

APPENDIX B

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PROCEDURAL HISTORY

On February 14, 2008, PPL Electric filed with the Commission, pursuant 52 Pa. Code §§ 57.71-57.77, an Application requesting approval of the siting and reconstruction of the Coopersburg #1 and #2 138/69 kV Tap in portions of Lower Saucon Township, Lehigh County and Springfield and Richland Townships, Bucks County, Pennsylvania. The Application was docketed at Docket No. A-2008-2022941 (“Siting Application”).

On April 23, 2008, PPL Electric filed with the Commission several applications for approval to exercise the power of eminent domain to acquire to acquire rights-of-way and easements necessary for the construction, operation, and maintenance of the proposed Coopersburg #1 and #2 138/69 kV Tap. More specifically, PPL Electric seeks sufficient land rights for an aerial crossing of properties owned by the following: Steven C. Thompson and Judith E. Thompson in Springfield Township, Bucks County, docketed at Docket No. A-2008-2039124; SEPTA’s Bethlehem Branch Line in Richland Township, Bucks County, docketed at Docket No. A-2008-2039126; Walter H. Weaver, Jr. and Ernest H. Weaver in Springfield Township, Bucks County, docketed at Docket No. A-2008-2039129; David N. Clark in Richland Township, Bucks County, docketed at Docket No. A-2008-2039130; Liberty Home Development Corporation, Ltd. and Madden Farm Trust (Michael Foster, Trustee and/or Edward George, Trustee) in Richland Township, Bucks County, docketed at Docket No. A-2008-2039132; Terrence Smith and Jacalyn C. Smith in Richland Township, Bucks County, docketed at Docket No. A-2008-2039133; and Robert L. Mackey and Kathleen M.A. Mackey in Springfield Township, Bucks County, docketed at Docket No. A-2008-2039137 (hereinafter, collectively “Condemnation Applications”).

On April 24, 2008, PPL Electric filed with the Commission, pursuant to 52 Pa. Code § 5.41 and Section 619 of the Pennsylvania Municipalities Planning Code,¹ a Petition requesting a finding that a building to shelter control equipment at the proposed Hickon Road Substation Site in Springfield Township, Bucks County (“Zoning Petition”) is reasonably necessary for the convenience or welfare of the public and, therefore, exempt from any local Zoning Ordinance. The Petition was docketed at Docket No. P-2008-2038262.

On February 29, 2008, Springfield Township requested leave to intervene. Springfield Township subsequently filed a Protest and Preliminary Objections to the Siting Application. On March 6, 2008, David N. Clark requested leave to intervene. Mr. Clark subsequently filed a protest to the Condemnation Application and the Control Equipment Building Petition. On March 18, 2008, Richland Township requested leave to intervene. Richland Township subsequently filed a Protest to the Siting Application. On March 24, 2008, leave to intervene was requested on behalf of Liberty Home Development Corporation, Ltd. and Madden Farm Trust, which subsequently filed Preliminary Objections to the Condemnation Application. On April 9, 2008, Terrence and Jacalyn Smith filed a protest to the Condemnation Application. On May 5, 2008, Senator Robert C. Wonderling requested leave to intervene. On May 7, 2008, SEPTA filed a protest to the Condemnation Application, which was subsequently amended on June 19, 2008.²

PPL Electric timely answered each protest and request for leave to intervene. On May 15, 2008, ALJ Jones granted the requests for leave to intervene.

¹ Act of July 31, 1968, P.L. 805, *as amended*, 53 P.S. §§ 10619.

² The Pennsylvania Department of Transportation, Todd Hemmert, Karl Schwartz, and Philip Pattison also requested to become parties in this matter; however, pursuant to Prehearing Order #5, dated July 21, 2008, their status was changed to inactive limited service.

On June 9, 2008, PPL Electric's Siting Application, Condemnation Applications, and Zoning Petition were consolidated. Additionally, in the same order, the Preliminary Objections of Springfield Township and Liberty Home Development Corporation, Ltd. and Madden Farm Trust were denied.

Public input hearings were held before ALJ Jones on July 14 and 17, 2008. On August 12, 2008, a tour and site view was conducted for the Cross Country Corridor, Route 309 Corridor, SEPTA Corridor, and the Hickon Road Substation Site.

On August 14, 2008, SEPTA submitted a Motion for Summary Judgment, challenging PPL Electric's legal authority to exercise the power of eminent domain to acquire a right-of-way and easement for the construction, operation and maintenance of the proposed Coopersburg #1 and #2 138/69 kV Tap reconstruction over and across a portion of SEPTA's Bethlehem Branch Line in Richland Township. PPL Electric timely answered SEPTA's motion. On September 19, 2008, ALJ Jones denied SEPTA's motion.

The parties engaged in extensive discovery and submitted direct, rebuttal, surrebuttal, and rejoinder testimony in support of their respective positions. Evidentiary hearings were held before ALJ Jones on November 6, 7, 10, and 24, 2008.³ A briefing schedule, common outline, and glossary have been established by the ALJ. PPL Electric's Siting Application, Condemnation Applications, and Control Equipment Building Petition are ripe for disposition.

³ At the hearings, Terrence and Jacalyn Smith requested to have their party status changed to inactive.