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File #: 165402

February 9, 2018

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 Bryan S. Lebo and Dwayne C. Lebo in Upper Allen Township in Cumberland County, Pennsylvania is Necessary or Proper for the Service, Accommodation, Convenience, or Safety of the Public - Docket No. A-2017-2634169

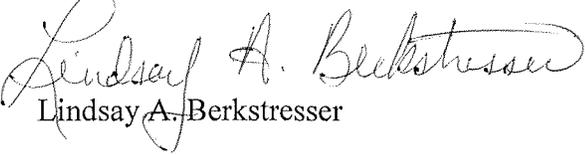
Application of PPL Electric Utilities Corporation Under 15 Pa.C.S. § 1511(c) for a Finding and Determination that the Service to be Furnished by the Applicant through Its Proposed Exercise of the Power of Eminent Domain to Acquire Right-of-Way and Easement over a Certain Portion of the Lands of Barry and Linda Stroock in Upper Allen Township in Cumberland County, Pennsylvania is Necessary or Proper for the Service, Accommodation, Convenience, or Safety of the Public - Docket No. A-2017-2634177

Dear Secretary Chiavetta:

Enclosed for filing is the Prehearing Conference Memorandum of PPL Electric Utilities Corporation in the above-reference proceeding. Copies will be provided as indicated on the Certificate of Service.

Rosemary Chiavetta, Secretary
February 9, 2018
Page 2

Respectfully submitted,


Lindsay A. Berkstresser

LAB/jl
Enclosures

cc: Honorable David A. Salapa
Honorable Benjamin J. Myers
Certificate of Service

CERTIFICATE OF SERVICE

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).

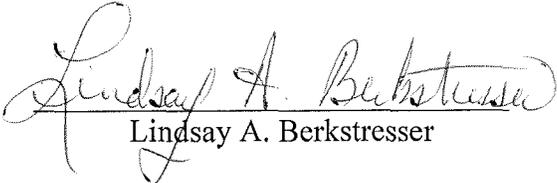
VIA FIRST CLASS MAIL

Bryan S. Lebo
Dwayne C. Lebo
1704 Fisher Road
Mechanicsburg, PA 17055

Barry & Linda Strock
815 Williams Grove Road
Mechanicsburg, PA 17055

United States Department of Agriculture
Natural Resources Conservation Service
Carlisle Service Center
43 Brookwood Avenue, Ste, 2
Carlisle, PA 17015-9172

Date: February 9, 2018


Lindsay A. Berkstresser

**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 : Docket No. A-2017-2634169
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 **Bryan S.** :
Lebo and Dwayne C. Lebo in Upper Allen :
Township in Cumberland County, Pennsylvania :
is Necessary or Proper for the Service, :
Accommodation, Convenience, or Safety of the :
Public :

Application of PPL Electric Utilities :
Corporation Under 15 Pa.C.S. § 1511(c) for a : Docket No. A-2017-2634177
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 **Barry** :
and Linda Stroock in Upper Allen Township in :
Cumberland County, Pennsylvania is Necessary :
or Proper for the Service, Accommodation, :
Convenience, or Safety of the Public :

**PREHEARING CONFERENCE MEMORANDUM OF
PPL ELECTRIC UTILITIES CORPORATION**

**TO ADMINISTRATIVE LAW JUDGES
DAVID A. SALAPA AND BENJAMIN J. MYERS:**

PPL Electric Utilities Corporation (“PPL Electric” or the “Company”), pursuant to 52 Pa. Code § 5.222(d), and in compliance with the Prehearing Conference Order issued by Administrative Law Judges David A. Salapa and Benjamin J. Myers (“ALJs”) on January 10,

2018, hereby submits this Prehearing Memorandum in the above-captioned matter, and states as follows:

I. SERVICE OF DOCUMENTS

1. PPL Electric requests that all documents be served on:

Lindsay A. Berkstresser
Post & Schell, PC
17 North Second Street
12th Floor
Harrisburg, PA 17101-1601
lberkstresser@postschell.com

2. PPL Electric agrees to receive service of documents electronically in this proceeding. Further, to the extent that materials are available electronically, it is requested that copies be served upon Kimberly A. Klock at kklock@pplweb.com, and David B. MacGregor at dmacgregor@postschell.com.

3. PPL Electric's attorneys are authorized to accept service on behalf of the Company in this proceeding. PPL Electric requests that the Commission and all parties of record serve copies of all discovery requests and answers, correspondence, Commission Orders, and any other documents issued in this proceeding on its attorneys in Harrisburg, Pennsylvania.

II. PROCEDURAL HISTORY

4. On November 14, 2017, PPL Electric filed and served 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 **Bryan S. Lebo and Dwayne C. Lebo** in Upper Allen Township in Cumberland County, Pennsylvania is Necessary or Proper for the Service, Accommodation, Convenience, or Safety of

the Public” (“Lebo Condemnation Application”), which was docketed at Docket No. A-2017-2634169.

5. Also on November 14, 2017, PPL Electric filed and served 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 **Barry and Linda Strock** in Upper Allen Township in Cumberland County, Pennsylvania is Necessary or Proper for the Service, Accommodation, Convenience, or Safety of the Public” (“Strock Condemnation Application”), which was docket at Docket No. A-2017-2634177.

6. In its filings, PPL Electric requests that the Commission: (1) consolidate the Lebo Condemnation Application with the Strock Condemnation Application for purposes of hearings, if necessary, and decision; and (2) 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 Lebo and Strock properties is necessary for the construction of new 69 kV transmission lines needed to avoid multiple reliability issues, and to reinforce the electric systems serving Cumberland County (hereinafter, the “Project”)

7. On January 9, 2018, Notices were issued for both the Lebo and Strock Condemnation Applications scheduling a consolidated Initial Prehearing Conference on Tuesday, February 13, 2018, at 10:00 AM in Room 5, Commonwealth Keystone Building, 400 North Street, Harrisburg, Pennsylvania 17120.

8. On January 10, 2018, the ALJs issued a Prehearing Conference Order directing the parties to, among other things, file a Prehearing Conference Memorandum pursuant to 52 Pa. Code § 5.222(d).

9. As of the date of this Prehearing Memorandum, no protests, petitions to intervene, or notices of appearance have been served on PPL Electric.

III. ISSUES

10. Section 1511 of the Business Corporation Law of 1988 grants public utility corporations, such as PPL Electric, the power to take and condemn property for the purpose of providing electricity to the public. *See* 15 Pa.C.S. § 1511(a)(3). On an application for condemnation, the Commission must determine whether the proposed service, *i.e.*, the transmission or distribution of electricity to or for the public if the subject property is condemned, is necessary or proper for the service, accommodation, convenience, or safety of the public. *See* 15 Pa.C.S. § 1511(c).

11. The Commonwealth Court has explained that the Commission's only role under 15 Pa.C.S. § 1511 is to consider if the project is necessary or proper for the benefit of the public, and that the Commission is expressly barred from considering the power of the utility to condemn. *SEPTA v. Pa. PUC*, 991 A.2d 1021, 1023 (Pa. Cmwlth. 2010). Therefore, the Commission does not determine whether to grant a condemnation application on the basis of the legal authority, scope, validity, damages, or the willingness of a condemnee to negotiate.

12. PPL Electric intends to demonstrate that the service to be furnished through its proposed exercise of the power of eminent domain to acquire rights-of-way and easements over certain portions of the Lebo and Strock properties is necessary for the construction of new 69 kV transmission lines new 69 kV transmission lines needed to avoid multiple reliability issues, and to reinforce the electric systems serving Cumberland County.

13. More specifically, PPL Electric will show that the proposed new Williams Grove - West Shore #1 and #2 and Williams Grove - Mechanicsburg #1 and #2 69 kV transmission lines, together with the new Williams Grove 230-69 kV Substation will: (i) remediate the

significant initial load drop violation described above; (ii) reduce the overhead transmission line exposure by shortening the distances of the Cumberland-West Shore #3 & #4 69 kV transmission lines; and (iii) allow the Cumberland-West Shore #3 & #4 69 kV transmission lines to be operated radially, rather than in network, to improve system reliability. The proposed Project will provide an alternate supply of power to the customers in Cumberland County in the event that the normal supply is interrupted, which will improve power restoration times and provide operating flexibility and improved reliability.

14. Accompanying the Lebo and Strock Condemnation Applications are supporting testimonies and exhibits that fully describe the proposed Project, summarize the need for the Project, summarize PPL Electric's process to site the transmission line associated with the Project, describe the subject properties in Upper Allen Township, Cumberland County, Pennsylvania, and describe PPL Electric's proposed right-of-way and easement over said properties.

15. PPL Electric's pre-filed testimonies and exhibits fully address the issues to be decided in this matter, and demonstrate that PPL Electric's request to exercise the power of eminent domain is necessary or proper for the service, accommodation, convenience, or safety of the public and meets all the requirements of 15 Pa.C.S. § 1511 and applicable Commission regulations.

IV. WITNESSES

16. Together with the Lebo and Strock Condemnation Applications, PPL Electric submitted the following written direct testimony in support of the above-captioned Applications:

STROCK CONDEMNATION APPLICATION

<u>Witness</u>	<u>Statement No.</u>	<u>Topics</u>
Christopher Szmodis 2 North 9th Street, Allentown, PA 18101	PPL Electric St. No. 1 (STROCK)	Describes the need for the proposed Project; and provides a description of the proposed Project.
Peter Sparhawk 350 Eagleview Boulevard, Suite 250, Exton, PA 19341	PPL Electric St. No. 2 (STROCK)	Explains the siting process and selection of the route for the 69 kV transmission line.
Austin K. Weseloh 2 North Ninth Street Allentown, PA 18101	PPL Electric St. No. 3 (STROCK)	Describes the property that is the subject of this Application; and describes PPL Electric's proposed right-of-way easement over said property.

LEBO CONDEMNATION APPLICATION

<u>Witness</u>	<u>Statement No.</u>	<u>Topics</u>
Christopher Szmodis 2 North 9th Street, Allentown, PA 18101	PPL Electric St. No. 1 (LEBO)	Describes the need for the proposed Project; and provides a description of the proposed Project.
Peter Sparhawk 350 Eagleview Boulevard, Suite 250, Exton, PA 19341	PPL Electric St. No. 2 (LEBO)	Explains the siting process and selection of the route for the 69 kV transmission line.
Austin K. Weseloh 2 North Ninth Street Allentown, PA 18101	PPL Electric St. No. 3 (LEBO)	Describes the property that is the subject of this Application; and describes PPL Electric's proposed right-of-way easement over said property.

17. Consistent with the Commission's Policy Statement at 52 Pa. Code § 69.3103, PPL Electric previously filed and served copies of these statements and associated exhibits on all applicable parties together with the Lebo and Strock Condemnation Applications.

18. PPL Electric reserves the right to call additional witnesses and to address any issues that may arise during the course of the proceedings.

V. DISCOVERY

19. Section 5.331(a) of the Commission’s regulations encourages parties to initiate discovery as early as reasonably possible. 52 Pa. Code § 5.331(a). To date, PPL Electric has not received any discovery requests.

20. PPL Electric does not believe that any change or modification in the standard timelines for discovery set forth in the Commission’s regulations is necessary or appropriate.

VI. LITIGATION SCHEDULE

21. As of the date of this Prehearing Memorandum, no protests, petitions to intervene, or notices of appearance have been served on PPL Electric.

22. In the event that no parties intervene or otherwise appear at the February 13, 2018 Prehearing Conference, PPL Electric respectfully moves that the Strock Condemnation Application be transferred to the Commission’s Bureau of Technical Utility Services for disposition and final order.

23. In the event that parties with standing timely intervene and appear at the February 13, 2018 Prehearing Conference, PPL Electric is prepared to discuss the litigation schedule with the parties at the Prehearing Conference. To the extent that the parties are unable to agree on a schedule, PPL Electric proposes that the following schedule be adopted for resolution of this proceeding:

Other Parties’ Testimony	Friday, March 30, 2018
Rebuttal Testimony	Friday, April 20, 2018
Surrebuttal Testimony	Friday, May 4, 2018
Oral Rejoinder/ Evidentiary Hearings	Wednesday, May 9, 2018
Initial Briefs	Wednesday, May 30, 2018
Reply Briefs	Wednesday, June 13, 2018

VII. SETTLEMENT

24. PPL Electric does not perceive any need to include specific dates for settlement conferences in the procedural schedule.

25. For purposes of the Lebo property, on January 24, 2018, PPL Electric and Bryan S. Lebo and Dwayne C. Lebo executed an agreement for a right-of-way and easement over and across the land that is the subject of the Lebo Condemnation Application. As such, PPL Electric intends to file a Petition for Leave to Withdraw and Terminate the Lebo Condemnation Application.

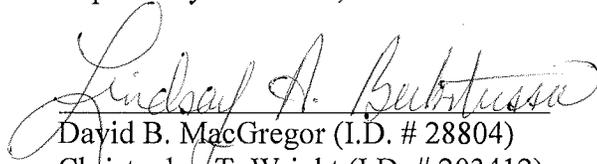
26. With respect to the Strock property, as stated in PPL Electric Statement No. 3 (STROCK), PPL Electric reached an agreement with Barry and Linda Strock and executed an option agreement to acquire the right-of-way and easement over the Strock property as shown in PPL Electric Exhibit AKW-3. However, the Strock property is encumbered by a federal Agricultural Conservation Easement administered by the U.S. Department of Agriculture Natural Resources Conservation Service, which specifically provides that utility easements on the Strock Property may be granted through the condemnation process.¹

27. On March 9, 2017, the NRCS authorized PPL Electric to acquire an easement through condemnation over the Strock Property.² However, the Agricultural Conservation Easement still requires the easement to be acquired by condemnation. Accordingly, PPL Electric does not anticipate in reaching a settlement in the Strock Condemnation Application as a result of the requirements of the Agricultural Conservation Easement.

¹ A copy of the Agricultural Conservation Easement is provided in PPL Electric Exhibit AKW-4 attached to PPL Electric Statement No. 3 (STROCK).

² A copy of the NRCS March 9, 2017 approval is provided in PPL Electric Exhibit AKW-5 attached to PPL Electric Statement No. 3 (STROCK).

Respectfully submitted,



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Christopher T. Wright (I.D. # 203412)
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Dated: February 9, 2018

Attorneys for PPL Electric Utilities Corporation