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File #: 166395

April 11, 2017

VIA ELECTRONIC FILING

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

Re: Application of PPL Electric Utilities Corporation Under 15 Pa.C.S. § 1511(c) For A Finding And Determination That The Service To Be Furnished By The Applicant Through Its Proposed Exercise Of The Power Of Eminent Domain To Acquire Right-of-Way And Easement Over A Certain Portion Of The Lands Of the Heirs of Davis Dean In West Abington, Lackawanna County, Pennsylvania Is Necessary Or Proper For The Service Accommodation, Convenience, Or Safety Of The Public - Docket No. A-2016-2571918

Dear Secretary Chiavetta:

Enclosed for filing is the Petition of PPL Electric Utilities Corporation ("PPL Electric") for Leave to Withdraw the Dean Condemnation Application in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Through this Petition, PPL Electric is requesting to (i) withdraw the Application and terminate the proceeding docketed at Docket No. A-2016-2571918, and (ii) cancel the hearings currently scheduled for April 12, 2017.

Respectfully submitted,

Christopher T. Wright

CTW/skr

Enclosure

cc: Certificate of Service
Honorable Elizabeth Barnes

CERTIFICATE OF SERVICE

(Docket No. A-2016-2571918)

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

VIA E-MAIL & FIRST CLASS MAIL

Michael R. Mey, Esquire
Mey & Sulla, LLP
1144 East Drinker Street
Dunmore, PA 18512
*Counsel for Dalton Equity, Inc.
& Heirs of Davis Dean*

Date: April 11, 2017



Christopher T. Wright


**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application Of PPL Electric Utilities :
Corporation Under 15 Pa.C.S. §1511(c) For A :
Finding And Determination That The Service :
To Be Furnished By The Applicant Through : Docket No. A-2016-2571918
Its Proposed Exercise Of The Power Of :
Eminent Domain To Acquire Right-of-Way :
And Easement Over A Certain Portion Of The :
Lands Of the **Heirs of Davis Dean**, In West :
Abington, Lackawanna County, Pennsylvania :
Is Necessary Or Proper For The Service, :
Accommodation, Convenience, Or Safety Of :
The Public :

NOTICE TO PLEAD

YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.94(a), YOU MAY FILE AN OBJECTION TO THE ENCLOSED PETITION FOR LEAVE TO WITHDRAW WITHIN TEN (10) DAYS AFTER THE DATE OF SERVICE. YOUR OBJECTION SHOULD BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY OF YOUR OBJECTION SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL.

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Of Counsel:
Post & Schell, P.C.

Dated: April 11, 2017

Attorneys for PPL Electric Utilities Corporation

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**PETITION OF
PPL ELECTRIC UTILITIES CORPORATION
FOR LEAVE TO WITHDRAW THE
DEAN CONDEMNATION APPLICATION**

TO ADMINISTRATIVE LAW JUDGE ELIZABETH H. BARNES:

PPL Electric Utilities Corporation (“PPL Electric”) hereby petitions to withdraw and terminated the “Application Of PPL Electric Utilities Corporation Under 15 Pa.C.S. §1511(c) For A Finding And Determination That The Service To Be Furnished By The Applicant Through Its Proposed Exercise Of The Power Of Eminent Domain To Acquire Right-of-Way And Easement Over A Certain Portion Of The Lands Of the **Heirs of Davis Dean**, In West Abington, Lackawanna County, Pennsylvania Is Necessary Or Proper For The Service, Accommodation, Convenience, Or Safety Of The Public” (“Dean Condemnation Application”), pursuant to 52 Pa. Code § 5.94(a). In support thereof, PPL Electric states as follows:

1. PPL Electric is a public utility and electric distribution company subject to the regulatory jurisdiction of the Pennsylvania Public Commission (“Commission”). PPL Electric furnishes electric distribution, transmission, and supplier of last resort services to approximately 1.4 million customers in a service area that includes approximately 10,000 square miles covering all or portions of twenty-nine counties in eastern and central Pennsylvania. PPL Electric’s principal offices are located at Two North Ninth Street, Allentown, PA 18101-1179.

2. On October 14, 2016, PPL Electric filed the Dean Condemnation Application, which was docketed at Docket No. A-2016-2571918.

3. In the Dean Condemnation Application, PPL Electric requested that the Commission determine that the service to be furnished by PPL Electric through the proposed exercise of the power of eminent domain to acquire rights-of-way across the Dean property is necessary for the construction of a new 69 kV transmission line needed to supply electric power to a new industrial customer located in Clinton Township, Wyoming County.

4. On November 23, 2016, an Entry of Appearance and Petition to Intervene was served on behalf of Dalton Equity, Inc. (“Dalton Equity”) and the Heirs of Davis Dean. The Petition to Intervene averred that Dalton Equity is the owner of the Dean property that is the subjects of the Dean Condemnation Application.

5. On December 14, 2016, Administrative Law Judge Elizabeth H. Barnes (“ALJ”) issued a Procedural Order that granted Dalton Equity’s Petition to Intervene and adopted a litigation schedule.

6. Subsequently, PPL Electric acquired a new voluntary right-of-way that permits the use of an alternative route for the proposed new 69 kV transmission line that avoids the need

to condemn rights-of-way across the Dean property. The aforementioned voluntary right-of-way was finalized and recorded on or about April 10, 2017.

7. The above-mentioned voluntary right-of-way and alternative route renders the Dean Condemnation Application unnecessary.

8. Therefore, pursuant to Section 5.94(a) of the Regulations of the Pennsylvania Public Utility Commission, 52 Pa. Code § 5.94(a), PPL Electric seeks to withdraw and terminate the Dean Condemnation Application in its entirety.

9. Under the litigation schedule adopted in the December 14, 2016 Procedural Schedule, evidentiary hearings for the above-captioned Application are currently scheduled for April 12, 2017. Because the Dean Condemnation Application is no longer necessary as explained above, PPL Electric requests that the April 12, 2017 evidentiary hearings be canceled.

10. PPL Electric has advised counsel for Dalton Equity that it is filing this Petition to withdraw the Dean Condemnation Application, terminate the proceeding docketed at Docket A-2016-2571918, and cancel the hearings scheduled for April 12, 2017. A copy of this Petition is being served on Dalton Equity as indicated on the attached Certificate of Service.

WHEREFORE, PPL Electric Utilities Corporation respectfully requests that Pennsylvania Public Utility Commission (i) permit PPL Electric to withdraw the Dean Condemnation Application and terminate the proceeding docketed at Docket A-2016-2571918, and (ii) cancel the hearings currently scheduled for April 12, 2017.

Respectfully submitted,

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Amy E. Hirakis (I.D. # 310094)
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Of Counsel:

Post & Schell, P.C.

Dated: April 11, 2017



David B. MacGregor (I.D. # 28804)
Christopher T. Wright (I.D. # 203412)
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Attorneys for PPL Electric Utilities Corporation

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PROPOSED ORDER

On April 11, 2017, PPL Electric Utilities Corporation (“PPL”) filed a Petition to withdraw and terminate the “Application Of PPL Electric Utilities Corporation Under 15 Pa.C.S. §1511(c) For A Finding And Determination That The Service To Be Furnished By The Applicant Through Its Proposed Exercise Of The Power Of Eminent Domain To Acquire Right-of-Way And Easement Over A Certain Portion Of The Lands Of the **Heirs of Davis Dean**, In West Abington, Lackawanna County, Pennsylvania Is Necessary Or Proper For The Service, Accommodation, Convenience, Or Safety Of The Public” (“Dean Condemnation Application”), pursuant to 52 Pa. Code § 5.94(a).

Section 5.94(a) of the Commission’s regulations permit the withdrawal of a pleading in a contested proceeding, but a party may object to the withdrawal within 10 days from service. After consideration of the petition and any objection thereto and the public interest, the presiding officer will determine whether the withdrawal is permitted. *See* 54 Pa. Code § 5.94(a).

In its Petition, PPL Electric stated it has acquired a new voluntary right-of-way that avoids the need to condemn rights-of-way across the Dean property, and that the Dean Condemnation Application is no longer necessary. Under these facts, it is in the public interest to withdraw the Dean Condemnation Application and terminate the matter at Docket No. A-2016-2571918. The Petition will therefore be granted.

THEREFORE,

IT IS ORDERED:

1. That the Petition of PPL Electric Utilities Corporation to withdraw its Application regarding the property of the Heirs of Davis Dean at Docket No. A-2016-2571918 is granted and the Application shall be terminated.
2. The matter at Docket No. A-2016-2571918 shall be marked closed.

Date

The Honorable Elizabeth H. Barnes