

APPENDIX E

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PROPOSED CONCLUSIONS OF LAW

1. Pursuant to Chapter 11 of the Public Utility Code, 66 Pa.C.S. §§ 1101, *et seq.*, and 15 Pa.C.S. § 1511(c) and Section 619 of the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, *as amended*, 53 P.S. § 10619, the Commission has jurisdiction over the subject matter of this proceeding.

2. PPL Electric has met its burden to prove that the Application requesting approval of the siting and reconstruction of the Coopersburg #1 and #2 138/69 kV tap in the Cross Country Corridor in portions of Lower Saucon Township, Lehigh County and Springfield and Richland Townships, Bucks County, Pennsylvania, Docket No. A-2008-2022941, is necessary or proper for the accommodation, convenience, and safety of its patrons, employees and the public.

3. PPL Electric has met its burden to prove that the siting and construction of the Coopersburg Tap #1 and #2 138/69 kV Tap in the Cross Country Corridor would not create an unreasonable risk of danger to the health and safety of the public.

4. PPL Electric has met its burden to prove that the siting and construction of the Coopersburg Tap #1 and #2 138/69 kV Tap in the Cross Country Corridor is in compliance with applicable statutes and regulations providing for the protection of the natural resources of this Commonwealth.

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6. PPL Electric has met its burden to prove that the siting and construction of the Coopersburg Tap #1 and #2 138/69 kV Tap in the Cross Country Corridor would have a

minimum adverse environmental impact, considering the electric power needs of the public and the available alternatives.

7. PPL Electric has met its burden to prove that the selection of the Cross Country Corridor for the Coopersburg Tap #1 and #2 138/69 kV Tap was reasonable and not selected wantonly, capriciously or arbitrarily.

8. PPL Electric has demonstrated that the Cross Country Corridor is superior to the alternative SEPTA Corridor and Route 309 Corridor.

9. PPL Electric has demonstrated that the PPL Functional Alternative is superior to the Springfield Functional Alternative.

10. PPL Electric has met its burden to prove that the Application for approval to exercise the power of eminent domain, pursuant to 15 Pa.C.S. § 1511, to acquire rights-of-way and easements necessary for the construction, operation, maintenance, and aerial crossing by the Coopersburg #1 and #2 138/69 kV tap over property owned by Steven C. Thompson and Judith E. Thompson in Springfield Township, Bucks County, Docket No. A-2008-2039124, is necessary and proper for the service, accommodation, convenience or safety of the public.

11. PPL Electric has met its burden to prove that the Application for approval to exercise the power of eminent domain, pursuant to 15 Pa.C.S. § 1511, to acquire rights-of-way and easements necessary for the construction, operation, maintenance, and aerial crossing by the Coopersburg #1 and #2 138/69 kV tap over the Bethlehem Branch Line owned by SEPTA in Richland Township, Bucks County, Docket No. A-2008-2039126, is necessary and proper for the service, accommodation, convenience or safety of the public.

12. PPL Electric has met its burden to prove that the Application for approval to exercise the power of eminent domain, pursuant to 15 Pa.C.S. § 1511, to acquire rights-of-way

and easements necessary for the construction, operation, maintenance, and aerial crossing by the Coopersburg #1 and #2 138/69 kV tap over property owned by Walter H. Weaver, Jr. and Ernest H. Weaver in Springfield Township, Bucks County, Docket No. A-2008-2039129, is necessary and proper for the service, accommodation, convenience or safety of the public.

13. PPL Electric has met its burden to prove that the Application for approval to exercise the power of eminent domain, pursuant to 15 Pa.C.S. § 1511, to acquire rights-of-way and easements necessary for the construction, operation, maintenance, and aerial crossing by the Coopersburg #1 and #2 138/69 kV tap over property owned by David N. Clark in Richland Township, Bucks County, Docket No. A-2008-2039130, is necessary and proper for the service, accommodation, convenience or safety of the public.

14. PPL Electric has met its burden to prove that the Application for approval to exercise the power of eminent domain, pursuant to 15 Pa.C.S. § 1511, to acquire rights-of-way and easements necessary for the construction, operation, maintenance, and aerial crossing by the Coopersburg #1 and #2 138/69 kV tap over property owned by Liberty Home Development Corporation, Ltd. and Madden Farm Trust (Michael Foster, Trustee and/or Edward George, Trustee) in Richland Township, Bucks County, Docket No. A-2008-2039132, is necessary and proper for the service, accommodation, convenience or safety of the public.

15. PPL Electric has met its burden to prove that the Application for approval to exercise the power of eminent domain, pursuant to 15 Pa.C.S. § 1511, to acquire rights-of-way and easements necessary for the construction, operation, maintenance, and aerial crossing by the Coopersburg #1 and #2 138/69 kV tap over property owned by Terrence Smith and Jacalyn C. Smith in Richland Township, Bucks County, Docket No. A-2008-2039133, is necessary and proper for the service, accommodation, convenience or safety of the public.

16. PPL Electric has met its burden to prove that the Application for approval to exercise the power of eminent domain, pursuant to 15 Pa.C.S. § 1511, to acquire rights-of-way and easements necessary for the construction, operation, maintenance, and aerial crossing by the Coopersburg #1 and #2 138/69 kV tap over property owned by Robert L. Mackey and Kathleen M.A. Mackey in Springfield Township, Bucks County, Docket No. A-2008-2039137, is necessary and proper for the service, accommodation, convenience or safety of the public.

17. The siting of PPL Electric's aerial transmission and substation facilities, other than the Control Equipment Building, are exempt from local zoning ordinances because such ordinances are preempted as to public utility facilities by statewide utility regulation by the Pennsylvania Public Utility Commission.

18. PPL Electric has met its burden to prove that the building to shelter control equipment at the proposed substation at the Hickon Road Substation Site in Springfield Township, Bucks County ("Control Equipment Building") is reasonably necessary for the convenience or welfare of the public and, therefore, exempt from any local zoning ordinance pursuant to Section 619 of the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, *as amended*, 53 P.S. § 10619.