

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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	:	A-2026-3061547
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	:	
Petition of PPL Electric Utilities Corporation	:	
For Findings That A Structure To Shelter	:	
Electrical And Control Equipment At The	:	
Proposed Nescopeck Switchyard In	:	P-2026-3061609
Nescopeck Township, Luzerne County,	:	
Pennsylvania Is Reasonably Necessary For	:	
The Convenience Or Welfare Of The Public	:	
Application of PPL Electric Utilities	:	A-2026-3061549, A-2026-3061550
Corporation Under 15 Pa.C.S. § 1511(c) For	:	A-2026-3061551, A-2026-3061552
A Finding And Determination That The	:	A-2026-3061553, A-2026-3061554
Service To Be Furnished By The Applicant	:	A-2026-3061555, A-2026-3061556
Through Its Proposed Exercise Of The Power	:	A-2026-3061557, A-2026-3061560
Of Eminent Domain To Acquire Certain	:	A-2026-3061561, A-2026-3061562
Portions Of Lands in Hazle Township,	:	A-2026-3061564, A-2026-3061566
Luzerne County, Pennsylvania For The	:	A-2026-3061567, A-2026-3061568
Sugarloaf 500/230 kV Transmission Line	:	A-2026-3061569, A-2026-3061570
Associated With The Proposed Sugarloaf	:	A-2026-3061571, A-2026-3061572
500/230 kV Transmission Line Project Is	:	A-2026-3061573, A-2026-3061576
Necessary Or Proper For The Service,	:	A-2026-3061577, A-2026-3061578
Accommodation, Convenience, Or Safety Of	:	A-2026-3061579, A-2026-3061581
The Public	:	A-2026-3061582, A-2026-3061583
	:	A-2026-3061584, A-2026-3061585

ORDER DENYING MOTION TO DENY APPLICATIONS/PETITION

This Order denies the Motion to Deny Applications/Petition Without Prejudice filed by Erika Cook, because there are genuine issues of material fact ripe for continued litigation.

HISTORY OF THE PROCEEDINGS

A-2025-3059443

On December 19, 2025, PPL Electric Utilities Corporation (PPL) filed a Letter of Notification with the Pennsylvania Public Utility Commission pursuant to Sections 57.72(d)(1)(iii) and (vi) of Commission regulations, 52 Pa. Code § 57.72(d)(1)(iii), (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, providing instructions for participation in a March 18, 2026 telephonic prehearing conference. A Telephonic Prehearing Conference Notice for the March 18, 2026 prehearing conference 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 (Jan. 31, 2026). 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 both 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 *pro se* protestors Erika Cook and John Zola.

A Scheduling Order was issued on March 20, 2026, setting forth the procedural matters addressed during the prehearing conference, including establishment of a procedural schedule.

On March 26, 2026, Prehearing Order #1 was issued, memorializing Erika Cook and John Zola's status 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.

On April 14, 2026, Prehearing Order #2 was issued, denying PPL's preliminary objections.

On April 16, 2026, the OCA filed a Motion to Dismiss Objections and to Compel Answers to Interrogatories of the Office of Consumer Advocate (Motion to Compel).

On April 21, 2026, PPL filed its Answer to the OCA's Motion to Compel.

On April 29, 2026, Prehearing Order # 3 was issued, granting the OCA's Motion to Compel.

On May 5, 2026, the Commission issued a Public Input Hearing Notice, scheduling In-Person Public Input Hearings for June 30, 2026 in Hazleton, PA.

On May 7, 2026, the OCA filed a Motion for Consolidation of Dockets A-2025-3059443 and A-2026-3061547 (Consolidation Motion) at Docket Nos. A-2025-3059443, A-2026-3061547, P-2026-3061609, and A-2026-3061549.

On May 27, 2026, PPL filed an Answer to the Consolidation Motion at Docket Nos. A-2025-3059443 and A-2026-3061547.

On June 18, 2026, Order Denying Motion for Consolidation was issued regarding the OCA's Consolidation Motion.

A-2026-3061547, P-2026-3061609, A-2026-3061549 et al

On April 6, 2026, PPL filed an Application with the Commission for approval to: (1) rebuild approximately 4.4 miles of the existing single-circuit Sunbury-Susquehanna #1 230 kV Transmission Line for double-circuit 230 kV operation (Susquehanna-Nescopeck #1 and #2 230 kV Transmission Lines) from the existing Susquehanna Switchyard to the proposed Nescopeck 230 kV Switchyard (Nescopeck Switchyard); (2) construct a new approximately 0.9-mile-long 230 kV transmission line tap for future 230 kV double-circuit operation (Sunbury-Nescopeck #1 230 kV Transmission Line) from the existing single-circuit Sunbury-Susquehanna #1 230 kV Transmission Line to the new Nescopeck Switchyard; (3) raise approximately 0.5 miles of the Sunbury-Susquehanna 500 kV Transmission Line to accommodate the undercrossing of the proposed Susquehanna-Nescopeck #1 and #2 230 kV Transmission Lines and the proposed Sunbury-Nescopeck #1 230 kV Transmission Line; and (4) construct a new 11.2-mile-long 230 kV transmission line (Sugarloaf 500/230 kV Transmission Line) for future double-circuit 500 kV capacity between the proposed Nescopeck Switchyard, new Tomhicken

Switchyard, and the existing Harwood 230/69 kV Substation. This Application was filed at Docket No. A-2026-3061547.

Also on April 6, 2026, PPL filed: (1) a Petition for findings that a structure to shelter electrical and control equipment at the proposed Nescopeck Switchyard in Nescopeck Township, Luzerne County, Pennsylvania is reasonably necessary for the convenience or welfare of the public, at Docket No. P-2026-3061609; and (2) 30 Applications under 15 Pa.C.S. § 1511(c) for a finding and determination that the service to be furnished by the applicant through its proposed exercise of the power of eminent domain to acquire a certain portion of the lands of various entities in Hazle Township, Luzerne County, Pennsylvania, for the Sugarloaf 500/230 kV Transmission Line project associated with the proposed Sugarloaf 500/230 kV Transmission Line project is necessary or proper for the service, accommodation, convenience, or safety of the public, at Docket Nos. A-2026-3061549, A-2026-3061550, A-2026-3061551, A-2026-3061552, A-2026-3061553, A-2026-3061554, A-2026-3061555, A-2026-3061556, A-2026-3061557, A-2026-3061560, A-2026-3061561, A-2026-3061562, A-2026-3061564, A-2026-3061566, A-2026-3061567, A-2026-3061568, A-2026-3061569, A-2026-3061570, A-2026-3061571, A-2026-3061572, A-2026-3061573, A-2026-3061576, A-2026-3061577, A-2026-3061578, A-2026-3061579, A-2026-3061581, A-2026-3061582, A-2026-3061583, A-2026-3061584, and A-2026-3061585.

On April 20, 2026, the Commission issued a Telephonic Prehearing Conference Notice, setting July 10, 2026 as the date for a prehearing conference for the proceedings at Docket Nos. A-2026-3061547, P-2026-3061609, and A-2026-3061549 *et al.* Notice of the prehearing conference were also published in the Pennsylvania Bulletin on May 2, 2026. 56 Pa.B. 2484 (May 2, 2026). The notice advised that protests and petitions to intervene must be filed on or before July 3, 2026 and provided information for joining the prehearing conference.

On May 7, 2026, the OCA filed a Protest at Docket Nos. A-2026-3061547, P-2026-3061609, and A-2026-3061549 *et al.*

On May 7, 2026, the OCA filed a Motion for Consolidation of Dockets A-2025-3059443 and A-2026-3061547 (Consolidation Motion) at Docket Nos. A-2025-3059443, A-2026-3061547, P-2026-3061609, and A-2026-3061549.

On May 27, 2026, PPL filed an Answer to the Consolidation Motion at Docket Nos. A-2025-3059443 and A-2026-3061547.

On June 12, 2026, John and Jill Zola (the Zolas) and Richard and Bridget Caputo (the Caputos) filed the Protest of the Zolas and Caputos at Docket Nos. A-2026-3061547, A-2026-3061555, and A-2026-3061579.

Cook Motion

On May 19, 2026, Erika Cook filed a Motion to Deny Applications/Petition Without Prejudice (Cook Motion) at Docket Nos. A-2025-3059443, A-2026-3061547, P-2026-3061609, and A-2026-3061549.¹

On June 8, 2026, PPL filed an Answer to the Cook Motion at Docket No. A-2025-3059443.

For the reasons stated below, the Cook Motion will be denied.

DISCUSSION

Though the Cook Motion is titled “Motion to Deny Applications/Petition Without Prejudice,” its substance is a motion to dismiss the Letter of Notification, Applications and

¹ Ms. Cook is a named party in one of thirty Eminent Domain Applications PPL filed on April 6, 2026. *Application of PPL Electric Utilities Corporation Under 15 Pa.C.S. § 1511(c) For A Finding and Determination That The Service To Be Furnished By The Application Through Its Proposed Exercise Of The Power Of Eminent Domain To Acquire A Certain Portion Of The Lands of Erika L. Cook & Anthony J. Cook in Sugarloaf Township, Luzerne County, Pennsylvania For The Sugarloaf 500/230 kV Transmission Line Association With The Proposed Sugarloaf 500/230 kV Transmission Line Project Is Necessary Or Proper For The Service, Accommodation, Convenience, Or Safety Of The Public*, at Docket No. A-2026-3061557.

Petition PPL filed at Docket Nos. A-2025-3059443, A-2026-3061547, P-2026-3061609, and A-2026-3061549, as the Cook Motion largely focuses on the merits of the Letter of Notification filed by PPL at Docket No. A-2025-3059443. Ms. Cook requests as relief that the Commission: (1) deny PPL's pending Applications and zoning exemption Petition; (2) allow PPL to refile the Application if the pending land-use litigation is resolved in its favor; (3) stay the Application until the land-use litigation is resolved; and (4) other and further relief the Commission deems just and proper. Cook Motion at 11.

Although Commission regulations do not specifically provide for a motion to dismiss, Commission regulations allow that a request may be made by motion for relief desired. 52 Pa. Code § 5.103(a). Motions "must set forth the ruling or relief sought, and state the grounds therefor and the statutory or other authority upon which it relies." *Id.*

The Commission may treat a motion to dismiss as a motion for summary judgment, when a filing appears to be such, as presiding officer at any stage of an action or proceeding may disregard an error or defect of procedure which does not affect the substantive rights of the parties.² 52 Pa. Code § 1.2(a). As a result, the Cook Motion will be treated as a motion for summary judgment.

The Commission's Rules of Administrative Practice and Procedure provide for the filing of motions for summary judgment and judgment on the pleadings. The Commission's Rules provide in relevant part:

§ 5.102 Motions for summary judgment and judgment on the pleadings.

(a) *Generally.* After the pleadings are closed, but within a time so that the hearing is not delayed, a party may move for judgment on the pleadings or summary judgment. A motion must contain a notice which states that an answer or other

² We also note that the Cook Motion is procedurally and technically defective, as the Motion did not include a notice to plead, as required by Section 5.103(b) of Commission regulations, 52 Pa. Code § 5.103(b) ("Written motions must contain a notice which states that a responsive pleading shall be filed within 20 days of the date of service of the motion").

responsive pleading shall be filed within 20 days of service of the motion.

* * *

(d) *Decisions on Motions.*

(1) *Standard for grant or denial on all counts.* The presiding officer will grant or deny a motion for judgment on the pleadings or a motion for summary judgment, as appropriate. The judgment sought will be rendered if the applicable pleadings, depositions, answers to interrogatories and admissions, together with affidavits, if any, show that there is no genuine issue as to a material fact and that the moving party is entitled to a judgment as a matter of law.

52 Pa. Code § 5.102(a), (d)(1).

When deciding on a motion for summary judgment, all doubts as to the existence of a genuine issue of material fact must be resolved against the moving party. *Thompson Coal Co. v. Pike Coal Co.*, 412 A.2d 466 (Pa. 1979). However, once a motion for summary judgment is properly made and supported, it is generally accepted that the nonmoving party may not simply rest upon the mere allegations or denials of its pleading but must set forth facts showing that there is a genuine issue for trial. *Fiffick v. GAF Corp.*, 603 A.2d 208 (Pa. Super. 1992) (discussing the Pennsylvania Rules of Civil Procedure); *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242 (1986) (discussing the Federal Rules of Civil Procedure).

Here, PPL filed a Letter of Notification (LON) requesting Commission approval to build approximately 1.1 miles of new double-circuit 230 kilovolt (kV) transmission taps that PPL avers are needed to connect the existing Susquehanna-Harwood #1 and #2 230 kV Transmission Lines to the new Tomhicken 230 kV Switchyard, and construct 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. Answer to Cook Motion ¶ 1.

PPL filed the LON pursuant to Sections 57.72(d)(iii) and (vi) of Commission regulations, 52 Pa. Code § 57.72(d)(iii), (vi), which provide that a LON may be filed with the

Commission in lieu of a fully siting application under certain circumstances. *Compare* 52 Pa. Code § 57.72(d)(4) (requirements for LON) *with* 52 Pa. Code § 57.72(c) (requirements for Application). Answer to Cook Motion ¶ 2.

PPL contends that the LON complies with Commission regulations and contains all the elements required at Section 57.72(d). Answer to Cook Motion ¶ 37.

In the Cook Motion, Ms. Cook contends that the LON is premature, and because there is “ongoing, active land-use and zoning litigation between NP Hazleton Holdings 1, LLC and the Hazle Township Board of Supervisors that is currently pending in Luzerne County Court of Common Pleas, Case # 202513744, regarding the fundamental right to develop the site at issue,” the LON, Applications and Petition pending before the Commission at Docket Nos. A-2025-3059443, A-2026-3061547, P-2026-3061609, and A-2026-3061549 should be denied without prejudice. Cook Motion at 8, 10.

PPL contends that a more appropriate approach to the land-use litigation concern raised by the Cook Motion is for the Commission to condition its approval, if granted, of the LON at Docket No. A-2025-3059443 on PPL’s acquisition of all necessary permits and approvals before construction begins. Answer to Cook Motion ¶ 63.

We agree with PPL that the existence of pending litigation in other forums does not require these proceedings to stop. It is unclear how such litigation will conclude or affect these proceedings. Additionally, in establishing its Interim Guidelines for the Filing of Electric Transmission Line Siting Applications, the Commission previously considered similar circumstances where a project is seeking various permits and approvals, and there was no indication that the siting process should stop pending other approvals. *Re: Interim Guidelines for the Filing of Electric Transmission Line Siting Applications*, Docket No. M-2009-2141293 (Final Order Establishing Interim Guidelines entered Nov. 5, 2010).

Therefore, we find summary judgment in Ms. Cook’s favor is unwarranted at this stage of the proceedings as there are genuine issues of material fact. Ms. Cook, as well as all

other active parties, will have a full opportunity at an evidentiary hearing to challenge the merits and sufficiency of the evidence presented by PPL in support of its LON, Applications, and Petition at Docket No. A-2025-3059443, A-2026-3061547, P-2026-3061609, and A-2026-3061549 *et al.*, and may argue that PPL has not met its evidentiary burden of proof should she so choose.

For these reasons, we deny the Cook Motion.

THEREFORE,

IT IS ORDERED:

1. That the Motion to Deny Applications/Petition Without Prejudice filed by Erika Cook is denied.

Date: June 23, 2026

/s/

Emily A. Farren
Administrative Law Judge

/s/

Steven K. Haas
Administrative Law Judge