
Nicholas A. Stobbe

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File #: 140074

December 9, 2022

VIA EMAIL

Honorable Gail M. Chiodo
Administrative Law Judge
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Travis West and Daisy Wills-West v. PPL Electric Utilities Corporation
Docket No. C-2022-3032707

Your Honor:

PPL Electric Utilities Corporation (“PPL Electric” or the “Company”) respectfully requests that the currently-scheduled January 5, 2023, evidentiary hearing in the above-referenced proceeding be converted into a Prehearing Conference. Additionally, PPL Electric respectfully requests that following the Prehearing Conference, parties be permitted to mutually exchange written direct testimony prior to the rescheduled evidentiary hearing.

The instant litigation involves the presence and alleged harmful effect(s) of electromagnetic fields (“EMF”) emanating from PPL Electric’s transmission line, Line #696 Juniata-Alburtis 500 kV, crossing the Complainants’ property within the Company’s right-of-way (“ROW”) at 1008 Piketown Road, Harrisburg, PA 17112. In other EMF related proceedings, parties have needed to present detailed, technical, and sometimes expert testimony about the reasonableness and safety of the EMFs at issue.¹ Oral presentation of detailed, technical, and/or expert testimony is time-intensive and does not afford the parties the opportunity to review such testimony in advance of the hearing.

¹ See *Brunda v. PPL Electric Utilities Corp.*, 2013 Pa. PUC LEXIS 880, Docket No. C-2012-2286040 (Opinion and Order entered July 16, 2013); See also *Wilson v. PPL Electric Utilities Corp.*, Docket No. C-2012-2325073 (Initial Decision issued Mar. 19, 2013) *adopted without modification* (Final Order entered May 7, 2013).

Honorable Gail Chiodo
December 9, 2022
Page 2

Under Section 5.412(a) of the Pennsylvania Public Utility Commission's ("Commission") regulations, the "[u]se of written testimony in Commission proceedings is encouraged, especially in connection with the testimony of expert witnesses." 52 Pa. Code § 5.412(a). Further, "The presiding officer may direct that expert testimony to be given upon direct examination be submitted as prepared written testimony," and "[a] reasonable period of time will be allowed to prepare written testimony." *Id.* § 5.412(b). Therefore, the use of written testimony, particularly in cases like the instant proceeding, is encouraged by the Commission.

In addition, PPL Electric observes that Travis West and Daisy Wills-West ("Complainants") are appearing *pro se*. With the exchange of written direct testimony in advance of the evidentiary hearing, PPL Electric believes that the Complainants will have a better opportunity to prepare for the hearing. Indeed, the Complainants will be able to review the direct testimony of the Company's witnesses in advance and develop potential questions to ask the witnesses on cross-examination.

Moreover, the use of written direct testimony will expedite the hearing, as much of the time devoted to the direct examination of the parties' witnesses will be substantially shortened. Also, the parties may be able to reach factual stipulations on certain issues in the case. By converting the presently scheduled evidentiary hearing into a Prehearing Conference, the parties will also be afforded the opportunity to discuss due date(s) for the submission of written testimony, potential modifications to the discovery rules, and other procedural guideposts. Should the evidentiary hearing be converted into a Prehearing Conference, PPL Electric will endeavor to contact the Complainants to discuss a procedural schedule, discovery modifications, and mutually-agreeable dates to reschedule the evidentiary hearing.

PPL Electric understands that the Complainants are in agreement with the above requests.

Copies of this letter and Certificate of Service are being filed with the Commission.

Respectfully submitted,



Nicholas A. Stobbe, Esq.

NAS/dmc
Enclosures

cc: Rosemary Chiavetta, Secretary
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 EMAIL ONLY

Travis West
Daisy Wills-West
1008 Piketown Road
Harrisburg, PA 17112
daisymwills@gmail.com

Date: December 9, 2022



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