

COMMONWEALTH OF PENNSYLVANIA



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April 13, 2026

**Via Electronic Filing**

Matthew L. Homsher, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

Re: Letter of Notification of PPL Electric Utilities Corporation filed pursuant to 52 PA. Code Chapter 57 with respect to the approval to build approximately 1.1 miles of new parallel double circuit 230 kV transmission taps that are needed to connect the existing Susquehanna-Harwood #1 & #2 transmission lines on the New Tomhicken 230 kV switchyard that are respectively located in Luzerne County, Pennsylvania; Docket No. A-2025-3059443

Dear Secretary Homsher:

Attached for electronic filing, please find the Office of Consumer Advocate's Answer to the Preliminary Objections of PPL Electric Utilities Corporation to the Protest of Erika Cook in this proceeding.

Copies have been served on the parties as indicated on the enclosed Certificate of Service.

Respectfully submitted,

/s/ Jacob Guthrie

Jacob Guthrie, Esq.  
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PA Attorney I.D. # 334367  
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Enclosures

cc: Administrative Law Judge Erin L. Gannon (Via Email Only: egannon@pa.gov)  
Administrative Law Judge John M. Coogan (Via Email Only: jcoogan@pa.gov)  
Certificate of Service

CERTIFICATE OF SERVICE

Letter of Notification of PPL Electric :  
Utilities Corporation filed pursuant to 52 PA. :  
Code Chapter 57 with respect to the approval :  
to build approximately 1.1 miles of new :  
parallel double circuit 230 kV transmission : Docket No. A-2025-3059443  
taps that are needed to connect the existing :  
Susquehanna-Harwood #1 & #2 :  
transmission lines on the New Tomhicken :  
230 kV switchyard that are respectively :  
located in Luzerne County, Pennsylvania. :

I hereby certify that I have this day filed electronically on the Commission's electronic filing system and served a true copy of the following document, the Office of Consumer Advocate's Answer to the Preliminary Objections of PPL Electric Utilities Corporation to the Protest of Erika Cook, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below.

Dated this 13th day of April 2026.

SERVICE BY E-MAIL ONLY

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Dated: April 13, 2026

/s/ Jacob Guthrie  
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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Letter of Notification of PPL Electric Utilities :  
Corporation filed pursuant to 52 PA Code :  
Chapter 57 with respect to the approval to :  
build approximately 1.1 miles of new parallel :  
double circuit 230 kV transmission taps that :           Docket No. A-2025-3059443  
are needed to connect the existing :  
Susquehanna-Harwood #1 & #2 transmission :  
lines on the New Tomhicken 230 kV :  
switchyard that are respectively located in :  
Luzerne County, Pennsylvania :

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**ANSWER OF THE OFFICE OF CONSUMER ADVOCATE  
TO THE PRELIMINARY OBJECTIONS OF  
PPL ELECTRIC UTILITIES CORPORATION  
REGARDING THE PROTEST OF ERIKA COOK**

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Pursuant to 52 Pa. Code Section 5.101, the Office of Consumer Advocate (OCA) submits this Answer to the Preliminary Objection of PPL Electric Utilities Corporation (PPL or Company) filed on April 2, 2026. The OCA requests that the Protest filed by Erika Cook should not be dismissed because Ms. Cook has established that she can obtain relief from the Commission regarding her protest and has standing in this matter. If Ms. Cook’s standing is found to be unclear on the face of the pleadings, because there are factual disputes and PPL is not entitled relief as a matter of law, Ms. Cook should have the opportunity to establish her standing after further factual investigation, consistent with the precedent of the Pennsylvania Public Utility Commission (Commission). In support thereof, the OCA avers as follows:

**I. INTRODUCTION**

On December 19, 2025, PPL filed a Letter of Notification (LON) with the Pennsylvania Public Utility Commission (Commission), pursuant to 52 Pa. Code Section 57.72(d)(1)(iii) and (vi), to build approximately 1.1 miles of new parallel double-circuit 230 kilovolt (kV) transmission

taps that PPL claims are needed to connect the existing Susquehanna-Harwood #1 & #2 230 kV Transmission Lines to the new Tomhicken 230 kV Switchyard (Project). The Project also includes the construction of two new 0.1-mile-long 230 kV transmission lines from the Tomhicken 230 kV Switchyard to a new customer-owned 230-34 kV substation. The Project is located in Hazle Township, Luzerne County, Pennsylvania.

According to PPL, it “will carry out the projects necessary to serve this Customer's load request in two separate phases. Phase 1, subject to this Letter of Notification, is needed to connect the Customer requesting transmission-level service.” LON at ¶ 23. Further:

Phase 2 will be needed to address the Customer's future electrical needs and demands, as well as PPL Electric's system needs. Phase 2 will be submitted in a subsequent filing, which PPL Electric anticipates may necessitate a full siting application. PPL Electric notes that the phases are being submitted separately because only the first phase is required to meet the Customer's in-service request; Phase 2 will not be necessary until the Customer's load increases at a future date.

LON at ¶ 24. It is the OCA's understanding that Phase 2 of the Project was submitted as a separate filing on April 7, 2026. *Application of PPL Electric Utilities Corporation, Filed Pursuant to 52 Pa. Code Chapter 57 Subchapter G, for Approval to (1) Bifurcate and Rebuild 4.4 Miles of the Existing Sunbury-Susquehanna #1 230 kV Transmission Line; (2) Construct 0.9 Miles of New Transmission Line Tap for Future 230 kV Double-Circuit Operation; (3) Raise Approximately 0.5 Miles of the Sunbury-Susquehanna 500 kV Transmission Line; and (4) Construct 11.2 Miles of New Double-Circuit 230 kV Transmission Line for Future Double-Circuit 500 kV Capacity, Located in Black Creek, Hazle, Hollenback, Nescopeck, and Sugarloaf Townships in Luzerne County, Pennsylvania*, Docket Nos. A-2026-3061547, A-2026-3061549. Put simply, Phase 1 of the project addresses the interconnection needs of the identified customer, and Phase 2 of the project addresses the service needs of the identified customer. LON, Attach. 1 at 9 (Phase 2 “will prevent the thermal overload of the Susquehanna-Tomhicken #1 & #2 230 kV and Tomhicken-

Harwood #1 & #2 230 kV lines” which are the subject of the instant LON). Because Phase 2 is targeted to address reliability, health, and safety concerns associated with the load of the customer subject to interconnection under Phase 1, the OCA submits that there are common questions of law and fact between the two phases which are relevant to the instant proceeding. 66 Pa. C.S. § 1501; 52 Pa. Code § 57.76(a)(2).

The OCA intends to further investigate these common questions through discovery, written testimony, and at hearings in this matter, in addition to submitting further pleadings in one or both dockets to address these common issues of law and fact. To the extent that PPL’s Preliminary Objections in this matter are intended to prevent discussion of common issues of law and fact between the two matters, they must be denied, as the parties to this proceeding cannot identify where the boundaries of relevance between the matters lay absent further factual and legal investigation.

On December 30, 2025, the OCA filed a Notice of Intervention and Public Statement. On January 7, 2026, the OCA filed a Protest.

On February 19, 2026, PPL filed Affidavits and Proofs of Publication evidencing that notice had been published in the Wilkes-Barre Citizens’ Voice and Wilkes-Barre Times Leader consistent with the email request of Administrative Law Judge (ALJ) Erin L. Gannon.

On March 12, 2026, Erika Cook filed a Protest to the LON (Protest).<sup>1</sup> On March 13, 2026, John Zola filed a Protest to the LON.

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<sup>1</sup> Notably, the Protest appears similar to a form which is accessible via the Commission’s website, available at: <https://www.puc.pa.gov/media/1394/protest-to-application-form.pdf>. While the Commission appears to have since removed this form from its website, the Commission’s discretion in determining the form of a pleading to be filed before it should be considered regarding the determination as to whether the factual averments in Ms. Cook’s Protest are well-pleaded. *See Schellhammer v. Pa. Pub. Util. Comm’n*, 629 A.2d 189, 192 (Pa. Cmwlth. Ct. 1993); *see also Formal Complaints*, Pa. Pub. Util. Comm’n (last accessed Apr. 10, 2026), <https://www.puc.pa.gov/complaints/formal-complaints/>; *Transmission Lines*, Pa. Pub. Util. Comm’n (last accessed Apr. 10, 2026), <https://www.puc.pa.gov/electricity/transmission-lines/>. Furthermore, as Ms. Cook is appearing *pro se*, her Protest should be liberally construed. 52 Pa. Code § 1.2(a); *Kozicki v. Unemployment Comp. Bd. of Rev.*, 299

On March 18, 2026, ALJ Gannon and ALJ John M. Coogan convened a Prehearing Conference, wherein the ALJs requested Ms. Cook and Mr. Zola to inform them as to whether they would intend to proceed as active or inactive parties to this proceeding by March 27, 2026. Tr. 45. On March 24, 2026, ALJ Gannon notified the parties by email that Ms. Cook and Mr. Zola requested to participate in this proceeding as active parties.

On April 2, 2026, PPL filed Preliminary Objections to the Protests of Ms. Cook and Mr. Zola, requesting that the Protests of Ms. Cook and Mr. Zola be dismissed. In its Preliminary Objections, PPL asserts that the Protests of Ms. Cook and Mr. Zola are legally insufficient because they fail to allege any unlawful conduct by PPL with respect to the location and siting of the Project and because Ms. Cook and Mr. Zola lack standing to participate in the proceeding. On April 6, 2026, Ms. Cook and Mr. Zola filed Answers to PPL's Preliminary Objections.

As discussed in detail in Section III *infra*, Ms. Cook, in her Protest, pleaded facts sufficient to indicate that the Commission could grant relief with respect to instant LON through denying the LON or granting it “upon the terms, conditions or modifications, of the location, construction, operation or maintenance of the line as the Commission may deem appropriate.” 52 Pa. Code § 57.76(a). Further, Ms. Cook identified that she has a direct, immediate, and substantial interest in the disposition of the LON as an affected landowner, PPL ratepayer, and member of the community of Hazle Township wherein the Project facilities are being constructed. *William Penn Parking Garage, Inc. v. Pittsburgh*, 346 A.2d 269, 280 (Pa. 1974).

In its Preliminary Objections, PPL misstates the contents of the Protest and the applicable law in requesting that the Protest be dismissed. It is clear that the Protest of Ms. Cook is legally sufficient, Ms. Cook stated a claim upon which relief could be granted, that Ms. Cook has standing

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A.3d 1055, 1063 (Pa. Cmwlth. Ct. 2023) (quoting *Commonwealth v. Blakeney*, 108 A.3d 739, 766 (Pa. 2014)) (“the courts may liberally construe materials filed by a *pro se* litigant.”).

to protest the instant LON, and that no party – including the OCA – can otherwise represent Ms. Cook’s interests. As such, PPL’s Preliminary Objections to the Protest of Ms. Cook should be denied.

## II. LEGAL STANDARDS

The Commission’s Rules of Administrative Practice and Procedure permit the filing of preliminary objections. 52 Pa. Code §§ 5.101 (a)(1)-(7). The grounds for preliminary objections are limited to the following:

- (1) Lack of Commission jurisdiction or improper service of the pleading initiating the proceeding.
- (2) Failure of a pleading to conform to this chapter or the inclusion of scandalous or impertinent matter.
- (3) Insufficient specificity of a pleading.
- (4) Legal insufficiency of a pleading.
- (5) Lack of capacity to sue, nonjoinder of a necessary party or misjoinder of a cause of action.
- (6) Pendency of a prior proceeding or agreement for alternative dispute resolution.
- (7) Standing of a party to participate in the proceeding.

52 Pa. Code § 5.101(a).

In deciding whether to grant or deny a preliminary objection, the truth of all facts averred in the objected-to pleading must be assumed, and it must be determined whether, based on the well-pleaded factual averments of the nonmovant, recovery or relief is possible. *Feingold v. Bell of Pa.*, 383 A.2d 791, 792 (Pa. 1977); *Equitable Small Transp. Interveners v. Equitable Gas Co.*, Docket No. C-00935435, 1994 Pa PUC LEXIS 69, \*3 (Order entered July 18, 1994) (“Commission preliminary objection practice is analogous to civil practice regarding preliminary objections”). Further, any inferences fairly deducible from the facts must be accepted for purposes of the disposition of the preliminary objections. *Commonwealth v. Bell Tel. Co.*, 551 A.2d 602, 604 (Pa. Cmwlth. 1988); *Raynor v. D’Annunzio*, 243 A.3d 41, 52 (Pa. 2020). The Commission shall deny a preliminary objection, in favor of the non-moving party, if there are any doubts that must be

resolved. *Garcia v. Am. Eagle Outfitters, Inc.*, 331 A.3d 541, 547 (Pa. 2025); *Smiles v. PPL Electric Util. Corp.*, Docket No. C-2021-3026268 (Order entered Dec. 19, 2024)<sup>2</sup> at 11.

Preliminary objections in the form of a demurrer, where the movant claims that the nonmovant failed to assert a claim upon which relief can be granted, can only be sustained where the law makes clear that the nonmovant *cannot* succeed on their claims. *Thomas v. Corbett*, 90 A.3d 789, 794 (Pa. Cmwlth. 2014) (citing *Meier v. Maleski*, 648 A.2d 595, 600 (Pa. Cmwlth. 1994)); *Unique Limousine Service, Inc. Objection to the General Assessment For the July 1, 2009 to June 30, 2010 Fiscal Year*, Docket No. M-2010-2171343 (Initial Decision issued May 12, 2011) at 3-4, *aff'd*, (Order entered June 29, 2011).

The Commission's Rules of Administrative Practice and Procedure require a protestant to set forth the facts establishing the protestant's standing to protest. 52 Pa. Code § 5.52(a)(3). Standing permits parties that are adversely affected *in any way* by the challenged matter to obtain resolution of the challenge. *William Penn Parking Garage, Inc.*, 346 A.2d at 280. A party has standing if they have a direct, immediate, and substantial interest in the subject matter of the controversy. *Sunoco Pipeline L.P. v. Dinniman*, 217 A.3d 1283, 1287 (Pa. Cmwlth. 2019) (quoting *Municipal Authority Borough of West View v. Pa. Pub. Util. Comm'n*, 41 A.3d 929, 933 (Pa. Cmwlth. 2012)). Stating an abstract interest common to all citizens is generally not sufficient to establish standing. *Energy Conservation Counsel of Pa. v. Pa. Pub. Util. Comm'n*, 995 A.2d 465, 476 (Pa. Cmwlth. 2010) (citing *William Penn Parking Garage, Inc.*, 346 A.2d at 282). A preliminary objection should result in dismissal of a pleading for lack of standing "only where the lack of standing is obvious on the face of the pleadings filed by the nonmoving party"; because the question of standing is factual in nature, where a lack of standing is not clearly established in

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<sup>2</sup> Available at: <https://www.puc.pa.gov/pcdocs/1860078.pdf>.

the pleadings, it is appropriate to give the nonmovant the opportunity to establish their standing. *Tomko v. Duquesne Light Co.*, Docket No. C-2016-2577571 (Order entered July 20, 2017)<sup>3</sup> at 7.

### **III. ANSWER TO PPL'S PRELIMINARY OBJECTIONS**

#### **A. BACKGROUND**

1-2. These paragraphs are introductory in nature. PPL provides purported facts in these paragraphs that are based on information in the possession of PPL and are, therefore, denied. To the extent that these paragraphs include conclusions of law, no response is required.

3-20. Admitted.

21. Denied as stated. Section 5.101 of the Commission's regulations speaks for itself. 52 Pa. Code § 5.101.

#### **B. STANDARD OF REVIEW**

22-24. Denied as stated. These paragraphs state conclusions of law to which no response is required. By way of further response, the OCA incorporates Section II above herein.

#### **C. PRELIMINARY OBJECTIONS**

##### **1. Answer to Preliminary Objection No. 1 – the Protest is legally sufficient because Ms. Cook stated a legally sufficient basis upon which the Commission may grant relief.**

25. The OCA incorporates by reference its responses to Paragraphs 1 through 24 as if fully stated herein.

26. Denied as stated. This paragraph states conclusions of law to which no response is required. By way of further response, the OCA incorporates Section II above as if fully stated herein.

27. Denied as stated. The Protest speaks for itself.

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<sup>3</sup> Available at: <https://www.puc.pa.gov/pdocs/1529020.docx>.

28. Denied. The Protest speaks for itself. Ms. Cook established facts as to how she would otherwise be directly affected by the Project, even if she is not a directly affected landowner for Phase 1 of the Project. *Supra*, Sec. I (discussing PPL’s distinction between Phases 1 and 2 of the Project). Namely, Ms. Cook stated in her Protest: “I am a property owner directly affected by the development project. I am a ratepayer that will be bearing the burden of this project cost. As a resident, I was not properly notified of the application.” Protest ¶ (a)(3). Because Ms. Cook has stated that she is a property owner directly affected by the development project (inclusive of Phases 1 and 2), and because Ms. Cook did not admit the statement in PPL’s Preliminary Objections in her Answer, for the purposes of ruling on the Preliminary Objections, this factual averment by Ms. Cook in the Protest must be accepted as true. *See infra*, Sec. II.

29. Denied. This paragraph states a conclusion of law to which no response is required. By way of further response, while a landowner directly along the route clearly has standing to protest, the OCA specifically denies PPL’s assertion that the only manner in which a protest can be legally sufficient is if a proposed project will adversely affect the protestant as a landowner directly along the route. Such a legal conclusion, if reached by the ALJs, would be a flagrant violation of the due process rights of affected members of the public given that the Commission must make certain findings in this proceeding that are broader than the limited interest of a landowner directly along the route. Indeed, according to the Commission’s regulations, the Commission cannot grant the application, either as proposed or as modified, unless it finds and determines as to the proposed HV line:

- (1) That there is a need for it.
- (2) That it will not create an unreasonable risk of danger to the health and safety of the public.
- (3) That it is in compliance with applicable statutes and regulations providing for the protection of the natural resources of this Commonwealth.

(4) That it will have minimum adverse environmental impact, considering the electric power needs of the public, the state of available technology and the available alternatives.

52 Pa. Code § 57.76(a). Any member of the public that can show a direct, immediate, and substantial interest in any of the following, *inter alia*, can be a protestant: the need for the project, that the project will not create an unreasonable risk of danger to the health and safety of the public, that the project is in compliance with all applicable statutes and regulations providing for the protection of the natural resources of this Commonwealth, and that the project will have minimum adverse environmental impact. On the question of need, the Commission must confirm: (1) the reason for the proposed facilities (i.e., a new customer interconnection), and (2) whether the facilities proposed by the utility to meet the identified reason are safe, reasonable, adequate, and efficient; that the proposed project is in accordance with prior Commission orders and regulations; and that the proposed project is consistent with PPL's practices and tariff rules and regulations. 66 Pa. C.S. § 1501; *Energy Conservation Council of Pa. v. Pa. Pub. Util. Comm'n*, 995 A.2d 465, 483-84, 486 (Pa. Cmwlth. 2010) (affirming the Commission's taking of evidence regarding whether the proposed transmission line was designed to address the stated need for the project in comparison to suggested alternatives)<sup>4</sup>.

By way of further response, the determination of "need" is not narrowly construed by the Commission. *Hess v. Pa. Pub. Util. Comm'n*, 107 A.3d 246, 260 (Pa. Cmwlth. 2014). In *Hess*, the Commonwealth Court affirmed the Commission's assessment of public benefit in approving a condemnation for a proposed transmission line. *Id.* The Commission recently approved a Letter of

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<sup>4</sup> In *Transource Pa. LLC v. Pa. Pub. Util. Comm'n*, 278 A.3d 942 (Pa. Cmwlth. 2022), the Commonwealth Court similarly held that the Commission's determination in a transmission line siting proceeding is as to the results of the project, not merely the existence of the stated need, meaning that the need of the proposed solution, or prong 2 as articulated above, is a necessary and relevant consideration, as provided in other supporting caselaw. *Id.* at 967. The Court's decision was invalidated on other grounds in *Transource Pa. LLC v. DeFrank*, 156 F.4th 351 (3d Cir. 2025). To the extent that the Commonwealth Court's *Transource* decision is not binding on the Commission, it is instructive as to the scope of the Commission's inquiry in transmission line siting matters.

Notification, identifying that consistency with “applicable law or Commission policy regarding transmission line siting” are an aspect of whether a proposed transmission line siting is in the public interest, and approving the project after finding that it was in the public interest. *Letter of Notification of PPL Electric Utilities Corporation for Approval to Reconductor approximately 14.2 miles of the Juniata-Cumberland 230 kV Transmission Line in Centre, Carroll, and Rye Townships, Perry County and Middlesex and Silver Spring Townships, Cumberland Pennsylvania*, Docket No. A-2022-3036291 (Order entered Mar. 16, 2023)<sup>5</sup> at 7.

In determining the public interest, a relevant determination is how the matter of approval will affect members of the affected community. *See Malt Bevs. Distribs. Ass’n v. Pa. Liquor Control Bd.*, 881 A.2d 37, 42-43 (Pa. Cmwlth. 2005); *MEC Pa. Racing, Inc. v. Pa. State Horse Racing Comm’n*, 827 A.2d 580, 589 (Pa. Cmwlth. 2003) (“where an administrative agency was directed by its enabling statute to take into consideration the effect of its decision upon a particular class of individuals, then those individuals might have standing to challenge the agency’s decision on the basis that it did not fulfill its statutory duty.”).

30. Denied. This paragraph states a conclusion of law to which no response is required. By way of further response, the OCA specifically denies that the only manner in which the Commission can grant relief in this proceeding to a protestant is with respect to the protestant’s property. The Commission’s regulations provide: “The Commission will issue its order, with its opinion, if any, either granting or denying the application, in whole or in part, as filed *or upon the terms, conditions or modifications, of the location, construction, operation or maintenance of the line as the Commission may deem appropriate.*” 52 Pa. Code § 57.76(a) (emphasis added). The

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<sup>5</sup> Available at: <https://www.puc.pa.gov/pdocs/1777523.pdf>.

Commission may afford Ms. Cook relief through modification of the terms, conditions, operation, or maintenance of the Project, or denial of the LON in its entirety.

31. Denied. The Protest speaks for itself.

32. Denied. The Protest speaks for itself. By way of further response, the Protest does not allege that a subsequent or different project that is not the subject of the instant LON will adversely affect Ms. Cook as a landowner; the Protest is specific to the LON filed in this proceeding.

33. Admitted in part. It is admitted that the subject of the instant LON is the Project. However, this paragraph is denied to the extent that it asserts that subsequent or different projects may not be relevant to the consideration of the instant LON.

34. Denied. This paragraph states a conclusion of law to which no response is required. The Protest speaks for itself. By way of further response, while the Commission may not be able to grant relief with respect to projects other than that which is the subject of the LON, Ms. Cook does not request such relief.

35. Denied. This paragraph states a conclusion of law to which no response is required. The Protest speaks for itself regarding Ms. Cook's request for relief.

36. Denied. This paragraph states a conclusion of law to which no response is required. By way of further response, the construction of the customer's facilities which will interconnect to the Project facilities described in the LON are directly related to the Commission's ability to determine the need for the project, as is required under 52 Pa. Code Section 57.76(a)(1). 52 Pa. Code § 57.76(a)(1). If the customer's facilities are not constructed, then there may be no need for the Project, for the Project as described in the LON, or for the Phase 2 Project. LON, ¶ 9; LON Attach. 1-1, n.1 ("the instant LON is needed forthwith to connect the Customer to the 230kV grid

through the Customer-owned substation and the Tomhicken Switchyard”). As a result, it is within the Commission’s jurisdiction to consider whether the need for the project will be established through the construction of the customer’s facilities.

37. Denied. This paragraph states a conclusion of law to which no response is required. The Protest speaks for itself regarding Ms. Cook’s request for relief, which does not include requesting relief related to the construction of customer facilities not included as part of the LON.

38. Denied. This paragraph states a conclusion of law to which no response is required. The Protest speaks for itself regarding Ms. Cook’s request for relief. The Commission can grant Ms. Cook relief regarding the proposed Project by “either granting or denying the application, in whole or in part, as filed or upon the terms, conditions or modifications, of the location, construction, operation or maintenance of the line as the Commission may deem appropriate,” 52 Pa. Code Section 57.76(a), as it pertains to the need for the project, which is subject to change at this time. 52 Pa. Code § 57.76(a)(1).

39. Denied. This paragraph states a conclusion of law to which no response is required. By way of further response, the Protest should not be dismissed in its entirety because Ms. Cook clearly established her interest in this matter and the Commission can grant relief which would address Ms. Cook’s interest.

**2. Answer to Preliminary Objection No. 2 – the Protest is legally sufficient because the Ms. Cook has established her standing to file a protest to the LON.**

40. The OCA incorporates by reference its responses to Paragraphs 1 through 24 as if fully stated herein.

41. Denied. The Protest speaks for itself regarding Ms. Cook’s interest and her interest in this matter is not highly attenuated. Namely, Ms. Cook stated in her Protest: “I am a property owner directly affected by the development project. I am a ratepayer that will be bearing the burden

of this project cost. As a resident, I was not properly notified of the application.” Protest ¶ (a)(3). Based on the principles enunciated in Section II, *supra*, Ms. Cook’s Protest should not be dismissed.

42-45. Denied as stated. These paragraphs states conclusions of law to which no response is required. By way of further response, the OCA incorporates Section II above herein.

46. Denied. Ms. Cook alleged an injury that is substantial. The Protest speaks for itself regarding Ms. Cook’s interest.

47. Denied as stated. The Protest speaks for itself. The OCA notes that Ms. Cook admitted to the contents of this paragraph in her Answer.

48. Denied. This paragraph states a conclusion of law to which no response is required. The OCA incorporates by reference its responses to Paragraph 29 as if fully stated herein. Ms. Cook has pleaded that she is a member of the affected community and, to the extent that she is not a representative of the community which would be affected by approval of the LON, no other party can effectively represent her personal interests as a member of that community. Protest at ¶ (a)(2).

49. Denied. This paragraph states a conclusion of law to which no response is required. The OCA incorporates its response to Paragraph 48 as if fully set forth herein.

50. Admitted that the OCA is actively participating in this proceeding. With respect to the conclusions of law in this paragraph, they are denied and no response is required. By way of further explanation, both of the paragraph’s legal averments are incorrect. First, it is well-settled that a ratepayer has a substantial property interest in their utility rates. *McCloskey v. Pa. Pub. Util. Comm’n*, 195 A.3d 1055, 1068 (Pa. Cmwlth. 2018) (citing *Barasch v. Pa. Pub. Util. Comm’n*, 546 A.2d 1296, 1305 (Pa. Cmwlth. 1988), *modified*, 550 A.2d 257 (Pa. Cmwlth. 1988); U.S. Const. amend. XIV, § 1). In the LON, PPL estimates that the Project will add an additional \$38.4 million

to its transmission rate base. LON at ¶¶ 38-39. This is based on PPL's review of the proposed system improvements derived from the Project and PPL's policy as to the assignment of costs between the interconnecting customer and its transmission rate base. *Id.*

PPL's additions to its transmission rate base directly affect the rates that its retail customers pay. Furthermore, it is unclear at this time to what extent the Project will have on distribution rates, as any interconnecting customer will take distribution service subject to recovery under PPL's retail distribution tariff, and PPL will modify its distribution facilities as part of this project. *See, e.g.,* LON at ¶ 53 ("The PPL Electric distribution line will be relocated within the Customer's property as part of the Project, because its current location is in conflict with the planned location of the Customer-owned substation."). Because the Commission can "grant[] or deny[] the application, in whole or in part, as filed or upon the terms, conditions or modifications, of the location, construction, operation or maintenance of the line as the Commission may deem appropriate," it is appropriate for a ratepayer to participate in this matter to be appraised of the potential rate impact which resolution of the LON may have. 52 Pa. Code § 57.76(a).

Second, it is clearly established that the OCA does not represent the interests of individual ratepayers, such as Ms. Cook, regardless of their customer class. The Consumer Advocate "represent[s] the interest of consumers as a party." 71 P.S. § 309-4. Further, "[n]othing contained [in the OCA enabling statute] shall in any way limit the right of any consumer to bring a proceeding before either the commission or a court." 71 P.S. § 309-6. In establishing the OCA, the General Assembly did not intend to impact the standing of any party before the Commission. *South River Power Partners, L.P., v. Pa. Pub. Util. Comm'n*, 673 A.2d 422, 426-27 (Pa. Cmwlth. 1996). The OCA's enabling statute does not provide that the OCA only represents the interests of residential ratepayers, such as Ms. Cook, as asserted by PPL; rather, the statute makes clear that any person,

corporation, or municipal corporation that uses or may use Commission-jurisdictional public utility services is part of the class of consumers represented by the OCA. 71 P.S. §§ 309-1, 309-4. Any assertion that the OCA's participation in this proceeding precludes the ability of a consumer to participate should be affirmatively rejected, consistent with the OCA's enabling statute, the Commonwealth Court's interpretation of the statute, and Commission precedent on this issue. *See Pa. Pub. Util. Comm'n v. Phila. Gas Works*, Docket No. R-2017-2586783 (Prehearing Order #2 issued Apr. 7, 2017)<sup>6</sup> at 10-11.

51. Denied. The Protest speaks for itself. By way of further explanation, Ms. Cook stated at the Prehearing Conference that the LON was originally noticed to the general public via the Wilkes-Barre Citizens' Voice and Times Leader, and not a paper with general circulation in Hazle Township, Luzerne County, identified by Ms. Cook as the Hazleton Standard Speaker. Tr. 39-40. Ms. Cook specifically requested that PPL provide notice of the forthcoming Public Input Hearings to be held in this matter through the Hazleton Standard Speaker, because it would be more helpful for providing notice to the general public as compared to the Wilkes-Barre newspapers utilized for publication of the LON. Tr. 41-42. There is no basis for PPL's assertion that Ms. Cook's due process interest in adequate notice to the general public is related to her status as an affected landowner, instead of PPL's choice of periodical for providing the general public with notice of the LON.

52-53. Denied. The Protest speaks for itself.

54. Denied. The Protest speaks for itself. By way of further explanation, the Protest asserts that Ms. Cook is a PPL ratepayer, and the LON provides that, if approved without modification, it will increase PPL's transmission rate base and, therefore, will have a direct effect

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<sup>6</sup> Available at: <https://www.puc.pa.gov/pcdocs/1515906.doc>.

on the transmission rates paid by Ms. Cook, as described *supra*. The Protest does not provide unsupported speculation or general concerns, and states direct and immediate effects that approval of the LON will specifically have on Ms. Cook.

55. Denied. The OCA incorporates by reference its answers to Paragraphs 1 through 54 by way of further denial. Ms. Cook has clearly established her substantial, direct, and immediate interests which provide the basis for her standing in this proceeding.

WHEREFORE, the Office of Consumer Advocate respectfully requests that the Preliminary Objections to the Protest of Erika Cook be denied, for the reasons set forth above and in the Answer submitted by Ms. Cook on April 7, 2026, and Ms. Cook's Protest should not be dismissed.

Respectfully submitted,

/s/Jacob Guthrie

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