On March 31, 2006, the City of Allentown filed an answer to the Complaint. In the answer the City of Allentown explained that there was no authority or legal entity named the Allentown Water Authority. The City of Allentown also stated that it provided water service to Ms. David.

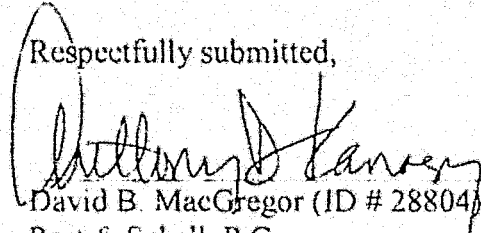
11. Moreover, on page 4 of her order, the Chief ALJ noted the following:

The Township and the Authority [City of Allentown] are clearly indispensable parties to this case. The operation of the equipment (the pumping station) which appears to be the center of this controversy is solely controlled by either the Township or the Authority [City of Allentown] on a neighboring property. Clearly, any order issued by the Commission will affect the Township and the Authority's [City of Allentown's] interests and rights such that any proceeding in this matter cannot be properly adjudicated without their presence and participation.

12. Now, based upon the Township's preliminary objections, it appears that the Township Authority operates the pumping station. Therefore, any order in this proceeding will affect the Township Authority's rights.

WHEREFORE, PPL Electric Utilities Corporation respectfully requests that the Pennsylvania Public Utility Commission join the South Whitehall Township Authority as an indispensable party in this proceeding.

Respectfully submitted,



David B. MacGregor (ID # 28804)
Post & Schell, P.C.
Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, PA 19103-2808
Phone: 215-587-1000
Fax: 215-320-4879
E-mail: dmacgregor@postschell.com

Anthony D. Kanagy (ID # 85522)
Post & Schell, P.C.
17 North Second Street
12th Floor
Harrisburg, PA 17101-1601
Phone: 717-731-1970
Fax: 717-731-1985
E-mail: akanagy@postschell.com

Paul E. Russell (ID # 21643)
Associate General Counsel
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@ppiweb.com

Of Counsel:

Post & Schell, P.C.

Date: May 10, 2006

Attorneys for PPL Electric Utilities Corporation

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA)
: SS
COUNTY OF LEHIGH)

ROBERT M. GENEZKO, being duly sworn according to law, deposes and says that he is Vice President-Customer Service for PPL Electric Utilities Corporation; that he is authorized to and does make this affidavit for it; and that the facts set forth above are true and correct to the best of his knowledge, information and belief and he expects the said PPL Electric Utilities Corporation to be able to prove the same at any hearing hereof.

Robert M. Genezko

Sworn to and subscribed
before me this 9th day
of May, 2006

Francine A. Greenzweig

NOTARIAL SEAL
FRANCINE A GREENZWEIG, Notary Public
City of Allentown, Lehigh County, PA
My Commission Expires Oct. 29, 2006



ORIGINAL

MAYERS, MENNIES & SHERR, LLP

ATTORNEYS AT LAW

ANTHONY R. SHERR
tsherr@mmsllp.com

May 12, 2006

DOCUMENT
FOLDER

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P O. Box 3265
Harrisburg, PA 17105-3265


RE: Linda L. David v. South Whitehall Township, et al.
Docket No. C-20055501

Dear Mr. McNulty,

Enclosed please find an original and four copies of Respondent, South Whitehall Township's Reply to Defendant, PPL's New Matter and New Matter Pursuant to §2252(d) which I ask that you have filed with the Commission and return a time-stamped copy to me in the enclosed self-addressed stamped envelope.

Thank you for your courtesies in this regard.

Very truly yours,


ANTHONY R SHERR

ARS/cz

Enclosure

cc Anthony D. Kanagy, Esquire
Martin J. Danks, Esquire
Linda L. David

RECEIVED
2006 MAY 16 AM 9:04
PA P.U.C.
SECRETARY'S BUREAU

ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MAYERS, MENNIES & SHERR, LLP
BY: ANTHONY R SHERR, ESQUIRE
IDENTIFICATION NO 44603
3031 WALTON ROAD, BUILDING A
SUITE 330 P.O. BOX 1547
BLUE BELL, PA 19422
(610) 825-0300

ATTORNEY FOR: DEFENDANT

DOCUMENT
FOLDER

LINDA L. DAVID,
Complainant,

COMPLAINT DOCKET
NO. C-20055501

v.

SOUTH WHITEHALL TOWNSHIP, et al.
Respondent,

DOCKETED
MAY 22 2006

DEFENDANT, SOUTH WHITEHALL TOWNSHIP'S REPLY TO
DEFENDANT, PPL'S NEW MATTER
AND NEW MATTER PURUSANT TO § 2252(d)

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2006 MAY 16 AM 9:05
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NOW COMES Defendant, South Whitehall Township, by and through its authorized counsel of record, Mayers, Mennies & Sherr, LLP, and in response to New Matter and New Matter Pursuant to Pa.R.C.P. 2252(d) of PPL Electric Utilities Corporation, incorporates herein by reference all pleadings and other motions it has filed or will file in this matter and further states as follows:

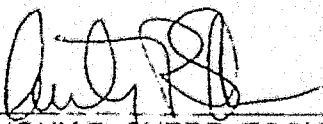
NEW MATTER

20-26. Denied. The averments of these paragraphs constitute conclusions of law, to which no response is required and on that basis are denied

WHEREFORE, Defendant, South Whitehall Township demands judgment in its favor and against all other parties, plus interest and costs in this action, including but not limited to reasonable

attorney's fees incurred in defending this action, plus such other relief as this Court deems just and proper

MAYERS, MENNIES & SHERR, LLP

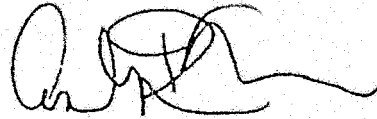
BY: 

ANTHONY R. SHERR, ESQUIRE
Attorney for Defendant
South Whitehall Township

VERIFICATION

I, Anthony R. Sherr, Esquire, hereby state that I am counsel for Respondent, South Whitehall Township in this action and verify that the statements made in the foregoing Reply to Defendant, PPL's New Matter and New Matter Pursuant to §2252(d) are true and correct to the best of my knowledge, information and belief. The undersigned understands that the statements therein are made subject to the penalties of 18 Pa. C.S. §4094 relating to unsworn falsification to authorities.

BY



ANTHONY R. SHERR, ESQUIRE
Attorney for Respondent
South Whitehall Township

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2006 MAY 16 AM 9:04
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SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MAYERS, MENNIES & SHERR, LLP
BY ANTHONY R. SHERR, ESQUIRE
IDENTIFICATION NO 44603
3031 WALTON ROAD, BUILDING A
SUITE 330, P.O. BOX 1547
BLUE BELL, PA 19422
(610) 825-0300

ATTORNEY FOR: DEFENDANT

LINDA L. DAVID,
Complainant,

COMPLAINT DOCKET
NO. C-20055501

v.

SOUTH WHITEHALL TOWNSHIP
et al,
Respondent,

CERTIFICATE OF SERVICE

I, Cheryl Zeigler, hereby certify that on the 12th day of May 2006, a true and correct copy of Respondent South Whitehall's Reply to New Matter of PPL was served via first class, regular mail, postage prepaid upon the following:

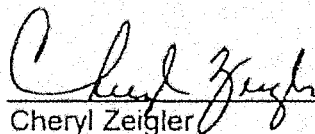
Linda L. David
2922 W Fairview Street
Allentown, PA 18103

Anthony D. Kanagy, Esquire
17 North Second Street, 12th Floor
Harrisburg, PA 17101-1601

Martin J. Danks, Esquire
Assistant City Solicitor
City of Allentown
435 Hamilton Street, Room 519
Allentown, PA 18101

2006 MAY 16 AM 9:04
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SECRETARY'S BUREAU

BY:



Cheryl Zeigler
Legal Assistant to Anthony R. Sherr

OALJ Hearing Report

Please Check Those Blocks Which Apply

Docket No.:	C-20055501	Prehearing Held:	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO
Case Name:	Linda L. David v. PPL Electric Utilities Corporation	Hearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Location:	Philadelphia, PA	Testimony Taken:	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Date:	May 15, 2006	Transcript Due:	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
ALJ:	Charles E. Rainey, Jr.	Hearing Concluded:	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Reporting Firm:	Sargents Court Reporting	Further Hearing Needed:	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
		Estimated Add'l Days:	2			
		RECORD CLOSED:	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
		DATE:				
		Briefs to be Filed:	<input type="checkbox"/>	<input type="checkbox"/>		
		DATE:				
		Bench Decision:	<input type="checkbox"/>	<input type="checkbox"/>		
		REMARKS:	<i>OALJ scheduling went in to schedule a second prehearing conference for sometime during the week of July 24, 2006.</i>			

DOCUMENT FOLDER

RECEIVED

MAY 25 2006

PA PUBLIC UTILITY COMMISSION
 570 N. 7TH ST. PHILADELPHIA, PA 19106

PLEASE PRINT CLEARLY - Incomplete information may result in delay of processing.

Name and Telephone Number	Address	Who are you representing?
Linda L. David Telephone: 610-740-0637	2922 W. Fairview Street City: Allentown State: PA Zip: 18103	Pro Se
Anthony D. Kanagy, Esq. Telephone: 717-612-6034	17 North Second Street 12th Floor City: Harrisburg State: PA Zip: 17101	PPL Electric Utilities
Martin J. Danks, Esq. Telephone: 610-437-7545	435 Hamilton Street Suite 519 City: Allentown State: PA Zip: 18101	City of Allentown

Check this box if additional parties or attendees appear on back of form.

Sharon Marsh
 Reporter's Signature

Note: Completion of this form does not constitute an entry of appearance, see 52 Pa. Code §§1.24 and 1.25.



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Office of Administrative Law Judge
P.O. BOX 3265, HARRISBURG, PA 17105-3265
May 16, 2006

IN REPLY PLEASE
REFER TO OUR FILE

In Re: C-20055501

(See attached list)

DOCUMENT
FOLDER

Linda L. David v. PPL Electric Utilities Corporation

Service dispute.

DOCKETED
MAY 17 2006

NOTICE

This is to inform you that a Further Prehearing Conference by telephone on the above-captioned case will be held as follows:

Date: Thursday, July 27, 2006

Time: 10:00 a.m.

Presiding: Administrative Law Judge Charles E. Rainey, Jr.
1302 Philadelphia State Office Building
1400 West Spring Garden Street
Philadelphia, PA 19130
Telephone: 215.560.2105
Fax: 215.560.3133

At the above date and time, the Administrative Law Judge will contact the parties as follows:

Linda L. David	610-740-0637
Anthony Sherr, Esquire	610-825-0300
Anthony D. Kanagy, Esquire	717-612-6034
Martin J. Danks, Esquire	610-437-7545

RECEIVED
2006 MAY 16 AM 10:27
P.A.P.U.C.
SECRETARY'S BUREAU

If you have not provided a current telephone number where you can be reached for participation in the conference OR YOUR AREA CODE HAS CHANGED, then you must contact the presiding officer at least 7 days before the actual conference and provide the necessary information.

If you are a person with a disability, and you wish to attend the hearing, we may be able to make arrangements for your special needs. Please call the scheduling office at the Public Utility Commission at least (2) two business days prior to your hearing:

- Scheduling Office: 717.787.1399
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1.800.654.5988

pc: Judge Rainey
Susan Licon
Beth Plantz
Docket Section
Calendar File

C-20055501 LINDA L. DAVID v. PPL ELECTRIC UTILITIES CORPORATION

LINDA L. DAVID
2922 WEST FAIRVIEW STREET
ALLENTOWN PA 18103
610-740-0637

ANTHONY SHERR ESQUIRE
3031 WALTON STREET
BUILDING A SUITE 330
PO BOX 1547
BLUE BELL PA 19422
610-825-0300

ANTHONY D KANAGY ESQUIRE
POST & SCHELL
17 NORTH SECOND STREET 12TH FLOOR
HARRISBURG PA 17101-1601
610-871-1324

SOUTH WHITEHALL TOWNSHIP
444 WALBERT AVENUE
ALLENTOWN PA 18104

MARTIN J DANKS ESQUIRE
ASSISTANT CITY SOLICITOR
CITY OF ALLENTOWN
435 HAMILTON STREET ROOM 519
ALLENTOWN PA 18101



ORIGINAL

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

Anthony D. Kanagy

akanagy@postschell.com
717-612-6034 Direct

June 1, 2006

VIA HAND DELIVERY

James J. McNulty
Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
PO Box 3265
Harrisburg, PA 17105-3265

DOCUMENT
FOLDER

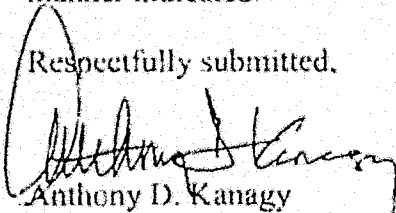
RE: Linda L. David v. PPL Electric Utilities Corporation and
South Whitehall Township (Joined as an Indispensable Party) and
City of Allentown (Joined as an Indispensable Party)
Docket No. C-20055501

Dear Secretary McNulty:

Enclosed, for filing, are an original and three (3) copies of the reply of PPL Electric Utilities Corporation to New Matter of South Whitehall Township in the above-referenced proceeding.

As indicated on the enclosed certificate of service, copies have been served on the parties in the manner indicated.

Respectfully submitted,


Anthony D. Kanagy

ADK/jl

Enclosures

cc: Certificate of Service
Honorable Charles F. Rainey Jr.

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2006 JUN -1 PM 3:57
SECRETARY'S BUREAU

46

ORIGINAL

CERTIFICATE OF SERVICE

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

VIA FIRST CLASS MAIL

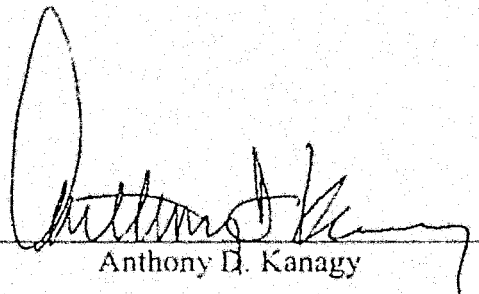
Linda L. David
2922 W. Fairview Street
Allentown, PA 18103

Martin J. Danks, Esquire
Assistant City Solicitor
City of Allentown
435 Hamilton Street, Suite 519
Allentown, PA 18101

Anthony R. Sherr, Esquire
Mayers, Mennies & Sherr
3031 Walton Road
P O. Box 1547
Blue Bell, PA 19422-0440

South Whitehall Township Authority
4444 Walbert Avenue
Allentown, PA 18104

Date: June 1, 2006


Anthony D. Kanagy

RECEIVED
2006 JUN -1 PM 3:57
SECRETARY'S BUREAU

ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Linda L. David :
 :
 v :
 :
 PPL Electric Utilities Corporation :
 and :
 South Whitehall Township (Joined as an :
 Indispensable Party) :
 and :
 City of Allentown (Joined as an :
 Indispensable Party) :

DOCUMENT
FOLDER

Docket No. C-20055501

RECEIVED
2006 JUN -1 PM 3:58
SECRETARY'S BUREAU

REPLY OF
PPL ELECTRIC UTILITIES CORPORATION
TO NEW MATTER OF SOUTH WHITEHALL TOWNSHIP

TO ADMINISTRATIVE LAW JUDGE CHARLES E. RAINEY:

PPL Electric Utilities Corporation ("PPL Electric") hereby replies, pursuant to 52 Pa. Code § 5.63, to the New Matter contained in South Whitehall Township's ("Township's") reply that was filed on or about May 12, 2006 in the above-captioned proceeding.

On October 26, 2005, the Ms. David filed the above-captioned Complaint against PPL Electric, the Township and the City of Allentown. On November 21, 2005, PPL Electric filed an answer to Ms. David's complaint and also filed a Motion to Dismiss the complaint, or in the alternative join the Township and the City of Allentown as indispensable parties.

On March 9, 2006, Chief Administrative Law Judge Veronica A. Smith issued an Order denying PPL Electric's Motion to Dismiss and granting PPL Electric's request to join the Township and the City of Allentown as indispensable parties.

DOCKETED
JUN 22 2006

On or about April 27, 2005, the Township filed Preliminary Motions arguing that the Commission should dismiss the Complaint for lack of jurisdiction and that the Township had been improperly joined as an indispensable party.

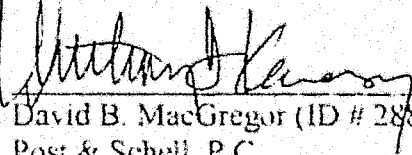
On May 10, 2006, PPL Electric filed an Answer and New Matter to the Township's Preliminary Motions. PPL Electric agreed that the Commission did not have jurisdiction to decide this case, but based on the pleadings to date, disagreed that the Township had been properly joined.

On or about May 12, 2006, the Township filed a Reply generally denying the averments contained in PPL Electric's May 10, 2006 Answer. The Township's Reply contains New Matter in which the Township requested judgment in its favor, plus interests and costs, including attorney's fees.

In general, the Township's New Matter is a request for relief to which no response is required. However, PPL Electric notes that the Township improperly requests costs, including attorney's fees. The Commission is a creature of statute, and only has those powers which are expressly conferred upon it by the legislature or which arise by necessary implication. *Vertis Group, Inc. v. PA PUC*, 840 A.2d 390, 400-401 (Pa. Cmwlth. 2004) (citing *Feingold v. Bell of PA*, 477 Pa. 1, 383 A.2d 791 (1977)). There is no authority in the Public Utility Code that would allow the Commission to award attorney's fees. Moreover, the Commonwealth Court has expressly held that the Commission does not have the authority to award attorney's fees. *Duquesne v. PA PUC*, 117 Pa. Cmwlth. 28, 543 A.2d 196 (1988). Likewise, the Commission does not have the authority to award costs to a party. *PA PUC v. Duquesne Light Co.*, 61 Pa. PUC 485 (Order entered May 16, 1986).

WHEREFORE, PPL Electric Utilities Corporation respectfully requests that the South Whitehall Township's request for attorney's fees and costs be denied.

Respectfully submitted,



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