

**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 # 4
Denying PPL's Motion to Compel

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 Sections 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 #1, 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.

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

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

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

On April 29, 2026, we issued Prehearing Order #3, granting the OCA 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, OCA filed a Motion for Consolidation of Dockets A-2025-3059443 and A-2026-3061547 (Consolidation Motion).

On May 19, 2026, Erika Cook filed a Motion to Deny Applications/Petition Without Prejudice (Cook Motion).

On May 27, 2026, PPL filed an Answer to the Consolidation Motion.

On June 8, 2026, PPL filed an Answer to the Cook Motion.

On June 16, 2026, PPL filed a Motion for Protective Order.

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

Also on June 18, 2026, we issued an Order granting the Motion for Protective Order.

On June 23, 2026, we issued an Order denying the Cook Motion.

On June 30, 2026, the public input hearings were convened, as scheduled.

On July 6, 2026, OCA filed a Motion for Leave to Submit Supplemental Direct Testimony of the Office of Consumer Advocate (Motion to Supplement).

Also on July 6, 2026, PPL filed an Answer to OCA's Motion to Supplement.

On July 10, 2026, we issued an Order granting OCA's Motion to Supplement.

On August 6, 2026, PPL filed a Motion to Dismiss Objections and Compel Responses to Requests for Admission Propounded on the Office of Consumer Advocate – Set I, Nos. 10 through 13 (PPL Motion to Compel).

On August 7, 2026, OCA filed a Renewed Motion for Consolidation of Dockets A-2025-3059443 and A-2026-3061547.

On August 11, 2026, OCA filed an Answer to the PPL Motion to Compel.

On August 12, 2026, Erika Cook filed a Renewed Motion to Deny the Application (LON) Without Prejudice or Stay the Application (LON).

For the reasons discussed below, the PPL Motion to Compel will be denied.

DISCUSSION

Section 5.321(c) of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. Code § 5.321(c), specifically provides that "a party may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action." Discovery is permitted regardless of whether the information sought "relates to the claim or defense of the party seeking discovery or to the claim or defense of another party or participant." *Id.* Information may be discoverable, even if it would be inadmissible at a hearing.

“It is not ground for objection that the information sought will be inadmissible at hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.” *Id.* Consistently, the Commission has allowed participants wide latitude in discovery matters. *Pa. Pub. Util. Comm’n v. Peoples Nat. Gas Co.*, 62 Pa. PUC 56 (Aug. 26, 1986); *Pa. Pub. Util. Comm’n v. Equitable Gas Co.*, 61 Pa. PUC 468 (May 16, 1986).

The Commission’s regulations place limitations on the scope of discovery. Discovery that would cause unreasonable burden or expense or require an unreasonable investigation by a party is not permitted. 52 Pa. Code § 5.361(a)(2), (4). “The law is [] clear that the Commission has the right to limit discovery that would place an unreasonable burden upon a participant in litigation.” *Application of Newtown Artesian Water Co. and Indian Rock Water Co.*, Docket No. A-212070, 1990 Pa. PUC LEXIS 83 (June 20, 1990) *citing City of Pittsburgh v. Pa. Pub. Util. Comm’n*, 526 A.2d 1243, 1249-50 (Pa. Cmwlth. 1987).

Commission regulations allow a party to serve upon another party a request for admission (RFA), which is “...a written request for the admission of the truth of any matters, within the scope of § § 5.321—5.324 (relating to general discovery)...that relate to statements or opinions of fact or of the application of law to fact....” 52 Pa. Code § 5.350.

On July 16, 2026, PPL served its Set I RFAs on OCA. On July 21, 2026, OCA communicated oral objections to PPL. On July 27, 2026, OCA served its written objections on PPL, objecting to PPL RFAs 10 through 13.

PPL avers that its RFAs 10 through 13 seek admission of basic matters relating to the application of law to fact, regarding OCA’s arguments and allegations in its direct testimony. PPL Motion to Compel, ¶ 12. OCA argues PPL’s RFAs seek admissions of legal conclusions, not admissions concerning the application of law to fact. OCA Answer.

PPL RFA-I-10:

PPL RFA-I-10 requests that OCA admit or deny the truth of the following:

10. Admit when the Commission approves the siting and construction of a proposed HV transmission line under 52. Pa. Code Ch. 57, Subch. G, it does not make any finding or determination regarding the reasonableness or prudence of the costs associated with the HV transmission line.

PPL Motion to Compel, Appendix A

PPL submits that this RFA simply asks OCA to admit the application of the Commission's regulations to facts related to cost in a LON proceeding. PPL avers that cost is a pervasive topic of OCA witnesses, and that it does not seek privileged information. PPL Motion to Compel, ¶¶ 14-22.

OCA asserts that the fact that OCA witnesses have offered factual testimony and opinions concerning costs does not transform PPL's RFAs seeking legal conclusions into permissible requests concerning the application of law to an identified fact. OCA asserts that PPL's amended RFAs citing testimony pages do not correct the defects identified in OCA's objections. OCA Answer.

We recognize that Commission regulations allow RFAs regarding the application of law to fact. However, we agree with OCA that PPL's RFA-1-10 improperly seeks a legal conclusion. PPL's RFA requests OCA provide a general statement regarding the law, rather than application of law to a specific statement of fact. As written, the RFA does not specifically reference this LON proceeding.

We also agree with OCA that PPL's amended RFA citing to pages of testimony still impermissibly seeks a legal conclusion. Although these citations may provide references to OCA's statements of fact, the amended RFA ultimately still seeks a general admission from

OCA regarding a legal proposition, rather the application of law to a specific, discrete factual statement made by an OCA witness.

PPL RFA-I-11:

PPL RFA-I-11 requests that OCA admit or deny the truth of the following:

11. Admit the Public Utility Code does not authorize the Commission to regulate the reasonableness or prudence of the costs of electric transmission facilities.

PPL Motion to Compel, Appendix A

PPL submits that this RFA simply asks OCA to admit the application of the Commission's regulations to facts related to cost in a LON proceeding. PPL avers that cost is a pervasive topic of OCA witnesses, and that it does not seek privileged information. PPL Motion to Compel, ¶¶ 24-30.

OCA asserts that the fact that OCA witnesses have offered factual testimony and opinions concerning costs does not transform PPL's RFAs seeking legal conclusions into permissible requests concerning the application of law to an identified fact. OCA asserts that PPL's amended RFAs citing testimony pages do not correct the defects identified in OCA's objections. OCA Answer.

We recognize that Commission regulations allow RFAs regarding the application of law to fact. However, we agree with OCA that PPL's RFA-1-11 improperly seeks a legal conclusion. PPL's RFA requests OCA provide a general statement regarding the law, rather than application of law to a specific statement of fact. As written, the RFA does not specifically reference this LON proceeding.

We also agree with OCA that PPL's amended RFA citing to pages of testimony still impermissibly seeks a legal conclusion. Although these citations may provide references to

OCA's statements of fact, the amended RFA ultimately still seeks a general admission from OCA regarding a legal proposition, rather the application of law to a specific, discrete factual statement made by an OCA witness.

PPL RFA-I-12:

PPL RFA-I-12 requests that OCA admit or deny the truth of the following:

12. Admit when the Commission approves the siting and construction of a proposed HV transmission line under 52. Pa. Code Ch. 57, Subch. G, it does not make any finding or determination regarding the allocation of the costs associated with the HV transmission line.

PPL Motion to Compel, Appendix A

PPL submits that this RFA simply asks OCA to admit the application of the Commission's regulations to facts related to cost allocation in a LON proceeding. PPL avers that cost allocation is a pervasive topic of OCA witnesses, and that it does not seek privileged information. PPL Motion to Compel, ¶¶ 32-40.

OCA asserts that the fact that OCA witnesses have offered factual testimony and opinions concerning costs does not transform PPL's RFAs seeking legal conclusions into permissible requests concerning the application of law to an identified fact. OCA asserts that PPL's amended RFAs citing testimony pages do not correct the defects identified in OCA's objections. OCA Answer.

We recognize that Commission regulations allow RFAs regarding the application of law to fact. However, we agree with OCA that PPL's RFA-1-12 improperly seeks a legal conclusion. PPL's RFA requests OCA provide a general statement regarding the law, rather than application of law to a specific statement of fact. As written, the RFA does not specifically reference this LON proceeding.

We also agree with OCA that PPL's amended RFA citing to pages of testimony still impermissibly seeks a legal conclusion. Although these citations may provide references to OCA's statements of fact, the amended RFA ultimately still seeks a general admission from OCA regarding a legal proposition, rather the application of law to a specific, discrete factual statement made by an OCA witness.

PPL RFA-I-13:

PPL RFA-I-13 requests that OCA admit or deny the truth of the following:

13. Admit the Public Utility Code does not authorize the Commission to regulate the allocation of the costs of electric transmission facilities.

PPL Motion to Compel, Appendix A

PPL submits that this RFA simply asks OCA to admit the application of the Commission's regulations to facts related to cost allocation in a LON proceeding. PPL avers that cost allocation is a pervasive topic of OCA witnesses, and that it does not seek privileged information. PPL Motion to Compel, ¶¶ 42-48.

OCA asserts that the fact that OCA witnesses have offered factual testimony and opinions concerning costs does not transform PPL's RFAs seeking legal conclusions into permissible requests concerning the application of law to an identified fact. OCA asserts that PPL's amended RFAs citing testimony pages do not correct the defects identified in OCA's objections. OCA Answer.

We recognize that Commission regulations allow RFAs regarding the application of law to fact. However, we agree with OCA that PPL's RFA-1-13 improperly seeks a legal conclusion. PPL's RFA requests OCA provide a general statement regarding the law, rather than application of law to a specific statement of fact. As written, the RFA does not specifically reference this LON proceeding.

We also agree with OCA that PPL's amended RFA citing to pages of testimony still impermissibly seeks a legal conclusion. Although these citations may provide references to OCA's statements of fact, the amended RFA ultimately still seeks a general admission from OCA regarding a legal proposition, rather the application of law to a specific, discrete factual statement made by an OCA witness.

THEREFORE,

IT IS ORDERED:

1. That the Motion of PPL Electric Utilities Corporation to Dismiss Objections and Compel Responses to Requests for Admission Propounded on the Office of Consumer Advocate – Set I, Nos. 10 through 13 is denied.

Date: August 21, 2026

/s/
John M. Coogan
Administrative Law Judge

/s/
Erin L. Gannon
Administrative Law Judge

**A-2025-3059443 - LETTER OF NOTIFICATION OF PPL ELECTRIC UTILITIES
CORPORATION FOR SUSQUEHANNA - HARWOOD 230 KV TRANSMISSION LINE TAPS
Revised 8/18/2026**

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