**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Transource Pennsylvania, LLC

for approval of the Siting and Construction of the A-2017-2640195

230 kV Transmission Line Associated with the A-2017-2640200

Independence Energy Connection - East and West Projects

in portions of York and Franklin Counties, Pennsylvania.

Petition of Transource Pennsylvania, LLC

for a finding that a building to shelter control equipment P-2018-3001878

at the Rice Substation in Franklin County, Pennsylvania

is reasonably necessary for the convenience or welfare of the public.

Petition of Transource Pennsylvania, LLC

for a finding that a building to shelter control equipment

at the Furnace Run Substation in York County, Pennsylvania P-2018-3001883

is reasonably necessary for the convenience or welfare of the public.

Application of Transource Pennsylvania, LLC

for approval to acquire a certain portion of the lands of

various landowners in York and Franklin Counties, Pennsylvania A-2018-3001881,

for the siting and construction of the 230 kV Transmission Line et al.

associated with the Independence Energy Connection –

East and West Projects as necessary or proper for the service,

accommodation, convenience or safety of the public.

**ORDER DENYING PRELIMINARY OBJECTIONS**

On December 27, 2017, Transource PA filed Applications for Approval of the Siting and Construction of 230 kV Transmission Lines in Portions of York and Franklin Counties at Docket Nos. A-2017-2640195 and A-2017-2640200, respectively. On January 23, 2018, the Commission issued an Opinion and Order granting Transource PA a Certificate of Public Convenience at Docket No. A-2017-2587821. However, the Commission declined to find a public need for the Independence Energy Connection (IEC) Project and struck language from

the Initial Decision finding public need for additional transmission service in York and Franklin Counties. The Commission emphasized that the granting of the Certificate was for Transource PA to be able to file siting applications, but it did not pre-approve either a siting application or the IEC Project. *Application of Transource Pennsylvania, LLC for all of the Necessary Authority, Approvals, and Certificates of Public Convenience: (1) to Begin to Furnish and Supply Electric Transmission Service in Franklin and York Counties, Pennsylvania; (2) for Approval of Certain Affiliated Interest Agreements; and (3) for any other Approvals Necessary to Complete the Contemplated Transactions,* Docket Nos. A-2017-2587821 and G-2017-2587822 (Opinion and Order entered January 23, 2018 at 8).

On May 15, 2018, Transource PA filed 133 Condemnation Applications and two Shelter Petitions, one in Franklin County at Docket No. P-2018-3001878 and one in York County at Docket No. P-2018-3001883, which were consolidated at A-20172640195. The Shelter Petitions request the Commission find pursuant to 52 Pa. Code § 5.41 and 53 P.S. §10619, buildings to shelter control equipment at the proposed Rice Substation and proposed Furnace Run Substation are reasonably necessary for the convenience or welfare of the public and, therefore, exempt from any local zoning ordinance.

On July 6, 2018, Stop Transource Franklin County (STFC) filed Preliminary Objections requesting these petitions be dismissed. On July 16, 2018, Transource PA filed an Answer to Preliminary Objections. The Preliminary Objections are ripe for a decision.

The Commission’s Rules of Practice and Procedure permit parties to file preliminary objections. The grounds for preliminary objections are limited to those set forth in 52 Pa. Code §5.101(a) as follows:

1. Lack of Commission jurisdiction or improper service of the pleading initiating the proceeding.
2. Failure of a pleading to conform to this chapter or the inclusion of scandalous or impertinent matter.
3. Insufficient specificity of a pleading.
4. Legal insufficiency of a pleading.
5. Lack of capacity to sue, nonjoinder of a necessary party or misjoinder of a cause of action.
6. Pendency of a prior proceeding or agreement for alternative dispute resolution.

(7) Standing of a party to participate in the proceeding.

52 Pa. Code §5.101(a).

We infer STFC’s preliminary objections allege that Transource PA does not meet the legal standard for classification as a public utility corporation pursuant to 53 P.S. § 10619 and therefore the Commission has no jurisdiction to decide and Transource PA has no standing to request the petitioned relief of an exemption from Section 619 of the Municipalities Planning Code. Although STFC does not specify its grounds for objections, we infer STFC argues the Shelter Petitions should be dismissed pursuant to Sections 5.101(a)(1) and (7) for lack of jurisdiction or standing. STFC avers that since the Commission has not determined that a need exists for the IEC Project a/k/a Project 9A and the Certificate of Public Convenience limits its service territory to markers referenced in Project 9A, Transource PA does not meet the threshold standard of a public utility corporation under 66 P.S. § 102, 52 Pa. Code § 69.1401(c) or *Drexelbrook Associates v. Pa. Pub. Util. Comm’n*, 212 A.2d 237 (Pa. 1965). [[1]](#footnote-1)

Conversely, Transource PA contends the Shelter Petitions will only be relevant if the Commission determines there is a need for the IEC Project. Transource PA admits it did not seek approval of a specific project and is now seeking a need determination from the Commission in its siting applications. Transource PA claims it is irrelevant that the Commission removed language from the Initial Decision finding a need for additional transmission service in Franklin and York Counties and the absence of a finding of need has no bearing on whether Transource PA is a public utility. Answer at 8. Transource PA contends it is not precluded from seeking the exemption from the Municipal Planning Code (MPC) until it is actually operating public utility facilities in Pennsylvania. Transource PA avers it will be providing transmission service to the public in the PJM Interconnection regional transmission grid. Therefore, it survives the *Drexelbrook* test as its service is not private. Transource PA Answer at 10. Transource PA requests the Commission rule on the need and the Shelter Petitions at the same time and contends that the shelter petitions have not been filed prematurely.

Disposition

The Pennsylvania Supreme Court has long held that municipalities have no power to zone with respect to utility facilities. *Duquesne Light Co. v. Upper St. Clair Twp.*, 105 A.2d 287 (Pa. 1954); *Duquesne Light Co. v. Monroeville Borough*, 298 A.2d 252, 256 (Pa. 1972) (the PUC has exclusive regulatory jurisdiction over the implementation of public utility facilities). *See, also, County of Chester v. Philadelphia Electric Co.,* 218 A.2d 331, 333 (Pa. 1966) (regulation by a multitude of jurisdictions would result in “twisted and knotted” public utilities with consequent harm to the general welfare of the public); *Commonwealth v. Delaware & Hudson Railway Co.,* 339 A.2d 155, 157 (Pa. Cmwlth. 1975) (“public utilities are to be regulated exclusively by an agency of the Commonwealth with state-wide jurisdiction rather than a myriad of local governments with different regulations”).

The statute at 53 P.S. § 10619, Section 619 of the MPC, provides a limited exception to this general rule. Section 619 of the MPC states as follows:

This article shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the municipality in which the building or proposed building is located have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of a party to the proceedings.

Therefore, a municipality may zone a public utility building unless the Commission determines that the building is reasonably necessary for the convenience or welfare of the public. If the Commission finds that the building is reasonably necessary, the building is exempt from a local zoning ordinance under the MPC. *Del-AWARE Unlimited, Inc. v. Pa. Pub. Util. Comm’n*, 513 A.2d 593 (Pa. Cmwlth. 1986). Section 619 of the MPC does not require a utility to prove that the site it has selected is absolutely necessary or that it is the best possible site, it need only show that the building is reasonably necessary. *O’Connor v. Pa. Pub. Util. Comm’n,* 582 A.2d 427 (Pa. Cmwlth. 1990).

The Commission adopted a policy statement, set forth at 52 Pa.Code § 69.1101, to further the Commonwealth’s goal of making agency actions consistent with sound land use planning by considering the impact of its decision upon local comprehensive plans and zoning ordinances. The policy statement at 52 Pa.Code § 69.1101 states as follows:

To further the State’s goal of making State agency actions consistent with sound land-use planning and under the act of June 22, 2000 (P.L. 483, No. 67) and the act of June 23, 2000(P.L. 495, No. 68), the Commission will consider the impact of its decisions upon local comprehensive plans and zoning ordinances. This will include reviewing applications for:

(1) Certificates of public convenience

(2) Siting electric transmission lines.

(3) Siting a public utility “building” under section 619 of the MPC (53 P.S. § 10619)

(4) Other Commission decisions

Having discussed the standards for Commission approval of the siting of Transource PA’s proposed buildings, we will now address the preliminary objections set forth above.

Commission preliminary objection practice is analogous to Pennsylvania civil practice regarding preliminary objections. *Equitable Small Transportation Intervenors v. Equitable Gas Company*, 1994 Pa PUC LEXIS 69, Docket No. C‑00935435 (Order entered July 18, 1994). A preliminary objection asserting lack of Commission jurisdiction, pursuant to the Commission’s Rules of Practice and Procedure, is therefore analogous to preliminary objections allowed by Rule 1028 of the Pennsylvania Rules of Civil Procedure.

Preliminary objections in civil practice requesting dismissal of a pleading will be granted only where the right to relief is clearly warranted and free from doubt. *Interstate Traveller Services, Inc. v. Pa. Dept. of Environment Resources*, 406 A.2d 1020 (Pa. 1979); *Rivera v. Philadelphia Theological Seminary of St. Charles Borromeo, Inc.,* 595 A.2d 172 (Pa. Super. 1991). The Commission follows this standard. *Montague v. Philadelphia Electric Company*, 66 Pa. PUC 24 (1988).

The Commission may not rely upon the factual assertions of the moving party but must accept as true, for purposes of disposing of the motion, all well pleaded, material facts of the nonmoving party, as well as every reasonable inference from those facts. *County of Allegheny v. Commonwealth of Pennsylvania*, 490 A. 2d 402 (Pa. 1985); *Commonwealth of Pennsylvania v. Bell Telephone Co. of Pa.,* 551 A.2d 602 (Pa. Cmwlth. 1988). The Commission must view the shelter petitions in the light most favorable to Transource PA and should dismiss the shelter petitions only if it appears that Transource PA would not be entitled to relief under any circumstances as a matter of law. *Equitable Small Transportation Intervenors v. Equitable Gas Company*, 1994 Pa PUC LEXIS 69, Docket No. C-00935435 (July 18, 1994).

The regulation at 52 Pa.Code § 5.101(a)(1) permits the filing of a preliminary objection to dismiss a pleading for lack of Commission jurisdiction. The provision at 52 Pa.Code § 5.101(a)(1) serves judicial economy by avoiding a hearing where no factual dispute exists. If no factual issue pertinent to the resolution of a case exists, a hearing is unnecessary. *Lehigh Valley Power Committee v. Pa. Pub. Util. Comm’n*, 563 A.2d 557 (Pa. Cmwlth. 1989); *S.M.E. Bessemer Cement, Inc. v. Pa. Pub. Util. Comm’n*, 540 A.2d 1006 (Pa. Cmwlth. 1988); *White Oak Borough Authority v. Pa. Pub. Util. Comm’n*, 103 A.2d 502 (Pa. Super. 1954).

The Commission, as a creation of the General Assembly, has only the powers and authority granted to it by the General Assembly contained in the Public Utility Code. *Tod and Lisa Shedlosky v. Pennsylvania Electric Co.,* Docket No. C‑20066937 (Order entered May 28, 2008); *Feingold v. Bell Tel. Co. of Pa.,* 383 A.2d 791 (Pa. 1977). The Commission must act within, and cannot exceed, its jurisdiction. *City of Pittsburgh v. Pa. Pub. Util. Comm’n,* 43 A.2d 348 (Pa. Super. 1945). Jurisdiction may not be conferred by the parties where none exists. *Roberts v. Martorano*, 235 A.2d 602 (Pa. 1967). Subject matter jurisdiction is a prerequisite to the exercise of power to decide a controversy. *Hughes v. Pennsylvania State* *Police*, 619 A.2d 390 (Pa. Cmwlth. 1992) *alloc. denied* 637 A.2d 293 (Pa. 1993).

Viewing Transource PA’s shelter petitions in this case in the light most favorable to Transource PA, for purposes of ruling on the preliminary objections, Transource PA currently holds a certificate of public convenience to provide transmission service in a specifically demarked service areas of Franklin and York counties, Pennsylvania. The Commission’s issuance of a certificate of public convenience and demarcation of a service area does not constitute approval of any project proposed for the service area, including the IEC Project. The Commission modified the ALJs Initial Decision by removing language finding public need for additional transmission service in Franklin and York Counties, which generally is required prior to the issuance of a certificate of public convenience. However, the fact that Transource PA now holds a certificate of public convenience acts as *prima facie* evidence the entity is a public utility under the Public Utility Code and a public utility corporation under Section 619 of the MPC, 53 P.S. § 619 which provides as follows:

This article shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

*See In re: Petition of Sunoco Pipeline, L.P. for findings that buildings to shelter valve control stations and pump stations in 31 townships are reasonably necessary for the convenience or welfare of the public*, Docket No. P-2014-2411941 (Opinion and Order entered October 29, 2014 at 36). In the *Sunoco Pipeline* case, the Commission denied Preliminary Objections to 31 Amended Shelter Petitions of a pipeline operator because it found *prima facie* evidence of public utility status by evidence of a certificate of public convenience.

The Commission has ruled on Shelter Petitions concurrently with siting applications before; therefore, we do not find the consolidation of the Shelter Petitions with the siting applications to be premature or not in accordance with horizontal *stare decisis* precedent. *See 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,* Docket No. A-2012-2340872 (Order entered January 9, 2014). In the *PPL* case, the Commission concurrently approved a siting application and shelter petition at the same time. *Id.*

The Business Corporation Law (BCL) defines a “public utility corporation” as including corporations that are “subject to regulation as a public utility by the Pennsylvania Public Utility Commission or an officer or agency of the United States.” 15 Pa. C.S. § 1103. In this proceeding, Transource PA contends it is a public utility based upon its status as a certificated transmission operator with no facilities or tariffed rates in Pennsylvania. Transource PA has pled sufficient facts for us to conclude that it is a foreign limited liability company subject to regulation as a public utility by the Commission as it holds a certificate issued by the Commission, limited as it is. Although Transource PA’s siting applications are pending, it is too early to determine whether the IEC Project is a public utility service. The Commission has issued a policy statement to provide guidance for the determination of public utility status. These guidelines are consistent with the case law cited above. The policy statement provides a method for evaluating whether a proposed service is a public utility service. The policy statement states in part:

**§ 69.1401. Guidelines for determining public utility status – statement of policy.**

\* \* \*

(c) *Fact based determination.* The Commission will consider the status of a utility project or service based on the specific facts of the project or service and will take into consideration the following criteria in formulating its decision:

1. The service being provided by the utility project is merely incidental to nonutility business with the customers which creates a nexus between the provider and customer.
2. The facility is designed and constructed only to serve a specific group of individuals or entities, and others cannot feasibly be serviced without a significant revision to the project.
3. The service is provided to a single customer or to a defined, privileged and limited group when the provider reserves its right to select its customers by contractual arrangement so that no one among the public, outside of the selected group, is privileged to demand service, and resale of the service is prohibited, except to the extent that a building or facility owner/operator that manages the internal distribution system servicing the building or facility supplies electric and related electric power services to occupants of the building or facility. See 66 Pa. C.S. 102 and 2803 (relating to definitions).

\* \* \*

In this case, we must accept as true for purposes of disposing of the preliminary objections all well pleaded, material facts in Transource PA’s shelter petitions, as well as every reasonable inference from those facts. We must view Transource PA’s Shelter Petitions in the light most favorable to Transource PA and should dismiss the amended petitions only if it appears that Transource PA would not be entitled to relief under any circumstances as a matter of law.

Since we cannot conclude that the proposed IEC project fails to constitute public utility service, we cannot conclude that the Commission lacks jurisdiction over Transource PA’s Shelter Petitions as a matter of law. We will deny the request in the preliminary objections to dismiss Transource PA’s Shelter Petitions due to lack of jurisdiction and lack of standing. Our conclusion is supported by the Commission’s policy statement at 52 Pa.Code § 69.1401(c) which requires that the determination of whether a particular proposed project or service is public utility service be a fact based determination. The Commission policy statement appears to contemplate that such a determination be made based on a fully developed record. Making a determination that the proposed IEC project is not public utility service at this stage of the proceedings would be contrary to the Commission’s policy statement.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the preliminary objections filed by Stop Transource Franklin County at Docket Nos. P-2018-3001878 and P-2018-3001883 are denied and dismissed.

Date: July 30, 2018 /s/

Elizabeth H. Barnes

Administrative Law Judge

/s/

Andrew Calvelli

Administrative Law Judge

**A-2017-2640195 & A-2017-2640200 ET AL- APPLICATION OF TRANSOURCE PENNSLYVANIA, LLC. FOR APPROVAL OF THE SITING AND CONSTRUCTION OF THE 230KV TRANSMISSION LINE ASSOCIATED WITH THE INDEPENDENCE ENERGY CONNECTION-EAST & WEST PROJECTS IN PORTIONS OF YORK & FRANKLIN COUNTIES.**

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NICOLE SERRA1219 MASON DIXON ROADGREENCASTLE PA 17225  
DANIELLE BERNECKER1827 WOOD DUCK DR ECHAMBERSBURG PA 17202ERIC SCOTT BURKHOLDER315 LEEDY WAY WESTCHAMBERSBURG PA 17202  
AARON KAUFFMAN  
MELINDA KAUFFMAN4220 OLD SCOTLAND RDCHAMBERSBURG PA 17202WILLA WELLER KAAL67 SUMMER BREEZE LANECHAMBERSBURG PA 17202  
LUWANDA MUMMA693 FALLING SPRING RDCHAMBERSBURG PA 17202  
ROBERTA SCOTT6239 MARSH ROADWAYNESBORO PA 17268FRANCES MCDERMOTT782 FRANKLIN SQUARE DRIVECHAMBERSBURG PA 17201  
SPENCER PHEIL  
BRECHYN CHACE   
CAITLIN RAMSEY 6167 GREENBRIAR TERRACEFAYETTEVILLE PA 17222DONALD LEHMAN  
WAYNE LEHMAN686 MOWER RDCHAMBERSBURG PA 17202LOIS WHITE1406 WALKER ROADCHAMBERSBURG PA 17202CRAIG NITTERHOUSE  
PAGE NITTERHOUSE1785 FALLING SPRING RDCHAMBERSBURG PA 17202

COLBY NITTERHOUSE  
LEAH NITTERHOUSE2479 NEWCOMER RDCHAMBERSBURG PA 17202JOSEPH REBOK  
MARY ANN REBOK37 LINOAK RDCHAMBERSBURG PA 17202

MICHAEL CORDELL4219 ALTENWALD RDWAYNESBORO PA 17268

JAN HORST  
GEORGIANA HORST826 NEW FRANKLIN RDCHAMBERSBURG PA 17202JUSTIN DUNLAP  
SHARLA DUNLAP8015 HIDDEN VALLEY LNWAYNESBORO PA 17268  
ANNE FINUCANE  
BRENDAN FINUCANE2760 SPRINGVIEW DRIVECHAMBERSBURG PA 17202  
ALLEN RICE  
LORI RICE1430 HENRY LANECHAMBERSBURG PA 17202ELLEN ENGLE  
MILTON ENGLE5765 MANHEIM RDWAYNESBORO PA 17268ALLAN STINE  
HEATHER STINE867 CIDER PRESS ROADCHAMBERSBURG PA 17202BONNIE BYERS  
SUZY HUGHES4200 DIXIE AVENUECHAMBERSBURG PA 17202

LAURIE VIOZZI2723 NEWCOMER RDCHAMBERSBURG PA 17202KENNETH LEHMAN1592 FAIRVIEW AVENUECHAMBERSBURG PA 17202  
ELLEN BLACK536 BRIAR LANECHAMBERSBURG PA 17202

DOREEN RICE  
FRED RICE3410 CHURCH RDCHAMBERSBURG PA 17202  
KIMBERLY CALIMER3136 CHURCH RDCHAMBERSBURG PA 17202ROBERTA LAWYER8617 SHEFFIELD MANOR BLVDWAYNESBORO PA 17268  
JAY FRECH  
RUTH FRECH5617 MANHEIM RDWAYNESBORO PA 17268  
ROY CORDELL  
EMMA CORDELL4690 FETTERHOFF CHAPEL ROADCHAMBERSBURG PA 17202  
NORMA RICKER  
WALTER RICKER3063 NEW FRANKLIN ROAD CHAMBERSBURG PA 17202  
MICHAEL KATZ6267 CROOKED STICK LANEFAYETTEVILLE PA 17222  
WALTER PORTMANN146 HARVEST LANE CHAMBERSBURG PA 17202

FRED BYERS1863 COLDSMITH RDSHIPPENSBURG PA 17257

HAROLD BARNES  
NANCY BARNES1511 SPRINGSIDE DRIVE EASTCHAMBERSBURG PA 17202  
MARTHA BUHRMAN3453 HERTOY LANEFORT LOUDON PA 17224  
S SUSAN MCMURTRAY1567 SPRING SIDE DRIVE EASTCHAMBERSBURG PA 17202ROB MOWER904 WALKER ROADCHAMBERSBURG PA 17202  
JOY BANZHOF709 CUMBERLAND AVENUECHAMBERSBURG PA 17201

DEBORAH SCHREIBER-OTT1546 SPRING SIDE DR EASTCHAMBERSBURG PA 17202  
MIKE MARTINEZ JR2725 JEFFREY LNYORK PA 17402  
DAVID HAWKINS  
JUDETH HAWKINS 160 BRUCE ROADAIRVILLE PA 17302  
TREVOR LEWIS2200 CHANNEL RD PYLESVILLE MD 21132AMBER GEIGER 148 E SCARBOROUGH FARESTEWARTSTOWN PA 17363  
MANDY WELCHSCOTT WELCH 1101 FURNACE RDAIRVILLE PA 17302

JAMIE DIAMOND  
RICHARD DIAMOND 13540 TROUT SCHOOL RDFELTON PA 17322**717.993.0849**  
VALERIE DORN8358 BLUE BALL RDSTEWARTSTOWN PA 17363

KATHERINE TRAYNOR  
MADELINE TRAYNOR331 LAUREL DRYORK PA 17406  
THOMAS WHEATLEY615 ALUM ROCK RDNEW PARK PA 17352  
T R CORCORAN335 GOOD RDAIRVILLE PA 17302JON SMELTZER2505 DELTA RDBROGUE PA 17309  
BILL WILT280 MEGGON RDRED LION PA 17356MAC MOSER725 FAWN GROVE RDFAWN GROVE PA 17321DEAN MOSER106 DEER RDFAWN GROVE PA 17321ANN LAVIN1175 FAWN GROVE ROADNEW PARK PA 17352

JENNIFER CLUBB  
JOSEPH CLUBB4400 BATTLE HILL ROADBROGUE PA 17309

MARGARET WILLIAMS90 S OAK HEIGHTS TRAILDELTA PA 17314DAVID KOONS1032 BLYMIRE ROADDALLASTOWN PA 17313CHRISTINE ROGERS256 SOUTH CAMP STREETRED LION PA 17366

TIMOTHY KRICK13436 PRUITT LANEPRICNESS ANNE MD 21853  
DIANA KEYS  
GARRY KEYS201 WHEELER SCHOOL ROADPYLESVILLE MD 21132  
JOHN KRICK945 ORCHARD ROADNEW PARK PA 17352  
DOUG MCKOY11011 GIPE ROADCHANCEFORD PA 17322CRAIG SANSONETTI PRESIDENTMARYLAND & PENNSYLVANIA RAILROAD PRESERVATION SOCIETYPO BOX 2262YORK PA 17405**717.862.3259**DAVID MILLER  
SUSAN MILLERMILLERS FUEL SUPPLYPO BOX 3553068 DELTA RDAIRVILLE PA 17302JIM STRACK2010 GARNET RDYORK PA 17403  
LINDA A DICKINSON63 DOWNS AVEAIRVILLE PA 17302JIM HERSHEY49 STRAWBRIDGE RDNEW PARK PA 17352  
JENNIFER RUMBAUGH

5905 BUTTERMILK RD

WAYNESBORO PA 17268

GARY MINK  
STEVEN MINK220 GROVE RDSTEWARTSTOWN PA 17363  
  
COLT MARTIN  
KRISTYN MARTIN  
8020 HIDDEN VALLEY RD  
WAYNESBORO PA 17268

DEBORAH PFLAGER

133 MYRTLE AVE

WAYNESBORO PA 17268

MARIA WHALEN

PETER WHALEN

12 MCCOY LN

CARLISLE PA 17105

KRISTI TAYLOR  
118 GORAM RD  
BROGUE PA 17309  
  
KIRA ROHRER  
1110 VILLAGE RD  
LANCASTER PA 17602  
  
KATHLEEN TOMPKINS  
1056 MUDDY CREEK RD  
AIRVILLE PA 17302  
  
PATRICE TAYLOR  
183 BUECKER RD  
DELTA PA 17314  
  
GUILDFORD TOWNSHIP SUPERVISORS  
115 SPRING VALLEY RD  
CHAMBERSBURG PA 17201  
  
ASHLEY HOSPELHORN  
8010 HIDDEN VALLEY LN  
WAYNESBORO PA 17268  
ASHLEY HOSPELHORN  
116 WEST 3RD STREET  
WAYNESBORO PA 17268

DM FARMS LLC  
BRIAN BECHBILL  
13689 DREAM HIGHWAY  
NEWBURG PA 17240

CATHY PRIESTON  
263 WESTOVER WAY  
CHAMBERSBURG PA 17202  
  
DANIEL LONG  
6405 NUNNERY RD

WAYNESBORO PA 17268  
  
LANTZ SOURBIER  
LAURA SOURBIER  
64 EDGEWOOD CIR

CHAMBERSBURG PA 17202  
  
CONNIE HAIR  
MICHAEL HAIR  
1331 SPRINGVIEW DR  
CHAMBERSBURG PA 17202  
  
REBECCA CAMPBELL  
125 REED RD  
AIRVILLE PA 17302  
  
KAREN BENEDICT  
RODNEY MYER  
5413 MANHEIM RD  
WAYNESBORO PA 17268  
SUZANNE RANDELL  
4324 FETTERHOFF CHAPEL RD  
CHAMBERSBURG PA 17202

DALE & BARBARA TORBET

405 THRONE RD

FAWN GROVE PA 17321

ROBERT BURCHETT

JUDY BURCHETT

THOMAS BURCHETT

STACY BURCHETT

175 FROSTY MILL RD

AIRVILLE PA 17302

JOSEPH & BARBARA LAPP

142 CONOWINGO RD

QUARRYVILLE PA 17566

MERVIN & GLADYS MILLER

95 BURNS RD

BROGUE PA 17309

AMOS & ELIZABETH ESH

460A STRASBURG RD

PARADISE PA 17562

WILLIAM & JANE PETERS

2062 DRUID PARK DR

BALTIMORE MD 21211

BURTON FAMILY LP

3731 ABINGDON BEACH RD

ABINGDON MD 21009

GLEN BRADLEY

825 CEDAR VALLEY RD

NEW PARK PA 17352

D ARTHUR GROVE

DAVID R GROVE

489 DAVIS RD

NEW PARK PA 17352

RGRG PARTNERS

C/O RICHARD WILSON

1407 THISTLEWOOD LN

STEWARTSTOWN PA 17363

JEFFERSON & LAURA BRACEY

815 CEDAR VALLEY RD

NEW PARK PA 17352

BARLEY FARMS LP

175 CHESTNUT GROVE RD

CONESTOGA PA 17516

TROY KLINE

4886 MILL RD

BROGUE PA 17309

JOHN BLAIR

11611 PRICES CHURCH RD

WAYNESBORO PA 17268

MARY ANN & DUWAYNE FOX

6977 IRON BRIDGE RD

WAYNESBORO PA 17268

DONALD & BEVERLY FAHRNEY

9249 HARLEE RD

WAYNESBORO PA 17268

JACK & EMILY MARTIN

12574 POLKTOWN RD

WAYNESBORO PA 17268

JASON & MEGAN Martin

5102 POLKTOWN RD

WAYNESBORO PA 17268

JANE ZEIGER

5886 HESS BENEDICT RD

WAYNESBORO PA 17268

DONALD & ISABELL HESS

5215 HESS BENEDICT RD

WAYNESBORO PA 17268

DENVER & KATRINA MARTIN

6973 NUNNERY RD

WAYNESBORO PA 17268

JOSEPH WEAGLEY

6413 MARSH RD

WAYNESBORO PA 17268

DANIEL & ELAINE ESHELMAN

13310 N. HOOVERS MILL RD

WAYNESBORO PA 17268

ROGER & JOYCE DILLER

5505 OLDE SCOTLAND RD

SHIPPENSBURG PA 17257

GBR LINCOLN HWY, LLC ET AL

150 TARRYTOWN RD

WHITE PLAINS NY 10591

SUMMIT PARTNERS, LLC

100 COLONIAL WAY

WEST CHESTER PA 19382

JASON & ROSALIE HOSTETTER

2048 GUILFORD STATION RD

CHAMBERSBURG PA 17202

DARRYL BENDER

5079 YOHE RD

WAYNESBORO PA 17268

DONNA BENDER

1013 S FIFTH ST

CHAMBERSBURG PA 17202

SALT CREEK PARTNERS, LLC

1112 KENNEBEC DR

CHAMBERSBURG PA 17201

CHARLES MELLOTT

9702 WAYNE HWY

WAYNESBORO PA 17268

RONALD & DORIS STONER

11623 KOONS RD

WAYNESBORO PA 17268

HAROLD WENGER LIVING TRUST

C/O ELVA WENGER

2146 CIDER PRESS RD

CHAMBERSBURG PA 17202

JOHN & ALLISON STEIGER

5465 HESS BENEDICT RD

WAYNESBORO PA 17268

IVAN & ELLEN HORST

2732 SOLLENBERGER DR

CHAMBERSBURG PA 17202

GUILFORD WATER AUTHORITY

115 SPRING VALLEY RD

CHAMBERSBURG PA 17202

KENNETH & MARIE LEHMAN

6403 HESS BENEDICT RD

WAYNESBORO PA 17268

DONALD & DENISE MARTIN

1946 NEWCOMER RD

CHAMBERSBURG PA 17202

WILLIAM & DIANE NITTERHOUSE

1130 CIDER PRESS RD

CHAMBERSBURG PA 17202

LEMMA & O’CONNOR INVESTORS, LLC

3645 FOX HILL DR

CHAMBERSBURG PA 17202

ROY & REGINA MARTIN

4925 SHADY LN

WAYNESBORO PA 17268

CHAMBERSBURG AREA SCHOOL DISTRICT

511 S. SIXTH ST

CHAMBERSBURG PA 17202

CHARLES DILLER

90 MENNO VILLAGE

CHAMBERSBURG PA 17202

JAMES & MABLE DILLER

552 KOHLER RD

CHAMBERSBURG PA 17202

JOHN & MARGARET DILLER

550 KOHLER RD

CHAMBERSBURG PA 17202

MARY & CHARLES HENRY

MARION CARMACK

D YVONNE FRANK

506 SOUTH EDWARDS AVE

CHAMBERSBURG PA 17202

CHAMBERSBURG MALL REALTY LLC

150 GREAT NECK RD STE 304

GREAT NECK NY 11021

CHAMBERSBURG CH LLC

88 N 2ND STREET STE 100

HARRISBURG PA 17102

CHAMBERSBURG NASSIM LLC

1265 DRUMMERS LN STE 209

WAYNE PA 19087

MAHLON & DEBRA EBY

6685 ANTHONY HWY

WAYNESBORO PA 17268

RICHARD & AGNES LESHER

1126 CIDER PRESS RD

CHAMBERSBURG PA 17202

LAVERNE & ELLEN MARTIN

14578 WAYNE HWY

WAYNESBORO PA 17268

SAMUEL & MANDY JONES

7583 LYONS RD

WAYNESBORO PA 17268

CHARLES STAMY FOX

37 FIFTH AVENUE

CHAMBERSBURG PA 17201

MARLIN & CARRIE MARTIN

7665 ANTHONY HWY

WAYNESBORO PA 17268

OWLS CLUB, INC.

87 W MAIN ST

WAYNESBORO PA 17268

BRUCE NEIBERT JR

7353 IRON BRIDGE RD

WAYNESBORO PA 17268

LOWES HOME CENTERS, INC.

1600 LINCOLN WAY EAST

CHAMBERSBURG PA 17202

KEITH BENEDICT

7366 BRECHBILL LOOP RD

CHAMBERSBURG PA 17202

DEREK BENEDICT

1883 RAGGED EDGE RD

CHAMBERSBURG PA 17202

DARED BENEDICT

3210 CHURCH RD

CHAMBERSBURG PA 17202

PATRIOT FEDERAL CREDIT UNION

800 WAYNE AVE

CHAMBERSBURG PA 17201

CHARLES & EDNA FOX

37 FIFTH AVENUE

CHAMBERSBURG PA 17202

TUNDE TIJANI

503 BROOKVIEW DR

GREENCASTLE PA 17225

LAMAR & ESTHER HORST

11599 KOONS RD

WAYNESBORO PA 17268

IVAN & RUBY BENEDICT

3307 COLLEGE DR

CHAMBERSBURG PA 17202

RICHARD & FERN PECK

4017 ALTENWALD RD

WAYNESBORO PA 17268

MYRON & FERN MILLER

9180 GOODS DAM RD

WAYNESBORO PA 17268

WEST PENN POWER COMPANY

76 S MAIN ST

AKRON OH 44308

IESI PA BLUE RIDGE LANDFILL CORP

PO BOX 399

SCOTLAND PA 17254

KIMBERLY & DAVID NEIBERT

14898 WAYNE HWY

WAYNESBORO PA 17268

WILLIS LESHER

1153 SWAMP FOX RD

CHAMBERSBURG PA 17202

JOHN & EUNICE RUDOLPH

7270 BUTTERMILK RD

WAYNESBORO PA 17268

KYLE & KELLY SCHINDEL

22032 ROCKY FORGE RD

HAGERSTOWN MD 21740

LAMAR & EDNA RUDOLPH

5401 MANHEIM RD

WAYNESBORO PA 17268

DANIEL & DOREEN STRITE

6032 BUTTERMILK RD

WAYNESBORO PA 17268

KAREN BENEDICT

RODNEY MEYER

5419 MANHEIM RD

WAYNESBORO PA 17268

JOHN & PENNY GARBER

7787 BURKHOLDER RD

WAYNESBORO PA 17268

GERALD & JENNIFER ZEIGLER

PO BOX 121

WAYNESBORO PA 17268

MARK & SALLY GAYMAN

5460 STAMEY HILL RD

WAYNESBORO PA 17268

EDWIN & DAWN SHANK

3854 OLDE SCOTLAND RD

CHAMBERSBURG PA 17202

REK PROPERTIES, LLC

1658 LINCOLN WAY EAST

CHAMBERSBURG PA 17202

LYNN & MARY ETTER

5167 OLDE SCOTLAND RD

SHIPPENSBURG PA 17257

MARGARET MOWER

683 MOWER RD

CHAMBERSBURG PA 17202

J RAY & LINDA GEESAMAN

4986 MANHEIM RD

WAYNESBORO PA 17268

ELAM & MARY REIFF

275 GOODHART RD

SHIPPENSBURG PA 17257

CLARA & DANIEL BENEDICT

4574 ALTENWALD RD

WAYNESBORO PA 17268

J NORMAN & BONNA JANE DILLER

20660 MILLERS CHURCH RD

HAGERSTOWN MD 21742

GLENN & ELAINE EBERLY

78 GARAGE PLACE RD

GHENT NY 12075

DOUGLAS & NELLIE STRALEY

89 CHERRY AVENUE

CHAMBERSBURG PA 17202

JOSHUA & NICOLE DILLER

4913 OLDE SCOTLAND RD

SHIPPENSBURG PA 17257

TAMMY JO & RODERICK C.B. SALTER

MICHAEL & TAMRA FREDERICK

1218 GOLDEN WEST WAY

LUSBY MD 20657

KEVIN & FAYE GAYMAN

9611 PINE ROAD

ORRSTOWN PA 17244

GRANT GAYMAN

11742 GEHR RD

WAYNESBORO PA 17268

PAUL & MARY BAKER

4270 OAK HILL RD

WAYNESBORO PA 17268

FORRESTER FARMS, II, INC

3162 WHITE CHURCH RD

CHAMBERSBURG PA 17202

MARVIN & LOIS MARTIN

7016 MENTZER GAP RD

WAYNESBORO PA 17268

FRANKLIN COUNTY VISITORS BUREAU C/O JANET POLLARD  
37 SOUTH MAIN ST STE 100  
CHAMBERSBURG PA 17201

CLINTON BARKDOLL ESQUIRE

KULLA, BARKDOLL & STEWART, P.C.

9 EAST MAIN STREET

WAYNESBORO PA  17268

**717.762.3374**

1. In *Drexelbrook*, the Pennsylvania Supreme Court found that an apartment complex landlord who sold water, electric, and natural gas services to tenants was not a public utility because only a privileged group – tenants accepted for residency – could subscribe to the services. [↑](#footnote-ref-1)