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File #: 166407

July 8, 2019

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

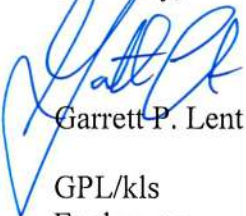
Re: Application of Duquesne Light Company filed Pursuant to 52 Pa. Code Chapter 57, Subchapter G, for Approval of the Siting and Construction of the 138 kV Transmission Lines Associated with the Brunot Island-Crescent Project in the City of Pittsburgh, McKees Rocks Borough, Kennedy Township, Robinson Township, Moon Township, and Crescent Township, Allegheny County, Pennsylvania
Docket No. A-2019-3008589

Dear Secretary Chiavetta:

Enclosed for filing is the Answer of Duquesne Light Company to the First Protest of John P. and Jennifer A. Crowe.

Copies are being provided per the attached Certificate of Service.

Sincerely,



Garrett P. Lent

GPL/kl
Enclosures

cc: Certificate of Service

ALLENTOWN HARRISBURG LANCASTER PHILADELPHIA PITTSBURGH PRINCETON WASHINGTON, D.C.

A PENNSYLVANIA PROFESSIONAL CORPORATION

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Duquesne Light Company :
filed Pursuant to 52 Pa. Code Chapter 57, :
Subchapter G, for Approval of the Siting and : Docket No. A-2019-3008589
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 :
:
:
:
First Protest of John P. and Jennifer A. :
Crowe (306 Konter Road) :

**ANSWER OF DUQUESNE LIGHT COMPANY
TO THE PROTEST OF JOHN P. AND JENNIFER A. CROWE**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE MARY D. LONG:

Duquesne Light Company (“Duquesne Light” or the “Company”) files this Answer to Protest filed by John P. and Jennifer A. Crowe (“Protestants”)¹ pursuant to Section 5.61 of the Pennsylvania Public Utility Commission’s (“Commission”) regulations, 52 Pa. Code § 5.61. Although the Commission’s regulations do not require an answer to a Protest, Duquesne Light responds to each of the separately-numbered paragraphs of the Crowe Protest as follows:

ANSWER

1. Admitted.
2. Denied as stated. The name of the utility is Duquesne Light Company.
3. Admitted.

¹Duquesne Light received a Formal Complaint from the Protestants on June 18, 2019. No docket number has been assigned to the pleading. The Protest is specific to a property located at 306 Konter Road, Coraopolis, PA 15108. As the pleading contests and opposes the electric transmission line siting application at Docket No. A-2019-3008589, Duquesne Light is treating the pleading as a Protest to the Application.

4. Admitted in part and denied in part. It is admitted Duquesne Light recently filed: (1) “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,” at Docket No. A-2019-3008589 (“BI-Crescent Full Siting Application”); and (2) “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,” at Docket No. A-2019-3008652 (“Schaefer Condemnation Application”).²

It is denied Duquesne Light has trespassed onto 306 Konter Road. Protest ¶ 4 (attachment page 1, numbered paragraph 1). By way of further response, the Commission is without jurisdiction over other real property issues such as trespass and the location of utility facilities pursuant to valid easements. *See Shedlosky v. Pennsylvania Electric Co.*, Docket No. C-20066937 (Order entered May 28, 2008); *see also Anne E. Perrige v. Metropolitan Edison Co.*, Docket No. C-00004110 (Order entered July 11, 2003) (Commission had no jurisdiction to interpret the meaning of a written right-of-way agreement); *Samuel Messina v. Bell Atlantic-Pennsylvania, Inc.*, Docket No. C-00968225 (Order entered Sept. 23, 1998) (“The Commission

² While the Protest references the Schaefer Condemnation Application and/or its docket number, Duquesne Light denies that the Protestants are a property owner of record for the subject property.

has clearly stated in prior decisions that it is without subject matter jurisdiction to adjudicate questions involving trespass and whether or not utility facilities are located pursuant to valid easements or rights-of-way.” (citation omitted)). It is further denied that Duquesne Light has failed in its obligation to acquire land to support its infrastructure or that the Company has used or is using insufficient right-of-way to support its transmission line projects.

It is denied that Duquesne Light or its contracted vendors have damaged the property of the Protestants. Protest ¶ 4 (attachment page 1, numbered paragraph 2). By way of further response, the Commission lacks jurisdiction over property disputes and is without authority to award monetary damages.

It is denied that Duquesne Light’s or its contracted vendors’ actions will result in an unreasonable “increase of noise, wear and tear of private road condition and decrease in resident’s Privacy.” Protest ¶ 4 (attachment page 1, numbered paragraph 3). By way of further response, the Commission is without jurisdiction over other real property issues or damages.

It is denied that Duquesne Light’s or its contracted vendors’ actions will result in “Free-roaming domestic animals on the property- liability of pet owner to secure domestic animals.” By way of further response, the Commission is without jurisdiction over other real property issues or damages. In addition, Duquesne Light and its contract vendors do not have any responsibility to secure any domestic animals on or near the Protestants’ property.

It is denied that Duquesne Light’s or its contracted vendors’ actions will result in “Property’s owner’s liability relating to any injuries that may occur to Duquesne Light Company and/or contracted vendor personnel while performing assigned responsibilities.” Protest ¶ 4

(attachment page 1, numbered paragraph 5). By way of further response, the Commission is without jurisdiction over other real property issues or damages.

It is denied that Duquesne Light's or its contracted vendors' actions will "Increase of both potential physical/medical and absolute emotional (stress/anxiety) Related as a result of the Brunot Island-Crescent Project." Protest ¶ 4 (attachment page 1, numbered paragraph 6). By way of further response, the Commission is without jurisdiction over other real property issues or damages. By way of further response, Duquesne Light Company references Attachment 11 – Design Criteria and Safety Practices to the BI-Crescent Full Siting Application and incorporates the information contained therein into this Answer.

5. Denied. The averments contained in Paragraph 5 (referencing the requests for relief on page 2 of 2 of the attachment to the Protest) of the Protest are requests for relief to which no responsive pleading is required. To the extent a response is deemed necessary, Duquesne Light denies that the Protestants are entitled to the relief requested.

By way of further response, Duquesne Light incorporates Paragraphs 2 through 4, *supra*, as though fully set forth herein.

6. Paragraph 6 of the Protest relates to Protection from Abuse orders, to which no responsive pleading is required.

7. Admitted in part and denied in part. It is admitted that the Protest is not an appeal from a decision of the Commission's Bureau of Consumer Services. It is denied that the Protestants have not contacted a Duquesne Light representative regarding the subject matter of the Protest. By way of further response, Duquesne Light has attempted to be responsive to all

contacts and communications from the Protestants and has treated the Protestants in the same respectful and fair manner that it treats all other customers.

8. Paragraph 8 of the Protest pertains to the Protestants' legal representation, to which no responsive pleading is required.

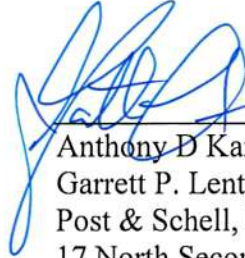
9. Paragraph 9 sets forth the verification and signature, to which no responsive pleading is required.

10. Paragraph 10 sets forth the instructions for filing the Protest, to which no responsive pleading is required.

WHEREFORE, Duquesne Light Company respectfully requests that the Protest of John P. and Jennifer A. Crowe be denied and with prejudice as against Duquesne Light.

Respectfully submitted,

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Date: July 8, 2019

Attorneys for Duquesne Light Company

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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Crescent Project in the City of Pittsburgh, :
McKees Rocks Borough, Kennedy Township, :
Robinson Township, Moon Township, and :
Crescent Township, Allegheny County, :
Pennsylvania :
:
:
:
First Protest of John P. and Jennifer A. Crowe :
(306 Konter Road) :

VERIFICATION

I, MEENAH SHYU, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).



Dated: 7/8/2019

CERTIFICATE OF SERVICE
(A-2019-3008589 and A-2019-3008652)

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

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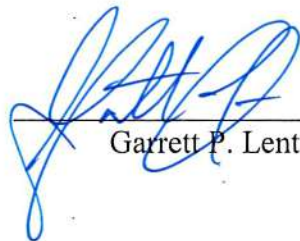
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Dated: July 8, 2019



Garrett P. Lent