

24 February 2017

To: The Pa Public Utility Commission Secretary  
400 North Street  
Harrisburg, PA 17120

From: Ross E. Schell  
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Harrisburg, PA 17109-5515  
PH# 717-651-0824  
Fax# same but call First.

C-2016-2578796

Letter for Answers.

Why is it when I file a complaint about payback of bills I get accused of being a money monger? The service I receive from PPL Electric and Suez Water have been substandard since I moved in Have been bad at this time From Power going Out at least 500 times for anywhere from a second to 135 minutes over the last 7 years . They did not care about this until I filed a complaint. (Actually many) Never getting and answer to why other than blaming squirrels for this. No proof Summited. They never have come out to cut the trees till I have complained or had to call the fire company because the trees are starting to burn. Dirty water coming into my house? Only to have them accuse me of having a leaking pipe coming in my house. Again no proof

right of way agreements or emanate Domain. Wow look what I found. Shame is When I filed a complaint about this it was rejected by the secretary out of hand.

Like I said in the complaint Federal Law leaves it up to the states to regulate this and no previous agreement is on record regarding any right of way for my property The public thinks that it is a given on right of ways. But it is not. Funny thing is I Should not have to inform a Judge or PUC Secretary what the laws say.

Ross E. Schell

**Cross References**

This section cited in 52 Pa. Code § 57.19 (relating to line extensions); 52 Pa. Code § 57.88 (relating to subdivisions); and 52 Pa. Code § 69.43 (relating to notice lead-time).

**§ 57.88. Subdivisions.**

Underground facilities in new residential developments are only required by §§ 57.81—57.87 (relating to underground electrical service in new residential developments) when a bona fide developer exists, that is, only when utility-ready lots are provided by the developer. A mere subdivision is not required to have underground service. Should the lot owner or owners in a subdivision desire underground service, the service shall be provided by the utility if the lot owner, at his option, either complies with § 57.83 (relating to applicants for electric service) or pays to the utility charges that are contained in the utility's tariff for underground electric service not required by this title.

**Source**

The provisions of this § 57.88 adopted June 29, 1984, effective June 30, 1984, 14 Pa.B. 2250.

**Subchapter I. DISCLOSURE OF EMINENT DOMAIN POWER OF  
ELECTRIC UTILITIES****Sec.**

- 57.91. Disclosure of eminent domain power of electric utilities.  
57.92. [Reserved].  
57.93. [Reserved].

**§ 57.91. Disclosure of eminent domain power of electric utilities.**

(a) A public utility may not, by its officers, employes, attorneys or agents, communicate in any manner, for the purpose of negotiating for the acquisition of a transmission line right-of-way, with a property owner or with a property owner's representative, until at least 15 days after receipt by the property owner or the property owner's representative of the notice required in this section. Communication with a property owner or with a property owner's representative for the purpose of locating the owner of record or for the purpose of securing permission to survey the owner's land is not prohibited and need not be preceded by this notice.

(b) A public utility shall cause the following notice, with the appropriate information inserted where blanks appear, to be sent by registered or certified mail, return receipt requested or to be delivered in person to each property owner or property owner's representative with whom the utility anticipates negotiating for the purchase of transmission line rights-of-way; the notice shall be legibly printed or typewritten on paper 8 1/2 inches wide and 11 inches long:

NOTICE

The Pennsylvania Public Utility Commission requires that \_\_\_\_\_

\_\_\_\_\_  
(utility name) give you the following information: \_\_\_\_\_

\_\_\_\_\_  
(utility name) is presently planning to construct \_\_\_\_\_

\_\_\_\_\_  
(brief description of project, in language understandable by an ordinary person, to include the voltage of the line, height, number and type of supporting structures to be used, and location and width of right-of-way required. If the physical dimensions of the line have not yet been determined or are subject to change, that fact should be clearly and fully stated.)

Since the route presently under consideration could affect your property at \_\_\_\_\_ (property owner's address), a representative of the utility will contact you in the near future to discuss the utility's plans as they may affect your property. In order to better prepare you for these discus-

sions and to avoid possible misunderstandings, we want to take this opportunity to inform you of your legal rights and the legal rights and duties of \_\_\_\_\_(utility name) with regard to this project. You have the right to have legal counsel represent you in these negotiations. You do not have to sign any agreement without the advice of counsel. If you do not know an attorney you may contact your local bar association.

**MUST YOU ACCEPT ANY OFFER MADE BY THE UTILITY FOR YOUR PROPERTY?**

No. You may refuse to accept it. However, the utility has the power to take property by eminent domain, subject to the approval of the Public Utility Commission, for the construction of transmission lines if the utility is unable to negotiate an agreement to buy a right-of-way. If your property is condemned, you must be paid "just compensation." "Just compensation" has been defined by the courts in Pennsylvania as the difference between the fair market value of your property before condemnation, unaffected by the condemnation, and the fair market value of your remaining property after condemnation, as affected by the condemnation.

**CAN THE UTILITY CONDEMN YOUR HOUSE?**

No. The company cannot condemn your house or a reasonable "curtilage" around your house. Generally, curtilage includes the land or buildings within 300 feet of your house which are used for your domestic purposes. However, the 300-foot limit does not automatically extend beyond the homeowner's property line.

**DO YOU HAVE A RIGHT TO A PUBLIC HEARING WHEN THE UTILITY SEEKS TO CONDEMN YOUR PROPERTY?**

Yes. When an electric utility seeks to have your property condemned, the utility must first apply to the Pennsylvania Public Utility Commission for a certificate finding the condemnation to be necessary or proper for the service, accommodation, convenience, or safety of the public. The Commission will then hold a public hearing. As the landowner whose property may be condemned, you are a party to the proceeding and may retain counsel, present evidence, and/or testify yourself in opposition to the application for a certification. If you wish to testify at the public hearing, you should make your intention known by letter to Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, Pennsylvania 17120.

If the Commission approves the utility's application for a certificate finding the condemnation in the public interest, then the utility may proceed before the local Court of Common Pleas to condemn your land. If the Commission denies the utility's application, the utility cannot condemn your land. If you retain an attorney to represent you before the Commission, you must do so at your own expense.

The Commission will not decide how much money you should receive if your land is condemned. The only issue the Commission will decide is whether the

condemnation serves the public interest. If the Commission approves the utility's application for condemnation, the amount of money to which you are entitled will be determined by a local Board of View or the Court of Common Pleas. However, you may at any time make an agreement with the utility as to the amount of damages you are to be paid.

#### NOTICE

The Pennsylvania Public Utility Commission requires that (company name) give you the following information on the RIGHT-OF-WAY MAINTENANCE PRACTICES for the (name of project):

The methods currently used by (name of company) are set forth in (title and description of applicable specification), which will be made available to you for your inspection upon request. If you wish further information concerning right-of-way maintenance methods, you may contact (name, address and telephone number of company representative). You may discuss with this person, either before or during negotiation of the right-of-way agreement, these methods and any other questions you may have about right-of-way maintenance.

Once a utility has constructed an electric transmission line on a right-of-way across your land, the utility must maintain the right-of-way free of tall-growing trees and brush which might impair the reliability of electric service, the safety of the line, and access to the line or its towers. The utility or its contractors may remove and control tall-growing trees and brush by several methods: handcutting of trees, limbs, and brush; mechanical cutting with chain saws or motorized cutting machines; application of herbicides, either from the ground or from a helicopter. The utility must confine its maintenance activities to the approved right-of-way across your land, except where tall-growing trees or brush or their root systems grow into the right-of-way from adjoining land and constitute a threat to the electric transmission line and its structures.

If you believe that the maintenance method(s) used by the company would raise problems with your use of your land adjacent to the right-of-way, it is your responsibility as the landowner to bring this to the attention of the utility before you sign the right-of-way agreement.

The utility company has the responsibility to maintain its rights-of-way, and regular maintenance must occur. Although you as the landowner cannot determine whether or not maintenance will occur, your right-of-way agreement may specify certain conditions on the performance of the maintenance program which are important to you. These conditions can be part of the negotiations between you and the utility company for your land, since a right-of-way agreement is a legal contract between a landowner and a utility company. It is important for you to understand also that the maintenance methods used by the utility company may change over time as the costs of maintenance or the methods of performing maintenance change. You may want to specify in your right-of-way agreement

that the utility company inform you of changes in its maintenance methods or in the maintenance schedule for your land.

The provisions of the right-of-way agreement are enforceable in the local Court of Common Pleas. The right-of-way agreement cannot be enforced by the Pennsylvania Public Utility Commission. Any claims for damage resulting from improper maintenance of the right-of-way must be settled with the utility, its contractors, or in the local Court of Common Pleas at your own expense. The Commission cannot award damages for violations of the right-of-way agreement.

**Source**

The provisions of this § 57.91 adopted May 19, 1978, effective May 20, 1978, 8 Pa.B. 1403; amended April 25, 1980, effective April 26, 1980, 10 Pa.B. 1666. Immediately preceding text appears at serial page (37399).

**Cross References**

This section cited in 52 Pa. Code § 69.3102 (relating to public notice filing requirements).

**§ 57.92. [Reserved].**

**Source**

The provisions of this § 57.92 adopted May 19, 1978, effective May 20, 1978, 8 Pa.B. 1403; reserved January 7, 1983, effective January 8, 1983, 13 Pa.B. 131. Immediately preceding text appears at serial pages (50522) to (50523) and (37400).

**§ 57.93. [Reserved].**

**Source**

The provisions of this § 57.93 adopted May 19, 1978, effective May 20, 1978, 8 Pa.B. 1403; reserved January 7, 1983, effective January 8, 1983, 13 Pa.B. 131. Immediately preceding text appears at serial page (37400).

**Subchapter J. CONSTRUCTION COSTS OF ELECTRIC  
GENERATING UNITS**

Sec.	
57.101.	Purpose.
57.102.	Definitions.
57.103.	Estimate of construction costs.
57.104.	Construction management program.
57.105.	Construction monitoring program.
57.106.	Construction progress reports.
57.107.	Construction management guidelines.

**§ 57.101. Purpose.**

The purpose of this subchapter is to:

- (1) Promote and obtain information concerning the management efficiency of electric utilities engaged in major construction projects.

(10) A general description of reasonable alternative routes to the proposed HV line, including a description of the corridor planning methodology, a comparison of the merits and detriments of each route, and a statement of the reasons for selecting the proposed HV line route;

(11) A list of the local, State and Federal governmental agencies which have requirements which shall be met in connection with the construction or maintenance of the proposed HV line and a list of documents which have been or are required to be filed with those agencies in connection with the siting and construction of the proposed HV line.

(12) The estimated cost of construction of the proposed HV line, and the projected date for completion.

(13) The following exhibits:

(i) A depiction of the proposed route on aerial photographs and topographic maps of suitable detail.

(ii) A description of the proposed HV line, including the length of the line, the design voltage, the size, number and materials of the conductors, the design of the supporting structures and their height, configuration and materials of construction, the average distance between supporting structures, the number of supporting structures, the line to structure clearances and the minimum conductor to ground clearance at mid-span under normal load and average weather conditions and under predicted extreme load and weather conditions.

(iii) A simple drawing of a cross section of the proposed right-of-way of the HV line and any adjoining rights-of-way showing the placement of the supporting structures at typical locations, with the height and width of the structures, the width of the right-of-way and the lateral distance between the conductors and the edge of the right-of-way indicated.

(iv) A system map which shows in suitable detail the location and voltage of existing transmission lines and substations of the applicant and the location and voltage of the proposed HV line and associated substations.

(14) A statement identifying litigation concluded or in progress which concerns property or matter relating to the proposed HV line, right-of-way route or environmental matters.

(15) Additional information as the Commission may require.

(d) Letter of notification in lieu of application:

(1) A letter of notification may be filed with the Commission in lieu of the application process set forth in §§ 57.71—57.76 for the following:

(i) An HV line which is proposed to be located entirely on an existing transmission line right-of-way, so long as the size, character design or configuration of the proposed HV line does not substantially alter the right-of-way.

(ii) An HV line which is proposed to be located entirely within a public road.



**Cross References**

This section cited in 52 Pa. Code § 5.14 (relating to applications requiring notice); 52 Pa. Code § 57.1 (relating to definitions); 52 Pa. Code § 57.72 (relating to form and content of application); and 52 Pa. Code § 69.3101 (relating to scope).

**§ 57.72. Form and content of application.**

(a) Applications shall be in conformity with § 1.31 (relating to form of documentary filings generally). Supporting exhibits such as maps, photographs and other engineering materials may be on paper not exceeding 28 inches by 40 inches.

(b) The application shall be signed by a person having authority with respect thereto and having knowledge of the matters therein set forth and shall be verified under oath.

(c) An application shall contain:

(1) The name of the applicant and the address of its principal business office.

(2) The name, title and business address of the attorney of the applicant and the person authorized to receive notice and communications with respect to the application if other than the attorney of the applicant.

(3) A general description—not a legal or metes and bounds description—of the proposed route of the HV line, to include the number of route miles, the right-of-way width and the location of the proposed HV line within each city, borough, town and township traversed.

(4) The names and addresses of known persons, corporations and other entities of record owning property within the proposed right-of-way, together with an indication of HV line rights-of-way acquired by the applicant.

(5) A general statement of the need for the proposed HV line in meeting identified present and future demands for service, of how the proposed HV line will meet that need and of the engineering justifications for the proposed HV line.

(6) A statement of the safety considerations which will be incorporated into the design, construction and maintenance of the proposed HV line.

(7) A description of studies which had been made as to the projected environmental impact of the HV line as proposed and of the efforts which have been and which will be made to minimize the impact of the HV line upon the environment and upon scenic and historic areas, including but not limited to impacts, where applicable, upon land use, soil and sedimentation, plant and wildlife habitats, terrain, hydrology and landscape.

(8) A description of the efforts of the applicant to locate and identify archaeological, geologic, historic, scenic or wilderness areas of significance within 2 miles of the proposed right-of-way and the location and identity of the areas discovered by the applicant.

(9) The location and identity of airports within 2 miles of the nearest limit of the right-of-way of the proposed HV line.

(iii) An HV line which is proposed to be located entirely within applicant's existing transmission line right-of-way and the property of the sole customer to be served by the line, so long as the size, character, design or configuration of the proposed HV line does not substantially alter the right-of-way.

(iv) A line for which the voltage is proposed to be increased above its present levels, so long as the size, character, design or configuration of the proposed HV line does not substantially alter the right-of-way.

(v) An HV line which is to be reconducted or reconstructed so long as the size, character, design or configuration of the proposed HV line does not substantially alter the right-of-way.

(vi) An HV line having a proposed route of 2 miles or less.

(2) The applicant shall file with the Commission the original of the letter of notification and an affidavit of service showing the identity of those served under paragraph (3).

(3) At the time of filing, the applicant shall serve a copy of the letter of notification by registered or certified mail upon those who would have otherwise been entitled to receive a copy of an application or notice of filing an application as set forth in § 57.74 (relating to filing and service of application and notice of filing).

(4) A letter of notification shall contain:

(i) The information described in subsection (c)(1)—(3), (5) and (6).

(ii) The anticipated construction commencement date and the proposed in-service date of the project.

(iii) Evidence to show that the size, character, design and configuration of the proposed HV line will not substantially alter its right-of-way where the letter is filed under paragraph (1)(i)—(v).

(iv) A statement identifying the filing date on which the filing of the letter of notification was or is to be made, together with substantially the language set forth in paragraph (5).

(5) The Commission will review and, by order, approve or disapprove a letter of notification. If the Commission approves a letter of notification, the HV line shall be located and constructed without the application process set forth in this subchapter. If the Commission does not approve the letter of notification, its order shall direct the applicant to comply with the application process set forth in this subchapter.

(e) The Commission or the presiding officer may—upon the petition of any party, upon the Commission's own motion, or upon the presiding officer's own motion—waive one or more or all of the requirements in this subchapter. The petition shall clearly state the requirement sought to be waived and the reasons therefor.

**Authority**

The provisions of this § 57.72 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 504, 523, 1301, 1501 and 1504.

**Source**

The provisions of this § 57.72 adopted May 19, 1978, effective May 20, 1978, 8 Pa.B. 1403; amended January 7, 1983, effective January 8, 1983, 13 Pa.B. 131; amended January 10, 2014, effective January 11, 2014, 44 Pa.B. 249. Immediately preceding text appears at serial pages (354103) to (354104), (205841) to (205842) and (363007).

**Notes of Decisions**

Section 57.72(c)(7) does not require an application contain an actual study of the environmental impact of an HV line as proposed; rather, § 57.72(c)(7) requires that if a study has been performed, the application must contain a description of the study. Section 57.72(c)(8) does not require an application identify certain archeological, historic, scenic, sites within 2 miles; rather, § 57.72(c)(8) requires that the application describe the applicant's efforts to locate and identify such sites. In considering whether a utility has complied with § 57.72(c)(1), if the record establishes the route was reasonable, considering all factors, it will be upheld. Moreover, the mere existence of an alternative route does not invalidate the utility's route. The exemption for HV lines of 2 miles or less from the application process in § 57.72(d)(1)(vi) raises the presumption that an HV line of 2 miles or less has a minimal adverse environmental impact. *Energy Conservation Council of Pennsylvania v. Pub. Util. Comm'n*, 995 A.2d 465, 478-83 (Pa. Cmwlth. 2010).

**Cross References**

This section cited in 52 Pa. Code § 5.14 (relating to applications requiring notice); 52 Pa. Code § 57.74 (relating to filing and service of application and notice of filing); 52 Pa. Code § 69.3101 (relating to scope); 52 Pa. Code § 69.3105 (relating to route evaluation and siting); and 52 Pa. Code § 69.3106 (relating to environmental filing requests).

**§ 57.73. [Reserved].****Source**

The provisions of this § 57.73 adopted May 19, 1978, effective May 20, 1978, 8 Pa.B. 1403; reserved January 7, 1983, effective January 8, 1983, 13 Pa.B. 131. Immediately preceding text appears at serial pages (50512) to (50514).

**§ 57.74. Filing and service of application and notice of filing.**

(a) *Filing.* The applicant shall file with the Commission the original of the application. An affidavit of service showing the identity of those served under subsections (b) and (c) shall accompany the original application filed with the Commission.

(b) *Copies.* At the time of filing, the applicant shall serve a copy of the application by registered or certified mail, return receipt requested, upon the following:

(1) The chief executive officer, the governing body and the body charged with the duty of planning land use in each city, borough, town, township and county in which any portion of the HV line is proposed to be located.

(2) The president of the public utility, other than the applicant, in whose service territory any portion of the HV line is proposed to be located.

(3) The Department of Environmental Resources, Attention: Bureau of Environmental Planning; Post Office Box 2357, 101 S. Second Street, Harrisburg, Pennsylvania 17120.

(c) *Notice.*

(1) At the time of filing, the applicant shall serve a notice of filing and a map of suitable detail showing the proposed route of the proposed facility by registered or certified mail, return receipt requested, upon the following:

(i) The Secretary of the Department of Transportation, Room 1200 Transportation and Safety Building, Harrisburg, Pennsylvania 17120.

(ii) The Chairman of the Historical and Museum Commission, Post Office Box 1026, Harrisburg, Pennsylvania 17120.

(iii) Other local, State or Federal agencies designated in § 57.72(c)(11) (relating to form and content of application).

(iv) The persons, corporations and other entities designated in § 57.72(c)(4), unless they are served with a copy of the application under § 57.75(i) (relating to hearing and notice).

(2) The notice of filing shall contain a statement identifying the filing, the date on which the filing was or is to be made, a description of the proposed line, the design voltage, the number of route miles, the right-of-way width and the location of the proposed HV line within each township traversed and a statement that a copy of the application is available for public examination as provided in subsection (d).

(d) *Examination.* On the day of filing of the application, the applicant shall make a copy of the application available for public examination during ordinary business hours at a convenient location within a county in which any part of the proposed HV line will be located.

(e) *Additional notice.* The applicant shall provide an additional notice and shall serve such additional copies of the application without cost as the Commission may require.

**Authority**

The provisions of this § 57.74 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 504, 523, 1301, 1501 and 1504.

**Source**

The provisions of this § 57.74 adopted May 19, 1978, effective May 20, 1978, 8 Pa.B. 1403; amended January 7, 1983, effective January 8, 1983, 13 Pa.B. 131; amended January 10, 2014, effective January 11, 2014, 44 Pa.B. 249. Immediately preceding text appears at serial pages (363007) to (363008).

**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); 52 Pa. Code § 57.75 (relating to hearing and notice); and 52 Pa. Code § 69.3101 (relating to scope).

**§ 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).

#### Notes of Decisions

Section 57.75(e) does not require the Commission to analyze the environmental impact of the 502 Facilities; instead, it describes the type of evidence that the Commission will accept and not consider in deciding whether to grant or deny an HV transmission line application. *Energy Conservation Council of Pennsylvania v. Pub. Util. Comm'n*, 995 A.2d 465, 478-83 (Pa. Cmwlth. 2010).

#### 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); 52 Pa. Code § 57.74 (relating to filing and service of application and notice of filing); and 52 Pa. Code § 69.3101 (relating to scope).

### § 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 differ-

ent 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); 52 Pa. Code § 57.72 (relating to form and content of application); and 52 Pa. Code § 69.3101 (relating to scope).

**§ 57.77. Effective date.**

This subchapter is effective on January 8, 1983, and is applicable to every HV line or portion thereof which is not in regular permanent service on the effective day of this subchapter.

**Source**

The provisions of this § 57.77 adopted May 19, 1978, effective May 20, 1978, 8 Pa.B. 1403; amended April 4, 1980, effective April 5, 1980, 10 Pa.B. 1439; amended January 7, 1983, effective January 8, 1983, 13 Pa.B. 131. Immediately preceding text appears at serial pages (50517) and (78469) to (78470).

**Cross References**

This section cited in 52 Pa. Code § 5.14 (relating to applications requiring notice).

**Subchapter H. UNDERGROUND ELECTRICAL SERVICE IN NEW RESIDENTIAL DEVELOPMENTS**

- Sec.  
 57.81. Definitions.  
 57.82. Installation of distribution and service lines.  
 57.83. Applicants for electric service.  
 57.84. Installing distribution lines beyond boundary of development.  
 57.85. Tariff filing.  
 57.86. Exceptions.  
 57.87. Applicability.  
 57.88. Subdivisions.

**§ 57.81. Definitions.**

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

*Applicant for electric service*—The developer of a recorded plot plan consisting of five or more lots, or of one or more five unit apartment houses.

*Developer*—The party responsible for constructing and providing improvements in a development, that is, streets, sidewalks and utility-ready lots.



### **§ 54.9. Complaint handling process.**

EDCs and EGSs shall disclose to consumers the following with respect to the rights of consumers in the handling and resolution of complaints:

- (1) Residential and small business customers shall directly contact the party responsible for the service in question as an initial step for complaint and problem resolution. If the customer mistakenly contacts the wrong entity, the customer shall be promptly referred to the appropriate contact. In the event of a power outage, the customer shall be directed to the EDC.
- (2) Complaints that pertain to Chapter 56 (relating to standards and billing practices for residential utility service) matters shall be handled and resolved in accordance with the applicable standards in Chapter 56.
- (3) EDCs and EGSs shall give the Commission access to disclosure statements, billing and other customer information resources for compliance reviews as deemed necessary by the Commission. When complaints arise and are brought before the Commission for resolution, the obligation of the EGS shall be extended to the provision of pricing information.

#### **Cross References**

This section cited in 52 Pa. Code § 54.1 (relating to purpose); and 52 Pa. Code § 111.13 (relating to customer complaints).

### **PAYMENT OF BILLS PENDING RESOLUTION OF DISPUTES AND COMPLAINTS**

**§ 56.411. Duties of parties: disputing party's duty to pay undisputed portion of bills; utility's duty to pay interest whenever overpayment found.**

Pending resolution of a dispute, including a termination dispute, the disputing party shall be required to pay the undisputed portion of bills, as described in this section.

(1) *Pending informal complaint.* Pending the outcome of an informal complaint, the disputing party shall be obligated to pay that portion of a bill which is not honestly disputed. An amount ultimately determined, by the parties or the Commission, to have been validly due but not paid may be paid with interest at the tariff rate filed under § 56.272 (relating to accrual of late payment charges) except when interest charges have been reduced or eliminated by the parties or the Commission to facilitate payment by the disputing party.

(2) *Pending formal complaint.* Prior to the hearing on a formal complaint or prior to the issuance of a Commission order when no hearing is to be held in a formal complaint proceeding, the customer shall be required to pay that amount which the consumer services representative determines is not disputed.

(3) *Overpayments reimbursed with interest.* An amount ultimately determined to have been overpaid by the disputing party shall be reimbursed with interest at the tariff rate filed under § 56.272.

(4) *Effect of offer of payment.* An offer by a customer to pay all or any portion of a bill may not be deemed a waiver of a right to reimbursement for amounts subsequently deemed, by the parties or the Commission, to have been overpaid.

(5) *Effect of acceptance of partial payment.* The acceptance by a utility of a partial payment for a bill pending final outcome of a dispute may not be deemed an accord and satisfaction or waiver of the right of the utility to payment in full as subsequently agreed to by the parties or decided by the Commission.

### **Cross References**

This section cited in 52 Pa. Code § 56.262 (relating to meter reading; estimated billing; customer readings); and 52 Pa. Code § 56.393 (relating to termination pending resolution of the dispute).

### **Subchapter R. RESTORATION OF SERVICE**

Sec.

56.421. Payment and timing.

56.422. Personnel available to restore service.

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56-129  
(359065)

## Certificate Of Service

I do Herby Certify That I have This Day 24 February 2017 I Have Served a true And correct copy of the Letter 24 February 2017 upon The person's and manner Set Forth Below.

Via Fax letter

Kimberly G. Krupka

33 S Seventh Street

P.O. box 4060

Allentown, PA 18105-4060

The Honorable Jeffery A. Watson

Piatt Place

Suite 220

301 5<sup>th</sup> Avenue

Pittsburg, Pa 15222 undeliverable will not let any contact

Ross E. Schell

## Certificate Of Service

I do Herby Certify That I have This Day 24 February 2017 I Have Served a true And correct copy of the Letter 24 February 2017 upon The person's and manner Set Forth Below.

Via Fax letter

Thomas T Niesen  
Thomas, Niesen & Thomas LLC  
212 Locust Street  
Suite 600  
Harrisburg, PA 17101  
The Honorable Jeffery A. Watson  
Piatt Place  
Suite 220  
301 5<sup>th</sup> Avenue  
Pittsburg, Pa 15222

Will not except any form of communication from me

Ross E. Schell