

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
HARRISBURG, PENNSYLVANIA 17120

**Petition for Waiver of Certain Provisions of the Commission's Regulations for Commission Review of Siting and Construction of Electric Transmission Lines set forth at 52 Pa. Code §57.71 *et seq.***

**Public Meeting September 20, 2018  
3001477-TUS  
Docket No. A-2018-3001477**

**Letter of Notification of PPL Electric Utilities Corporation, for Approval to Rebuild Approximately 6.9 Miles of Existing 138/69 kV Transmission Line in Washington Township, Lehigh County and the Borough of Palmerton and Lower Towamensing and East Penn Township, Carbon County, Pennsylvania**

**JOINT STATEMENT OF COMMISSIONER NORMAN J. KENNARD  
AND COMMISSIONER JOHN F. COLEMAN, JR.**

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is the Petition for Waiver and Letter of Notification (LON) of PPL Electric Utilities Corporation (PPL), at the above-referenced docket (Petition). In its Petition, PPL is seeking a waiver in order to file an LON under 52 Pa. Code Section 57.72(d) in lieu of a full transmission line siting application.<sup>1</sup> In addition to the waiver, PPL also filed an LON pursuant to Section 57.72(d) of our regulations to reconstruct a section of its Siegfried-East Palmerton #1 and #2 138/69 kV Transmission Line (Siegfried-East Palmerton line). The Petition concerns the Siegfried-East Palmerton line and two associated transmission line taps (collectively, the Proposed Project).

In its Petition, PPL is requesting a waiver of the strict application of the Commission's transmission line siting regulations to allow PPL to file an LON in lieu of a full application for Commission review and approval to site and construct the proposed Siegfried-East Palmerton line. Section 5.43 of our regulations, 52 Pa. Code § 5.43, allows for petitions for waiver of any of the Commission's regulations. Additionally, the Commission's transmission line siting regulations at 52 Pa. Code § 57.72(e) explicitly permit petitions to request that portions of these

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<sup>1</sup> See 52 Pa. Code § § 57.71 and 57.72(a)-(c).

specific siting regulations be waived. Further, the Commission has approved similar LON waiver requests in the past.<sup>2</sup>

In support of its waiver request, PPL states that the entire Proposed Project *could* be constructed entirely within the existing transmission line right-of-way. However, as a courtesy, PPL has recently acquired new right-of-way to accommodate a request from the Lehigh Gap Nature Center to shift the existing transmission line in order to minimize the impacts on the Nature Center property. Although the entire reconstruction project is approximately 6.9 miles in length, only about 0.3 miles of the 6.9 miles will be located outside of the existing right-of-way. None of the affected property owners objects to the shifting of the right-of-way.

Section 57.72(d)(1)(i) of our regulations provides that a utility may file an LON in lieu of a full siting application when the project “is proposed to be located entirely on an existing transmission line right-of-way, so long as the size, character design or configuration of the proposed HV line does not substantially alter the right-of-way.” 52 Pa. Code § 57.72(d)(1)(i). Because only 0.3 miles of PPL’s Proposed Project will be located outside of the existing transmission line right-of-way, Commission precedent demonstrates that a waiver of the strict application of Section 57.72(d)(1)(i) of our regulations is warranted in this matter. The Project Proposed in this matter is a *de minimis* departure from a strict application of our LON regulations, and the only reason PPL has shifted the project outside of its existing right-of-way is to accommodate the request of an adjacent property owner, the Nature Center. As such, it is appropriate to grant PPL’s waiver request.

In addition to its waiver request, PPL’s Petition also seeks LON approval for the Proposed Project.<sup>3</sup> The Proposed Project is the second phase of a three-phase plan to replace the aging transmission lines between the Siegfried Substation and the East Palmerton and Hauto substations. The first phase was already approved by the Commission on July 5, 2013, at Docket No. A-2013-2372112. PPL states that the second phase, the Proposed Project at issue here, is necessary because the existing Siegfried-East Palmerton lines have reached the end of their useful lives<sup>4</sup> and the facilities must be replaced in order to continue to provide safe and reliable service. More specifically, PPL states that the Proposed Project is part of PPL’s Asset Optimization Strategy, which involves rebuilding their lines to meet all current design and lightning protection standards. The modernization of these lines will help ensure reliable and continuous service to customers in Lehigh and Carbon counties.

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<sup>2</sup> See, e.g. *Petition for Waiver of Certain Provisions of the Pennsylvania Public Utility Commission’s Regulations for Commission Review of Siting and Construction of Electric Transmission Lines set forth at 52 Pa. Code § 57.71 et seq.*, Docket No. P-2008-2037618 (June 27, 2008) (approving Pennsylvania Electric Company’s request for a waiver from Section 57.72(d) of the Commission’s siting regulations where the proposed project required 0.3 miles in new right-of-way and an additional 0.5 miles of new construction).

<sup>3</sup> 52 Pa. Code § 57.72(5) states that an application shall include a “general statement of the need for the proposed HV line in meeting identified present and future demands for service, of how the proposed HV line will meet that need and of the engineering justifications for the proposed HV line.” 52 Pa. Code § 57.72(5).

<sup>4</sup> These lines consist primarily of wood poles and were constructed around 1950.

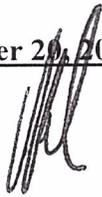
To further demonstrate need for the Proposed Project, PPL also conducted an independent field investigation and assessment which revealed that the Siegfried-East Palmerton line facilities are showing signs of deterioration. PPL states in its Petition that replacing these lines, rather than refurbishing the lines, will not only ensure greater reliability, but also, is the most cost-effective solution. Based on the evidence set forth in PPL's Petition, and the Commission's previous finding of need for the first phase of the same project, the Proposed Project is necessary and in compliance with the requirements set forth in 52 Pa. Code Section 57.72.

Any argument to deny this LON for a lack of need for the Proposed Project can be more accurately characterized as a desire to compel PPL to engage in the full, much longer and intensive siting application process. The LON process was designed expressly to create an efficient and abbreviated process for cases such this one, and to avoid the delay of important projects, and ultimately ensure reliable service. As previously discussed, PPL's use of the LON approval process for the Proposed Project is appropriate as our waiver requirements have been satisfied in this matter. Additionally, using the LON process for these types of transmission line projects has long been recognized by the Commission and is explicitly authorized by the Commission's transmission line siting regulations.

The motion creates additional requirements, outside of what is enumerated in our regulations. For example, the motion requires that a proposed project is the "efficient and cost-effective choice relative to other alternatives." We note that this requirement does not appear in our LON regulations.

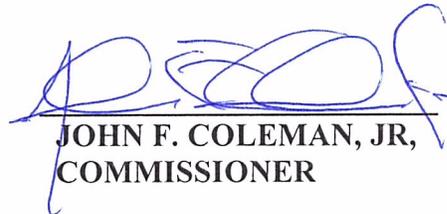
If there is a desire to change the criteria the Commission uses when evaluating LON applications for transmission line projects, the Commission should engage in a rulemaking process to make these changes. Using the rulemaking process will ensure that the electric industry and all interested stakeholders are provided an adequate opportunity to participate in any potential modification to the LON process.

Date: September 20, 2018



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**NORMAN J. KENNARD  
COMMISSIONER**



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**JOHN F. COLEMAN, JR.,  
COMMISSIONER**