

Hartman vs. PPL
C-2019-3008272

Request by Complainant for issuance of Subpoenas

Your Honor,

Your attention is respectfully invited to our August 31, 2020 Motion to Compel and PPL's Objections and Answers to our Second Set of Interrogatories.

We request the issuance of subpoenas to Burns and McDonnell, MJ Electric and Newville Construction Services for any and all emails, notes, memoranda, letters, reports and agreements related to the construction activity on behalf of or at the direction of PPL, Burns and McDonnell and MJ Electric on the south side of Peters Mountain for the Halifax-Dauphin 69KV Transmission Rebuild to include, but not be limited to:

1. The direction and authorization to excavate the Hartman's property and destroy vegetation outside of the perimeter of the access road and Pole 75 and Pole 76 crane pads identified in the Revised January 5, 2018 Erosion and Sediment Control/Restoration Plan for the Halifax-Dauphin 69KV Transmission Rebuild.
2. The direction and authorization to remove vegetation, topsoil and mountain stone excavated from the Hartman's property outside of the perimeter of the access road and crane pads to construct the crane pads, and the excavation of a logging road between the Hartman and Wech properties adjacent to Pole 76 and the creation of high wall that limited access to the Hartman property adjacent to Pole 75, along with any before and after photographs of the impacted areas.
3. The identity of MJ Electric and Newville Construction Services personnel and or contractors that operated the excavation equipment.
5. An inventory of the native grasses, plants and shrubs located on the area to be excavated to construct the crane pads or the access road.
6. Documentation of any measure to conserve, protect or transplant any of the native grasses, plants and shrubs located on the area to be excavated or covered by the crane pads.
7. Documentation of the quantity of the vegetation, topsoil and mountain stone harvested from the Hartman's property that was used to construct the crane pads for Poles 75 and 76.
8. Documentation reflecting the consideration of using commercially procured and trucked in fill to construct the crane pads for Poles 75 and 76, or any crane pad.
9. Documentation reflecting the quantity and estimated cost to procure, truck-in and place fill to construct the crane pads for Poles 75 and 76, or any crane pad.
10. Documentation reflecting the current diameter, circumference and area, in square feet for the Pole 75 and Pole 76 crane pads. The documentation should include separate calculations for the area above the pole, and the area below the pole, and the total quantity in cubic feet and weight of the crane pad.

11. Documentation reflecting the current diameter, circumference and area, in square feet, for the Pole 73 and Pole 74 crane pads on NPS lands. The documentation should include separate calculations for the area above the pole, and the area below the pole, and the total quantity in cubic feet and weight of the crane pad.
12. Documentation reflecting the depth, quantity and size of the commercial stone that was deposited on the Pole 75 and Pole 76 crane pads.
13. Documentation reflecting the depth, quantity and size of the commercial stone that was deposited on the Pole 73 and Pole 74 crane pads?
14. Documentation reflecting the discussion of potential and actual restoration activity to include the direction, components and cost of restoration efforts to the NPS, Hartman and Wech lands.
15. Documentation reflecting the quantity of top-soil trucked-in and utilized during the NPS restoration effort.
16. Documentation reflecting the seed mix used to re-vegetate the Hartman's and NPS lands disturbed by the construction activity.
17. Documentation that PPL re-vegetated the disturbed areas with any native grasses and plants, particularly wild ferns, blackberries, blueberries and azaleas?
18. Documentation reflecting PPL and/or Burns and McDonnell direction relative the construction of water bars and water basins.
19. Documentation reflecting authorization or consideration of the decision to construct an access road on the Hartman's property between Poles 75 and 76, instead of following the existing access road between Poles 75 and 76 on Wech property as depicted in the E & S application.
20. Documentation reflecting authorization or consideration, to include the estimated cost, of restoring the Hartman's property to the same condition as the NPS lands adjacent to the Hartman's property to include but not be limited to the removal of commercial stone, return crane pad area and roadway to natural slope of mountain, replace and cover with topsoil and re-vegetate with native grasses and plants.
21. Documentation reflecting the type, size, quantity and depth of the commercial stone utilized to construct the access road between Poles 77 and 75.
22. Documentation reflecting the type, size, quantity and depth of the commercial stone utilized to construct the access road on the Linden Road powerline also known as the access road to Poles 73 and 74.
23. Documentation reflecting the required width of the access road between Poles 77 and 75, and the required number and specifications for water bar(s) on said roadway.

24. Documentation reflecting the required width of the access road on the Linden Road powerline also known as the access road to Poles 73 and 74, and the required number and specifications for water bar(s) on said roadway.

25. Documentation reflecting the maintenance need to retain stone on the access road between Poles 77 and 75, vs. the need to retain or remove stone on the access road to Poles 73 and 74 on NPS Lands to include but not be limited to a description of the equipment used to maintain and access the Poles.

Sincerely yours,

Sharon and Michael Hartman
December 31, 2020