

**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	:	

ORDER DENYING RENEWED MOTION TO DENY OR STAY APPLICATION

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

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.

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 OCA Motion to Compel.

On April 29, 2026, we issued Prehearing Order #3, granting 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 (Order Denying Consolidation).

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 In-Person 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 (Renewed Consolidation Motion).

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) (Renewed Cook Motion).

On August 21, 2026, we issued Prehearing Order #4, denying the PPL Motion to Compel.

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

On September 1, 2026, PPL filed an Answer to the Renewed Cook Motion.

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

DISCUSSION

Like the previous Cook Motion, the substance of the Renewed Cook Motion is a motion to dismiss the Letter of Notification filed at Docket No. A-2025-3059443, as it largely focuses on the merits of the LON. Ms. Cook requests as relief that the Commission: (1) deny PPL's pending LON; (2) allow PPL to refile the LON if the pending land-use litigation is resolved in a manner that satisfies all Commission requirements; or (3) stay the Application until the land-use litigation is resolved in a manner that satisfies all Commission requirements; and (4) grant other and further relief the Commission deems just and proper. Renewed Cook Motion at 12.

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 a 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.¹ 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:

¹ We also note that the Renewed 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").

§ 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 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).

We denied the previous Cook Motion in our Order Denying Motion to Deny Applications/Petition. As a threshold matter, we found that the existence of pending litigation in other forums does not require these proceedings to stop, and it is unclear how such litigation will

conclude or affect these proceedings.² We also identified genuine issues of material fact. Therefore, we found that summary judgment in Ms. Cook's favor was unwarranted at that stage of the proceeding.

In the Renewed Motion, Ms. Cook avers that additional facts supporting denial of the LON or stay of the proceeding have emerged since the Cook Motion was filed and denied.

Ms. Cook maintains that PPL's LON is deficient because it does not include the information required by 52 Pa. Code § 57.72(c)(14), about concluded or ongoing litigation relating to the proposed HV line. Renewed Motion at 7.

Ms. Cook states that, statements by PPL counsel provide additional basis to assume the customer to be served by Phase 1 is NP Hazleton Holdings 1, LLC, whose land development plan for the proposed project site was denied on appeal to the Luzerne County court and is now being appealed to Commonwealth Court. Renewed Motion at 6-7. Also, she notes that Hazle Township has adopted a resolution to adopt a municipal curative amendment to its zoning ordinance, related to data centers. *Id.* at 7.

Additionally, Ms. Cook points to an interim order issued to stay a pending application proceeding at Docket No. A-2026-3059809. There, the presiding officers determined to stay the proceeding until the applicant water utility (CAN DO) "is able to show the need for water service to the Requested Service Territory is a present need," given ongoing land use litigation before the Commonwealth Court involving NP Hazleton Holdings 1, LLC's land development plan. Renewed Motion at 7-8. She avers that the same logic should apply here because PPL has not provided sufficient grounds for approval of the LON at this time. *Id.* at 8.

² As noted in our earlier orders, the Commission has previously considered similar circumstances where a project was seeking various permits and approvals, and there was no indication that the siting process should stop pending those determinations. *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).

PPL opposes Ms. Cook's Renewed Motion. It states that Ms. Cook has presented no new evidence that would warrant reconsideration of the ALJs' finding that there are genuine issues of material fact. Answer ¶ 56. Regarding the new argument regarding the CAN DO application, it argues that the instant case is distinguishable, PPL has met the prerequisite of ripeness, and the ongoing litigation is not basis for denial of the LON. *Id.* ¶¶ 57-62, 65-69, 72-78. Further, PPL avers that denial of the LON would prejudice the Company and emphasizes the procedural status of this case regarding testimony and hearings. Answer ¶¶ 79-83.

PPL also avers that the Renewed Consolidation Motion is a procedurally improper attempt to circumvent its failure to seek interlocutory review of our Order Denying Consolidation. Answer ¶¶ 35-44. Additionally, PPL contends that Section 57.72(c)(14) does not apply to Letters of Notification and in any case, the information has been disclosed in this proceeding through discovery and testimony. Answer, ¶¶ 48-50.

Having considered the additional information and arguments raised in Ms. Cook's Renewed Motion, including that the CAN DO application has been stayed, we are not persuaded to change our decision that the instant case should go forward on its merits. As we have noted in prior orders in this matter, a LON proceeding is designed to provide a more abbreviated process than a full siting application. While there have been developments in the pending land use litigation, it continues to be unclear how such litigation will conclude, *when*, and with what effect.

Further, we cannot ignore that evidentiary hearings are set to begin in Phase 1 in a matter of days. Fundamentally, the Renewed Cook Motion questions whether the LON contains all components required by the Commission's regulations and, more broadly, whether PPL can meet the evidentiary burden for approval of the LON. At this stage of the proceeding and specific to the application at issue, we find that the questions of fact and law raised by Ms. Cook and other participants in this proceeding are properly decided on the merits and as scheduled. The active parties will have a full opportunity to challenge the sufficiency of PPL's evidence at hearings and in briefs.

For these reasons, and consistent with our findings in our Order Denying Motion to Deny Applications/Petition, we deny the Renewed Cook Motion.

THEREFORE,

IT IS ORDERED:

1. That the Renewed Motion to Deny the Application Without Prejudice or Stay the Application filed by Erika Cook is denied.

Date: September 8, 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 8/24/2026

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