

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**APPLICATION OF PENNSYLVANIA :
ELECTRIC COMPANY FOR APPROVAL :
TO LOCATE AND CONSTRUCT THE :
BEDFORD NORTH-CENTRAL CITY :
WEST 115 KILOVOLT TRANSMISSION : Docket No. A-2016-2565296
LINE PROJECT IN CENTRAL CITY :
BOROUGH AND SHADE TOWNSHIP, :
SOMERSET COUNTY, AND NAPIER, :
EAST ST. CLAIR, AND BEDFORD :
TOWNSHIPS, BEDFORD COUNTY, :
PENNSYLVANIA :**

**REBUTTAL TESTIMONY OF

LISA MARINELLI

ON BEHALF OF

PENNSYLVANIA ELECTRIC COMPANY

STATEMENT NO. 5-R**

Re: Real Estate and Property Rights

Dated: February 20, 2017

- 1 • Proximity to closest building and/or dwelling to edge of the transmission line right-
- 2 of-way;
- 3 • Access to property via the right-of-way;
- 4 • Dissemination of Project information;
- 5 • Landowner requested re-routes; and
- 6 • Use of the property and right-of-way;

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8 **Q. Have you sponsored direct testimony in this proceeding?**

9 A: Yes. My direct testimony was previously submitted in the proceeding as Penelec
10 Statement 5.

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12 **Q. Are you sponsoring any exhibits in your rebuttal testimony?**

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14 A. No

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16 **Q. For each of the landowners who provided direct testimony have you addressed their**
17 **concerns about the distance from the edge of the transmission right of way to a**
18 **dwelling house on the particular properties?**

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20 A. Yes. Please refer to my direct testimony, Statement 5, for the distances from the right-of-
21 way to the dwelling for Albert Stiles at Page 18; Gary E. Lambert and Shirley Huston at
22 Page 20; Kathy R. and Jeffrey Kelley at Page 23; Fritz Land Holdings, LP at Page 29;
23 Martha Lorraine and John S. Anderson at Page 34; and Keith A. Lohr at Page 38.

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25 Also as information, on the Keith A. Lohr property, the barn would be the closest structure
26 which would be approximately 330 feet or 100.58 meters from the nearest structure. On

1 the Albert Stiles property the barn would be the nearest structure which would be
2 approximately 320 feet or 97.54 meters from the right-of-way.

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4 **Q. Several of the landowners raised concern in their direct testimony regarding access**
5 **to their properties via the right-of-way. Is that an issue and can anything be done to**
6 **limit or prevent access?**

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8 A. Similar to any linear project, a transmission line right-of-way can create a corridor for
9 unwanted traffic, such as ATVs and trespassers. In several instances, in addition to the
10 right-of-way, there are several existing access points, such as public roadways and public
11 property (i.e. Pennsylvania State Gamelands) that allow entrance to the properties that
12 Penelec cannot control. However, Penelec will work with landowners in an attempt to
13 limit unwanted traffic along the right-of-way, where practicable, by installing gates,
14 fencing or other preventative measures.

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17 **Q. When were the landowners first notified of the Project?**

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19 A. The first notice regarding the Project was sent to the affected landowners on March 16,
20 2015 via certified mail. Please refer to my direct testimony, Statement 5, at pages 5 and 6
21 for information included in that first notice. Penelec received receipt confirmation from
22 John Anderson on behalf of Mr. and Mrs. Anderson on March 23, 2015, from Russell E.
23 Fritz Jr. on behalf Fritz Land Holdings, LP on March 23, 2015, from Kathy Kelley on
24 behalf of Mr. and Mrs. Kelley on March 23, 2015, from Roy E. Huston on behalf of Shirley
25 Huston and Gary Lambert on March 19, 2015, and from Kimberley Shiledl (*last name*
26 *illegible*) on behalf of Albert Stiles on March 21, 2015. Keith Lohr did not pick up his
27 notice so it was returned on March 25, 2015 and it was hand delivered on May 5, 2015.

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Q. Since that time, has there been contact with the landowners and additional information provided?

A. Yes. Agents have met with the landowners and, in some cases their counsel, to show them mapping of the route across their properties, provide easement documents and to answer their questions. At the time of the meetings, information regarding pole locations, structure types and heights were unknown. At the request of landowner counsel, Penelec is preparing drawings and information to share regarding preliminary structure data.

Q. Since that first notice, please describe any changes you are aware of in the status of any of the intervenors' property regarding Agricultural Security?

A. According to Shade Township, Kathy R. Kelley and Jeffrey Kelley submitted an application in August 2015 to place their property into the Agricultural Security program and the property was accepted for inclusion on February 4, 2016.

Q. Since that first notice, have any of the landowners who filed direct testimony refused survey permission or entry onto their property for preliminary study and evaluation purposes? If so, when?

A, Yes. Fritz Land Holdings, LP has refused survey permission from the first time permission was requested, which was on March 17, 2015. It was again refused on March 31, 2016, after another letter was sent and on January 9 and 20, 2017, and Penelec received notice from its counsel that Fritz Land Holdings did not want any Penelec representative, agents or contractors entering the property.

1 **Q. Did anyone from Penelec, its agents, or contractors enter the property of Fritz Land**
2 **Holdings, LP?**
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4 A. To my knowledge, entry was made once at the request of Fritz Land Holdings' attorney,
5 Mr. Peter Carfley of Lavery Law. Mr. Carfley requested that the centerline of the
6 transmission line right-of-way be surveyed and staked for purposes of their appraisal.

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8 **Q. Several of the direct testimonies mention landowner requested line relocations.**
9 **Were any of these relocations considered?**
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11 A. Yes. Penelec evaluated relocations requested (moving from west to east) by Albert
12 Stiles, by Gary Lambert, by Kathy R. Kelley and Jeffrey Kelley, by, and by Keith Lohr. I
13 will address each request.

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16 **Q. Please address Albert Stiles' request and its possible effect on other landowners.**
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18 A. As Mr. Stiles indicates in his direct testimony, the transmission line right-of-way on his
19 property will encompass 5.8 acres as shown on the drawing provided in my direct
20 testimony, Statement 5, at Exhibit No. Stiles-1A. Mr. Stiles requested that the right-of
21 way be relocated across Lambert Mountain Road and completely away from his property.
22 This request would impact the alignment on Berwind Corporation and the Pennsylvania
23 State Gamelands. Penelec approached the local representative for the Pennsylvania
24 Game Commission regarding Mr. Stiles' request and the request was denied by the Game
25 Commission.
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27
28 **Q. Please address Gary Lambert's request for relocation and its possible effect on**
29 **other landowners.**

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2 A. Gary Lambert, on behalf of the property of Shirley Huston and Gary Lambert, requested
3 a relocation that would be confined to their property and did not affect other landowners.
4 His request re-aligned the transmission line right-of-way to the edge of their agricultural
5 fields along a property line common with the Pennsylvania Gamelands. This re-
6 alignment was reviewed by Penelec and approved by Penelec. Significantly, the re-
7 alignment as requested is the route Penelec is now seeking through eminent domain.

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9 Q. **Please address the Kelleys' request and its effect on other landowners.**

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11 A. The Kelleys requested that the line be moved to the "edge of their property." In general,
12 depending on how close to the edge of the property the line is moved, the effect on the
13 adjoining landowners can vary. If the right-of-way would extend over the property line,
14 it may require Penelec to seek full rights from the adjacent landowner including facilities,
15 access and clearing. If the right-of-way was confined to the Kelley property, Penelec
16 may still require additional rights from the adjoining landowner, such as access or
17 clearing rights. To complicate matters, any rights from Gregory Pongrac, et al. (the
18 landowners abutting the Kelley property to the south of the Kelley property) would need
19 to be acquired voluntarily as curtilage would not be met if the right-of-way extended
20 beyond the Kelley property line onto the Pongrac property.

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22 Q. **Lastly, please address Keith Lohr's requested a relocation.**

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1 A. Mr. Lohr refers to the relocation request as the “Northern Route” in his direct testimony.
2 This route included a re-alignment on Mr. Lohr’s property, on the property of Dick and
3 Karen Lohr and on the property Robin F. and Tammy J. Miller. It also required right-of-
4 way from Randall G. & Kay McCreary Kring, north of the Keith Lohr property, along
5 with additional tree rights from Roger E. Parks, both landowners not affected by the
6 original proposed route. As with all relocations affecting other landowners, it is
7 Penelec’s position that all rights need to be secured voluntarily, under terms amicable to
8 all parties and in a timely manner so not to impact or delay the Project. Penelec was able
9 to reach agreement with Mr. and Mrs. Dick Lohr and with Mr. Parks. Also, Penelec
10 reached verbal agreement with Mr. and Mrs. Miller for the re-alignment. However,
11 Penelec could not come to terms and reach final agreement with Mr. Keith Lohr or Mr.
12 and Mrs. Kring in a timely manner for the re-route to be approved in advance of the filing
13 with the Pennsylvania Public Utility Commission.

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16 **Q. Please address Michael Anderson’s testimony.**

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18 A. Yes. Michael Anderson’s testimony addresses the property of Martha and John
19 Anderson. Although Mr. Michael Anderson did not request a re-route, he raises issues in
20 his direct testimony regarding the route alignment across the property, such as the loss of
21 road frontage and potential loss or damage to the artesian well and water line. As
22 shown on Exhibit Anderson-1A in my direct testimony, Statement 5, the transmission
23 line right-of-way crosses the most north-westerly corner of the Anderson property before
24 exiting the property and crossing Anderson Road. It is conceivable that frontage would

1 be lost in the area of the road crossing. From Mr. Anderson's testimony, it appears that
2 the artesian well and the water line are in close proximity to the transmission line right-
3 of-way. However, the location of these features have not been provided to Penelec. If
4 Mr. Anderson could identify the location of the artesian well and water line, Penelec can
5 take appropriate precautionary measures to protect the well and water line during
6 construction and any future maintenance.

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9 **Q. Does this complete your rebuttal testimony?**

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11 **A.** Yes this concludes my rebuttal testimony. However, I would like to reserve the right to
12 supplement my testimony if necessary