**BEFORE**

**THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Duquesne Light Company filed : A-2019-3008589

Pursuant to 52 Pa. Code Chapter 57, :

Subchapter G, for Approval of the Siting and :

Construction of the 138 kV Transmission :

Lines Associated with the :

Brunot Island - Crescent Project in :

the City of Pittsburgh, McKees Rocks Borough, :

Kennedy Township, Robinson Township, :

Moon Township, and Crescent Township, :

Allegheny County, Pennsylvania. :

Application of Duquesne Light Company : A-2019-3008652

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 :

George N. Schaefer of Moon Township, :

Allegheny County, Pennsylvania for the :

Siting and Construction of Transmission Lines :

Associated with the Proposed :

Brunot Island - Crescent Project Is Necessary :

or Proper for the Service, Accommodation, :

Convenience, or Safety of the Public. :

**PREHEARING ORDER**

On March 15, 2019, Duquesne Light Company filed an application for approval to site and construct 138 kV transmission lines associated with the Brunot Island-Crescent Project in the City of Pittsburgh, McKees Rocks Borough, Kennedy Township, Robinson Township, Moon Township and Crescent Township, Allegheny County. (Docket No. A-2019-3008589). Duquesne Light also filed an application for eminent domain to acquire a certain portion of the lands of George N. Schaefer of Moon Township, Allegheny County, in connection with the transmission line project. (Docket No. A-2019-3008652).

A prehearing conference was scheduled by notice dated March 28, 2019. Notice of the applications and prehearing conference was published in the Pennsylvania Bulletin on April 6, 2019, which provided a deadline for the filing of petitions to intervene and protests of May 29, 2019. On April 29, 2019, a prehearing conference order was served on all of the entities who were directly served with the applications in accordance with the Commissions regulations.

The prehearing conference convened on June 6, 2019, as scheduled. At that time no one had filed a protest or petition to intervene. However, several affected landowners appeared. Following a discussion with the participants, an extension was granted for the filing of protests to the applications and a further prehearing conference was scheduled for July 2, 2019.

Protests were filed by Victoria Adams, John P. and Jennifer Crowe, Richard Gable, Folezia Marinkovic, Zachariah Nave, Joseph G. and Suzanne Rabosky, Aaron and Rebecca Siegel, Cynthia and Patrick Wilson, and Dennis J. and Jeanne Zona.

The July 2, 2019 prehearing conference convened as scheduled. Garret P. Lent and Emily M. Farah, Esquires, appeared on behalf of Duquesne Light. Protestants Rabosky, Nave, Zona, Marinkovic, Adams and Gable also appeared and represented themselves. Following a discussion with the parties, a litigation schedule was established as set forth below.

THEREFORE,

IT IS ORDERED:

1. That the protests filed on formal complaint forms with the Commission’s Secretary’s Bureau and served upon counsel for Duquesne Light by Victoria Adams, John P. and Jennifer Crowe, Richard Gable, Folezia Marinkovic, Zachariah Nave, Joseph G. and Suzanne Rabosky, Aaron and Rebecca Siegel, Cynthia and Patrick Wilson, and Dennis J. and Jeanne Zona shall be treated as protests in accordance with 52 Pa.Code §§ 5.51-5.52.

2. That on or before **August 27, 2019**, the protestants shall file and serve a list of any expert witnesses they intend to call in support of their claims. The expert identification shall include the name and contact information of the proposed expert witness and general description of the subject matter of the testimony.

3. That on or before **September 10, 2019,** the protestants shall serve written Direct Testimony or an expert report for each expert identified. This testimony shall be served on opposing counsel and the presiding administrative law judge, but need not be filed with the Secretary’s Bureau until it is admitted into evidence. **Failure to serve written testimony or an expert report will preclude the expert from testifying at the technical evidentiary hearing.**

4. That hearings shall be scheduled for **September 10, 2019 at 10:00 a.m.** for the purpose of receiving the oral testimony of any Protestant who wishes to testify. If necessary, an additional day of hearing shall be scheduled for **September 11, 2019 at 11:00 a.m**. These hearings shall convene in the Commission’s hearing room in Pittsburgh. No expert testimony will be heard on these days.

5. That on or before **October 10, 2019**, Duquesne Light shall serve written rebuttal testimony.

6. That technical evidentiary hearings shall be scheduled on **October 29 and October 30, 2019, at 10:00 a.m**. in Pittsburgh.

7. The parties are reminded of the Commission’s requirements for the preparation and filing of written testimony. 52 Pa.Code §§ 5.412 and 5.412a. Written testimony must be accompanied by all exhibits to which it relates. Technical terms and concepts are to be clearly defined and explained in the testimonies and briefs. **No written testimony will be admitted into evidence unless accompanied by a verification or affidavit of the witness**.

8. Parties serving prepared testimony in proceedings pending before the Commission pursuant to 52 Pa.Code § 5.412(f) shall be required, within thirty (30) days after the final hearing in an adjudicatory proceeding to either eFile with or provide to the Secretary’s Bureau a Compact Disc (CD) containing all testimony furnished to the court reporter during the proceeding, consistent 52 Pa.Code § 5.412a.

9. The above-stated dates are in-hand dates for service on the parties and the Presiding Administrative Law Judge (ALJ). The Presiding ALJ agrees to accept email transmission of such material, so long as the subject email is received by 4:30 p.m. on the date due and provided the email is followed the next business day by sending a hard copy of the same material via first-class mail postage prepaid to the parties. The email address of the Presiding ALJ is [malong@pa.gov](mailto:malong@pa.gov). The Presiding ALJ will not accept facsimile transmissions greater than ten pages in length without prior authorization. If in doubt, please call (412) 565-3550.

10. The parties shall engage in informal discovery whenever and wherever possible in an attempt to resolve any discovery disputes amicably. 52 Pa.Code § 5.322. If this process fails, the parties have recourse to the Commission’s procedures for formal discovery, as herein modified. 52 Pa.Code §§ 5.321, *et* *seq*. The parties must not send the Presiding ALJ discovery material or cover letters, unless attached to a motion to compel. **All motions to compel must contain a certification of counsel of the informal discovery undertaken and their efforts to resolve their discovery disputes informally.** If a motion to compel fails to contain such certification, the Presiding ALJ will contact the parties and direct them to pursue informal discovery.

Date: July 8, 2019 /s/

Mary D. Long

Administrative Law Judge

**A-2019-3008589 - APPLICATION OF DUQUESNE LIGHT COMPANY FILED PURSUANT TO 52 PA. CODE CHAPTER 57, SUBCHAPTER G, FOR APPROVAL OF THE SITING AND CONSTRUCTION OF THE 138 KV TRANSMISSION LINES ASSOCIATED WITH THE BRUNOT ISLAND - CRESCENT PROJECT IN THE CITY OF PITTSBURGH, MCKEES ROCKS BOROUGH, KENNEDY TOWNSHIP, ROBINSON TOWNSHIP, MOON TOWNSHIP, AND CRESCENT TOWNSHIP, ALLEGHENY COUNTY, PENNSYLVANIA.**

**A-2019-3008652 - APPLICATION OF DUQUESNE LIGHT COMPANY 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 GEORGE N. SCHAEFER OF MOON TOWNSHIP, ALLEGHENY COUNTY, PENNSYLVANIA FOR THE SITING AND CONSTRUCTION OF TRANSMISSION LINES ASSOCIATED WITH THE PROPOSED BRUNOT ISLAND - CRESCENT PROJECT IS NECESSARY OR PROPER FOR THE SERVICE, ACCOMMODATION, CONVENIENCE, OR SAFETY OF THE PUBLIC.**

*Revised 7/3/19*

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