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September 2, 2025

VIA ELECTRONIC FILING

Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
400 North Street, 2nd Floor North
Harrisburg, PA 17105-3265

**RE: Application of PPL Electric Utilities Corporation for approval of the alteration of the crossing where State Route 1005 (Mount Sidney Road) crosses, above grade, tracks of the National Railroad Passenger Service (AMTRAK) (DOT 518 160 Y) for the purpose of replacing an existing utility pole and relocating an aerial utility line in East Lampeter Township, Lancaster County
File No. A-2025-3054947**

Dear Secretary Homsher:

Enclosed for filing is PPL Electric Utilities Corporation's Reply to Amtrak's New Matter.

Copies of the aforesaid Notices are being provided as indicated on the Certificates of Service.

Respectfully submitted,

GRAIG M. SCHULTZ

Enclosure

cc: Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In re: Application of PPL Electric Utilities Corporation for approval of the alteration of the crossing where State Route 1005 (Mount Sidney Road) crosses, above grade, tracks of the National Railroad Passenger Service (AMTRAK) (DOT 518 160 Y) for the purpose of replacing an existing utility pole and relocating an aerial utility line in East Lampeter Township, Lancaster County

File No. A-2025-3054947

**PPL ELECTRIC UTILITIES CORPORATION'S REPLY
TO AMTRAK'S NEW MATTER**

PPL Electric Utilities Corporation ("PPL Electric"), by and through its counsel, Fitzpatrick Lentz & Bubba, P.C., replies to Amtrak's New Matter pursuant to 52 Pa. Code § 5.63 as follows:

PPL Electric's General Reply

Although Amtrak has included a Notice to Plead with its Answer to PPL Electric's Preliminary Objections (the "Answer"), the Answer fails to contain any "New Matter" allegations as provided by 52 Pa. Code § 5.62(b) ("Answers raising new matter. An affirmative defense shall be pleaded in an answer or other responsive pleading under the heading of 'New Matter.' A party may set forth as new matter another material fact which is not merely a denial of the averments of the preceding pleading."). In this case, Amtrak has merely filed responses to the twenty-six paragraphs contained within PPL Electric's Preliminary Objections. Nonetheless, PPL Electric files the instant Reply to correct Amtrak's misstatement that the wooden and steel poles at issue in PPL Electric's Application are not located within the public right-of-way¹ and that PPL Electric has failed to demonstrate that its proposed plan of work is within a PUC-jurisdictional right-of-

¹ See Answer at p. 8, fn. 5.

way.² To the contrary, Exhibit A to PPL Electric's Application clearly shows that the relevant wooden and steel poles are each located within the public right-of-way (State Route 1005). PPL Electric is again attaching as **Exhibit A** the PPL Electric plan depicting that the work is in the public right of way of State Route 1005

PPL Electric also notes that an application was filed in 2023 with respect to the same State Route ROW by DQE Communications ("DQE") at Docket No. A-2023-3044381 relating to its placement of communications facilities on PPL Electric's poles. PPL Electric is attaching a copy of the plan submitted by DQE as **Exhibit B**, as it clearly shows the extent of the right of way for State Route 1005 and Amtrak's facilities being within that right of way.

Accordingly, the proposed work as evidenced in PPL Electric's Application (and as supplemented herein) clearly falls within a Commission-jurisdictional right-of-way. Therefore, the Commission can direct the details of construction so as to provide for occupancy and relocation of the facilities of a utility occupying a highway or street in the area under commission jurisdiction. *See Dep't of Highways v. Pennsylvania Pub. Util. Comm'n*, 182 A.2d 267, 271-72 (Pa. Super. 1962). Amtrak's reliance on various cases not dealing in any manner with the Commission's jurisdiction are inapplicable to PPL Electric's application.

WHEREFORE, PPL Electric Utilities Corporation respectfully requests that the Commission sustain its Preliminary Objections and strike with prejudice Amtrak's Letter Objection to its Application.

² *Id.* at p. 2.

Dated: 9/2/2025

Respectfully submitted,

By:



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On behalf of PPL Electric Utilities Corp.

VERIFICATION

I, Chelsea Pine, Agent - Right of Way, do state that I am authorized to make this statement on behalf of PPL Electric Utilities Corporation and verify that I have read the foregoing Reply to Amtrack's New Matter and that the within information is true and correct to the best of my knowledge, information and belief. To the extent that the contents of the pleading are that of counsel, Verifier has relied upon counsel in making this verification. This verification is made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Chelsea Pine

Chelsea Pine
Agent -- Right of Way

Date: 9/2/2025

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In re: Application of PPL Electric Utilities Corporation for approval of the alteration of the crossing where State Route 1005 (Mount Sidney Road) crosses, above grade, tracks of the National Railroad Passenger Service (AMTRAK) (DOT 518 160 Y) for the purpose of replacing an existing utility pole and relocating an aerial utility line in East Lampeter Township, Lancaster County

File No. A-2025-3054947

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Reply to Amtrak's New Matter have 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 party.

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Lancaster, PA 17608
kbarr@lancastercountypa.gov

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rhutchison@eastlampetertownship.org

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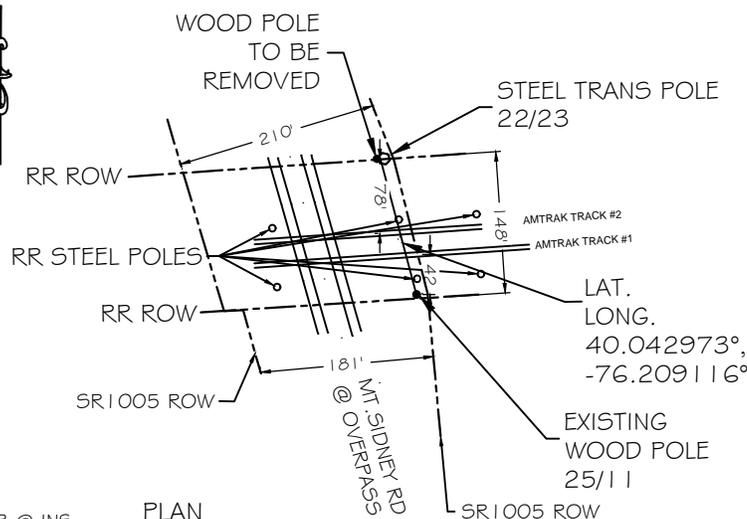
Dated: September 2, 2025

By: 

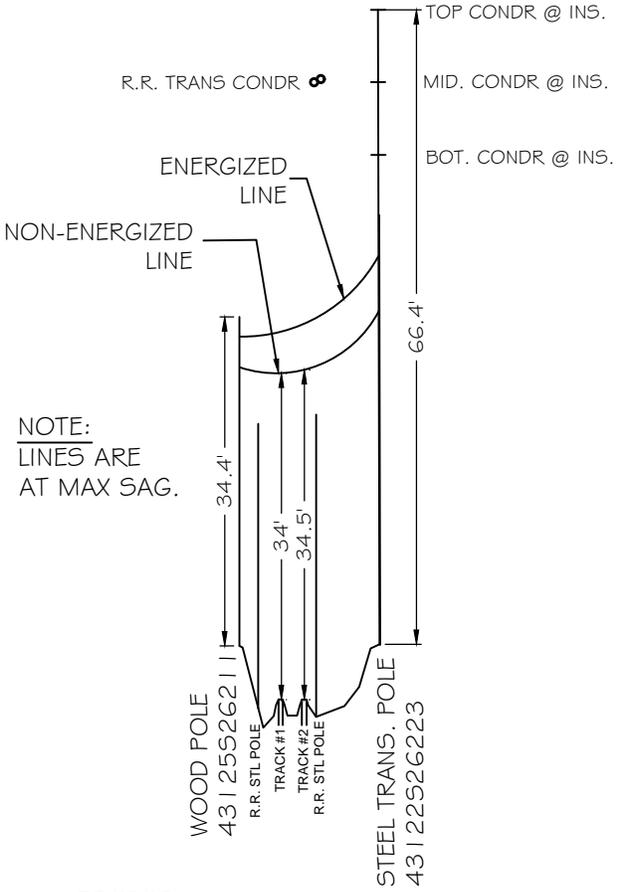
Graig M. Schultz



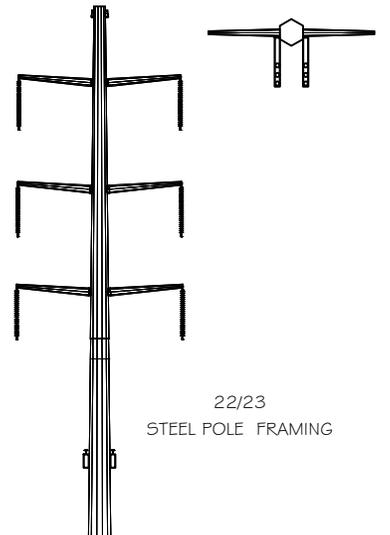
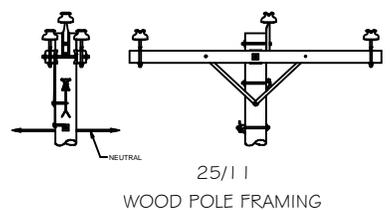
EXHIBIT "A"



PLAN SCALE: 1" = 200'



PROFILE SCALE: 1" = 200' H
1" = 20' V

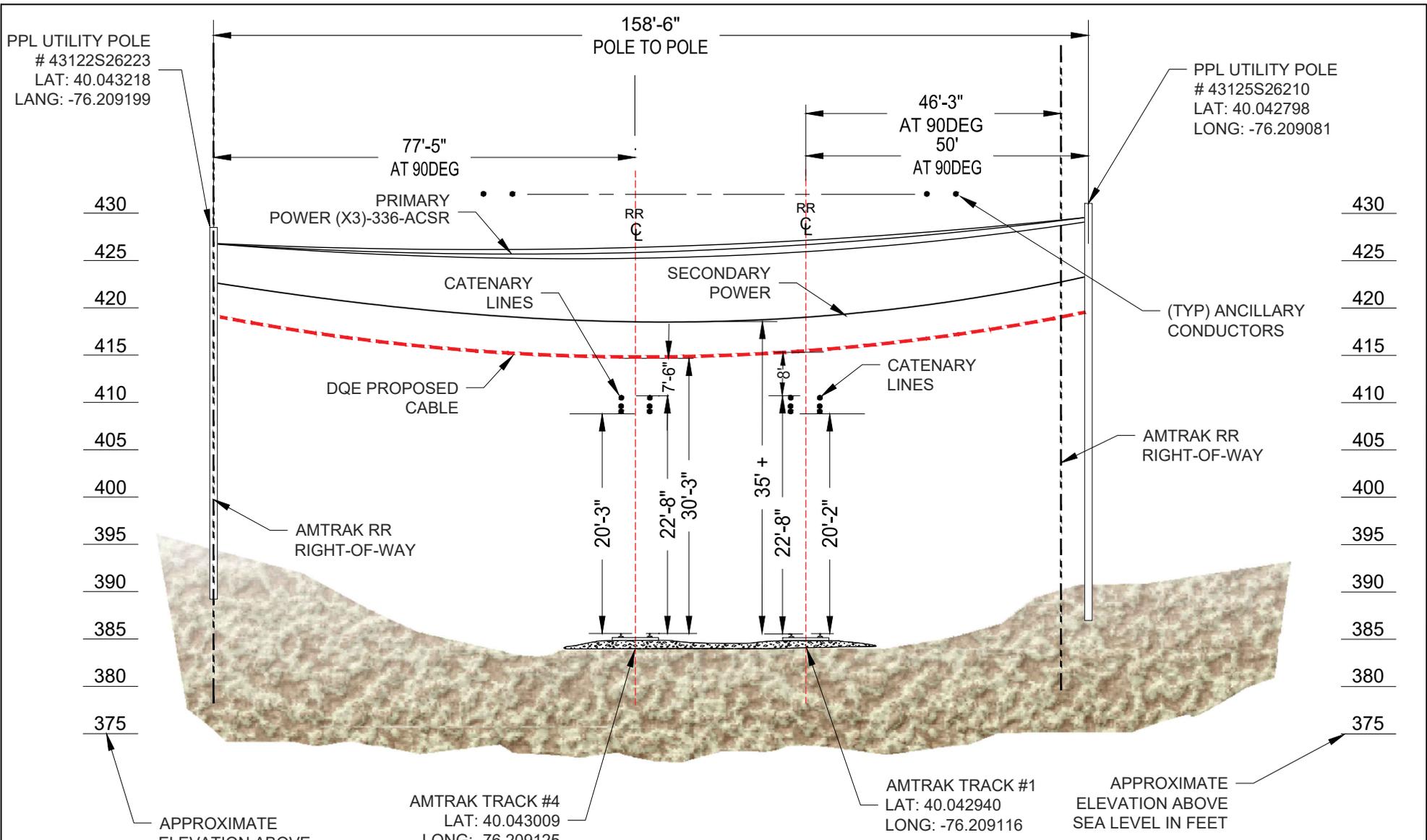


NO. DATE REV'D- RSH BY- JJA ACCT. ECN/FCN REVISION

PLAN AND PROFILE
SHARE
SORTS
LOC CODE
LOC CODE
LOC CODE
PRIMARY LOC CODE

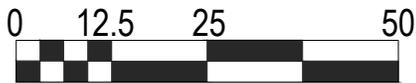
ACCT.- 258610
ECN #- 19089
SCALE- AS SHOWN
BY- JJA
REV'D- RSH
LAMPETER TWP.
APPROVAL R.A. Gallo Jr
DATE 02/2025
AC A
CAD ID FORMAT

PPL CROSSING (12kv)	
PPL CROSSING AMTRAK RR	
AT LAT. 40.914519, LONG. -76.842435	
LANCASTER CO., PA	
PPL ELECTRIC UTILITIES	
DRAWING NO.	SHEET NO.
EU00586727	1
REVISION	0

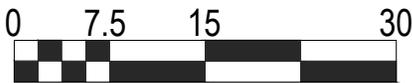


PROFILE VIEW A-A

SCALE: HORIZONTAL 1" = 25' - VERTICAL 1" = 15'



GRAPHIC SCALE IN FEET



GRAPHIC SCALE IN FEET



424 South 27th St,
Suite 220
Pittsburgh, PA 15203

PROPOSED AERIAL CABLE
CROSSING OF AMTRAK RAILROAD
AT MOUNT SYDNEY ROAD
LANCASTER, PA - DISTRICT 8

DATE: JANUARY 5, 2024

DQE23-175
SHEET 2 OF 2