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April 3, 2017

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

VIA ELECTRONIC FILING

**RE: National Railroad Passenger Corporation v. PPL Electric Utilities Corporation;
Docket No. C-2016-2580526**


**PPL Electric Utilities Corporation Supplement No. 213 to Tariff Electric P.A. PUC No. 201
for Rate Schedule LPEP; Docket No. R-2016-2569975**

Dear Secretary Chiavetta:

Attached please find for filing with the Pennsylvania Public Utility Commission the Answer of the National Railroad Passenger Corporation ("Amtrak") to the Petition to Intervene of Safe Harbor Water Power Corporation and BIF II Safe Harbor Holdings, LLC. As shown on the attached Certificate of Service, all parties to this proceeding are being duly served. Thank you.

Very truly yours,

McNEES WALLACE & NURICK LLC

By 
Alessandra L. Hylander

Counsel to National Railroad Passenger Corporation ("Amtrak")

Enclosures

c: Certificate of Service
Administrative Law Judge David A. Salapa (via Email and First Class Mail)

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants listed below in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

VIA E-MAIL AND FIRST CLASS MAIL

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Alessandra L. Hylander

Counsel to National Railroad Passenger
Corporation

Dated this 3rd day of April, 2017, at Harrisburg, Pennsylvania.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

NATIONAL RAILROAD PASSENGER CORPORATION	:	
	:	
COMPLAINANT	:	Docket No. C-2016-2580526
	:	
v.	:	
	:	
PPL ELECTRIC UTILITIES CORPORATION,	:	
	:	
RESPONDENT	:	
	:	
PPL ELECTRIC UTILITIES CORPORATION SUPPLEMENT NO. 213 TO TARIFF ELECTRIC PA PUC NO. 201 FOR RATE SCHEDULE LPEP	:	Docket No. R-2016-2569975
	:	

**NATIONAL RAILROAD PASSENGER CORPORATION'S
ANSWER TO THE PETITION TO INTERVENE OF SAFE HARBOR WATER POWER CORPORATION AND BIF II SAFE HARBOR HOLDINGS, LLC**

Pursuant to 52 Pa. Code § 5.61 and 5.66, National Railroad Passenger Corporation ("Amtrak") hereby submits this Answer to the Pennsylvania Public Utility Commission ("PUC" or "Commission") with respect to the Petition to Intervene of Safe Harbor Water Power Corporation ("SHWPC") and BIF II Safe Harbor Holdings, LLC ("BIF II") (collectively, "Petitioners").

I. ANSWER TO PETITION TO INTERVENE

1. Admitted.
2. Denied. Amtrak has no knowledge to admit or deny the assertions in this paragraph.
3. Admitted.

4. Admitted in part, denied in part. Amtrak has no knowledge of any contractual relationships of BIF II and can neither admit nor deny the assertions regarding those contracts. Amtrak admits that it receives 25 hertz power from the Conestoga Substation.

5. Denied. Amtrak has no knowledge to admit or deny the assertions in this paragraph.

6. Admitted.

7. Admitted.

8. Admitted.

9. Admitted in part, and denied in part. Amtrak lacks knowledge or information sufficient to form a belief as to the truth of the averments concerning when Petitioners became aware of the ownership and operational issues pertaining to the Conestoga Substation. Amtrak denies that SHWPC and BIF II have a substantial and material interest in this proceeding which justifies their intervention.

10. The averments in Paragraph 10 of the Petitioners' Petition to Intervene are conclusions of law to which a response is not required.

11. Amtrak has no knowledge to admit or deny the assertions in this paragraph regarding what the Petitioners are "aware of" or not.

12. Denied. As set forth below, the interest that SHWPC and BIF II have raised in their Petition to Intervene regarding the potential ownership change for the Conestoga Substation will not be addressed in this proceeding because either that issue is subject to the sole jurisdiction of

the federal court once Amtrak invokes its eminent domain rights and/or Amtrak property and projects are exempt from state regulation.¹

13. Admitted in part, and denied in part. Amtrak admits the averments in the second and fourth sentences of this paragraph. The third sentence is denied because there will be no impact on SHWPC or BIF II operations from a change in ownership. Amtrak denies that SHWPC and BIF II meet the standards for intervention. The interest which SHWPC and BIF II assert regarding the potential impact of a change in ownership and operation of the Conestoga Substation facility is not an issue that is PUC-jurisdictional and is not an interest that will be addressed in this proceeding. PPL initiated this proceeding to modify the rate it charges to Amtrak for distribution service under Rate LPEP. SHWPC and BIF II admit in Paragraph 13 of the Petition to Intervene that they do not have a direct interest in the distribution rate for Rate LPEP. Amtrak incorporates by reference its answer to Paragraph 12. This proceeding regarding the rate for PPL's distribution service to Amtrak under Rate LPEP will become moot because PPL will not own the Conestoga Substation and will never complete the proposed upgrade to the Conestoga Substation.

14. Denied.

15. Denied. By way of further response, Amtrak incorporates its response to Paragraphs 12 and 13, *supra*.

16. The averments in Paragraph 16 of the Petitioners' Petition to Intervene are conclusions of law to which a response is not required. Amtrak takes no position regarding the timeliness of the Petition to Intervene.

¹ See 49 U.S.C. § 24311; 49 U.S.C. § 24301(1); 49 U.S.C. § 24301(g); 49 U.S.C. § 24902(j); Fed. R. Civ. P. 71.1.

17. The averments in Paragraph 17 of the Petitioners' Petition to Intervene are conclusions of law to which a response is not required. Amtrak takes no position regarding the timeliness of the Petition to Intervene.

18. Denied. Because the interest articulated by SHWPC and BIF II is not jurisdictional to the Commission, Amtrak would be prejudiced if SHWPC and BIF II are permitted to intervene and raise non-jurisdictional issues.

19. Paragraph 19 constitutes SHWPC and BIF II's request for relief, to which no response is required.

Respectfully submitted,

McNEES WALLACE & NURICK LLC

By Alessandra L. Hylander
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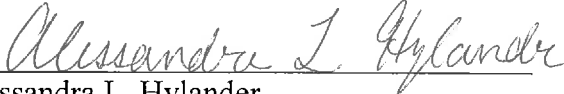
Counsel to National Railroad Passenger Corporation

Dated: April 3, 2017

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA :
 : SS:
COUNTY OF DAUPHIN :

Alessandra L. Hylander, being duly sworn according to law, deposes and says that she is counsel to National Railroad Passenger Corporation, that in this capacity she is authorized to and does make this affidavit for them, and that the facts set forth in the foregoing Answer to the Petition to Intervene of Safe Harbor Water Power Corporation and BIF II Safe Harbor Holdings LLC are true and correct to the best of her knowledge, information, and belief.


Alessandra L. Hylander
Alessandra L. Hylander

Sworn to and Subscribed before me
this 3rd day of April, 2017.



Notary Public

(SEAL)

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Lisa R. Barker, Notary Public
City of Harrisburg, Dauphin County
My Commission Expires Nov. 5, 2020