

**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
ADDRESSING BRIEFS AND DENYING PPL MOTION TO STRIKE**

Procedural Background

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 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 (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 29, 2026, PPL filed affidavits stating that notice of the public input hearings was published in the Hazleton Standard Speaker and Wilkes Barre Citizens' Voice on

June 9, 2026 and June 16, 2026, and in the Wilkes Barre Times Leader on June 16, 2026. Additionally, PPL expected the Citizens' Voice to publish notice again on June 30, 2026.

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 Without Prejudice or Stay the Application (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.

On September 8, 2026, we issued an Order denying the Renewed Consolidation Motion.

On September 8, 2026, we issued an Order denying the Renewed Cook Motion to deny or stay the Application.

On September 14, 2026, PPL filed affidavits stating that notice of the evidentiary hearing was published in the Wilkes Barre Times Leader on August 27, 2026 and September 2, 2026, and in the Hazelton Standard Speaker and Wilkes Barre Citizens' Voice on August 28, 2026 and September 4, 2026.

On September 15, 2026, PPL filed Objections and Motion to Strike Portions of the Written Direct Testimony of the Office of Consumer Advocate (Motion to Strike).

Also on September 15, 2026, counsel for OCA notified the presiding officers and parties of record that they became aware of a violation of Paragraph 21 of our Protective Order in this proceeding by an OCA witness. OCA indicated that its witness would prepare and provide a verified, written statement answering PPL's questions about the event.

The evidentiary hearings were convened as scheduled on September 17 and 18, 2026. During the hearings, the violation of the Protective Order was addressed by counsel for the OCA and PPL, and the undersigned, and the referenced written statement by OCA's witness (containing only public information) was moved into evidence; counsel for PPL, John Zola, Erika Cook, and counsel for OCA moved for the admission of their pre-served written testimony and exhibits into the record; Ms. Cook and witnesses for PPL and the OCA were cross-examined; and various housekeeping matters were discussed. Included in those housekeeping matters, the parties were reminded that briefs must be filed according to the schedule already established for this proceeding. We also advised the parties that we would issue a briefing order.

On September 18, 2026, OCA filed a Motion to Amend or Withdraw Expert Witnesses' Admissions Pursuant to 52 Pa. Code Section 5.350(f) (Motion to Amend). Counsel for PPL provided its response orally, and we ruled to deny the OCA's Motion to Amend.

On September 18, 2026, OCA filed an Answer to PPL's Motion to Strike.

Hearings concluded on September 18, 2026, after the parties completed cross-examination.

Motion to Strike

The Motion to Strike is ripe for disposition and we provide our ruling as part of this briefing order, to afford certainty about the evidentiary record on which the parties will prepare their briefs.

In its Motion, PPL argues that portions of the written testimony submitted by witnesses Frank Felder and Rao Konidena on behalf of the OCA are irrelevant and immaterial, because they address facts and issues outside the scope of this proceeding and the Commission's jurisdiction, as well as improper legal opinion. PPL requests that this testimony be stricken from the record to avoid confusing the issues involved in this proceeding as well as the specific relief sought by PPL, i.e. authorization to site and construct the high voltage (HV) transmission lines under 52 Pa. Code Ch. 57, Subchapter G. To this end, PPL's motion includes an attachment containing redacted versions of OCA Statement Nos. 1, 2, 1SR and 2SR that identify the portions of the testimony that PPL submits should be stricken. PPL's motion also includes an attachment containing redacted versions of PPL Statement Nos. 1-R, 5-R, 6-R, 1-RJ and 5-RJ that identify the portions of its own testimony that PPL submits should be stricken, if its objections are sustained and its motion is granted.

In support, PPL argues that issues of the reasonableness and prudence of transmission costs, rates, cost allocation and cost recovery are subject to the exclusive jurisdiction of Federal Energy Regulatory Commission (FERC). As such, it contends that the

Commission cannot make determinations regarding the appropriate costs to include in transmission rates, the proper allocation of those costs, or specific transmission-level cost-recovery mechanisms in this state-level proceeding because that would intrude into FERC's exclusive jurisdiction over these issues. PPL asserts that its position is consistent with the routine language included in Commission orders approving LONs, which specifically notes that no decisions are being made about project costs or accounting. Relatedly, PPL objects to the OCA's testimony regarding matters of federal and statewide policy regarding the interconnection of large load data center customers generally, as being outside of the scope of this proceeding about one utility's proposed siting and location of specific HV transmission lines.

PPL also objects to the OCA's testimony recommending changes to PPL's tariff as a condition of approval for the LON because 52 Pa. Code Ch. 57, Subchapter G does not require any review or approval of the terms of its Commission-jurisdictional tariff provisions, curtailment policies, or emergency procedures. Also, the large load model tariff is nonbinding guidance, and PPL is not required to demonstrate compliance with it. Finally, it asserts that the relevant question is whether the request to site and construct the Project complies with the law as it exists today whereas the OCA's testimony is about compliance with yet-to-be-implemented laws and policies.

In each case, PPL argues that the OCA testimony at issue does not bear on the four explicit findings and determinations that it must make to approve the siting and construction of an HV transmission line set forth at 52 Pa. Code § 57.76(a). Thus, it argues that the OCA's testimony on these topics is irrelevant, because it does not tend to make any fact in issue in this proceeding more or less likely. PPL also argues that excluding the OCA's testimony does not foreclose review of these issues in the appropriate forum.

PPL makes a final argument that the OCA testimony contains legal conclusions by non-attorney witnesses, which should be stricken as improper.

OCA Answer

OCA argues, first, that the Commission should deny PPL's motion as untimely because it was filed after 4:30 p.m. on the last day for filing motions/objections to testimony prior to hearings and because PPL failed to identify good cause in its written motion. OCA recognizes the assertion by PPL counsel (made orally at the hearing) that its delay was caused in part by its inclusion of portions of its rejoinder testimony that it moves to strike, which was filed on the same date as its motion. OCA responds that PPL had all of the OCA testimony subject to the motion in its possession since September 4, 2026, and that the Company was aware that both rejoinder and the motion filing deadline would occur on the same date.

Substantively, OCA argues that PPL's characterization of the proceeding as being limited to whether the physical transmission facilities themselves are necessary is too narrow. Rather, OCA contends that in making a determination whether "[t]here is a need" for the proposed HV line, consistent with applicable case law, the Commission may consider evidence of increased consumer prices and weigh the competing cost impacts on the citizens and consumers of Pennsylvania.

OCA asserts that it is not asking the Commission in this proceeding to adjudicate FERC-jurisdictional rates, modify PPL's tariff, or establish statewide or federal large-load policy. According to OCA, the recommendations from witnesses Felder and Konidena regarding transmission costs, cost allocation, cost recovery, large-load policy, and tariff provisions demonstrate the types of changes that would be necessary to address or mitigate the negative impacts associated with the Project, "and provide a basis for evaluating whether PPL Electric has taken or proposed measures to mitigate them, all of which are factors that are highly relevant in making a 'need' determination." Answer at 12-13.

Similarly, OCA argues that "[t]o the extent the testimony identifies ongoing federal or state proceedings, policy developments, or regulatory considerations, that information is offered as evidence relevant to the Commission's evaluation of the Project, not as an independent request that the Commission adjudicate those proceedings or establish binding law

through this LON.” Answer at 13. Further, OCA contends that FERC’s jurisdiction over interstate transmission rates does not preclude the Commission from considering evidence concerning the economic consequences of the Project in determining whether the proposed HV line is needed under Section 57.76(a)(1).

Finally, responsive to PPL’s argument that OCA testimony improperly contains legal conclusions, OCA argues that its witnesses applied the legal framework provided by counsel to the facts within their expertise, which is common practice in Commission proceedings.

Disposition

Upon consideration of PPL’s argument and the response of OCA, we will deny PPL’s Motion to Strike.

As an initial matter, we agree with OCA that PPL’s Motion to Strike was untimely per the March 20, 2026 Scheduling Order. Paragraph 12 of the Scheduling Order sets forth:

That any motions with respect to, or objections to, written testimony must be presented in writing no later than three days prior to the day that the witness sponsoring that testimony is scheduled to testify. Answers to such motions or objections may be filed within three days or sooner if circumstances warrant. Oral motions, other than for good cause, shall not be accepted.

The first day of hearings in this matter was scheduled for September 17, 2026. Therefore, PPL’s Motion to Strike was due September 14, 2026. PPL’s Motion to Strike was filed after 4:30 p.m. on September 14, 2026. Electronically filed pleadings are required to be submitted to the Commission before 4:30 p.m. to be deemed filed on that date. 52 Pa. Code § 1.11(a)(4).

Requests for an extension of time after expiration of the specified period may be permitted upon motion where reasonable grounds are shown for the failure to act. 52 Pa. Code § 1.15(a)(1). Additionally, a motion requesting an extension of time must, *inter alia*, state the facts on which the applications rests. 52 Pa. Code § 1.15(b). The Commission has summarized its standards for allowing filings after their due dates, i.e., *nunc pro tunc* relief, as follows:

Generally, *nunc pro tunc* relief is granted when a delay in filing a document is caused by extraordinary circumstances involving fraud or a breakdown in the operations of the court or administrative agency involved. See *Gloria Scarnati v. Pennsylvania-American Water Company*, Docket No. C-00015273 (Order entered January 10, 2002); 2002 WL 963419 (Pa. P.U.C.), citing *Cook v. Unemployment Comp. Bd. of Review*, 543 Pa. 381, 671 A.2d 1130 (1996) – addressing untimely filing of administrative appeal. Additionally, such relief may be granted when a delay in filing a document is caused by an unforeseeable and unavoidable event, but only if the document is, thereafter, filed as soon as possible and the opposing party is not thereby prejudiced. *Id. also, White Haven Borough v. Reading, Blue Mountain and Northern Railroad Company*, Docket No. C-00004204 (Order entered February 8, 2002); 2002 WL 34560328 (Pa. P.U.C.).

Knox Township v. Buffalo & Pittsburgh Railroad, Inc., Docket No. C-2019-3009358 (Order entered April 20, 2023) (*Knox Township*).

In *Knox Township*, counsel for Buffalo & Pittsburgh Railroad, Inc. (BPRR) filed Exceptions on their due date, July 14, 2022. However, these Exceptions were filed after the time they were due, which was 4:30 p.m. To attempt to cure this defect, BPRR filed a *nunc pro tunc* motion immediately the next day. The Commission granted the *nunc pro tunc* motion only after consideration of the motion and finding that no other party expressed prejudice to their consideration. *Knox Township* at 26.

Here, PPL filed its Motion to Strike after 4:30 p.m. on its due date. However, unlike *Knox Township*, PPL did not file a *nunc pro tunc* motion and OCA expressed prejudice to its position.

PPL served a copy of its Motion to Strike on the undersigned and counsel for OCA by e-mail at 4:43 p.m. on its due date. It is unlikely OCA suffered serious prejudice when it received PPL's filing only 13 minutes late. However, we take filing deadlines seriously, and, as described above, late filings should be accompanied by the appropriate requests to accept late filings. Filings made on the eve of hearings may receive extra scrutiny where parties are under various time pressures to prepare for hearings. During hearings, counsel for PPL did explain the circumstances for its late filing. However, even were we to accept PPL's motion as timely filed, as detailed below, we would deny PPL's Motion to Strike.

As a broad matter, we view the instant motion as we did OCA's motion to amend its witnesses' admissions. At the crux of both motions is the parties' interpretation of the scope of this proceeding and its central legal issue, i.e. "need" for the Project. In denying the Motion to Amend, we found it more appropriate to give both parties latitude to develop the evidentiary record on the central legal issue through oral examination of the witnesses rather than alter the record through pleadings. In a similar vein, we find it more appropriate to decide the central legal issue on its merits, rather than deciding it through an evidentiary ruling.

Additionally, the basis for PPL's motion is that OCA is asking the Commission to make determinations in this proceeding that are outside the Commission's jurisdiction. In its response to the Motion to Strike, OCA asserts that the recommendations of its witnesses are (1) relevant to, but distinct from, its own recommendations as a party and (2) that the determinations the OCA will ask the Commission to make are within the Commission's jurisdiction.

As a practical matter, the OCA's assertions cannot be tested before the matter proceeds to briefing. We will evaluate the parties' positions on their merits and assign the appropriate weight to the admitted evidence once parties' positions are articulated in briefs. PPL may reintroduce many of the same arguments from its Motion to Strike in briefs, and, if so, we will consider those arguments in developing our decision.

Consistent with the discussion above, the following order will be entered regarding the PPL Motion to Strike and briefing.

THEREFORE,

IT IS ORDERED:

1. That the Motion to Amend or Withdraw Expert Witnesses' Admissions Pursuant to 52 Pa. Code Section 5.350(f) filed by OCA on September 18, 2026, is denied.
2. That the Objections and Motion to Strike Portions of the Written Direct Testimony of the Office of Consumer Advocate filed by PPL on September 15, 2026, is denied.
3. That Main Briefs of the parties are due on or before Thursday, October 8, 2026.
4. That Reply Briefs are due on or before Friday, October 23, 2026.
5. That Main Briefs and Reply Briefs may not exceed 60 pages in length per 52 Pa. Code § 5.501(e).
6. That, if a party files briefs in excess of 60 pages, those excess pages will not be considered for decision-making purposes.
7. That the briefs must substantially comply with the Commission's regulations at 52 Pa. Code §§ 5.501, 5.502.
8. That Main Briefs shall include (a) proposed Findings of Fact, together with page references to statements of testimony and exhibits; (b) proposed Conclusions of Law, together with legal citations; and (c) proposed Ordering Paragraphs.
9. That Proposed Findings of Fact, proposed Conclusions of Law and proposed Ordering Paragraphs do not count towards the 60 page limit for Main Briefs.

10. That, if a party submits a brief containing confidential information, the party must submit two versions of the brief: (1) one version conspicuously marked as containing confidential information, only to be served to the ALJs and those parties that have executed the appendices to the Protective Order issued in this proceeding; and (2) a second, public version with all confidential information redacted. When filing a brief containing confidential information, parties must clearly indicate to the Commission's Secretary's Bureau that the brief contains confidential information to ensure that the brief is not published on the Commission's website, and to ensure that it is appropriately filed.

11. That the parties shall file the original copy of the Main Brief with the Commission no later than 4:30 p.m. on the date due.

12. That the parties shall file the original copy of the Reply Brief with the Commission no later than 4:30 p.m. on the date due.

13. That any brief not filed and served on or before the dates set forth above will not be accepted except by special permission.

14. That, if a brief contains a citation to an unreported decision which is not available on Westlaw or the Commission's website, a copy of that unreported decision must be appended to the brief.

15. That the parties are to e-mail the presiding officers a copy of their as-filed briefs in a Microsoft Word-formatted document in addition to Adobe or other compatible PDF format.

16. That the parties are advised not to include any extra-record evidence in their briefs. Any extra-record evidence will not be considered for decision-making purposes.

Date: September 22, 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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