

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

555 Walnut Street, 5th Floor, Forum Place
Harrisburg, Pennsylvania 17101-1923
(717) 783-5048
800-684-6560 (in PA only)

IRWINA. POPOWSKY
Consumer Advocate

FAX (717) 783-7152
consumer@paoca.org

March 4, 2013

Honorable David A. Salapa
Office of the Administrative Law Judge
PA Public Utility Commission
400 North Street
Harrisburg, PA 17120

Re: Application of PPL Electric Utilities Corp.
Docket No. A-2012-2340872, et al.

Dear Judge Salapa:

Enclosed please find copies of the Prehearing Memorandum of the Office of Consumer Advocate which was electronically filed with the Secretary's Office today in the above-referenced proceeding.

Copies have been served upon all parties of record as shown on the attached Certificate of Service.

Respectfully submitted,

A handwritten signature in cursive script that reads "Dianne E. Dusman".

Dianne E. Dusman
Sr. Assistant Consumer Advocate
PA Attorney I.D. #38308

Enclosures

cc: Secretary's Office of the PUC
Certificate of Service

166572.doc

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of PPL Electric Utilities Corporation filed pursuant to 52 Pa. Code Chapter 57, Subchapter G, for approval of the siting and construction of transmission lines associated with the Northeast-Pocono Reliability Project in portions of Luzerne, Lackawanna, Monroe, and Wayne Counties, Pennsylvania	:	:	:	:	:	A-2012-2340872
Petition of PPL Electric Utilities Corporation for a finding that a building to shelter control equipment at the North Pocono 230-69 kV Substation in Covington Township, Lackawanna County, Pennsylvania is reasonably necessary for the convenience or welfare of the public	:	:	:	:	:	P-2012-2340871
Petition of PPL Electric Utilities Corporation for a finding that a building to shelter control equipment at the West Pocono 230-69 kV Substation in Buck Township, Luzerne County, Pennsylvania is reasonably necessary for the convenience or welfare of the public	:	:	:	:	:	P-2012-2341105
Application of PPL Electric Utilities Corporation under 15 Pa. C.S. §1511(c) for a finding and determination that the service to be furnished by the applicant through its proposed exercise of the power of eminent domain to acquire a certain portion of the lands of the property owners listed below for siting and construction of transmission lines associated with the proposed Northeast-Pocono Reliability Project in portions of Luzerne, Lackawanna, Monroe, and Wayne Counties, Pennsylvania is necessary or proper for the service, accommodation, convenience or safety of the public	:	:	:	:	:	
John C. Justice and Linda S. Justice	:	:	:	:	:	A-2012-2341107
Three Griffins Enterprises, Inc.	:	:	:	:	:	A-2012-2341114

Margaret G. Arthur and Barbara A. Saurman Trustees of the Residuary Trust of James C. Arthur	:	A-2012-2341115
Anthony J. Lupas, Jr. and Lillian Lupas John Lupas and Judy Lupas, Grace Lupas, Eugene A. Bartoli and Robert J. Fankelli	:	A-2012-2341118
Ronald G. Sidovar and Gloria J. Sidovar	:	A-2012-2341120
FR First Avenue Property Holding, LP	:	A-2012-2341123
Transcontinental Gas Pipe Line Corporation	:	A-2013-2341208
William Petrouleas and Joanna Petrouleas	:	A-2013-2341209
Peter Palermo and Francine Palermo	:	A-2013-2341211
Christopher Maros and Melinda Maros	:	A-2013-2341213
Dianne L. Doss	:	A-2013-2341214
Donald Januszewski	:	A-2013-2341215
International Consolidated Investment Company	:	A-2013-2341216
Bradley D. Hummel	:	A-2013-2341220
Michael Palermo and Joanne Palermo	:	A-2013-2341221
Roberta Searfoss a/k/a Judy Searfoss Executrix of the Estate of Euylla Hughes a/k/a Eylla Hughes	:	A-2013-2341232
John F. and Veronica Iskra	:	A-2013-2341233
Michael A. Mitch and Sue K. Mitch	:	A-2013-2341234
Clifton Acres, Inc.	:	A-2013-2341236
Dietrich Hunting Club	:	A-2013-2341237
Art Borrower Propco 2010-5, LLC	:	A-2013-2341238

NLMS, Inc.	:	A-2013-2341239
US Industrial Reit II	:	A-2013-2341241
Ronald Solt	:	A-2013-2341249
Merel J. and Arlene J. Swingle	:	A-2013-2341250
Edward R. Schultz	:	A-2013-2341253
Donald W. Henderson and Louis Bellucci	:	A-2013-2341262
Fr E2 Property Holding LP	:	A-2013-2341263
Sylvester J. Coccia	:	A-2013-2341267
Lawrence Duda	:	A-2013-2341271
Mark M. Mack, J. Dean Mack and Heather K. Mack	:	A-2013-2341272
Blue Ridge Real Estate	:	A-2013-2341277
James L. and Michaelene J. Butler	:	A-2013-2344353
Susan Butler Reigeluth Living Trust	:	A-2013-2344604
Blueberry Mountain Realty, LLC	:	A-2013-2344605
Grumble Knot, LLC	:	A-2013-2344612
Pennsylvania Glacial Till, LLC	:	A-2013-2344616
Chris and Melinda Maros	:	
v.	:	C-2012-2305047
PPL Electric Utilities Corporation	:	
Joe and Vanessa Caparo	:	
v.	:	C-2012-227 6713
PPL Electric Utilities Corporation	:	

PREHEARING MEMORANDUM
OF THE
OFFICE OF CONSUMER ADVOCATE

Pursuant to Prehearing Order No. 1 and Section 333 of the Public Utility Code, 66 Pa.C.S. § 333, the Office of Consumer Advocate (OCA) provides the following:

I. BACKGROUND

On December 28, 2012, PPL Electric Utilities Corporation (PPL) filed with the Commission an Application for authority to site and construct transmission lines and substations associated with the Northeast-Pocono Reliability Project in portions of Luzerne, Lackawanna, Monroe and Wayne Counties and various other Petitions for approval to exercise eminent domain. The proposed project includes a new 58-mile 230 kV transmission line through portions of Luzerne, Lackawanna, Monroe, and Wayne Counties; two new substations, the North Pocono substation in Covington Township and the West Pocono substation in Buck Township, Luzerne County. The Company also proposes five new 138/69 kV lines totaling approximately 11.3 miles to connect the new substations to the existing 138/69 kV transmission system.

Through Prehearing Order No. 1, Administrative Law Judge (ALJ) David A. Salapa consolidated the initial Application and two Petitions. Through Prehearing Order No. 2, the ALJ consolidated the remaining thirty-seven eminent domain Applications and two complaint dockets with the first three consolidated dockets.

On February 27, 2013, the OCA filed its Notice of Intervention and Public Statement. In this proceeding, the Commission must determine whether the Northeast-Pocono Reliability Project facilities are necessary and must examine the potential adverse impact on ratepayers and

the public, as compared with the improved reliability that PPL expects that the project will deliver. Under its siting regulations, the Commission must answer the threshold questions of whether the proposed facilities are needed to meet local and state demand for reliable electric service; whether the facilities are appropriately sited; whether the facilities are appropriately sized, and whether the Applicant has sufficiently explored alternatives to the proposed line. 52 Pa. Code §57.75-57.76.

II. CAPTION

The OCA respectfully requests that the ALJ approve the use of the following caption for the remainder of this proceeding:

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of PPL Electric Utilities Corp., *et al.* : A-2012-2340872, *et al.*

The OCA submits that the use of this shortened caption would promote administrative efficiency and conserve resources. Counsel for North Pocono CARES concurs in this request and the OCA has also sought the concurrence of counsel for PPL.

III. SERVICE ON THE OCA

The OCA will be represented in this proceeding by Senior Assistant Consumer Advocate Dianne E. Dusman and Assistant Consumer Advocates Darryl A. Lawrence, Jennedy Johnson and Amy Hirakis. Two copies of all documents should be served on the OCA as follows:

Darryl A. Lawrence
Assistant Consumer Advocate
Office of Consumer Advocate
555 Walnut Street, 5th Floor, Forum Place
Harrisburg, PA 17101-1923

Telephone: (717) 783-5048
Fax: (717) 783-7152
Email: PPL-NERP@paoca.org

IV. DISCOVERY

The OCA proposes to change the timelines of the Commission's discovery regulations in accord with the proposed procedural schedules suggested by the Parties to this proceeding. The OCA has attached its proposed changes in Appendix A. The OCA has sought the concurrence of the Company in this proposed change.

V. PROPOSED SCHEDULE

The OCA has considered the procedural schedule set forth in Prehearing Order No. 1 and will work with the parties to seek modifications in the event that additional time may be needed to develop the OCA and the various intervenors' written direct testimony, to conduct evidentiary hearings and to brief the case. The OCA reserves the right to request modifications to the procedural schedule in the event that untimely answers to discovery requests may prejudice the OCA's ability to develop its case.

VI. EXPERT WITNESSES

The OCA intends to present direct, rebuttal, and surrebuttal testimony of expert witnesses, as may be necessary. The OCA witness will present testimony in written form and may also attach various exhibits, documents, and explanatory information which will assist in the presentation of the OCA's case. In order to expedite the resolution of this proceeding, the OCA requests that copies of all interrogatories, testimony, and answers to interrogatories be mailed directly to its expert witness, as well as to counsel for the OCA.

Mr. Peter Lanzalotta will assist with discovery and present testimony, if any, with respect to issues regarding local and regional reliability, need for and alternatives to the proposed facilities. Mr. Lanzalotta's contact information is as follows:

Mr. Peter Lanzalotta
Lanzalotta & Associates LLC
14250 Royal Harbour Court #914
Fort Myers FL 33908
Phone: 239-433-1428
Fax: 239-267-0087
Email: petelanz@lanzalotta.com

The OCA specifically reserves the right to call additional witnesses, as necessary. If the OCA determines that any additional witness may be necessary for any portion of its presentation, all parties of record will be notified.

VII. ISSUES AND EVIDENCE

In this proceeding, the OCA and its experts are currently considering the following general issues: (1) reliability, (2) need, (3) costs of the facility and rate impacts and (3) alternatives to the line, as described below. The OCA specifically reserves the right to expand the issues, as necessary.

- (1) Reliability - The OCA will perform a detailed analysis of reliability concerns alleged in the Application and will determine the extent to which the line is the most cost-effective remedy to those concerns.
- (2) Need - The OCA will perform a detailed analysis of the need for transmission upgrades. The OCA will also determine the extent to which all segments of the proposed line and all substations are needed.
- (3) Costs - The OCA will examine the rate impacts upon PPL electric utility customers.
- (4) Alternatives to the facilities - The OCA will perform an analysis of both transmission and non-transmission alternatives to the installation of the facilities as a whole and

whether the proposed line is the most cost-effective and least environmentally intrusive alternative pursuant to the Commission's Transmission Line Siting Regulations, codified at 52 Pa. Code §57.71, *et seq.*

VIII. PUBLIC INPUT HEARINGS

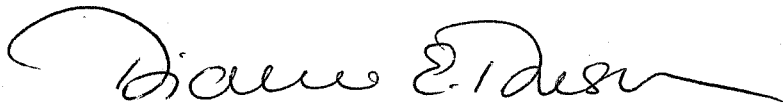
The OCA requests that public input hearings be held in all areas affected by the proposed line where substantial public interest has been demonstrated. *See* 52 Pa. Code § 69.321. The OCA is aware of many protests and complaints that have been submitted to the Commission, to the OCA and to legislators concerning this Application. The OCA will work with the ALJ and the Company to identify appropriate areas for public input hearings within the dates indicated by the proposed schedule and will apprise the Company and the ALJ of any requests received subsequent to the prehearing Conference.

The OCA would note that public hearings in transmission siting cases are required to be publicized in accord with the specific requirements of 52 Pa. Code § 57.75, which requires, among other things, that notice to the public begin no later than 45 days in advance of the commencement of hearings.

IX. SERVICE

Because of the number of potential participants, the OCA would also request that, pursuant to Section 1.54(c) of Chapter 52, the Presiding Officer authorize that only those parties who state on the record or request in writing that they wish to be served with all documents need to be included on the Service List to be used by the participating parties.

Respectfully submitted,



Dianne E. Dusman
Senior Assistant Consumer Advocate
PA Attorney I.D. # 38308
E-Mail: ddusman@paoca.org

Darryl Lawrence
Assistant Consumer Advocate
PA Attorney I.D. # 93682
E-Mail: dlawrence@paoca.org

Jennedy S. Johnson
Assistant Consumer Advocate
PA Attorney I.D. #203098
jjohnson@paoca.org

Amy Hirakis
Assistant Consumer Advocate
PA Attorney I.D. ##310094
ahirakis@paoca.org

Counsel for:
Tanya J. McCloskey
Acting Consumer Advocate

Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923
Phone: (717) 783-5048
Fax: (717) 783-7152
Dated: March 4, 2013

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PROPOSED REVISIONS TO DISCOVERY RULES

In order to effectively investigate and adequately develop a record in this proceeding, the OCA requests certain modifications of the Commission's procedural rules on a going-forward basis, as set forth below:

- A. Answers to written interrogatories shall be served in-hand within ten (10) calendar days of service of the interrogatories and then within (7) days after the Parties file rebuttal testimony;
- B. Objections to interrogatories shall be communicated orally within three (3) calendar days of service; unresolved objections be served to the ALJ in writing within five (5) calendar days of service of interrogatories;
- C. Motions to dismiss objections and/or directing the answering of interrogatories shall be filed within three (3) calendar days of service of written objections;
- D. Answers to motions to dismiss objections and/or direct the answering of interrogatories shall be filed within three (3) calendar days of service of such motions;
- E. Rulings over such motions shall be issued, if possible, within seven (7) calendar days of filing of the motion;
- F. Responses to requests for document production, entry for inspection, or other purposes shall be served in-hand within ten (10) calendar days;
- G. Requests for admission shall be deemed admitted unless answered within ten (10) calendar days or objected to within five (5) calendar days of service.

CERTIFICATE OF SERVICE

FOR APPROVAL OF THE SITING AND CONSTRUCTION OF TRANSMISSION LINES ASSOCIATED WITH THE NORTHEAST-POCONO RELIABILITY PROJECT IN PORTIONS OF LUZERNE, LACKAWANNA, MONROE, AND WAYNE COUNTIES, PENNSYLVANIA

DOCKET NO. A-2012-2340872

FOR A FINDING THAT A BUILDING TO SHELTER CONTROL EQUIPMENT AT THE NORTH POCONO 230-69 KV SUBSTATION IN COVINGTON TOWNSHIP, LACKAWANNA COUNTY, PENNSYLVANIA IS REASONABLY NECESSARY FOR THE CONVENIENCE OR WELFARE OF THE PUBLIC

DOCKET NO. P-2012-2340871

FOR A FINDING THAT A BUILDING TO SHELTER CONTROL EQUIPMENT AT THE WEST POCONO 230-69 KV SUBSTATION IN BUCK TOWNSHIP, LUZERNE COUNTY, PENNSYLVANIA IS REASONABLY NECESSARY FOR THE CONVENIENCE OR WELFARE OF THE PUBLIC

DOCKET NO. P-2012-2341105

I hereby certify that I have this day served a true copy of the foregoing document, Prehearing Memorandum of the Office of Consumer Advocate, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code §1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 4th day of March 2013.

SERVICE BY HAND DELIVERY

JOHNNIE E. SIMMS
BUR. OF INVESTIGATION & ENFORCEMENT
PA PUBLIC UTILITY COMMISSION
400 NORTH STREET
HARRISBURG, PA 17101

SERVICE BY FIRST CLASS MAIL, POSTAGE PREPAID

JOHN H ISOM ESQUIRE
CHRISTOPHER T WRIGHT ESQUIRE
POST & SCHELL PC
17 N. SECOND STREET, 12TH FL
HARRISBURG PA 17101-1601

PAUL E RUSSELL ESQUIRE
ASSOCIATE GENERAL COUNSEL
PPL SERVICES CORPORATION
TWO NORTH NINTH STREET
ALLENTOWN PA 18101

DAVID B MACGREGOR ESQUIRE
POST & SCHELL PC
FOUR PENN CENTER
1600 JOHN F KENNEDY BOULEVARD
PHILADELPHIA PA 19103-2808

OFFICE OF SMALL BUSINESS
ADVOCATE
COMMERCE BUILDING
300 NORTH STREET SUITE 1102
HARRISBURG PA 17101

PA DEPARTMENT OF
ENVIRONMENTAL PROTECTION
PO BOX 2063
MARKET STREET STATE OFFICE
BUILDING
HARRISBURG PA 17105-2063
ATTN: OFFICE OF FIELD OPERATIONS

HON. BARRY J SCHOCH PE SEC
WILLIAM J CRESSLER ESQ.
PENN DOT
COMMONWEALTH KEYSTONE BLDG
400 NORTH STREET T 9TH FLOOR
HARRISBURG PA 17120

DOUGLAS C MCLEAREN CHIEF
PA HISTORICAL & MUSEUM
COMMISSION
BUR. FOR HISTORIC PRESERVATION
COMMONWEALTH KEYSTONE BLDG
400 NORTH STREET 2ND FLOOR
HARRISBURG PA 17120-0053

LACKAWANNA COUNTY
COMMISSIONERS
LACKAWANNA CO. ADMIN BLDG
200 ADAMS AVENUE 6TH FLOOR
SCRANTON PA 18503

LACKAWANNA COUNTY
PLANNING COMMISSION
135 JEFFERSON AVENUE 2ND FLOOR
SCRANTON PA 18503

LUZERNE COUNTY COUNCIL
LUZERNE COUNTY COURTHOUSE
200 N RIVER STREET
WILKES-BARRE PA 18711

LUZERNE COUNTY
PLANNING COMMISSION
20 N PENNSYLVANIA AVENUE
WILKES-BARRE PA 18711

MONROE COUNTY COMMISSIONERS
1 QUAKER PLAZA ROOM 201
STROUDSBURG PA 18360-2141

MONROE COUNTY
PLANNING COMMISSION
1 QUAKER PLAZA ROOM 106
STROUDSBURG PA 18360-2169

WAYNE COUNTY COMMISSIONERS
WAYNE COUNTY COURTHOUSE
925 COURT STREET
HONESDALE PA 18431

WAYNE COUNTY
PLANNING DEPARTMENT
925 COURT STREET
HONESDALE PA 18431

BEAR CREEK TOWNSHIP
BOARD OF SUPERVISORS
3333 BEAR CREEK BOULEVARD
BEAR CREEK TOWNSHIP PA 18702

BEAR CREEK TOWNSHIP
PLANNING COMMISSION
3333 BEAR CREEK BOULEVARD
BEAR CREEK TOWNSHIP PA 18702

BUCK TOWNSHIP
BOARD OF SUPERVISORS/
PLANNING COMMISSION
114 BUCK BOULEVARD
BEAR CREEK PA 18602

CLIFTON TOWNSHIP
BOARD OF SUPERVISORS
361 SLATE ROUTE 435
CLIFTON TOWNSHIP PA 18424

CLIFTON TOWNSHIP
PLANNING COMMISSION
361 STATE ROUTE 435
CLIFTON TOWNSHIP PA 18424

COVINGTON TOWNSHIP
BOARD OF SUPERVISORS
20 MOFFAT DRIVE
COVINGTON TOWNSHIP PA 18444

COVINGTON TOWNSHIP
PLANNING COMMISSION
20 MOFFAT DRIVE
COVINGTON TOWNSHIP PA 18444

LEHIGH TOWNSHIP
BOARD OF SUPERVISORS
32 SECOND STREET
PO BOX 651
GOULDSBORO PA 18424

LEHIGH TOWNSHIP
PLANNING COMMISSION
32 SECOND STREET
PO BOX 651
GOULDSBORO PA 18424

MADISON TOWNSHIP
BOARD OF SUPERVISORS
3200 MADISONVILLE ROAD
MADISON TOWNSHIP PA 18444

MADISON TOWNSHIP
PLANNING COMMISSION
3200 MADISONVILLE ROAD
MADISON TOWNSHIP PA 18444

PAUPACK TOWNSHIP
BOARD OF SUPERVISORS
25 DANIELS ROAD
LAKEVILLE PA 18438

PAUPACK TOWNSHIP
PLANNING COMMISSION
25 DANIELS ROAD
LAKEVILLE PA 18438

PLAINS TOWNSHIP
BOARD OF SUPERVISORS
126 NORTH MAIN STREET
PLAINS PA 18705

PLAINS TOWNSHIP
PLANNING COMMISSION
126 NORTH MAIN STREET
PLAINS PA 18705

SALEM TOWNSHIP
BOARD OF SUPERVISORS
PO BOX 278
HAMLIN PA 18427

SALEM TOWNSHIP
PLANNING COMMISSION
PO BOX 278
HAMLIN PA 18427

STERLING TOWNSHIP
BOARD OF SUPERVISORS
PO BOX 100
STERLING PA 18463

STERLING TOWNSHIP
PLANNING COMMISSION
PO BOX 100
STERLING PA 18463

THORNHURST TOWNSHIP
BOARD OF SUPERVISORS
HC1 BOX 238-B RIVER ROAD
THORNHURST PA 18424-9313

THORNHURST TOWNSHIP
PLANNING COMMISSION
HC1 BOX 238-B RIVER ROAD
THORNHURST PA 18424-9313

TOBYHANNA TOWNSHIP
BOARD OF SUPERVISORS
105 GOVERNMENT CENTER WAY
POCONO PINES PA 18350

TOBYHANNA TOWNSHIP
PLANNING COMMISSION
105 GOVERNMENT CENTER WAY
POCONO PINES PA 18350

JOHN C & LINDA S JUSTICE
SW 328th STREET
HOMESTEAD FL 33033
A-2012-2341107

THREE GRIFFINS ENTERPRISES INC
PO BOX 136
HAMLIN PA 18427-0136
A-2012-2341114

MARGARET G ARTHUR (DECEASED)
& BARBARA A SAURMAN TRUSTEES
OF THE RESIDUARY TRUST OF
JAMES C ARTHUR
11 BROWNSTONE DRIVE
HORSHAM PA 19044
A-2012-2341115

ANTHONY JR & LILLIAN LUPAS ET AL
17 DOGWOOD DRIVE
LAFLIN, PA 18702
A-2012-2341118

ANTHONY JR AND
LILLIAN LUPAS ET AL
702 WILDFLOWER DRIVE
WILKESBARRE, PA 18702

RONALD G & GLORIA SIDOVAR
318 POLK TOWNSHIP ROAD
KUNKLETOWN, PA 18058
A-2012-1241120

MICHAEL & JOANNE PALERMO
52 ROWAN AVE
STATEN ISLAND NY 10306-5273
A-2013-2341121

FR FIRST AVE PROP HOLDING LP
C/O JEFFERY R THOMAS
311 S. WACKER AVE
STATEN ISLAND, NY 10306-5273
A-2012-2341123

TRANSCON. GAS PIPELINE CO
PO BOX 2400 MD 46-4
TULSA OK 74102-2400
A-2013-2341208

WILLIAM PETROULEAS &
JOANNA PETROULEAS
5 HELENA ROAD
STATEN ISLAND NY 10304
A-2013-2341209

PETER & FRANCINE PALERMO
36 ROWAN AVE
STATEN ISLAND NY 10306-5273
A-2013-2341211

CHRISTOPHER & MELINDA MAROS
586 TWIN ROCKS RD
NEWFOUNDLAND PA 18445-2156
A-2013-2341213

DIANNE L DOSS
390 NELSON ROAD
MONROE NY 10950-4248
A-2013-2341214

DONALD JANUSZEWSKI
517 LEDGEDALE ROAD
LAKE ARIEL PA 18436-5571
A-2013-2341215

INTERNATIONAL CONSOLIDATED
INVESTMENT COMPANY
C/O ARTHUR KANIA
560 E LANCASTER AVE STE 108
ST DAVIDS PA 19087
A-2013-2341216

BRADLEY D HUMMEL
PO BOX 733
HAMLIN PA 18427-0733
A-2012-2341220

EYLLA HUGHES EST
C/O JUDY SEARFOSS
38 BUCK BLVD
WHITE HAVEN PA 18661-2130
A-2013-2341232

JOHN F AND VERONICA ISKRA
11 GREEN ARROW TRAIL
WHITE HAVEN PA 18661
A-2013-2341233

MICHAEL A & SUE K MITCH
PO BOX 428
TREICHLERS PA 18086-0428
A-2013-2341234

CLIFTON ACRES INC
C/O WAYNE MOORE
159 EAST WALTON PLACE APT 23
CHICAGO IL 60611
A-2013-2341236

DIETRICK HUNTING CLUB
PO BOX 39 HOOPER JOHN
CLIFFORD PA 18413
A-2013-2341237

ART MRTG BORROWER PROPC 2010-5
10 GLENLAKE PKWY S TWR STE 800
ATLANTA GA 30328
A-2013-2341238

NLMS INC
1170 WINOLA RD
CLARKS SUMMIT PA 18411
A-2013-2341239

US INDUSTRIAL REIT II
9830 COLONNADE BLVD STE 600
SAN ANTONIO TX 78230
A-2013-2341241

RONALD SOLT
1200 THORNHURST RD.
BEAR CREEK TWP PA 18702-8212
A-2013-2341249

MEREL J & ARLENE J SWINGLE
51 SWINGLE LANE
LAKE ARIEL PA 18436
A-2013-2341250

EDWARD R SCHULTZ
RR 1 BOX 1360
GOULDSBORO PA 18424
A-2013-2341253

DONALD W HENDERSON &
LOUIS V BELLUCCI
7044 SC HARBOR CIRCLE
STUART FL 34996
A-2013-2341262

FR E2 PROPERTY HOLDING LP
311 S WACKCR DRSTE4000
CHICAGO IL 60606
A-2013-2341263

SYLVESTER J COCCIA
310 W MARY ST
OLD FORGE PA 18518
A-2013-2341267

LAWRENCE DUDA
30 WILAN LANE
ALBANY NY 12203-4431
A-2013-2341271

ATTY: THOMAS E MARK
M & J DEAN MACK
C/O HEATHER K. MACK
281 PIERCE STREET
KINGSTON PA 18704
A-2013-2341272

BLUE RIDGE REAL ESTATE COMPANY
PO BOX 707
BLAKESLEE PA 18610-0707
A-2013-2341277

JAMES L & MICHAELENE J BUTLER
9414 SOUTH GARY AVENUE
TULSA OK 74137
A-2013-2344353

SUSAN BUTLER REIGELUTH
AVENUE DES CHASSEURS 20
WATERLOO 1410
BELGIUM
A-2013-2344604

GRUMBLE KNOT LLC
2642 ROUTE 940
POCONO SUMMIT PA 18346
A-2013-2344612

PENNSYLVANIA GLACIAL TILL LLC
PO BOX 900
BLAKESLEE PA 18610
A-2013-2344616


BLUEBERRY MOUNTAIN REALTY LLC
57 SEAVIEW BLVD
PORT WASHINGTON NY 11050
A-2013-2344605

WILLIAM E. NEWCOMER TRUST
C/O SUSAN ARZAMENDI EXEC.
74 CHURCH ROAD
SWANTON, VT 05488-8056

JAMES J. BENDER
97 BENDER DRIVE
COVINGTON TWP., PA 18424

JOE & VENESSA CAPARO
12 LANGAN ROAD
COVINGTON TWP., PA 18424
C-2011-2276731

CHRIS & MELINDA MAROS
586 TWIN ROCKS ROAD
NEWFOUNDLAND, PA 18445
C-2012-2305047



Dianne E. Dusman
Senior Assistant Consumer Advocate
PA Attorney I.D. #38308
Email: DDusman@paoca.org

Darryl A. Lawrence
Assistant Consumer Advocate
PA Attorney I.D. #93682
Email: DLawrence@paoca.org

Counsel for
Office of Consumer Advocate
555 Walnut Street, 5th Floor, Forum Place
Harrisburg, PA 17101-1923
Phone: (717) 783-5048
Fax: (717) 783-7152
166329