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September 29, 2023

VIA EMAIL

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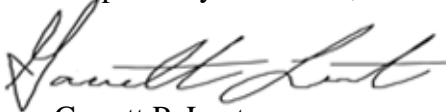
**Re: Letter Of Notification Of PPL Electric Utilities Corporation, Filed Pursuant To 52 Pa. Code Chapter 57 Subchapter G, For Approval To Rebuild The Existing Double-Circuit Stanton-Summit #3 And #4 230 kV Transmission Lines Connecting the Stanton 230 kV Substation And A Two-Pole Turn Structure That Are Respectively Located In Luzerne And Lackawanna Counties, Pennsylvania
Docket No. A-2022-3037374**

Dear Secretary Chiavetta:

Attached for filing on behalf of PPL Electric Utilities Corporation is the Reply Brief in the above-referenced proceeding.

Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,



Garrett P. Lent

GPL/dmc
Enclosures

cc: The Honorable Mark Hoyer (*w/attachment*)
The Honorable Darlene Heep (*w/attachment*)
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 E-MAIL ONLY

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Date: September 29, 2023


Garrett P. Lent

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Letter Of Notification Of PPL Electric :
Utilities Corporation, Filed Pursuant To 52 :
Pa. Code Chapter 57 Subchapter G, For : Docket No. A-2022-3037374
Approval To Rebuild The Existing Double- :
Circuit Stanton-Summit #3 And #4 230 kV :
Transmission Lines Connecting the :
Stanton 230 kV Substation And A Two- :
Pole Turn Structure That Are Respectively :
Located In Luzerne And Lackawanna :
Counties, Pennsylvania :

**REPLY BRIEF OF
PPL ELECTRIC UTILITIES CORPORATION**

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TABLE OF CONTENTS

I. INTRODUCTION1

II. SUMMARY OF REPLY ARGUMENT2

III. REPLY ARGUMENT4

 A. PPL ELECTRIC HAS DEMONSTRATED A NEED FOR THE STANTON-SUMMIT PROJECT.....4

 1. PPL Electric Considered Reasonable Alternatives Prior To Filing The Instant LON And Considered The Alternatives Advanced By The OCA5

 2. OCA’s Qualms With PJM’s Review Of Supplemental Projects Are Outside The Scope Of This Proceeding And Lack Merit8

 3. The OCA’s Recommendation That The Commission Require PPL Electric To Seek a Retirement Study Of The Stanton-Summit #3 And #4 Transmission Lines Is Unsupported And Unnecessary10

 4. The OCA’s Recommendation Regarding The Installation Of Dynamic Line Ratings Was Fully Rebutted By PPL Electric And Is Unresponsive To The Need For The Stanton-Summit Project14

 5. The OCA’s Recommendation Regarding Undergrounding All Or A Portion Of The Stanton-Summit #3 And #4 Transmission Lines Was Fully Rebutted By PPL Electric.....17

 6. PPL Electric Has Demonstrated Both A Present, Immediate Need For The Project, As Well As A Future Need For The Project19

 7. Conclusion Regarding Project Need.....21

 B. PPL ELECTRIC HAS DEMONSTRATED THAT THE PROJECT WILL NOT CREATE AN UNREASONABLE RISK OF DANGER TO THE HEALTH AND SAFETY OF THE PUBLIC.....22

 C. THE PROJECT IS IN COMPLIANCE WITH APPLICABLE STATUTES AND REGULATIONS PROVIDING FOR THE PROTECTION OF NATURAL RESOURCES22

 D. THE STANTON-SUMMIT PROJECT WILL HAVE MINIMUM ADVERSE ENVIRONMENTAL IMPACTS24

IV. CONCLUSION.....25

TABLE OF AUTHORITIES

Page

Pennsylvania Constitution

PA. CONST. art. I, § 27.....*passim*

Pennsylvania Regulations

52 Pa. Code § 57.76.....*passim*

52 Pa. Code § 57.76(a)(1).....*passim*

52 Pa. Code § 57.76(a)(3)..... 3, 22, 23, 24

52 Pa. Code § 57.76(a)(4)..... 7, 12, 24

Pennsylvania Appellate Court Decisions

D.E.L.T.A. Rescue v. Bureau of Charitable Orgs., 979 A.2d 415 (Pa. Cmwlth. 2009)..... 7

Muretic v. Workers' Comp. Appeal Bd. (Dep't of Lab. & Indus.), 934 A.2d 752 (Pa. Cmwlth. 2007)..... 7

Hess v. PUC, 107 A.3d 246 (Pa. Cmwlth. 2014), *appeal denied*,
632 Pa. 678, 117 A.3d 1282 (Pa. 2015)..... 10, 13

Pennsylvania Power & Light Co. v. Pa. PUC, 696 A.2d 248 (Pa. Cmwlth. 1997)..... 13

Pennsylvania Administrative Agency Decisions

Application of PPL Electric Utilities Corporation, for Approval to Rebuild Approximately Six Miles of the Breinigsville-Alburtis 500 kV Transmission Line in Lower Macungie and Upper Macungie Townships, Lehigh County, Pennsylvania; 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., Docket No. A-2019-3007945 (Order entered Aug. 14, 2019)..... 3, 11, 12, 13

Letter of Notification of PPL Electric Utilities, for Approval to Rebuild the Existing Breinigsville-Alburtis 500 kV Transmission Line in Lower Macungie and Upper Macungie Townships, Lehigh County, Pennsylvania," Docket No. A-2017-2635709 (Order entered Aug. 3, 2018)..... 3, 11, 12, 13

I. INTRODUCTION

PPL Electric Utilities Corporation (“PPL Electric” or the “Company”) hereby submits this Reply Brief in response to the Main Brief submitted by the Office of Consumer Advocate (“OCA”). In its Main Brief, PPL Electric explained that the Pennsylvania Public Utility Commission (“Commission”) should approve the Company’s request to rebuild the existing double-circuit Stanton-Summit #3 and #4 230 kilovolt (“kV”) Transmission Lines connecting the Stanton 230 kV Substation (“Stanton Substation”) and a two-pole turn structure (Structures 56275-N-47514(L)/56274-N47518(R)) located approximately 1.4 miles north of the Summit 230-69 kV Substation (“Summit Substation”) that are respectively located in Luzerne and Lackawanna Counties, Pennsylvania (the “Stanton-Summit Project” or “Project”).

For the reasons set forth below and in PPL Electric’s Main Brief, PPL Electric requests that Deputy Chief Administrative Law Judge Mark A. Hoyer and Administrative Law Judge Darlene Heep (collectively, the “ALJs”): (a) find that the Stanton-Summit Project, as set forth in the above-captioned Letter of Notification (“LON”) and associated testimony and exhibits, satisfies the requirements of the applicable statutes and regulations, and (b) approve the LON.

II. SUMMARY OF REPLY ARGUMENT

The OCA's Main Brief principally focuses upon whether there is "a need" for the Project under 52 Pa. Code § 57.76(a)(1). In addition, the OCA attempts to raise arguments under the Environmental Rights Amendment to the Pennsylvania Constitution, as well as the Supreme Court of Pennsylvania's decision in *Pa. Environmental Defense Foundation v. Com. Of Pa.*, 161 A.3d 911 (Pa. 2017) ("*PEDF*"). None of the arguments raised in OCA's Main Brief demonstrate that the LON should be rejected.

OCA's principal argument is that PPL Electric has failed to demonstrate that there is a need for the Project because the instant Project is a "supplemental project" and PJM Interconnection, L.L.C.'s ("PJM") review of supplemental projects does not include a review of alternatives. OCA therefore asserts that PPL Electric failed to consider and evaluate alternatives to the Project as proposed. This argument misses the mark.

Critically, OCA's Main Brief concedes the fact that there is "a need" for the proposed Stanton-Summit Project. Indeed, the Project is needed to address asset health and public safety concerns resulting from the prevalence of pack-out rust in the 46 existing COR-TEN® lattice towers that comprise the Stanton-Summit #3 and #4 230 kV Transmission Lines.

Contrary to OCA's claims, PPL Electric's Transmission Asset Management Procedure includes a detailed review of the needs of the transmission and distribution system, and as a part of this review PPL Electric identifies and considers various alternatives to address specific needs. OCA does not dispute (and cannot dispute) that PPL Electric reviewed and considered alternatives prior to filing the instant LON, including a specific evaluation of three alternatives as a part of the LON filed with the Commission.

Moreover, OCA's qualms with PJM's consideration of other alternatives are mollified by the fact that PPL Electric thoroughly evaluated each of the alternatives presented by OCA as a part

of this proceeding. Each of those alternatives was demonstrated to be unreasonable compared to the proposed Project on a number of grounds, including: failing to address the specific need driving this Project, total cost, and transmission system impacts.

Nevertheless, OCA attempts to argue that PPL Electric should be required to evaluate the retirement of the Stanton-Summit #3 and #4 230 kV Transmission Lines. This argument asks the Commission to order PPL Electric to analyze a scenario that PPL Electric demonstrated would result in violations of the North American Electric Reliability Corporation (“NERC”) transmission planning and reliability standards. Such violations, as admitted by the OCA’s witness, would not be considered good utility practice and would also subject PPL Electric to being fined by NERC.

OCA also attempts to assert that its proposed Dynamic Line Rating (“DLR”) and undergrounding alternatives should be considered. Both of these alternatives were, in fact, considered by PPL Electric and demonstrated to be unreasonable in comparison to the Project as proposed.

Finally, OCA attempts to raise two arguments under the Environmental Rights Amendment to the Pennsylvania Constitution and assert that PPL Electric did not satisfy the requirements of 52 Pa. Code § 57.76(a)(3). However, OCA (a) presented no evidence to support a finding that PPL Electric failed to comply with any applicable statute or regulation pertaining to the protection of natural resources, and (b) presented no evidence regarding any environmental impacts of the Project or any alternative to the Project. As such, the undisputed evidence of record will allow the Commission to satisfy its obligations under the Environmental Rights Amendment and find and determine that the Project satisfies 52 Pa. Code § 57.76(a)(3).

For the reasons explained herein, and those explained in PPL Electric’s Main Brief the LON should be approved without modification or condition, and OCA’s recommendations should be denied.

III. REPLY ARGUMENT

A. PPL ELECTRIC HAS DEMONSTRATED A NEED FOR THE STANTON-SUMMIT PROJECT

The Stanton-Summit Project is driven by undisputed asset health and public safety concerns. The OCA does not contest the fact that pack-out rust exists in every one of the 46 COR-TEN® lattice structures that comprise the Stanton-Summit #3 and #4 230 kV Transmission Lines.¹ Nor does OCA dispute the fact that the prevalence of pack-out rust in these structures can “deform steel members and connecting hardware...shear off bolts, cause loss of structural integrity, cause members to disconnect from the tower” and can “even result in tower failure.”² Moreover, OCA’s own witness admits that the prevalence of pack-out rust in these structures is an “asset health concern” and a “public safety concern.”³ Indeed, the OCA concedes in its Main Brief that “something must be done as the current tower structures are no longer suitable for continued use.”⁴

Despite the fact that there is an undisputed need for this Project, OCA’s Main Brief attempts to question the need for the Project through four primary arguments. First, OCA continues to dispute the PJM process applicable to supplemental projects, like the instant Project.⁵ Second, OCA argues that the Commission should require PPL Electric to seek a retirement review for the Stanton-Summit #3 and #4 230 kV Transmission Lines.⁶ Third, OCA asserts that DLR technology in conjunction with the retirement of the Stanton-Summit #3 and #4 230 kV Transmission Lines could be a viable alternative to the Project.⁷ Fourth, OCA claims an

¹ PPL Electric Exhibit JBL-1, at p. 10.

² PPL Electric Exhibit JBL-1, at p. 7.

³ PPL Electric MB, at 35-36 (quoting OCA witness Mr. Konidena’s answers to questions on cross examination at Tr. 98).

⁴ OCA MB, at 15.

⁵ OCA MB, Section V.B.1.

⁶ OCA MB, Section V.B.2.

⁷ OCA MB, Section V.B.3.

underground alternative should be explored if the Commission determines the Project is needed.⁸

As explained in further detail below, all of the arguments raised by the OCA lack merit.

1. PPL Electric Considered Reasonable Alternatives Prior To Filing The Instant LON And Considered The Alternatives Advanced By The OCA

OCA's Main Brief is premised upon the primary assertion that PPL Electric did not review reasonable alternatives to the Project because the PJM supplemental process involved in this case did not include a review of alternatives.⁹ This assertion is incorrect.

Prior to submitting the instant LON for Commission approval of the Project, PPL Electric reviewed three potential alternatives that would (1) address the prevalence of pack-out rust on the Stanton-Summit #3 and #4 230 kV Transmission Lines,¹⁰ and (2) not result in a violation of NERC Standard TPL-001.¹¹ These alternatives are fully described in PPL Electric Exhibit JBL-1 and PPL Electric's Main Brief, and included (a) the replacement of each of the existing COR-TEN® lattice towers with new standard lattice tower structures, (b) the remediation of the entire lattice tower line, and (c) the full rebuild of the existing Stanton-Summit #3 and #4 230 kV Transmission Lines (i.e., the Project). Based on its review of these three alternatives, PPL Electric concluded that the Project as proposed would immediately and fully resolve the deteriorated condition of the existing structures in the most cost efficient and effective manner.¹²

Importantly, PPL Electric also fully explained why it focused its pre-filing alternatives review upon these three alternatives. PPL Electric is required to abide by NERC Standard TPL-001, which requires the Company to study and plan its transmission system for scenarios where aspects of the bulk transmission system are taken out of service (e.g., for maintenance) to ensure

⁸ OCA MB, Section V.B.4.

⁹ OCA MB, at 12 ("PPL cannot solely rely upon PJM's review of supplemental projects like the one proposed here as justification for the project. PPL is required to investigate and explore reasonable alternatives before such a supplemental project can move forward, as this Commission has previously held.").

¹⁰ PPL Electric MB, at 31-32 (citing PPL Electric Exhibit JBL-1).

¹¹ PPL Electric MB, at 30.

¹² PPL Electric MB, Section V.B.2.c.

that the loss of other facilities does not result in disruptions on the transmission grid.¹³ If PPL Electric does not plan its system in this manner, it would not only fail to adhere to good utility practice, and PPL Electric would also be in violation of NERC's requirements and subject to fines.¹⁴

The planning requirements of NERC Standard TPL-001 also obviated the need for PPL Electric to evaluate alternatives that might involve retiring the Stanton-Summit #3 and #4 230 kV Transmission Lines. Indeed, if PPL Electric were to implement a solution that would remove these lines from service, there would be an immediate impact on power flow on the grid from the west to the east, and PJM would have to study the extent of this impact.¹⁵ Even without such a study being completed by PJM, OCA's own cross examination exhibits detail the negative reliability impacts that would likely result from the retirement of these lines, including:

- "Removing the Stanton-Summit 3 & 4 230 kV lines creates reliability concerns on both the 230 kV transmission system and the local 69 kV system...Additionally, simply removing the...Stanton-Summit 3 & 4 lines from the 230 kV network can result in reduced reliability, capacity constraints and may cause additional capacity concerns on other transmission lines, potential congestion issues, and difficulty in operating the system by removing two west to east paths on the system."¹⁶
- "PJM's planning assumptions include that transmission facilities will not be retired without PJM study and review...Retiring a 230 kV transmission line, like the Stanton-Summit 230 #3 and #4 Transmission Lines may have the cumulative effect of negatively impacting the reliability, efficiency, safety, resilience and security of the transmission system. That cumulative negative impact could also drive the need for additional facilities to be constructed to compensate for those removed, including greenfield installations."¹⁷

PPL Electric cannot simply implement alternatives that would require such a study to occur and, therefore, should not be required to analyze such alternatives to plan its system.¹⁸

¹³ PPL Electric MB, at 30.

¹⁴ Tr. 113-114 (OCA witness Mr. Konidena admitting that it would not be good utility practice for an electric utility to violate NERC standards "because there will be fines.").

¹⁵ See PPL Electric St. 2-R, at p. 13-14.

¹⁶ OCA Cross Exhibit 1.

¹⁷ OCA Cross Exhibit 2.

¹⁸ See PPL Electric St. 2-R, at p. 13-14.

Moreover, PPL Electric thoroughly analyzed each alternative advanced by the OCA.¹⁹ PPL Electric’s witnesses presented credible testimony as to why each of the alternatives advanced by the OCA was either not feasible (i.e., did not actually address the asset health need, but instead focused on congestion) or was not reasonable (e.g., more costly, more environmental impacts, possible adverse reliability impacts, etc.) compared to the Project.²⁰ Indeed, as admitted by OCA’s own witness, PPL Electric has satisfied its obligation to review alternatives to the Project.²¹

Finally, it should be repeated that the OCA’s argument that PPL Electric has not satisfied the requirement under 52 Pa. Code § 57.76(a)(1) to demonstrate “there is a need” for this Project conflates the “need” requirement under this provision of the Commission’s regulations with the alternatives analysis required under 52 Pa. Code § 57.76(a)(4).²² As explained in PPL Electric’s

Main Brief:

OCA admitted that its challenge to this proceeding was limited to whether there was a need for the Project under 52 Pa. Code § 57.76(a)(1). The plain language of this requirement makes no reference to a consideration of “available alternatives.” Rather, the reference to “available alternatives” only appears in 52 Pa. Code § 57.76(a)(4), which OCA’s witness admitted he did not render an opinion on.²³

¹⁹ PPL Electric MB, Section V.B.3.d.v. PPL Electric further notes that OCA’s Main Brief appears to have abandoned several of the alternatives that it proposed and bears the burden of proving that they are reasonable (i.e., upgrading the Stanton-Summit #3 and #4 230 kV Transmission Lines to 500 kV, installation of a Battery Energy Storage System (“BESS”) at the Summit Substation, and the use of Demand Response (“DR”) and Distributed Energy Resources (“DER”)). To the extent that OCA attempts to revive these alternatives in its Reply Brief, the ALJs and the Commission should disregard such arguments. OCA could have and should have raised any arguments in support of these alternatives—which it proposed—in its Main Brief. *See D.E.L.T.A. Rescue v. Bureau of Charitable Orgs.*, 979 A.2d 415, 425 (Pa. Cmwlth. 2009) (“First, because this argument was not raised as a challenge to Section 13(c) in DELTA’s main brief, it is waived.”) (citation omitted); *See also Muretic v. Workers' Comp. Appeal Bd. (Dep’t of Lab. & Indus.)*, 934 A.2d 752, 758 (Pa. Cmwlth. 2007).

²⁰ PPL Electric MB, Section V.B.3.d.v.

²¹ Tr. 120-122.

²² PPL Electric MB, Section V.B.3.c.

²³ PPL Electric MB, at 40-41 (citations omitted).

2. OCA's Qualms With PJM's Review Of Supplemental Projects Are Outside The Scope Of This Proceeding And Lack Merit

The OCA further asserts that it has other concerns with PJM's review of supplemental projects, in addition to its primary concern that this process does not require a review of alternatives.²⁴ None of these concerns have any merit.

As an initial matter, it should be noted that OCA's attempt to challenge PJM's processes is outside the scope of this proceeding.²⁵ Indeed, OCA witness Mr. Konidena admitted that a request for the Commission to seek to change PJM's process with respect to its evaluation of supplemental projects "would be beyond the scope of this proceeding."²⁶

Even if OCA's concerns with the PJM process were within the scope of this single LON involving a single utility's proposal to rebuild one double-circuit transmission line—and they are not—these concerns do not provide any grounds upon which to deny the Project. OCA witness Mr. Konidena also confirmed that PPL Electric had complied with both PJM's and the Commission's existing processes to review the Project.²⁷

OCA's specific concern that supplemental projects are not required to go through Federal Energy Regulatory Commission ("FERC") Order 1000 Competitive Planning Process is a red-herring.²⁸ While OCA appears to be concerned that competition in the bidding for a supplemental project could decrease costs, OCA presented no evidence that shows any such cost savings could or would be achieved for the Project if it was subject to FERC Order 1000 competitive bidding. Moreover, PPL Electric witness Mr. Joseph B. Lookup explained at hearing that PPL Electric "competitively bid[s] all our work."²⁹

²⁴ OCA MB, Section V.B.1.

²⁵ PPL Electric MB, Section V.B.3.b.

²⁶ Tr. 102-103.

²⁷ Tr. 105-106.

²⁸ OCA MB, at 13.

²⁹ Tr. 46.

In addition, OCA's concern that PJM does not evaluate potential alternatives as a part of the supplement process also lacks merit.³⁰ As explained above and in PPL Electric's Main Brief, PPL Electric thoroughly evaluated a number of alternatives to the Project and determined that the Project as proposed was the most reasonable solution to addressing the subject asset health and public safety needs.³¹

OCA's further concern that no stakeholders participated in the review and comment process hosted by PJM's Transmission Expansion Advisory Committee ("TEAC") is also unavailing.³² OCA argues that no stakeholder comments or alternatives were submitted during the TEAC process for the Project or other recent PPL Electric letters of notification.³³ However, PPL Electric evaluated alternatives prior to submitting the LON to the Commission for review. Moreover, OCA specifically participated in this proceeding before the Commission to advance various alternatives to the Project. OCA's participation in the proceeding belies its concerns regarding a lack of stakeholder participation and submission of alternatives before PJM.

Finally, OCA appears to insinuate that, because PJM does not include cost limitations or cost caps on supplemental Projects, the Commission should reject or further examine PPL Electric's cost estimate for the Project.³⁴ PPL Electric notes that the Commission regularly requires PPL Electric to submit updated, actual cost information regarding its transmission projects as a condition of approval. PPL Electric complies with this requirement, and will do so to the extent the Commission conditions the Project's approval in this manner in this proceeding.

³⁰ OCA MB, at 13-14.

³¹ See Section III.A.1, *supra*; see also PPL Electric MB, Sections V.B.2.c. V.B.3.d.v.

³² OCA MB, at 14-15.

³³ OCA MB, at 14-15.

³⁴ OCA MB, at 15.

3. The OCA's Recommendation That The Commission Require PPL Electric To Seek a Retirement Study Of The Stanton-Summit #3 And #4 Transmission Lines Is Unsupported And Unnecessary

OCA's Main Brief next argues that the Commission should require PPL Electric to seek a retirement review for the Stanton-Summit #3 and #4 230 kV Transmission Lines and report the findings of this review to the Commission.³⁵ This unprecedented proposal should be rejected for a number of reasons.

First, OCA did not raise this proposal until its Main Brief. While OCA witness Mr. Konidena testified that PJM would need to perform a retirement study to determine if certain alternatives could be implemented,³⁶ at no point did he specifically propose or recommend that the Commission order PPL Electric to submit to such a study before PJM. OCA's attempt to advance this proposal for the first time in its brief (i.e., after the record has closed) is improper and would deprive PPL Electric of an opportunity to present evidence in response to it.³⁷ For this reason alone this proposal should be rejected.

Second, OCA's proposal disregards undisputed record evidence that any retirement of the existing Stanton-Summit #3 and #4 230 kV Transmission Lines would result in violations of NERC requirements. PPL Electric witness Mr. Szmodis explained this fact in his rebuttal testimony,³⁸ and in responses to discovery requests.³⁹ OCA witness Mr. Konidena further confirmed that not complying with NERC standards was "not good utility practice" and would result in PPL Electric being fined,⁴⁰ and made clear that he performed no analysis of reliability impacts of any alternative he advanced in testimony, and that such analysis was outside the scope

³⁵ OCA MB, Section V.B.2.

³⁶ OCA St. 1, at p. 29.

³⁷ See *Hess v. Pa. Pub. Util. Comm'n*, 107 A.3d 246, 265-266 (Pa. Cmwlth. 2014), *appeal denied*, 632 PA. 678, 117 A.3ds 1282 (Pa. 2015) ("*Hess*")

³⁸ PPL Electric St. 2-R, at p. 13-14.

³⁹ OCA Cross Exhibit 1; OCA Cross Exhibit 2.

⁴⁰ Tr. 113-114 (OCA witness Mr. Konidena admitting that it would not be good utility practice for an electric utility to violate NERC standards "because there will be fines."); see also PPL Electric MB, at 30.

of his engagement in this matter.⁴¹ Indeed, OCA presented no evidence that the Stanton-Summit #3 and #4 230 kV Transmission Lines are not needed. Rather, the only evidence of record demonstrates that the retirement of these lines would violate NERC standards and subject PPL Electric to fines.

Third, OCA's assertion that "the Stanton-Summit Line could fail completely, and no customers would lose service" misrepresents the issue.⁴² PPL Electric has not contended that a failure of the Stanton-Summit #3 and #4 230 kV Transmission Lines alone would result in a loss of service to customers. Rather, these lines are required to avoid violations of NERC transmission planning standards that require PPL Electric to study and plan its transmission system. These planning standards require PPL Electric to plan for scenarios where aspects of the bulk transmission system are taken out of service (e.g., for maintenance) to ensure that the loss of other facilities does not result in disruptions on the transmission grid. By arguing that these lines can be taken out of service and that these lines are not needed because loss of them alone would not result in a loss of service, the OCA essentially argues that PPL Electric should violate NERC Standard TPL-001 and be fined for doing so.

Fourth, OCA attempts to rely upon the Commission's Order entered August 3, 2018 at "*Letter of Notification of PPL Electric Utilities, for Approval to Rebuild the Existing Breinigville-Alburtis 500 kV Transmission Line in Lower Macungie and Upper Macungie Townships, Lehigh County, Pennsylvania*," Docket No. A-2017-2635709 (the "2018 PPL LON").⁴³ However, there are a number of problems with its reliance upon this order.

Chief among these problems is the fact that the analysis from pages 6 and 7 of the 2018 PPL LON cited by OCA makes clear that the Commission's consideration of alternatives is

⁴¹ See Tr. 116.

⁴² OCA MB, at 18.

⁴³ OCA MB, at 18-19.

conducted under 52 Pa. Code § 57.76(a)(4).⁴⁴ However, OCA has made abundantly clear in its testimony and its Main Brief that it is not addressing 52 Pa. Code § 57.76(a)(4).

The OCA also ignores the fact that the *2018 PPL LON* was appealed,⁴⁵ and that the parties to this appeal ultimately reached an agreement that would resolve the appeal.⁴⁶ Specifically, the parties agreed that PPL Electric would file a full siting application and petition for waiver for the subject transmission line project at a new docket number.⁴⁷ PPL Electric made this filing at Docket No. A-2019-3007945, the Commission entered an order approving the filing on August 14, 2019,⁴⁸ and the appeal at No. 1194 CD 2018 was discontinued.⁴⁹ As a part of its approval of this transmission line project at Docket No. A-2019-3007945, the Commission specifically found that PPL Electric had demonstrated a need for the project.⁵⁰ OCA's attempt to ignore the subsequent history and further review of this specific project undermines its reliance on the *2018 PPL LON*.

Moreover, it must be noted that PPL Electric's filing at Docket No. A-2019-3007945 included an alternatives analysis that reviewed a number of alternatives not originally considered in the *2018 PPL LON*.⁵¹ The Commission specifically recognized that PPL Electric included an analysis of several additional alternatives and determined the project proposed "[was] the most effective, least cost, long-term solution for the reliability and safety issues."⁵² Similar to these

⁴⁴ OCA MB, at 18 (quoting *2018 PPL LON*, at 6, which specifically held that PPL Electric has not demonstrated the proposed solution is an efficient and cost-effective choice relative to other alternatives under 52 Pa. Code § 57.76(a)(4).) and 19 (quoting *2018 PPL LON*, at 7, which includes the same reasoning and citation to Section 57.76(a)(4)).

⁴⁵ *PPL Electric Utilities Corp. v. Pa. PUC*, No. 1194 CD 2018.

⁴⁶ Application for Stay dated December 12, 2018, No. 1194 CD 2018. A copy of this status report is attached hereto as Appendix A.

⁴⁷ Application for Stay dated December 12, 2018, No. 1194 CD 2018.

⁴⁸ See *Application of PPL Electric Utilities Corporation, for Approval to Rebuild Approximately Six Miles of the Breinigsville-Alburtis 500 kV Transmission Line in Lower Macungie and Upper Macungie Townships, Lehigh County, Pennsylvania; 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.*, Docket No. A-2019-3007945 (Order entered Aug. 14, 2019) ("*Breinigsville-Alburtis Order*").

⁴⁹ No. 1194 CD. 2018, discontinued on September 9, 2019.

⁵⁰ *Breinigsville-Alburtis Order*, at pp. 17-19.

⁵¹ Compare Attachment 1 – Necessity Statement at Docket No. A-2017-2635709, with Attachment 1 – Necessity Statement at Docket No. A-2019-3007945.

⁵² *Breinigsville-Alburtis Order*, at p. 17.

prior proceedings, PPL Electric has considered alternatives to the instant Project both prior to submitting the LON and during the course of this proceeding, and determined that the Project is the most reasonable solution to resolve the subject asset health and public safety issues.

Related to its reliance on the *2018 PPL LON*, OCA also relies on *Hess v. PUC*, 107 A.3d 246, 260 (Pa. Cmwlth. 2014), *appeal denied*, 632 Pa. 678, 117 A.3d 1282 (Pa. 2015), to support its argument that the Project is not needed. Specifically, OCA cites *Hess* and contends that “[n]ecessity can be found when a proposed transmission line provides lower prices or improved reliability.”⁵³ However, this reads *Hess* out of context and ignores other precedent.

Specifically, the Commonwealth Court in *Hess* rejected the assertion by certain protestants to a transmission line project that a utility must demonstrate a project is “absolutely required.”⁵⁴ The Commonwealth Court then went on to explain that the Commission has found necessity to exist in a number of circumstances, including as an example, “such as improvement to the reliability of service or lower prices.”⁵⁵ Indeed, the Commission can determine necessity exists under any circumstances where an HV transmission line project is shown to be “necessary or proper for the accommodation, convenience, and safety of [the utility’s] patrons, employees and the public.”⁵⁶ Moreover, the Commission has repeatedly approved other letters of notification to address this same need on other parts of PPL Electric’s system.⁵⁷

Here, PPL Electric has shown that the Project is needed because it is necessary or proper to immediately address an undisputed asset health and public safety need. OCA’s arguments to the contrary should be rejected.

⁵³ OCA MB, at 27 (citing *Hess*, 107 A.3d at 260).

⁵⁴ *Hess*, 107 A.3d at 260 (rejecting the “absolute necessity standard”).

⁵⁵ *Hess*, 107 A.3d at 260.

⁵⁶ *Pennsylvania Power & Light Company v. Pa. PUC*, 696 A.2d. 248 (Pa. Cmwlth. 1997); *see also Breinigsville-Alburtis Order*, at pp. 16-18 (citing authorities and types of evidence that can be advanced to demonstrate a project is needed).

⁵⁷ PPL Electric MB, at 8, n. 25 (citing the Commission’s order approving other projects to rebuild existing COR-TEN® HV transmission lines impacted by pack-out rust).

4. The OCA's Recommendation Regarding The Installation Of Dynamic Line Ratings Was Fully Rebutted By PPL Electric And Is Unresponsive To The Need For The Stanton-Summit Project

In its Main Brief, the OCA contends that the use of DLR technology “may” be a viable option which, according to the OCA, warrants further study by PPL Electric.⁵⁸ The OCA’s position with respect to DLR is at odds with the record evidence in this proceeding, is an attempt to shift the OCA’s burden to PPL Electric,⁵⁹ and it should be rejected by the Commission. Moreover, the OCA’s recommendation that the Commission require PPL Electric to evaluate DLR as an alternative to the Project is redundant, as PPL Electric has done so throughout the course of this proceeding.⁶⁰

As the OCA readily acknowledges, DLR is a potential solution to transmission congestion.⁶¹ If the Stanton-Summit Project were a project driven by congestion concerns, then the OCA’s recommendations regarding DLR might merit further investigation. However, as made abundantly clear throughout PPL Electric’s Direct and Rebuttal Testimony, by OCA witness Mr. Konidena’s own admission, and throughout PPL Electric’s Main Brief, the primary drivers for the Project are asset health and public safety concerns. This is fully detailed in Section (V)(B) of the Company’s Main Brief and will not be restated in full here. That said, PPL Electric witness Mr. Szmodis detailed why DLR is not a legitimate alternative to the Project as proposed, explaining:

DLR is used to reduce real-time power-flow congestion on the electric system. It is not a technology that affects the standard steady-state load-flow analysis because you can not rely on a possible increase in conductor rating due to DLR during an electrical system event. OCA witness Mr. Konidena suggests that the widespread employment of DLR will allow PPL Electric to retire existing HV transmission lines. This is simply not true, and to my

⁵⁸ OCA MB, at 20.

⁵⁹ See PPL Electric MB, at 5-6 (“Thus, while PPL Electric has the burden of proof to show that the Project is needed, the OCA bears the burden of proof as to the reasonableness of its suggested alternatives to the Project, as well as the burden of proof to show that the Commission should require additional analysis of its purported alternatives on the part of PPL Electric beyond what the Commission’s regulations require.”)

⁶⁰ See PPL Electric St. 2, at pp. 11-12; PPL Electric St. 2-R, at pp. 8-10.

⁶¹ OCA MB, at 21; OCA St. 1, at p. 26.

knowledge DLR has not been utilized in the manner suggested by Mr. Konidena anywhere in the nation. While DLR may be able to slow the need for additional transmission investments to address congestion issues, it cannot act as a substitute for facilities. Moreover, the Project is not driven by a need to address or remediate any congestion issues, rather, its primary driver is related to asset health concerns. Installation of DLR would not address the asset-health concerns, thus, is not an appropriate alternative.⁶²

Additionally, as explained by PPL Electric witness Mr. Lookup, pack-out rust exists in every one of the 46 COR-TEN® lattice structures that comprise the Stanton-Summit #3 and #4 230 kV Transmission Lines.⁶³ The prevalence of pack-out rust in the joints of each of these structures can “deform steel members and connecting hardware...shear off bolts, cause loss of structural integrity, cause members to disconnect from the tower” and can “even result in tower failure.”⁶⁴

The OCA does not dispute the asset health and public safety needs driving the Project. However, without support, the OCA contends that the use of DLR technology is “more cost-effective” than building new transmission infrastructure.⁶⁵ Assuming, *arguendo*, that this contention is true, it is irrelevant to the Commission’s determination in this proceeding. The Stanton-Summit Project is not building new transmission infrastructure. It is rebuilding existing transmission infrastructure that is undisputedly failing due to the prevalence of pack-out rust. The OCA’s conflation of new infrastructure and rebuilt infrastructure is a distraction. Additionally, the rationale underlying the OCA’s DLR alternative is untenable. This becomes clear through the OCA’s own record citation:

Q. Would you agree that in certain scenarios DLR could be a replacement for a line rebuild?

A. DLR is used for generation congestion on the transmission system. And during times where there is congestion on a circuit, this

⁶² PPL Electric St. 2-R, at pp. 9-10.

⁶³ PPL Electric MB, at 19; PPL Electric Exhibit JBL1, at p. 10.

⁶⁴ PPL Electric MC, at 19-20; PPL Electric Exhibit JBL-1, at p. 7.

⁶⁵ OCA MB, at 23.

is an alternative to be able to transport more power down a transmission line by installing DLR. Another option is rebuilding a transmission line with a larger conductor to transport more power. So in that circumstance, where there is congestion, DLR can help transport more power.

Q. And Mr. Szmodis, in the event that the #3 and #4 230 kV lines that are connecting the Stanton-Summit Substation were to fail due to whatever the event happened to be, structure power failure, and both of those lines go out of service, would that not more heavily load or possibly create congestion on the surrounding lines that are also connected to those substations?

A. It would increase the load on neighboring network systems. I'm not able to speak on congestion. I'm not able to speak on the specific congestion at that moment when that incident would happen.⁶⁶

According to the OCA, this exchange shows that DLR technology can replace the need to build new transmission lines.⁶⁷ Putting aside the accuracy of this contention and characterization of the exchange, it ignores the fact that the Project seeks to rebuild existing transmission lines, not construct new ones. Further, the OCA's recommendation in its Main Brief appears to be at odds with its position in direct testimony, where Mr. Konidena suggested that the Commission "should require PPL to provide a complete study on how the use of DLR technology may impact the need for the planned rebuilds of PPL Electric's 230 kV system."⁶⁸

As such, and as more fully delineated in the Company's Main Brief, DLR is neither feasible nor reasonable here, and is not an appropriate alternative for the Project. The OCA's recommendation that the Commission require PPL Electric to study the same, in the face of record evidence, PPL Electric's previous analysis of DLR, and the obvious unresponsiveness of DLR to the Project's need, should be rejected.

⁶⁶ OCA MB, at 21-22; Tr. 75.

⁶⁷ OCA MB, at p. 21 ("As shown here, in certain situations the use of DLR technology can replace the need to build new transmission lines.")

⁶⁸ OCA St. 1, at p. 26.

5. The OCA’s Recommendation Regarding Undergrounding All Or A Portion Of The Stanton-Summit #3 And #4 Transmission Lines Was Fully Rebutted By PPL Electric

Through its Main Brief, the OCA contends that, should the Commission determine that the Stanton-Summit Project is needed—which it is—it should also direct PPL Electric to evaluate undergrounding all or a portion of the Stanton-Summit #3 and #4 Transmission Lines to “ascertain if overall asset health is improved for the duration of the [P]roject.”⁶⁹ The OCA further contends that “PPL [Electric] failed to conduct an analysis evaluating whether undergrounding is a viable alternative...”⁷⁰ The OCA’s argument(s) and recommendation on this point are meritless and should be rejected. Moreover, the OCA’s arguments on this point are an inappropriate attempt to shift the OCA’s burden of proof to PPL Electric.⁷¹

PPL Electric comprehensively evaluated and addressed undergrounding all or a portion of the Stanton-Summit #3 and #4 Transmission Lines. Indeed, this was detailed in Section (V)(B)(d)(iii) of the Company’s Main Brief and will not be restated in full here. However, as PPL Electric witness Mr. Szmodis explained, “[i]t is preferred to build a transmission line above-ground when the requisite rights of way (“ROW”) are owned and acquirable.”⁷² This is the case for the Project as proposed. The reasons for this are several.

First, the OCA appears to premise this recommendation on weatherization and rusting concerns.⁷³ However, despite being the proponent of this alternative, the OCA presented no testimony or evidence as to whether these concerns would be present after the Project, as proposed, is completed. Critically, the OCA did not contend that the new monopole structures proposed to replace the 46 existing COR-TEN® lattice structures supporting the Stanton-Summit #3 and #4

⁶⁹ OCA MB, at 23.

⁷⁰ OCA MB, at 24.

⁷¹ See n. 61, *supra*.

⁷² PPL Electric MB, at 47; PPL Electric St. 2, at p. 8.

⁷³ OCA MB, at 23-24.

Transmission Lines would experience the same pack-out rust issue as the existing COR-TEN® structures. Indeed, the opposite is true and was explained in PPL Electric’s Necessity Statement: “Rebuilds are also less risky than remediation due to factors such as lack of remediation experience, lack of evidence for long-term remediation effectiveness, and risk of returning pack-out rust.”⁷⁴

Second, undergrounding all or a portion of the Stanton-Summit #3 and #4 Transmission Lines is substantially more costly than the Project as proposed.⁷⁵ The OCA does not dispute this fact in its Main Brief, nor did Mr. Konidena dispute the same in his Direct Testimony. In fact, Mr. Konidena conceded that if an alternative to a transmission line rebuild was more expensive than the rebuild itself without offsetting benefits – as is the case here – it would be unreasonable compared to the rebuild.⁷⁶ Therefore, under the OCA’s own reasoning, the undergrounding alternative should be rejected.

In these circumstances, the undergrounding alternative presented by the OCA is not a reasonable alternative to the proposed rebuild Project. The OCA has not presented any evidence to rebut PPL Electric’s assertions that the pack-out rust and weatherization issues and concerns present on the existing COR-TEN® lattice structures encompassed by the Project will be resolved by the Project as proposed, nor has the OCA disputed that undergrounding the Stanton-Summit #3 and #4 Transmission Lines would be substantially more costly than the Project. Further, the OCA ignores the fact that PPL Electric, throughout the course of this proceeding, has evaluated and rejected undergrounding all or a portion of the Stanton-Summit #3 and #4 230 kV Transmission Lines, for the specific circumstances and reasons noted above and explained in its Main Brief. As such, the OCA’s recommendation for the Commission to order PPL Electric to “explore” an

⁷⁴ See Exhibit No. JBL-1, at p. 15.

⁷⁵ PPL Electric MB, at 47; PPL Electric St. 2, at p. 8 (comparing the \$14.8 million-\$24 million/mile cost of undergrounding a 69 kV transmission project to the \$3-\$5 million per mile cost of constructing an overhead 230 kV transmission line.

⁷⁶ Tr. 114.

undergrounding option with respect to the Summit #3 and #4 230 kV Transmission Lines should be rejected .

6. PPL Electric Has Demonstrated Both A Present, Immediate Need For The Project, As Well As A Future Need For The Project

In its Main Brief, the OCA cites 52 Pa. Code §57.75(e)(1), arguing that the Commission must accept evidence regarding the need for a proposed transmission line, including the “present and future necessity of the proposed HV line in furnishing service to the public.”⁷⁷ The OCA’s citation is a pertinent one, the mandate of which PPL Electric has wholly complied with.

Throughout this proceeding, PPL Electric has demonstrated that the Stanton-Summit Project is presently needed. Indeed, PPL Electric witnesses Mr. Lookup and Mr. Szmodis testified to the Project’s present need at length. Those identified present needs, and any rebuttal offered by OCA to the same are delineated in PPL Electric Table 1 below:

PPL ELECTRIC TABLE 1

PPL’s Identified Present Need for the Project	OCA’s Counter to the Identified Need
Rebuilding these structures would immediately and fully resolve the deteriorated condition of the existing structures on an immediate and long-term basis. ⁷⁸	Undisputed.
If the #3 and #4 Stanton-Summit Transmission Lines were to fail, 34,968 customers would be impacted for the next contingency. ⁷⁹	PPL Electric has not established a reasonable likelihood that the contingency events leading to an outage are likely. ⁸⁰
Currently there are towers that have deteriorated beyond the point of safe operation. ⁸¹	Undisputed.
Public safety issues are ongoing. ⁸²	Undisputed.

⁷⁷ OCA MB, at 27.

⁷⁸ PPL Electric St. 1, at p. 11.

⁷⁹ PPL Electric St. 2, at p. 4.

⁸⁰ OCA MB, at 12.

⁸¹ PPL Electric St. 2, at p. 3

⁸² PPL Electric St. 1, at p. 11.

Additionally, PPL Electric has demonstrated a future need for the Project. PPL Electric witnesses Mr. Lookup and Mr. Szmodis testified to the Project’s future need at length. Those identified needs, and the any rebuttal offered by OCA to the same are delineated in PPL Electric Table 2 below:

PPL ELECTRIC TABLE 2

PPL’s Identified Future Need for the Project	OCA’s Counter to the Identified Need
Rebuilding avoids the possibility of the issue worsening and/or recurring with respect to these structures and developing into both a reliability and public safety issue. ⁸³	Undisputed.
If the Stanton-Summit #3 and #4 Transmission Lines were to fail, 34,968 customers would be impacted for the next contingency. ⁸⁴	PPL Electric has not established a reasonable likelihood that the contingency events leading to an outage are likely. ⁸⁵
Removal of the existing lines and replacement with a 500 kV solution, retirement altogether, or line failure would have a dramatic effect on the west-to-east power flow on the electrical system. ⁸⁶	The #3 and #4 Stanton-Summit Transmission Lines could be completely removed from service and no overloads would occur. ⁸⁷
Public safety issues are ongoing and will continue into the future. ⁸⁸	Undisputed.

As made clear above, the OCA’s only counter to both the present and future need for the Project is that – according to the OCA – PPL Electric has failed to establish a reasonable likelihood that the contingency events leading to an outage are likely, and removal of the Stanton-Summit #3 and #4 Transmission Lines altogether would not result in an overload. These arguments miss the

⁸³ PPL Electric St. 1, at p. 11

⁸⁴ PPL Electric St. 2, at p. 4

⁸⁵ OCA MB, at 12.

⁸⁶ PPL Electric St. 2-R, at pp. 13-14, 16.

⁸⁷ OCA MB, at 18-19.

⁸⁸ PPL Electric St. 1, at p. 11.

mark. As repeatedly stressed by PPL Electric, the primary “need” drivers for the Project are asset-health and public safety concerns.

Finally, OCA’s argument ignores the fact that the reliability issue identified by PPL Electric is a transmission planning requirement imposed by NERC and, if PPL Electric does not comply with this requirement, it will be fined. NERC’s standards are designed to prevent less-likely, but high impact outage events (e.g., an unplanned outage occurring during planned maintenance of the transmission system). It is not reasonable or prudent to suggest that PPL Electric could, or should, plan and maintain its transmission system in a manner that violates NERC standards.

7. Conclusion Regarding Project Need

PPL Electric has demonstrated that the Stanton-Summit Project is needed to immediately resolve the identified asset health and public safety concerns associated with the existing COR-TEN® lattice towers that comprise the Stanton-Summit #3 and #4 230 kV Transmission Lines. The OCA does not dispute this need and admits that the prevalence of pack-out rust on the existing structures constitutes an asset health and public safety concern. Instead, the OCA takes issue with the Project as proposed because, according the OCA: (1) the PJM supplemental project process does not provide adequate review of alternatives or costs (irrelevant and outside the scope of this proceeding); (2) PPL Electric did not adequately evaluate alternatives to the Project (it did); and (3) PPL Electric did not contemplate retirement of the Stanton-Summit #3 and #4 Transmission Lines (this argument is waived and otherwise not supported by record evidence). As explained above, OCA’s challenge to the need for the Project is improper and legally unsound, while the alternatives advanced by the OCA are undermined by the testimony of its own witness. Therefore, and for the reasons more fully explained in the PPL Electric’s testimony, exhibits, and Main Brief,

the ALJs and the Commission should find and determine that there is a need for the Stanton-Summit Project.

B. PPL ELECTRIC HAS DEMONSTRATED THAT THE PROJECT WILL NOT CREATE AN UNREASONABLE RISK OF DANGER TO THE HEALTH AND SAFETY OF THE PUBLIC

Throughout this proceeding and in its Main Brief, the OCA did not contest that the Project will not create an unreasonable risk of danger to the health and safety of the public. Indeed, the OCA did not address the same at all in its Main Brief.⁸⁹ That said, the record evidence is clear the Project complies with the mandate of 52 Pa. Code 57.76 § (a)(3) and does not present an unreasonable risk of danger to the health and safety of the public. This is addressed in full in Section (V)(C) of the Company's Main Brief and will not be restated here.

C. THE PROJECT IS IN COMPLIANCE WITH APPLICABLE STATUTES AND REGULATIONS PROVIDING FOR THE PROTECTION OF NATURAL RESOURCES

The OCA also raises arguments under 52 Pa. Code § 57.76(a)(3) of its Main Brief.⁹⁰ Specifically, the OCA cites Article I, Section 27 of the Pennsylvania Constitution, *i.e.*, the Environmental Rights Amendment, and the Commission's obligations thereunder as described in *PEDF*.⁹¹ It then argues that, in order to satisfy its obligations under the Environmental Rights Amendment, "the Commission should consider the potential natural and scenic value in removing almost 8 miles of above-ground transmission lines and 46 separate transmission lattice structure, if a PJM evaluation would support that possibility."⁹² Alternatively, OCA asserts the "the Commission should also consider the long-term benefits of undergrounding this facility, consistent with its obligations under the *PEDF* decision, if an appropriate analysis determines that the

⁸⁹ See OCA MB, at 27.

⁹⁰ OCA MB, Section V.D.

⁹¹ OCA MB, at 28-31.

⁹² OCA MB, at 31.

Stanton-Summit line is needed.”⁹³ While the OCA is correct that the Commission must satisfy its obligations under the Environmental Rights Amendment, neither of these arguments have any merit or factual basis in the record.

OCA presented no evidence to show the Project is non-compliant or violative of any statute or regulation providing for the protection of natural resources. Similarly, OCA presented no evidence regarding the environmental impacts of the Project or the environmental impacts (whether those impacts be positive or negative) of any of its proposed alternatives.

Indeed, the only evidence of record regarding whether the Project complies with applicable statutes and regulations providing for the protection of natural resources was presented by PPL Electric. This evidence unequivocally demonstrated that the Project will not impact various environmental resources, cultural resources and land uses, or that PPL Electric has coordinated (or will coordinate) with the appropriate state and/or federal agencies to obtain all necessary permits and that PPL Electric will comply with any conditions placed on those permits.⁹⁴

Each of OCA’s arguments regarding the potential environmental benefits of removing the existing Stanton-Summit #3 and #4 230 kV Transmission Lines or undergrounding those lines is bereft of support in the evidentiary record. Critically, OCA’s witness confirmed that he had provided no opinion as to whether PPL Electric had satisfied 52 Pa. Code § 57.76(a)(3),⁹⁵ and that such an opinion would have been outside the scope of his engagement by the OCA.⁹⁶ OCA bears the burden of proof with respect to these proposals, and cannot satisfy this burden when it has presented no evidence related to either.

⁹³ OCA MB, at 31.

⁹⁴ PPL Electric MB, Section V.D.

⁹⁵ PPL Electric Cross Exhibit 6.

⁹⁶ *See* Tr. 115-116.

Therefore, and for the reasons more fully explained in PPL Electric's Main Brief and testimony, PPL Electric has presented unrebutted evidence that will allow the Commission to satisfy its obligations under the Environmental Rights Amendment and find and determine that the Project satisfies 52 Pa. Code § 57.76(a)(3).

D. THE STANTON-SUMMIT PROJECT WILL HAVE MINIMUM ADVERSE ENVIRONMENTAL IMPACTS

Throughout this proceeding and in its Main Brief, the OCA did not contest that the Project will not have minimum adverse environmental impacts. Indeed, the OCA did not address the same at all in its Main Brief.⁹⁷ That said, the record evidence is clear the Project complies with the mandate of 52 Pa. Code § 57.76(a)(4) and will have minimum adverse environmental impacts. This is addressed in full in Section (V)(E) of the Company's Main Brief and will not be restated here. To the extent that the OCA attempts to shoehorn a challenge of PPL Electric's compliance with 52 Pa. Code § 57.76(a)(4) into a "need" challenge under 52 Pa. Code § 57.76(a)(1), PPL Electric addressed the same in Section (V)(B) of its Main Brief and Section (III)(A) of the instant Reply Brief.

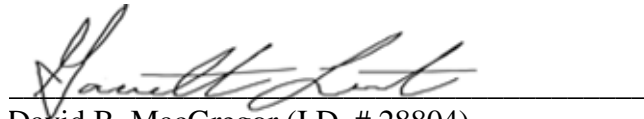
⁹⁷ See OCA MB, at 31.

IV. CONCLUSION

WHEREFORE, PPL Electric Utilities Corporation respectfully requests that Administrative Law Judges Mark A. Hoyer and Darlene Heep, and the Pennsylvania Public Utility Commission:

- (1) approve the above-captioned “Letter Of Notification Of PPL Electric Utilities Corporation, Filed Pursuant To 52 Pa. Code Chapter 57 Subchapter G, For Approval To Rebuild The Existing Double-Circuit Stanton-Summit #3 And #4 230 kV Transmission Lines Connecting the Stanton 230 kV Substation And A Two-Pole Turn Structure That Are Respectively Located In Luzerne And Lackawanna Counties, Pennsylvania”; and
- (2) grant such other approvals and/or waivers as are necessary or appropriate under all of the circumstances.

Respectfully submitted,



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Date: September 29, 2023

Attorneys for PPL Electric Utilities Corporation

APPENDIX A

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PPL ELECTRIC UTILITIES	:	
CORPORATION,	:	
	:	
Petitioner	:	
	:	
v.	:	No. 1194 CD 2018
	:	
PENNSYLVANIA PUBLIC UTILITY	:	
COMMISSION,	:	
	:	
Respondent	:	

JOINT APPLICATION FOR STAY

Petitioner PPL Electric Utilities Corporation (“PPL”) and Respondent Pennsylvania Public Utility Commission (“PUC”) jointly and respectfully request that this Honorable Court stay this appeal, pending disposition of related proceedings before the PUC, which may resolve this appeal and, in support of this request, aver as follows:

1. On August 31, 2017, PPL filed a Petition for Review of the PUC’s August 3, 2018 Order denying PPL’s letter of notification (“LON”), which sought approval to rebuild the existing single circuit Breinigsville-Alburtis 500 kV Transmission Line to a double-circuit configuration (“the Project”).
2. On October 3, 2018, the PUC filed a Motion to Quash the Petition for Review, contending that the order denying PPL’s LON was not appealable and,

instead that PPL must proceed with a full siting application (“FSA”) pursuant to PUC regulations at 52 Pa. Code, Chapter 57, Subchapter G.

3. Argument on the Motion to Quash was scheduled for November 22, 2018.

4. On November 16, 2018, the parties filed a Joint Application to Continue Argument, indicating that they were engaged in discussions regarding a stipulation to resolve the Motion to Quash, but required additional time to consummate that agreement and, therefore, requested that argument on the Motion to Quash be continued for at least 30 days.

5. By Order of November 19, 2018, the Court granted the Joint Application to Continue Argument; cancelled argument on the Motion to Quash; and directed the parties to file a joint status report by December 19, 2018 regarding the need to reschedule argument.

6. The parties have continued their discussions and have reached an agreement regarding a procedure that may potentially result in resolution of the Motion to Quash and this appeal in its entirety.

7. In summary, the parties have agreed that PPL will file an FSA regarding the Project with the PUC at a new docket number and concurrently petition for waiver of certain FSA requirements.

8. Disposition of PPL's FSA and waiver petition is likely to resolve this appeal. If PPL's submissions are granted, the August 3, 2018 Order denying PPL's LON likely will be moot. If PPL's FSA is denied on the merits, PPL may appeal that denial.

9. Therefore, the parties jointly request that the Court stay this appeal, pending disposition of PPL's FSA and waiver petition by the PUC.

10. The parties anticipate that it will require approximately 120 days for the filing and disposition of PPL's FSA and waiver petition.

11. Therefore, the parties respectfully suggest that they provide joint status reports to the Court every 60 days regarding the status of PPL's FSA.

WHEREFORE, Petitioner PPL Electric Utilities Corporation and Respondent Pennsylvania Public Utility Commission jointly and respectfully request that this Honorable Court enter an order staying this matter pending disposition of PPL's FSA and requiring the parties to file joint status reports every 60 days.

Respectfully submitted,

/s/ Jason G. Benion

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CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

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*Counsel for PPL Electric Utilities
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PROOF OF SERVICE

I hereby certify that I am this day causing to be served the foregoing document upon the persons and in the manner indicated below, which service satisfies the requirements of Pa. R.A.P. 121.

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Dated: December 12, 2018

Counsel for PPL Electric Utilities Corporation

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PPL ELECTRIC UTILITIES	:	
CORPORATION,	:	
	:	
Petitioner	:	
	:	
v.	:	No. 1194 CD 2018
	:	
PENNSYLVANIA PUBLIC UTILITY	:	
COMMISSION,	:	
	:	
Respondent	:	

ORDER

AND NOW, this _____ day of December 2018, upon consideration of the Joint Application for Stay, it is hereby ORDERED that said Application is GRANTED.

This matter is hereby STAYED pending disposition of the application to be filed by PPL Electric Utilities Corporation (“PPL”) pursuant to 52 Pa. Code, Chapter 57, Subchapter G, for approval to rebuild the existing single circuit Breinigsville-Alburtis 500 kV Transmission Line to a double-circuit configuration.

The parties shall file a joint status report 60 days following entry of this Order and every 60 days thereafter, regarding the status of PPL’s application.

BY THE COURT:
