

EXHIBIT  
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KJR

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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DOCKETED

JUL 25 1991

LETTER OF NOTIFICATION OF :  
PHILADELPHIA ELECTRIC COMPANY :  
RELATIVE TO RECONSTRUCTING AND :  
REBUILDING OF THE EXISTING : DOCKET NUMBER A-110550, F.055  
138 KV LINE TO OPERATE AS A :  
WOODBOURNE-HEATON 230 KV LINE :  
IN MONTGOMERY AND BUCKS COUNTIES :

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JUL 22 1991

ORDER

A prehearing conference in the above matter was held telephonically on July 11, 1991. In attendance were counsel for Robert Small et al. (Petitioners/Protestants), the Office of Consumer Advocate (OCA), the Commission Prosecutory Staff (Staff) and the Philadelphia Electric Company (PECO). In addition, counsel for Pennsylvania Power & Light (PP&L) which had filed a Petition to Intervene was in attendance at the Prehearing Conference. No action has as yet been taken with respect to said Petition pending Petitioners/Protestants' Response thereto. Various issues were raised therein and the parties submitted Memoranda thereon. The following discussion and order deals with those matters.

Burden of Proof and Issues

The Commonwealth Court, in Small et al. vs. Pa. P.U.C., No. 761 C.D. 1991, Slip Op. at 2 (Mary 24, 1991) concluded ". . . that Petitioners are entitled to a hearing on the question of whether they will be adversely affected by the reconductoring of the high tension electrical line at issue in this case" and

ordered the ". . . case remanded to the PUC to hold a hearing on this issue . . ." Subsequently, by Order adopted and entered June 14, 1991, the Commission ordered, inter alia, "[t]hat pursuant to Judge Palladino's May 24, 1991 order as supplemented by order dated May 29, 1991 the record at Docket No. A-110550, F.055, be hereby reopened for hearing and determination of the sole issue of whether the Petitioners will be adversely affected by the reconductoring of this former Conrail transmission line" and "[t]hat the Office of Administrative Law Judge expeditiously schedule a hearing for not later than August 22, 1991 for the sole purpose of determining whether the Petitioners will be adversely affected by the reconductoring of the former Conrail transmission line by Philadelphia Electric Company." (Emphasis supplied)

The Administrative Law Judge, therefore, must be guided by these directives. PECO and the Commission's Prosecutory Staff argue, inter alia, that Petitioners have the burden of proof on all issues involved in the question of whether they will be adversely affected by the Woodbourne-Heaton 230 KV line. OCA and Petitioners argue that the burden of proof in this reopened proceeding is on PECO which, in addition, is best situated to bear the burden of going forward since it (PECO) has the most complete knowledge and information concerning the technical aspects of the transmission line design and its consideration of

the health and safety of the public when it undertook to construct the line.

The instant matter before the Commission was initiated by PECO's Letter of Notification filed under 52 Pa. Code §57.72(d) in lieu of an application. This regulation requires, inter alia, that certain information be contained therein. See 52 Pa. Code §57.72(d)(4)(i), and particularly, the information described in subsection (c)(6). Said subsection (c)(6) requires a statement of safety considerations which will be incorporated into the design, construction and maintenance of the proposed HV line. It is to be noted that the Commonwealth Court in its Order found this Letter of Notification process was insufficient only with respect to notice and opportunity to be heard as related to Petitioners, and thus ordered that Petitioners were entitled to a hearing on the issue of whether they will be adversely affected by the reconductoring of the high tension line. The other provisions of the Letter of Notification process were not vitiated or otherwise declared to be insufficient or invalid.

The Administrative Law Judge has concluded that under 52 Pa. Code §57.72(d)(4), PECO only has the burden of proof as to those items required to be submitted thereunder. Accordingly, the Administrative Law Judge will not impose any greater burden of proof upon PECO, at the hearing, than is required under said regulation. However, this is not dispositive of the matter since both the Commonwealth Court and the Commission have further

limited the scope of this proceeding to consideration of the "sole" issue set forth above. Therefore, the Administrative Law Judge concludes and orders that in this reopened proceeding, with scope and issue limited as aforesaid, PECO shall have the burden of proof and of going forward with the evidence with respect to those matters and issues relating to safety which were required by the Commission's Letter of Notification regulation, 52 Pa. Code §57.72(d)(4) to have been contained in the Letter of Notification. That is to say, PECO's burden at the hearing is no less and/or no greater than is required under the Letter of Notification process; and that to the extent that any other information, submission or other material required to be submitted under the Letter of Notification process falls within the scope and issue of this reopened proceeding as defined by the Commonwealth Court and the Commission Order, then PECO shall have the burden of proof and of going forward with respect thereto.

Thereafter, and upon completion of PECO's direct case, Petitioners/Protestants, and all other parties asserting similar claims, shall have the burden of proof and of going forward with the evidence in connection with their respective contentions concerning alleged adverse effects of the line, and particularly those regarding health effects from EMF. Such evidence shall be limited to matters which fall within the Commission's jurisdiction to consider and which are within the scope of this proceeding as defined by the Commonwealth Court and the

Commission. Moreover, need for the line is not an issue in this reopened proceeding. It is to be further noted that consideration of alleged decreases in property values have been held by the Commission to be outside of the Commission's jurisdiction. Order of March 8, 1991 (p. 10, fn. 9 and p. 13, fn. 11).

Finally, in addition to the individual burdens hereinabove placed upon the parties in this proceeding, the attention of all parties is directed to the information requested by the Honorable Joseph Rhodes, Jr., Commissioner, in his Statement of June 13, 1991, and all parties will be expected to address these matters in order that a complete record is developed. In this regard, the Administrative Law Judge notes that PECO has indicated its willingness to present evidence concerning background information regarding the location and design of the line; EMF levels expected to be produced once the line is energized; EMF exposure assessment; Epidemiology related to EMF; and Oncology related to EMF.

#### Discovery

Several of the parties have requested that modifications be ordered in the discovery due dates by reason of the expedited nature of this proceeding. Good cause for same having been demonstrated, the Administrative Law Judge directs that:

1. The period of time for answering interrogatories under 52 Pa. Code §5.342(d) be and the same is hereby modified from 20 days to 10 days.
2. The period of time for filing objections to interrogatories under 52 Pa. Code §5.342(d) be and the same is hereby modified from 10 days to 5 days.

Written Testimony

Under 52 Pa. Code §5.412(a), the use of written testimony is encouraged in Commission proceedings, especially in connection with the testimony of expert witnesses. OCA, PECO and the Prosecutory Staff urge that expert testimony to be given upon direct examination be required to be submitted in the form of prepared written testimony under 52 Pa. Code §5.412(b). Petitioners/Protestants oppose. By reason of the complexity of the issue in this proceeding, and the need for expeditious handling of the proceeding, the Administrative Law Judge concludes that pre-filed written direct testimony, except that of resident Petitioners/Protestants, is desirable to avoid unnecessary delay in the litigation of this matter. Accordingly, same is hereby ordered in accordance with the procedural schedule hereinafter set forth.


Procedural Schedule

Prehearing Conference	July 11, 1991
Receipt of PECO's written testimony	August 1, 1991

Cross-Examination of PECO witnesses on written testimony	August 15, 1991 August 16, 1991
Receipt of Petitioners/Protestants' and Opposing Party written testimony	August 30, 1991
Oral Direct Testimony and Cross- Examination of Resident Petitioners/ Protestants	September 6, 1991
Cross-Examination of Petitioners/ Protestants and Opposing Party Witnesses on written testimony	September 19, 1991 September 20, 1991
Oral Rebuttal Testimony by PECO's witnesses and cross-examination	September 26, 1991
Oral Surrebuttal Testimony by Petitioners/Protestants' witnesses and cross-examination	October 2, 1991
Briefing Schedule to be established at close of October 2, 1991 hearing.	

Finally, with respect to any other matters raised and/or suggested to be considered in the Prehearing Memoranda submitted by the parties, the Administrative Law Judge will entertain such other Motions and Responses, together with supporting legal memoranda thereon, as the parties deem appropriate to file in furtherance of their respective cases.

Date: July 18, 1991

  
 \_\_\_\_\_  
 HERBERT SMOLEN  
 Administrative Law Judge

# PHILADELPHIA ELECTRIC COMPANY

## LEGAL DEPARTMENT

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J. Lindsay Johnston  
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Assistant General Counsel

July 9, 1991

### BY FEDERAL EXPRESS

Tanya J. McCloskey, Esquire  
Assistant Consumer Advocate  
Office of Consumer Advocate  
1425 Strawberry Square  
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RECEIVED  
JUL 22 1991

SECRETARYS OFFICE  
Public Utility Commission

Re: Letter of Notification of Philadelphia Electric  
Company Relative to Reconstructing and Rebuilding  
of the Existing 138 KV Line to Operate as a  
Woodbourne-Heaton 230 KV Line in Montgomery and  
Bucks Counties; Docket No. A-110550, F.055

Dear Ms. McCloskey:

Enclosed are Philadelphia Electric Company's responses to the Office of Consumer Advocate's Interrogatories Set I, Questions 1-3, 6-13. We are in the process of preparing a response to Question 4. As we have discussed, I am awaiting some clarification from you about Question 5.

Sincerely,

*Paul R. Bonney*  
Paul R. Bonney

PRB/lac

Enclosure

cc: See Certificate of Service  
Jerry Rich, Secretary

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties and in the manner indicated below in accordance with the requirements of 52 Pa. Code § 1.54.

By Federal Express

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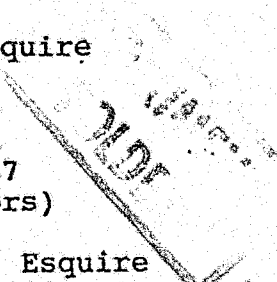
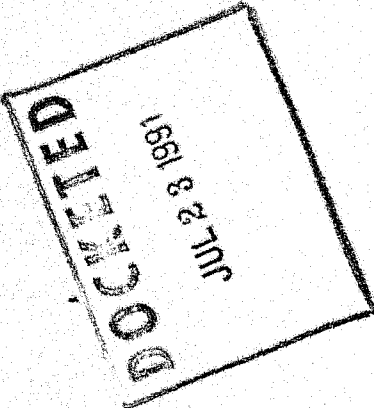
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*Paul R. Bonney*  
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Dated: July 9, 1991

# PHILADELPHIA ELECTRIC COMPANY

AMH

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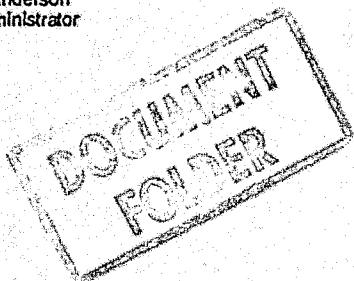
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July 17, 1991

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Tanya J. McCloskey, Esquire  
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Re: Letter of Notification of Philadelphia Electric Company Relative to Reconstructing and Rebuilding of the Existing 138 KV Line to Operate as a Woodbourne-Heaton 230 KV Line in Montgomery and Bucks Counties; Docket No. A-110550, F.055

Dear Ms. McCloskey:

Enclosed is Philadelphia Electric Company's response to the Office of Consumer Advocate's Interrogatories Set I, Question 4.

Sincerely,

*Paul R. Bonney*  
Paul R. Bonney

PRB/lac  
Enclosure  
cc: See Certificate of Service  
Jerry Rich, Secretary

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I hereby certify that I have this day served a true copy of the foregoing document upon the parties and in the manner indicated below in accordance with the requirements of 52 Pa. Code § 1.54.

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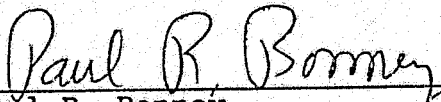
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Dated: July 17, 1991

# PHILADELPHIA ELECTRIC COMPANY

LEGAL DEPARTMENT

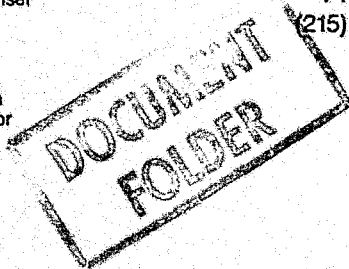
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July 19, 1991

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Public Utility Commission

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Dear Ms. McCloskey:

Enclosed are Philadelphia Electric Company's responses to the Office of Consumer Advocate's Interrogatories Set II.

Sincerely,

  
Paul R. Bonney

PRB/lac  
Enclosure

cc: Jerry Rich, Secretary  
See Certificate of Service

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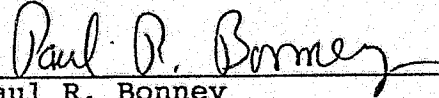
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Dated: July 19, 1991

# PHILADELPHIA ELECTRIC COMPANY

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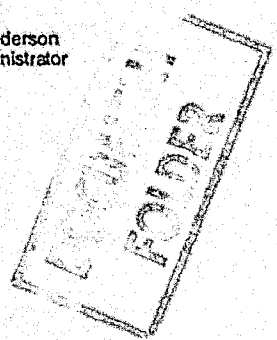
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July 19, 1991

VIA TELECOPY

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SECRETARY'S OFFICE  
Public Utility Commission

Re: Letter of Notification of Philadelphia Electric Company Relative to Reconstructing and Rebuilding of the Existing 138 KV Line to Operate as a Woodbourne-Heaton 230 KV Line in Montgomery and Bucks Counties; Docket No. A-110550, F.055

Dear Mr. Sugarman:

Enclosed are Philadelphia Electric Company's responses to the Intervenor's Interrogatories Set I.

Sincerely,

*Paul R. Bonney*  
Paul R. Bonney

PRB/lac  
Enclosure  
cc: Jerry Rich, Secretary  
See Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties and in the manner indicated below in accordance with the requirements of 52 Pa. Code § 1.54.

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(Counsel for Intervenors)

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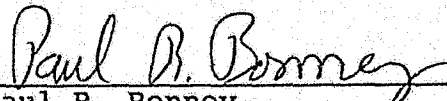
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Dated: July 19, 1991

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JUL 29 1991

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LEGAL ASSISTANT

July 25, 1991

Mr. Jerry Rich, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, Pennsylvania 17120

Re: Letter of Notification of Philadelphia Electric Company  
Relative to Reconstructing and Rebuilding of the Existing  
138 kV Line to Operate as a Woodbourne-Heaton 230 kV Line  
in Montgomery and Bucks Counties; Docket No. A-110550, F.055

Dear Secretary Rich:

Enclosed for filing please find Answer of Intervenors to Petition  
to Intervene of PP&L.

Sincerely,

  
Robert J. Sugarman

Enclosure

cc: The Honorable Judge Herbert J. Smolen  
All parties of record

REC'D

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN RE: LETTER OF NOTIFICATION : DOCKET NO. A-110550F055  
OF PHILADELPHIA ELECTRIC :  
COMPANY UNDER 52 PA :  
CODE § 57.72(d) RE: PROPOSED :  
230 KV WOODBOURNE :  
TRANSMISSION LINE :

JUL 31 1991

ANSWER OF INTERVENORS TO  
PETITION TO INTERVENE OF PP&L

Petitioner-Intervenors oppose the Petition to Intervene of PP&L on the following grounds:

1. Petitioners believe, indeed, that a consolidated proceeding involving all EMF issues in the Commonwealth would be desirable and cost efficient procedure.

2. In view of the lateness of the hour of these proceedings, and the fact that petitioners-intervenors seek an expedited determination, unless the line will not be energized, adding any other parties with their associated complications and variations could be substantially prejudicial to the petitioners.

3. Proposed intervenor PP&L does not show that it qualifies under the first two grounds for intervention of section 5.71 (statutory right or inability of current parties to protect their interest), and fails even to allege why PECO cannot represent them, and fails to allege the third as well (public interest).

4. If it is established that the line will not be energized the line at issue in this proceeding will not energized pending the completion of the proceedings, then in that case, petitioners would not only withdraw their opposition to the participation of PP&L,

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but would urge the Commission to convert this proceeding to an investigation proceeding or otherwise to consolidate the EMF issue as it will be addressed around the state, and to hold other issues in this case in abeyance pending disposition of that issue. Petitioners submit that such a course would be in the public interest and in the interest of the utility as well, especially given the light load anticipated on the line, but are not in a position to unilaterally accomplish this result.

WHEREFORE, for the foregoing reasons, petitioners conditionally oppose the application of proposed intervenor Pennsylvania Power & Light Company, but in the alternative, propose a consolidated proceeding, and deferral of energizing the line at issue in this proceeding.



---

ROBERT J. SUGARMAN  
Counsel for Intervenors

OF COUNSEL:

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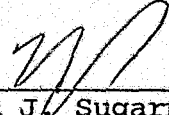
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Counsel for Intervenors

Dated:

# PHILADELPHIA ELECTRIC COMPANY

## LEGAL DEPARTMENT

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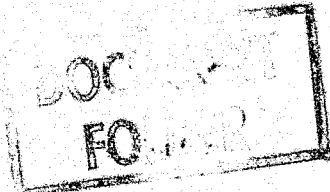
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Assistant General Counsel

July 29, 1991



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Office of Consumer Advocate  
1425 Strawberry Square  
Harrisburg, PA 17120

RECEIVED  
AUG 1 1991  
SECRETARY'S OFFICE  
Public Utility Commission

Re: Letter of Notification of Philadelphia Electric Company Relative to Reconstructing and Rebuilding of the Existing 138 KV Line to Operate as a Woodbourne-Heaton 230 KV Line in Montgomery and Bucks Counties; Docket No. A-110550,F.055

Dear Ms. McCloskey:

Enclosed are Philadelphia Electric Company's responses to the Office of Consumer Advocate's Interrogatories Set III.

Sincerely,

Paul R. Bonney

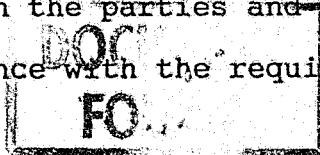
PRB/lac  
Enclosure

cc: Jerry Rich, Secretary  
See Certificate of Service

NVL

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties and in the manner indicated below in accordance with the requirements of 52 Pa. Code § 1.54.



By Telecopy and First Class Mail

Tanya J. McCloskey, Esquire  
Assistant Consumer Advocate  
Office of Consumer Advocate  
1425 Strawberry Square  
Harrisburg, PA 17120

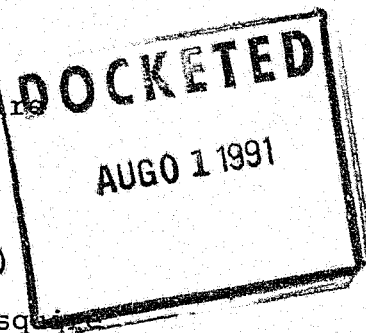
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SECRETARY'S OFFICE  
Public Utility Commission

David Rosenbaum  
Risk Analysis Corp.  
Suite 202  
6723 Whittier Avenue  
McLean, VA 22101  
(OCA Consultant)

By First Class Mail

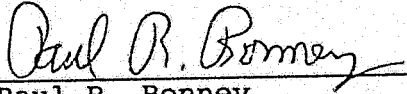
Robert J. Sugarman, Esquire  
Sugarman & Associates  
16th Floor, City Place  
101 North Broad Street  
Philadelphia, PA 19107  
(Counsel for Intervenors)



Patricia Krise Burket, Esquire  
Pennsylvania Public Utility Commission  
G-28, North Office Building  
P.O. Box 3265  
Harrisburg, PA 17120

(Continued)

Tinku Khanwalkar, Esquire  
Pennsylvania Power & Light Co.  
Two North Ninth Street  
Allentown, PA 19101

  
\_\_\_\_\_  
Paul R. Bonney  
Assistant General Counsel  
Philadelphia Electric Company  
2301 Market Street  
Philadelphia, PA 19101  
(215) 841-4252

Dated: July 29, 1991

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17105-3265  
August 2, 1991

In Re: A-110550F055

(See letter of 6/19/91)

Letter of Notification of Philadelphia Electric Company relative to reconstructing and rebuilding of the existing 138 kv line to operate as a Woodbourne-Heaton 230 kv Line in Montgomery and Bucks Counties.

NOTICE

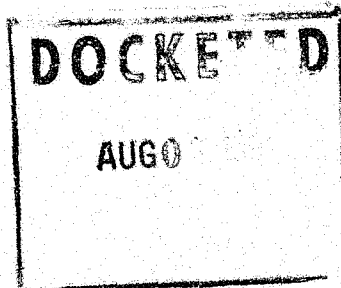
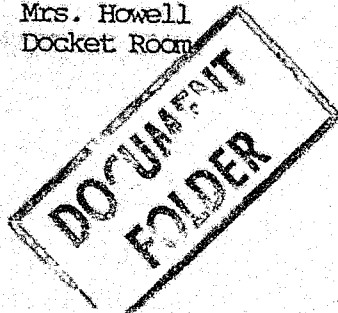
This is to inform you that per Administrative Law Judge Smolen's prehearing order dated July 18, 1991, hearings, on the above captioned case will be held as follows, all commencing at 10:00 a.m., in Room 1306, Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, Pennsylvania:

Thursday & Friday, August 15 & 16, 1991  
Friday, September 6, 1991  
Thursday & Friday, September 19 & 20, 1991  
Thursday, September 26, 1991  
Wednesday, October 2, 1991

The presiding officer in this proceeding is Administrative Law Judge Herbert Smolen. Judge Smolen can be contacted at 1302 Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, Pennsylvania 19130; telephone (215) 560-2105.

cc: Judge Smolen  
Mr. Bramson  
Consumer Advocate  
Law Bureau  
Ms. Kelly  
Mrs. Howell  
Docket Room

Certified Mail  
Receipt Requested &  
Reg. Mail to Complainant



NVL

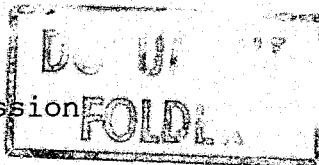


COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P. O. BOX 3265, HARRISBURG, Pa. 17120

August 7, 1991

IN REPLY PLEASE  
REFER TO OUR FILE

Jerry Rich, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265



Re: Letter of Notification of  
Philadelphia Electric Company  
Relative to Reconstructing and  
Rebuilding of the Existing 138 kV  
Line to Operate as a  
Woodbourne - Heaton 230 kV Line in  
Montgomery and Bucks Counties,  
Docket No. A-110550, F.055.

**RECEIVED**  
AUG 7 1991  
SECRETARY'S OFFICE  
Public Utility Commission

Dear Secretary Rich:

Enclosed please find an original and two copies of  
the Reply of the Prosecutory Staff to Requests for Affirmative  
Relief Raised In the Intervenors' Answer to PP&L's Petition to  
Intervene. Copies of this reply have been served on all  
parties of record on this date as evidenced by the attached  
Certificate of Service.

Sincerely,

Patricia Krise Burket  
Assistant Counsel

Enclosure

cc: All parties of record  
ALJ Smolen

NVL

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

LETTER OF NOTIFICATION OF  
PHILADELPHIA ELECTRIC COMPANY  
RELATIVE TO RECONSTRUCTING  
AND REBUILDING OF THE EXISTING  
138 KV LINE TO OPERATE AS A  
WOODBOURNE - HEATON LINE

DOCKETED  
AUG 5 1991

Docket No.  
A-110550, F.055

REPLY OF PROSECUTORY STAFF TO  
REQUESTS FOR AFFIRMATIVE RELIEF  
RAISED IN THE INTERVENORS' ANSWER  
TO PP&L'S PETITION TO INTERVENE

RECEIVED

AUG 7 1991

SECRETARY'S OFFICE  
Public Utility Commission

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FOLDED

Now comes the Prosecutor Staff who files its Reply to Requests for Affirmative Relief Raised in Intervenor's Answer to PP&L's Petition to Intervene. In support of this Reply, the Prosecutory Staff states the following:

1. On July 11, 1991, Pennsylvania Power & Light Company (PP&L) filed a Petition to Intervene in the above-captioned matter. On July 25, 1991, Petitioners/Protestants (Protestants) filed an Answer of Interveners to Petition to Intervene by PP&L (Answer).

2. In its Answer, the Protestants oppose PP&L's intervention in this proceeding, stating that the addition of other parties would complicate and protract the proceeding, causing harm to the Protestants who wanted an expedited hearing. However, the Protestants continue that they would withdraw their opposition to PP&L's intervention, if

Philadelphia Electric Company's (PECO's) Woodbourne - Heaton 230 kV line was not to be energized. They further propose that the Commission convert this proceeding to be an investigation on EMF (electromagnetic fields), or to "otherwise consolidate the EMF issue as it will be addressed around the state, and to hold other issues in this case in abeyance pending disposition of that issue." Protestants' Answer, p. 2.

3. Commission Rules of Practice and Procedure at 52 Pa. Code §5.63, permits a reply to answers seeking affirmative relief to be filed within 20 days after the date of service of the answer, but not later than 5 days prior to date set for commencement of hearing.

4. The Protestant's Answer requests 3 types of affirmative relief 1) that PECO's Woodbourne - Heaton 230 kV line not be energized, 2) that this proceeding become a statewide investigation on EMF and 3) that other issues in this case be held in abeyance pending disposition of that issue. Because Protestants' Answer asserts 3 requests for affirmative relief, the Prosecutory Staff, pursuant to 52 Pa. Code §5.63, files this reply.

5. The Prosecutory Staff first states that the Protestants requesting that PECO's Woodbourne - Heaton 230 kV line not be energized is akin to their asking for a stay. As Protestants have not made even the slightest attempt to satisfy the criteria for stay set out in the Pa. PUC v. Process Gas Consumers Group, 502 Pa. 545, 467 A.2d 805 (1983), this relief

should not be granted. The Process Gas standards which were not satisfied in the Protestants' Answer are that 1) the Protestants must make a strong showing that they will prevail on the merits; 2) the Protestants must demonstrate the likelihood of irreparable harm if the stay is not granted; 3) the Protestants must show that PECO will not suffer substantial harm if the stay is granted; and 4) the Protestants must show that the public interest would not be adversely affected by the stay.

6. The Prosecutory Staff also states that PECO has indicated that construction of the line will not be completed until the Spring of 1992. By then, the Commission's order on this proceeding should have been entered, and the question of stay of energization of the line should be moot. Therefore, it is unnecessary for the administrative law judge to make a ruling on the Protestants' request for stay.

7. The Prosecutory Staff believes that the expansion of this proceeding to a statewide investigation on EMF is outside the scope of the Commission's order entered June 14, 1991. In this order, the Commission reopened PECO's Letter of Notification for the purpose of holding a hearing to determine the sole issue of whether the Protestants would be adversely affected by the reconductoring of this former Conrail electric line as the Woodbourne - Heaton 230 kV line. If Protestants believe that they will be adversely affected by EMF from PECO's line, they should be ready and able to present

scientific evidence and opinion to support their belief without outside assistance. However, if the administrative law judge is willing to consider Protestants' proposal for a statewide investigation on EMF, the Prosecutory Staff believes that all participants at least should be given an opportunity to fully brief and present oral argument on the proposal.

8. Furthermore, the Prosecutory Staff believes that it is disingenuous for the Protestants to even suggest that this proceeding be converted to a generic investigation on EMF when it is the Protestants who asserted before Commonwealth Court and who continue to assert in this answer that they wanted an expedited hearing on this matter so as to prevent harm to PECO's interest. Such an investigation, as the Prosecutory Staff understands it, would do nothing but protract the proceeding, as would holding the other issues involved in this case in abeyance until the EMF issue is decided. Therefore, the Protestants' desire to have the line not to be energized during the pendency of this proceeding taken together with their requests for a generic investigation on EMF and the suspension of consideration of the other issues involved in this proceeding translates into nothing more than a delaying tactic.

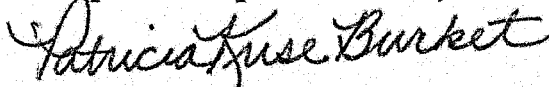
9. As to Protestants' actual opposition to the intervention of PP&L in this proceeding, the Prosecutory Staff finds it truly incredible that the Protestants, without any legal support for their position, are seeking to hold PP&L's

intervention hostage in an attempt to obtain special procedural and substantive concessions from the administrative law judge and other participants in this case. 52 Pa. Code §5.72 allows an interested party to request intervention in a proceeding by petition. The standards that must be satisfied for a petition for intervention to be granted are also outlined at 52 Pa. Code §5.72. Further, there is a provision that allows a participant to file an answer in opposition to a petition to intervene. 52 Pa. Code §5.66. There is, however, no provision in the Commission Rules of Practice and Procedure which allows those participants who oppose an intervention to request that they be granted special relief in exchange for dropping their opposition.

CONCLUSION

For the above reasons, the Prosecutory Staff requests that the Protestants' requests for affirmative relief -- 1) for the PECO's Woodbourne - Heaton 230 kV line not to be energized during the pendancy of the proceeding; 2) for the hearing to be converted into a statewide investigation on EMF; and 3) for the other issues in this case to be held in abeyance until the EMF issue is decided -- be denied.

Respectfully submitted,



Patricia Krise Burket  
Assistant Counsel

Prosecutory Staff  
Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
(717) 783-2810

Date: August 7, 1991

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the forgoing document upon the parties and in the manner indicated below in accordance with the requirements of 52 Pa. Code §1.54.

By First Class Mail

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101 North Broad Street  
Philadelphia, PA 19107

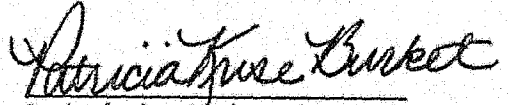
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Patricia Krise Burket  
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Assistant Counsel  
Prosecutory Staff

Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Date: August 7, 1991