

**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 Approval to Build :
Approximately 1.1 Miles of New Parallel Double : A-2025-3059443
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 :

PREHEARING ORDER #2
Denying Preliminary Objections

On December 19, 2025, PPL Electric Utilities Corporation (PPL) filed a Letter of Notification with the Pennsylvania Public Utility Commission pursuant to 52 Pa. Code Section 57.72(d)(1)(iii) and (vi), to build approximately 1.1 miles of new double-circuit 230 kilovolt (kV) transmission taps (Tap Lines). PPL states that the Tap Lines 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 (Connecting Lines) from the Tomhicken 230 kV Switchyard to a new customer-owned 230-34 kV substation. The new Connecting Lines, Tap Lines and Tomhicken 230 kV Switchyard are located in Hazle Township, Luzerne County, Pennsylvania.

A Prehearing Conference Order was issued on January 14, 2026. A Telephonic Prehearing Conference Notice was issued on January 15, 2026. Notice of the prehearing conference was also published in the Pennsylvania Bulletin on January 31, 2026 (56 Pa.B. 736). The order and notices advised that protests and petitions to intervene must be filed on or before March 13, 2026 and provided information for joining the prehearing conference.

In addition, on February 19, 2026, PPL filed affidavits stating that the protest deadline and conference participation information were published in the Wilkes Barre Citizens' Voice and Wilkes Barre Times Leader on January 28, 2026 and February 4, 2026.

Three protests were timely filed by: the Office of Consumer Advocate (OCA), on January 7, 2026; Erika Cook, on March 13, 2026; and John Zola, on March 13, 2026.

In response to the Prehearing Conference Order, PPL and OCA submitted prehearing memoranda outlining their respective positions on various procedural matters. The prehearing conference convened on March 18, 2026, as scheduled. Counsel for PPL and OCA appeared, as well as Erika Cook and John Zola.

On March 20, 2026, we issued a Scheduling Order, setting forth the procedural matters addressed during the prehearing conference. Among other things, the Scheduling Order directed protestants Erika Cook and John Zola to inform the undersigned if they choose to participate in this proceeding as active parties. On March 24, 2026, Erika Cook and John Zola e-mailed the undersigned that they would participate in this proceeding as active parties. On March 26, 2026, we issued Prehearing Order #2, memorializing Erika Cook and John Zola's status in this proceeding as active parties.

On April 2, 2026, PPL filed preliminary objections to the protests of Erika Cook and John Zola.

On April 6, 2026, Erika Cook and John Zola filed answers to PPL's preliminary objections.

On April 13, 2026, OCA filed answers to PPL's preliminary objections.

PPL's preliminary objections are now ready for disposition and, for the reasons detailed below, they will be denied.

Discussion

A person objecting to the approval of an application filed with the Commission may file a protest to the application. 52 Pa. Code § 5.51(a). Section 5.101 of the Commission's Rules of Administrative Practice and Procedure provides for the filing of preliminary objections. 52 Pa. Code § 5.101. Commission preliminary objection practice is comparable to Pennsylvania civil practice respecting the filing of preliminary objections. *Equitable Small Transp. Intervenor v. Equitable Gas Co.*, 1994 Pa. PUC LEXIS 69 (Pa. P.U.C. 1994) (*Equitable*). Section 5.101(a) provides:

(a) *Grounds*. Preliminary objections are available to parties and may be filed in response to a pleading except motions and prior preliminary objections. Preliminary objections must be accompanied by a notice to plead, must state specifically the legal and factual grounds relied upon and be 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 a proceeding.

52 Pa. Code § 5.101(a)(1)-(7).

For purposes of disposing of preliminary objections, the Commission may not rely on the moving party's factual assertions, but must accept as true all well pleaded, material facts of the nonmoving party, as well as every reasonable inference from those facts. *Cnty. of*

Allegheny v. Commonwealth, 490 A.2d 402 (Pa. 1985); *Commw. of Pa. v. Bell Tel. Co. of Pa.*, 551 A.2d 602 (Pa. Cmwlth. 1988). Therefore, the Commission must view the protests in this case in the light most favorable to Ms. Cook and Mr. Zola and should dismiss the protests only if it appears that Ms. Cook and Mr. Zola would not be entitled to relief under any circumstances as a matter of law. *Equitable, supra*; *see also, Interstate Traveler Servs., Inc. v. Commonwealth, Dep't of Env'tl. Res.*, 406 A.2d 1020 (Pa. 1979).

PPL filed separate preliminary objections to Ms. Cook's protest and Mr. Zola's protest, but raised the same objections to both protests: legal insufficiency of a pleading and standing of a party to participate in the proceeding. 52 Pa. Code §§ 5.101(a)(4), 5.101(a)(7).

Preliminary objections in the form of legal insufficiency, also known as a demurrer, will be sustained only in cases which are free and clear of doubt and where dismissal is clearly warranted by the record. *Cnty. Life Support Sys., Inc. v. Commonwealth*, 689 A.2d 1014 (Pa. Cmwlth. 1997). Any doubt must be resolved in favor of overruling a demurrer. *Id.*; *see also, Hoffman v. Misericordia Hosp. of Phila.*, 267 A.2d 867 (1970) ("the question presented by the demurrer is whether on the facts averred, the law states with certainty that no recovery is possible"). Therefore, to grant PPL's preliminary objection on the grounds of legal insufficiency, we would need to accept that, even if all the facts set forth in the protests are true, Ms. Cook and Mr. Zola fail to set forth a claim for which the Commission can grant relief as a matter of law. *See Scott v. Metro. Edison Co.*, C-2009-2083345 (Initial Decision issued Mar. 20, 2009).

Standing requires that a party have an interest in the matter that is substantial, direct and immediate. *William Penn Parking Garage, Inc., et al. v. City of Pittsburgh*, 346 A.2d 269 (Pa. 1975) (*William Penn Parking Garage*). These criteria are defined as follows:

A "substantial" interest is an interest in the outcome of the litigation which surpasses the common interest of all citizens in procuring obedience to the law. A "direct" interest requires a showing that the matter complained of caused harm to the party's interest. An "immediate" interest involves the nature of the causal connection between the action complained of and the

injury to the party challenging it and is shown where the interest the party seeks to protect is within the zone of interests sought to be protected by the statute or the constitutional guarantee in question.

South Whitehall Twp. Police Serv. v. South Whitehall Twp., 555 A.2d 793, 795 (Pa. 1989) (citations omitted).

The Commission has adopted the criteria used in Pennsylvania civil law practice to determine if a party has standing. *See Petition of Hull Street Energy LLC for Reconsideration from Action of Pennsylvania Public Utility Commission Staff Regarding the Denial of an Application Submitted by Gauley River Power Partners, LLC*, Docket No. P-2025-3053574 (Opinion and Order entered Apr. 10, 2025). Standing to participate in proceedings before an administrative agency is primarily within the discretion of the agency. *Pennsylvania Nat'l Gas Assoc. v. T.W. Phillips Gas and Oil Co.*, 75 Pa. PUC 598 (1991).

In their protests, Ms. Cook and Mr. Zola both state that they are property owners directly affected by the Project, they will be bearing the burden of the Project cost as ratepayers, and they were not properly notified of the application.

PPL avers that the protests are legally insufficient because Ms. Cook and Mr. Zola are not landowners within the proposed right-of-way for the Project, and the protestants otherwise fail to establish facts as to how they would otherwise be directly affected by the Project. Accordingly, PPL submits that the Commission would be unable to grant Ms. Cook or Mr. Zola relief. Regarding standing, PPL avers that Ms. Cook's property and Mr. Zola's property is not traversed by the proposed Project, and Ms. Cook's and Mr. Zola's interests are highly attenuated. Therefore, Ms. Cook and Mr. Zola lack standing to participate in this proceeding.

Ms. Cook and Mr. Zola both filed answers to the preliminary objections. In their answers, Ms. Cook and Mr. Zola reiterate their argument that they are affected by the Project as landowners and ratepayers.

Under the standards of disposing preliminary objections and viewing the protests in a light most favorable to Ms. Cook and Mr. Zola, we will deny PPL's preliminary objections. Standing should only be used to dismiss a pleading where the lack of standing is obvious on the face of the pleadings filed by the non-moving party. *See Tomko v. Duquesne Light Co.*, C-2016-2577571 (Opinion and Order entered July 20, 2017) (*Tomko*). The question of standing is a fact in dispute and, here, it is not obvious on the face of the protests that Ms. Cook's and Mr. Zola's interests are not direct, immediate, and substantial. *See Id.* Specifically, both Ms. Cook and Mr. Zola aver they are property owners affected by this Project, and they will be affected by the costs of the Project as ratepayers.¹ OCA's answers to the preliminary objections similarly contend that Ms. Cook and Mr. Zola have standing as landowners and ratepayers. PPL raises a number of factual contentions why these claims are insufficient. However, under the standards for evaluating preliminary objections, we must view the averments in the protests as true, rather than look to the basis of PPL's preliminary objections.

We also note that Ms. Cook and Mr. Zola are *pro se* protestants, and that the Commission disfavors dismissing pleadings from *pro se* parties on a preliminary basis without first providing a hearing to *pro se* parties. *See Carlock v. The United Tel. Co. of Pa.*, Docket No. F-00163617 (Order entered July 14, 1993). Occasionally, there are some cases, where a hearing would not enable the *pro se* party to better explain his or her position or provide additional facts that would alter the inevitable conclusion that the pleading should be dismissed. *See Vata v. Phila. Gas Works*, Docket No. C-2009-2149960 (Opinion and Order entered Aug. 24, 2010); *Oechsle v. PPL Elec. Utils. Corp.*, Docket No. F-2024-3051701 (Opinion and Order entered July 10, 2025). This is not one of those cases. As is stated above, Ms. Cook and Mr. Zola allege they are property owners and ratepayers who would be affected by the Project. Therefore, they may be able to further articulate their interests in this proceeding and what relief the Commission could provide them.

¹ Ms. Cook's and Mr. Zola's protests also aver they were not properly notified of the application. We make no finding regarding this assertion with this order, and do not find it relevant to our discussion regarding standards for evaluating the preliminary objections.

**A-2025-3059443 - LETTER OF NOTIFICATION OF PPL ELECTRIC UTILITIES
CORPORATION FOR SUSQUEHANNA - HARWOOD 230 KV TRANSMISSION LINE TAPS**

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