



17 North Second Street  
12th Floor  
Harrisburg, PA 17101-1601  
717-731-1970 Main  
717-731-1985 Main Fax  
www.postschell.com

---

Garrett P. Lent  
Associate

glent@postschell.com  
717-612-6032 Direct  
717-731-1979 Direct Fax  
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 Second 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



2. Admitted.

3. Admitted.

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”).<sup>2</sup>

It is denied that a payment agreement constitutes appropriate recourse for the claims set forth in the Protest. Second Protest ¶ 4. 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

---

<sup>2</sup> While the Second 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.

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 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.

In addition, the Commission has recognized that the assessment of damages resulting from a line’s impact or individual land use was properly adjudicable in another forum. *See Re Philadelphia Electric Company*, 1992 Pa. PUC LEXIS 160 (Initial Decision dated June 29, 1992); *see also Re Philadelphia Electric Company*, 52 Pa. P.U.C. 198, 1978 Pa. PUC LEXIS 141 (Order dated May 17, 1978) and *Re West Penn Power Company*, 68 Pa. P.U.C. 262, 268, 1988 Pa. PUC LEXIS 462 (Order dated Oct. 3, 1988). Accordingly, the determination and/or award of damages is not within the Commission's jurisdiction to hear and determine.

It is denied that Duquesne Light’s or its contracted vendors’ actions will result in a “loss of timber financial compensation.” Second Protest ¶ 4. By way of further response, the Commission is without jurisdiction over these real property issues and associated damages.

It is denied that Duquesne Light’s or its contracted vendors’ actions will result in a “increase static noise & potential health risk to self & surrounding residence.” Second Protest ¶ 4. By way of further response, the Commission is without jurisdiction over nuisance claims and associated damages. In addition, 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 of the Second 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 Second Protest is not an appeal from a decision of the Commission's Bureau of Consumer Services. It is denied that the Protestants have not spoken to a utility representative regarding the Second 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 Second Protest pertains to the Protestants' legal representation, to which no responsive pleading is required.

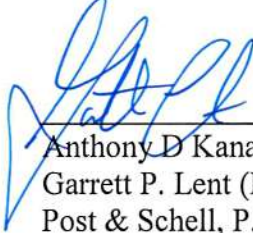
9. Paragraph 9 sets forth the verification and signature, to which no responsive pleading is required.

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

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

Respectfully submitted,

Tishekia William (PA ID # 208997)  
Emily Farah (PA ID # 322559)  
Duquesne Light Company  
411 Seventh Avenue  
Pittsburgh, PA 15230  
E-mail: [twilliams@duqlight.com](mailto:twilliams@duqlight.com)  
[efarah@duqlight.com](mailto:efarah@duqlight.com)

  
\_\_\_\_\_  
Anthony D. Kanagy (PA ID # 85522)  
Garrett P. Lent (PA ID # 321566)  
Post & Schell, P.C.  
17 North Second Street  
12th Floor  
Harrisburg, PA 17101-1601  
Voice: 717-731-1970  
Fax: 717-731-1985  
E-mail: [akanagy@postschell.com](mailto:akanagy@postschell.com)  
E-mail: [glent@postschell.com](mailto:glent@postschell.com)

Date: July 8, 2019

Attorneys for Duquesne Light Company

**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 :  
:  
:  
:  
Second Protest of John P. and Jennifer A. :  
Crowe (1123 Juanita Drive) :

**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).

**VIA FIRST CLASS MAIL**

Michael Syme  
Partner  
Fox Rothschild LLP  
500 Grant Street  
Suite 2500  
Pittsburgh, PA 15219

George N. Schaefer  
Schaefer Boulevard  
Coraopolis, PA 15108

John P. Crowe  
Jennifer A. Crowe  
1123 Juanita Drive  
Coraopolis, PA 15108

Victoria Adams  
306 Konter Road  
Coraopolis, PA 15108

Aaron Siegel  
Rebecca Siegel  
110 Wynview Drive  
Coraopolis, PA 15108

Dennis J. Zona  
Jeanne M. Zona  
108 Wynview Drive  
Coraopolis, PA 15108

Richard I. Gable  
126 Flaugherty Run Road  
Coraopolis, PA 15108

Zachariah R. Nave  
P.O. Box 524  
Clarion, PA 16214


Zachariah R. Nave  
7 McGovern Boulevard  
Crescent, PA 15046

Folezia A. Marinkovic  
Steve M. Marinkovic  
205 Purdy Road  
Crescent, PA 15046

Cynthia Chamberlin Wilson  
Patrick Wilson  
9 McGovern Boulevard  
Crescent, PA 15046

Joseph G. and Suzanne L. Rabosky  
104 Wynview Drive  
Coraopolis, PA 15108

Dated: July 8, 2019

  
\_\_\_\_\_  
Garrett P. Lent