



OFFICE OF CONSUMER ADVOCATE
COMMONWEALTH OF PENNSYLVANIA
555 Walnut Street, 5th Floor, Forum Place
Harrisburg, Pennsylvania 17101-1923

IRWIN A. POPOWSKY
Consumer Advocate

RECEIVED
AUG 19 2008
HARRISBURG

717-783-5048
(Fax) 717-783-7152

August 19, 2008

Hon. Lisa Baker
Senate of Pennsylvania
Room 168 Main Capitol
Senate Box 203020
Harrisburg, PA 17120-3020

Re: PPL Electrical Utilities Susquehanna-
Roseland Transmission Line

Dear Senator Baker:

In response to your letter of August 14, 2008, I appreciated the opportunity to participate telephonically in your meeting with Pike County Commissioner Forbes, Lehman Township Supervisors and representatives of the Saw Creek Estates Community Association regarding the proposed PPL Susquehanna-Roseland Transmission Line.

The Office of Consumer Advocate (OCA) will, to the greatest extent possible, assist public officials and residents within your district in addressing the potential costs and benefits of the proposed project. The Public Utility Commission's siting regulations specifically require a wide range of issues to be addressed in the course of such proceedings. I have enclosed a copy of the applicable regulations for your reference, with the pertinent provisions highlighted. While the OCA does not advocate for the interests of individual affected property owners, providing information and guidance to groups of consumers generally affected by transmission line siting proceedings is integral to our role as the statutory advocate for utility consumers in Pennsylvania.

We intend to formally intervene in the application proceeding and to investigate the claims made in support of the proposed line. We will also seek an expert in electrical engineering and possibly other areas to assist us in our investigation.


Dianne Dusman, a Senior Assistant Consumer Advocate with the OCA, will be in touch with Mr. David Martin, your designated contact person, shortly. Soon after the application is submitted to the Commission, the PUC will schedule a Prehearing Conference for the purpose of

Hon. Lisa Baker
August 19, 2008
Page 2

setting a procedural schedule. At that time, the OCA will formally request that the PUC schedule public hearings in your area. Requests for public input hearings are granted if the PUC determines that there is substantial interest and we will let you know of such hearings at the earliest possible time.

If you or your constituents need additional information at any time during the course of the transmission line siting proceeding, please do not hesitate to contact Dianne Dusman (ddusman@paoca.org) or myself. Our toll-free telephone number for Pennsylvania consumers is 1-800-684-6560.

Sincerely,


Irwin A. Popowsky
Consumer Advocate

cc: Harry Forbes, Pike County Commissioner
Dianne Dusman, Office of Consumer Advocate

Enclosure
00102781

§ 57.75. Hearing and notice.

(a) Upon the filing of an application, the Commission will set the time and place for hearing or hearings of the application and will thereupon require the applicant to cause the weekly publication for two consecutive weeks of a notice of hearing in a newspaper of general circulation within each municipality in which the HV line is proposed to be located. The publication of the notice of hearings shall begin at least 45 days before the date set for the commencement of the hearings. The notice of hearing for publication shall contain a brief description of the proposed HV line, its location, a statement of the date, time and place of the hearing and of its purpose and a statement as to where and when a copy of the application is available for public examination.

(b) The Commission will notify each person or agency designated in § 57.74(b) and (c) (relating to filing and service of application and notice of filing), parties granted leave to intervene under subsection (c), and parties under subsection (i) of the time and place of hearings on the application. After the initial hearing, further hearing notices will be given by the Commission.

(c) Where it appears desirable, the Commission or the presiding officer may provide for the grouping of parties with substantially similar interests for the purpose of serving notices and other documents. If a group does not designate a representative for the service of notices and documents, the presiding officer may designate a representative. Notice and documents shall be served only on the designated representative. This subsection may not be construed, however, to limit the right of a party to the proceeding to file motions, briefs, and the like with the presiding officer or Commission when appropriate.

(d) A request for leave to intervene shall be in writing and shall state briefly the interest of the intervenor and the objections to be raised. Upon proper request, the Commission will allow the timely intervention of any of the persons or agencies listed in § 57.74(b) and (c). Upon proper request, the Commission may allow the timely intervention of another party deemed to have a substantial interest in the proceeding or whose intervention will aid the Commission in its consideration of the application.

(e) At hearings held under this section, the Commission will accept evidence upon, and in its determination of the application it will consider, *inter alia*, the following matters:

(1) The present and future necessity of the proposed HV line in furnishing service to the public.

(2) The safety of the proposed HV line.

(3) The impact and the efforts which have been and will be made to minimize the impact, if any, of the proposed HV line upon the following:

(i) Land use.

(ii) Soil and sedimentation.

(iii) Plant and wildlife habitats.

(iv) Terrain.

(v) Hydrology.

(vi) Landscape.

(vii) Archeologic areas.

(viii) Geologic areas.

(ix) Historic areas.

(x) Scenic areas.

(xi) Wilderness areas.

(xii) Scenic rivers.

(4) The availability of reasonable alternative routes.

(f) Upon the order of the Commission or the presiding officer, the applicant may amend its application prior to the closing of the record, if every party, utility, agency or municipality affected by the amendment is given reasonable notice thereof and an opportunity to present evidence with respect to the amendment.

(g) Upon petition of the applicant, setting forth the circumstances which require the prompt availability of an HV line, the Commission may grant expedited consideration of the application. The Commission will give to the hearing and decision of expedited applications preference over other applications filed under this subchapter and will decide the same as speedily as possible.

(h) If no protests or petitions to intervene other than that of the Commission staff or petitions to intervene which support an application have been received by the Commission 7 days prior to the hearing scheduled under subsection (a), the applicant may move, and the presiding officer may order, that the case be submitted on the applications, exhibits, written testimony and briefs of the applicants and written testimony, exhibits or briefs filed by the Commission's staff. The motion may not be granted over the protest of the Commission's staff, but, in such a case, hearings shall be held. To move for a decision without hearing, the applicant shall have filed written testimony and exhibits at least 30 days prior to the date of hearing. The applicant shall also have given notice that it may make a motion under this subsection in its notice of hearing published as provided for in subsection (a).

(i) Eminent domain:

(1) Proceedings on eminent domain applications for the same HV line are entitled to be consolidated with the proceeding on the HV line's siting application.

(2) An eminent domain application for which consolidation with a siting application is desired under subsection (a) shall be considered by the presiding officer at the hearing on the siting application, and the Commission shall issue an order granting or denying the eminent domain application; provided that, prior to the hearing, the public utility filing the eminent domain application serves a copy of the proposed HV line's siting application upon the persons, corporations or other entities having a property interest sought to be acquired by the eminent domain application.

(3) Unless the applicable eminent domain application has been withdrawn by the public utility, a person, corporation or other entity which is served a copy of the siting application as required by subsection (b) shall be a party to the proceeding on the siting application.

(4) A portion of the record of a proceeding under this subchapter may be admitted into the record of a subsequent proceeding on an eminent domain application for the same HV line, upon reasonable notice by motion plainly identifying the matters offered. If only part of the record is offered, a party may require the movant to introduce portions relevant to the part introduced and a party may introduce other portions.

Source

The provisions of this § 57.75 adopted May 19, 1978, effective May 20, 1978, 8 Pa.B. 1403; amended January 7, 1983, effective January 8, 1983, 13 Pa.B. 131. Immediately preceding text appears at serial pages (50515) to (50516).

Cross References

This section cited in 52 Pa. Code § 5.14 (relating to applications requiring notice); 52 Pa. Code § 57.72 (relating to form and content of application); and 52 Pa. Code § 57.74 (relating to filing and service of application and notice of filing).

§ 57.76. Determination and order.

(a) The Commission will issue its order, with its opinion, if any, either granting or denying the application, in whole or in part, as filed or upon the terms, conditions or modifications, of the location, construction, operation or maintenance of the line as the Commission may deem appropriate. The Commission will not grant the application, either as proposed or as modified, unless it finds and determines as to the proposed HV line:

(1) That there is a need for it.

(2) That it will not create an unreasonable risk of danger to the health and safety of the public.

(3) That it is in compliance with applicable statutes and regulations providing for the protection of the natural resources of this Commonwealth.

(4) That it will have minimum adverse environmental impact, considering the electric power needs of the public, the state of available technology and the available alternatives.

(b) A Commission order granting a siting application will be deemed to include a grant of authority, subject to the provisions of law, to locate and construct the proposed HV transmission line within a corridor consisting of the area of 500 feet on each side of the centerline of the proposed HV transmission line unless the applicant requests and the Commission approves a corridor of a different size. A proposed HV transmission line may not be constructed outside the corridor, except upon petition to and approval by the Commission.

Source

The provisions of this § 57.76 adopted May 19, 1978, effective May 20, 1978, 8 Pa.B. 1403; amended January 7, 1983, effective January 8, 1983, 13 Pa.B. 131. Immediately preceding text appears at serial pages (50516) to (50517).

Cross References

This section cited in 52 Pa. Code § 5.14 (relating to applications requiring notice); and 52 Pa. Code § 57.72 (relating to form and content of application).