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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 are the Preliminary Objections of Duquesne Light Company to the Protest of Aaron Siegel and Rebecca Siegel (f/k/a Rebecca Braund).

Copies are being provided per the attached Certificate of Service.

Sincerely,

Garrett P. Lent

GPL/kls
Enclosures

cc: Certificate of Service

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 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
Protest of Aaron Siegel and Rebecca Siegel (f/k/a/ Rebecca Braund)	:	

NOTICE TO PLEAD

YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.101, YOU MAY ANSWER THE ENCLOSED PRELIMINARY OBJECTIONS WITHIN TEN (10) DAYS OF THE DATE OF SERVICE HEREOF. YOUR ANSWER TO THE PRELIMINARY OBJECTIONS MUST BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL FOR DUQUESNE LIGHT COMPANY.

Tishekia William (PA ID # 208997)
Emily Farah (PA ID # 322559)
Duquesne Light Company
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Pittsburgh, PA 15230
E-mail: twilliams@duqlight.com
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Attorneys for Duquesne Light Company

Date: July 8, 2019

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 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
Protest of Aaron Siegel and Rebecca Siegel (f/k/a/ Rebecca Braund)	:	

PRELIMINARY OBJECTIONS OF
DUQUESNE LIGHT COMPANY TO THE
PROTEST OF AARON SIEGEL AND REBECCA SIEGEL (F/K/A REBECCA BRAUND)

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE MARY D. LONG:

AND NOW, comes Duquesne Light Company ("Duquesne Light" or the "Company") and hereby files Preliminary Objections, pursuant to the regulations of the Pennsylvania Public Utility Commission ("Commission") at 52 Pa. Code § 5.101, and respectfully requests that the Commission dismiss certain of the claims contained in the above-captioned Protest filed by Aaron Siegel and Rebecca Siegel (f/k/a/ Rebecca Braund) ("Protestants")[1] with prejudice.

A substantial portion of the Protest deals with non-jurisdictional issues related to the interpretation, enforcement or adjudication of a pre-existing easement agreement between

[1] The Protestants filed the above-captioned pleading as a Formal Complaint on June 17, 2019, and the pleading was docketed at Docket No. C-2019-3010833. The Commission re-docketed the complaint as a Protest at Docket No. A-2019-3008589 by Secretarial Letter dated June 28, 2019.

Duquesne Light and the Protestants. The Protest avers, *inter alia*, that the Company's practices and the contemplated transmission line project violate the easement.

As explained herein, the Commission should dismiss certain claims contained in the Protest because the Commission lacks jurisdiction over certain of the claims contained therein.

In support thereof, Duquesne states as follows:

I. BACKGROUND

1. Duquesne Light is a "public utility" and an "electric distribution company" as those terms are defined under the Public Utility Code, 66 Pa. C.S. §§ 102 and 2803, subject to the regulatory jurisdiction of the Commission.

2. Duquesne Light furnishes electric service to approximately 596,000 customers throughout its certificated service territory, which includes all or portions of Allegheny and Beaver Counties and encompasses approximately 800 square miles in western Pennsylvania.

3. On March 15, 2019, Duquesne Light 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").

4. On March 28, 209, the Administrative Law Judge Mary D. Long (the "ALJ") issued a Prehearing Conference Order, which scheduled a Prehearing Conference in the matters at Docket Nos. A-2019-3008589 and A-2019-3008652 for June 6, 2019.

5. Notice of the BI-Crescent Full Siting Application and the Schaefer Condemnation Application was published in the April 6, 2019 edition of the *Pennsylvania Bulletin*.

6. Duquesne Light published Proof of Publication of notice of the filings with the Commission on April 30, 2019.

7. A Prehearing Conference was held on June 6, 2019.

8. On June 7, 2019, the ALJ issued an Interim Order Extending Protest Period and Scheduling a Further Prehearing Conference at Docket Nos. A-2019-3008589, A-2019-3008652. Therein, the ALJ extended the deadline for filing a "protest or petition to intervene in order to become a party of record in this matter" to June 21, 2019.

9. The Protestants filed the above-captioned Protest as a Formal Complaint on June 17, 2019, and the pleading was docketed at Docket No. C-2019-3010833. A true and correct copy of the Protest is attached hereto as **Appendix A**. The Commission re-docketed the complaint as a Protest at Docket No. A-2019-3008589 by Secretarial Letter dated June 28, 2019.

10. As explained herein, the Commission should dismiss certain claims contained in the Protest because the Commission lacks jurisdiction over the claims contained therein.

II. STANDARD OF REVIEW

11. Pursuant to the Commission's regulations, preliminary objections in response to a pleading may be filed on several grounds, including:

(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) (emphasis added).

12. In ruling on preliminary objections, the Presiding Officer must accept as true all well-pled allegations of material facts as well as all inferences reasonably deducible therefrom. *Stilp v. Cmwlth.*, 910 A.2d 775, 781 (Pa. Cmwlth. 2006) (citing *Dep't of Gen. Servs. v. Bd. of Claims*, 881 A.2d 14 (Pa. Cmwlth. 2005). However, the Presiding Officer need not accept as true conclusions of law, unwarranted inferences from facts, argumentative allegations, or expressions of opinion. *Stanton-Negley Drug Co. v. Dep't of Pub. Welfare*, 927 A.2d 671, 673 (Pa. Cmwlth. 2007). Notwithstanding, any doubt must be resolved in favor of the non-moving party. *Stilp*, at 781.

13. In addition, the Presiding Officer must determine whether, based on the factual pleadings, if recovery is possible. *See Rok v. Flaherty*, 527 A.2d 211, 214 (Pa. Cmwlth. 1987). Indeed, for preliminary objections to be sustained, it must appear with certainty that the law will permit no recovery. *See Stilp*, at 781; *Milliner v. Enck*, 709 A.2d 417, 418 (Pa. Super. 1998).

III. PRELIMINARY OBJECTIONS

A. PRELIMINARY OBJECTION NO. 1 – THE COMMISSION LACKS JURISDICTION OVER THE PROTESTANTS' CLAIMS

14. Duquesne Light incorporates by reference Paragraphs 1 through 13 as if fully set forth herein.

15. The Protestants' claims regarding easement interpretation and property disputes should be dismissed because the Commission lacks jurisdiction over these claims. *See* 52 Pa. Code § 5.101(a)(1).

16. As a "creature of statute," the Commission "has only those powers which are expressly conferred upon it by the Legislature and those powers which arise by necessary implication." *Feingold v. Bell of Pa.*, 383 A.2d 791, 794 (Pa. 1977) (citing *Allegheny Cnty. Port Auth. v. Pa. PUC*, 237 A.2d 602 (Pa. 1967); *Del. River Port Auth. v. Pa. PUC*, 145 A.2d 172 (Pa. 1958)).

17. In fact, the Commission generally lacks jurisdiction to interpret, enforce, or adjudicate claims regarding a contract between private entities. *See Pettko v. Pa. Am. Water Co.*, 39 A.3d 473, 478 n.9 (Pa. Cmwlth. 2012) ("[T]here can be no dispute that the courts of common pleas have subject matter jurisdiction over common law claims such as conversion and breach of contract involving private individuals and businesses."); *Adams v. Pa. PUC*, 819 A.2d 631, 635 (Pa. Cmwlth. 2003) ("[T]he PUC lacks jurisdiction over private contractual disputes."). The Commission is not even "jurisdictionally empowered to decide private contractual disputes between a citizen and a utility." *Allport Water Auth. v. Winburne Water Co.*, 393 A.2d 673, 675 (Pa. Super. 1978) (citations omitted); *see also Virgilli v. Sw. Pa. Water Authority*, 427 A.2d 1251, 1254 (Pa. Cmwlth. 1981) ("[T]he Code does not grant the PUC general supervisory powers over contracts involving public utilities."). Such contract issues are reserved for courts of common pleas.

18. The Pennsylvania Supreme Court has further held that the Commission does not have jurisdiction to determine the scope and validity of an easement. *Fairview Water Company. v. Pa. Pub. Util. Comm'n*, 502 A.2d 162 (Pa. 1985) ("...the PUC does not have jurisdiction to determine the scope and validity of an easement. Once there has been a determination by the PUC that the proposed service is necessary and proper, the issues of scope and validity and damages must be determined by a Court of Common Pleas exercising equity jurisdiction.").

19. The Commission is similarly 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 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)).

20. Finally, 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, determination of damages due to alleged decreases in market value is not within the Commission's jurisdiction to hear and determine.

21. Applied here, the Protest avers the existence of an easement agreement between the Protestants and the Company. *See* Protest ¶ 4 (attachment page 1 of 3). The Protest then asks the Commission to determine the scope and applicability of the easement, to determine whether Duquesne Light's current or proposed use is inconsistent with the agreement. *See* Protest ¶ 4 (attachment page 1 of 3). In addition, the Protest avers that relief is appropriate because the BI-Crescent Project may decrease local property values for purposes of tax assessment. *See* Protest ¶ 4 (attachment page 3 of 3). The Protestants' requests for relief are based upon its request that the Commission determine the scope and applicability of this easement, a function that is beyond the Commission's power, authority and jurisdiction.

22. Accordingly, and assuming all of the well-pleaded facts contained in the Protest are true, any claim's regarding the scope and validity of an existing easement and/or the Company's compliance therewith are not within the Commission's jurisdiction because, as a matter of law, the acts complained of relate to a private contract between a landowner and a utility. Protest ¶ 4 (attachment pages 1-2 of 3). The Commission is without jurisdiction to grant the relief requested based such claims.

23. Therefore, any claims regarding the scope or validity of an easement agreement, compliance therewith, or damages resulting from an alleged violation of an easement, should be dismissed with prejudice.

IV. CONCLUSION

WHEREFORE, Duquesne Light Company respectfully requests that certain of the claims contained in the above-captioned Protest filed by Aaron Siegel and Rebecca Siegel (f/k/a/ Rebecca Braund) at Docket Nos. A-2019-3008589 and C-2019-3010833 be dismissed pursuant 52 Pa. Code § 5.101(a)(1).

Respectfully submitted,

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Attorneys for Duquesne Light Company

Date: July 8, 2019

APPENDIX A

PROTEST FILED BY AARON SIEGEL AND REBECCA SIEGEL (F/K/A/ REBECCA BRAUND) AGAINST DUQUESNE LIGHT COMPANY

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint

Filing this form begins a legal proceeding and you <u>will</u> be a party to the case.
If you do <u>not</u> wish to be a party to the case, consider filing an informal complaint.

<u>To complete this form, please type or print legibly in ink.</u>

1. <u>Customer (Complainant) Information</u>

Provide your name, mailing address, county, telephone number(s), e-mail address and utility account number. <u>It is your responsibility to update the Commission with any changes to your address and to where you want documents mailed to you.</u>

Name: Aaron Siegel and Rebecca Braund (Now Rebecca Siegel) _____

Street/P.O. Box __110 Wynview Drive_____

City Coraopolis State PA Zip 15108_____

County __Allegheny

Telephone Number(s) Where We Can Contact You During the Day:

(412) 779-1578_ (mobile)

E-mail Address (optional): __siegelad88@gmail.com

Utility Account Number (from your bill)___DLCo 0020-791-769

If your complaint involves utility service provided to a different address or in a different name than your mailing address, please list this information below.

Name: Same _____

Street/P.O. Box: Same _____

City : Same _____State: Same _____Zip: Same_____

2. <u>Name of Utility or Company (Respondent)</u>

Provide the full name of the utility or company about which you are complaining. The name of your utility or company is on your bill.

__Duquesne Light Company, 411 Seventh Avenue, Pittsburgh, PA 15230-1930

3. **Type of Utility Service**

Check the box listing the type of utility service that is the subject of your complaint (check only one):

✓ ELECTRIC	☐ WASTEWATER/SEWER
☐ GAS	☐ TELEPHONE/TELECOMMUNICATIONS (local, long distance)
☐ WATER	☐ MOTOR CARRIER (*e.g.* taxi, moving company, limousine)
☐ STEAM HEAT	

4. **Reason for Complaint**

What kind of problem are you having with the utility or company? Check all boxes below that apply and state the reason for your complaint. Explain specifically what you believe the utility or company has done wrong. Provide relevant details including dates, times and places and any other information that may be important. If the complaint is about billing, tell us the amount you believe is not correct. Use additional paper if you need more space. **Your complaint may be dismissed without a hearing if you do not provide specific information.**

☐ The utility is threatening to shut off my service or has already shut off my service.

☐ I would like a payment agreement.

☐ Incorrect charges are on my bill. Provide dates that are important and an explanation about any amounts or charges that you believe are not correct. Attach a copy of the bill(s) in question if you have it/them.

☐ I am having a reliability, safety or quality problem with my utility service. Explain the problem, including dates, times or places and any other relevant details that may be important.

✓ Other : See attached 3 page Formal Complaint to Duquesne Light Company

- Application No. A-2019 - 3008589
- Application No. A-2019 - 3008652

Note: If your complaint is only about removing or modifying a municipal lien filed by the City of Philadelphia, the Public Utility Commission (PUC) cannot address it. Only local courts in Philadelphia County can address this type of complaint. The PUC can address a complaint about service or incorrect billing even if that amount is subject to a lien.

In addition, the PUC generally does not handle complaints about cell phone or Internet service, but may be able to resolve a dispute regarding voice communications over the Internet (including the inability to make voice 911/E911 emergency calls) or concerns about high-speed access to Internet service.

5. **Requested Relief**

How do you want your complaint to be resolved? Explain what you want the PUC to order the utility or company to do. Use additional paper if you need more space.

- **Four suggested solutions are listed in the attached 3 page Formal Complaint document on page 3 of 3.**

Note: The PUC can decide that a customer was not billed correctly and can order billing refunds. The PUC can also fine a utility or company for not following rules and can order a utility or company to correct a problem with your service. Under state law, the PUC cannot decide whether a utility or company should pay customers for loss or damages. Damage claims may be sought in an appropriate civil court.

6. **Protection From Abuse (PFA)**

Has a court granted a "Protection From Abuse" order that is currently in effect for your personal safety or welfare? The PUC needs this information to properly process your complaint so that your identity is not made public.

Note: You must answer this question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility AND your complaint is about a problem involving billing, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.

Has a court granted a "Protection From Abuse" order for your personal safety or welfare?

YES ☐

NO ✓

If your answer to the above question is "yes," attach a copy of the current Protection From Abuse order to this Formal Complaint form.

7. **Prior Utility Contact**

a. Is this an appeal from a decision of the PUC's Bureau of Consumer Services (BCS)?

YES ☐

NO ✓

Note: If you answered yes, move to Section 8. No further contact with the utility or company is required. If you answered no, answer the question in Section 7 b. and answer the question in Section 7 c. if relevant.

b. If this is not an appeal from a BCS decision, have you spoken to a utility or company representative about this complaint?

YES ✓ Mr. Travis Moore, Sr. Proj. Mgr.

NO ☐

Note: You must contact the utility first if (1) you are a residential customer, (2) your complaint is against a natural gas distribution utility, an electric distribution utility or a water utility AND (3) your complaint is about a billing problem, a service problem, a termination of service problem, or a request for a payment agreement.

c. If you tried to speak to a utility company representative about your complaint but were not able to do so, please explain why.

Note: Even if you are not required to contact the utility or company, you should always try to speak to a utility or company representative about your problem before you file a Formal Complaint with the PUC.

8. Legal Representation

If you are filing a Formal Complaint as an individual on your own behalf, you are not required to have a lawyer. You may represent yourself at the hearing.

If you are already represented by a lawyer **in this matter**, provide your lawyer's name, address, telephone number, and e-mail address, if known. Please make sure your lawyer is aware of your complaint. If represented by a lawyer, both you and your lawyer must be present at your hearing.

Lawyer's Name: Will provide later.

Street/P.O. Box _____

City _____ State _____ Zip _____

Area Code/Phone Number _____

E-mail Address (if known) _____

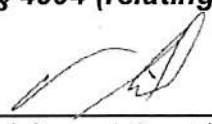
Note: Corporations, associations, partnerships, limited liability companies and political subdivisions are required to have a lawyer represent them at a hearing and to file any motions, answers, briefs or other legal pleadings.

9. Verification and Signature

You must sign your complaint. Individuals filing a Formal Complaint **must** print or type their name on the line provided in the verification paragraph below and **must** sign and date this form in **ink.** **If you do not sign the Formal Complaint, the PUC will not accept it.**

Verification:

We Aaron Siegel ***, 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).***



6/17/2019

(Signature of Complainant) **(Date)**

Title of authorized employee or officer (only applicable to corporations, associations, partnerships, limited liability companies or political subdivisions)

Note: If the Complainant is a corporation, association, partnership, limited liability company or political subdivision, the verification must be signed by an authorized officer or authorized employee. If the Formal Complaint is not signed by one of these individuals, the PUC will not accept it.

10. Two Ways to File Your Formal Complaint

Electronically. You must create an account on the PUC's eFiling system, which may be accessed at http://www.puc.pa.gov/efiling/default.aspx.

Note: If you are appealing your Bureau of Consumer Services (BCS) decision, you must file your formal complaint by mail.

Mail. Mail the completed form with your original signature and any attachments, by certified mail, first class mail, or overnight delivery to this address:

Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, Pennsylvania 17120

Note: Formal Complaints sent by fax or e-mail will not be accepted.

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

Keep a copy of your Formal Complaint for your records.

This FORMAL COMPLAINT is being filed against Duquesne Light Company for its following Applications to the Pennsylvania Public Utility Commission:

- Application No. A-2019 - 3008589
- Application No. A-2019 – 3008652

Duquesne Light Company has an easement signed circa November 24, 1914 (by Alpha Light Company) for perpetual 25' right-of-way through the property now known as 110 Wynview Drive, Moon Township, PA. This right-of-way was obtained when transmission and distribution voltages, hence circuit power capacities, were miniscule compared to today's standards and power requirements. Although power demand has obviously increased many fold over the more than one century since Duquesne Light Company has acquired this right-of-way, Duquesne Light Company has failed in its obligation for acquisition of land to support its infrastructure. Now Duquesne Light Company is attempting to use insufficient land to support growth in its transmission system demand.

Somewhere over the last century, probably from a set of small wood poles located on a 25' right-of-way, Duquesne Light Company abused its use of the existing right-of-way and placed a 78' high steel lattice transmission, Tower #76, at the border of 110 Wynview Drive, Moon Township, PA. Judging by the construction techniques employed, Tower #76 was probably erected circa 1960. The existing Tower #76 is 23' square and is situated on a 25' wide right-of-way. The Tower foundations are literally at the edge of the right-of-way. This installation does not meet any present power industry standard ROW siting practice. No existing siting standard would recommend that a twin circuit, horizontal arrangement, 138 KV, three phase, sub-transmission power line be located where Z Circuit is installed. The existing tower should never have been placed on the right-of-way. Duquesne Light Company's 25' right-of-way through 110 Wynview Drive does not meet accepted utility industry right-of-way width requirements for its existing 138 KV, twin circuit power corridor. A survey of dozens of power utilities' standards confirms that a typical 138 KV sub-transmission circuit is normally sited on a minimum 100' right-of-way. Also, depending upon the type of support structure utilized, a right-of-way of 120' is common.

On March 15, 2019, Duquesne Light Company has now requested the Public Utility Commission to approve yet another misuse of the existing circa November 14, 1914, right-of-way through 110 Weenie Drive, Moon Township, PA. The present Duquesne Light Company application is to **replace a 78' high** lattice tower, twin circuit, 138 KV power corridor **with a 185' high** monopole. They intend to once again place the support monopole structure on an unacceptably narrow 25' right-of-way that does not meet accepted industry standards for right-of-way width for any sub-transmission voltage class.

Now, for the ultimate ill-use of the existing right-of-way, Duquesne Light Company intends to increase the power corridor from a sub-transmission line to a transmission line. They intend to accomplish this by installing 345 KV Basic Insulation Level (BIL) insulators and ACSR cabling capable of being energized at either 138 KV or 345 KV. Assuming old and new circuits have equal ampacity, the new upgraded 345 KV circuit will increase the power corridor transmission capability by 250%.

As an affected landowner, I am skeptical that Duquesne Light Company's motives, to install monopoles and increased power capability of 250%, are purely for maintenance reasons. I can see how an end goal might be rooted in the economics of changing a sub-transmission corridor into a transmission corridor. The change will ultimately yield the ability to market additional energy using this transmission corridor.

The industry standard practice of siting 345 KV transmission circuits on 150' wide right-of-ways is to mitigate health effects and enhance electrical safety. Duquesne Light Company intends to place a 345 KV circuit on this existing 25' wide right-of-way. Clearly, this Z Circuit right-of-way width is insufficient and unsuitable based upon health and safety concerns. The magnetic field (milligauss strength) is reduced to accepted industry standard levels only by sufficient right-of-way width of 150'.

An aerial line on this right-of-way gives the utility no means to mitigate the Gauss field strength. An alternative underground duct bank design will afford Duquesne Light Company an opportunity to employ magnetic field management techniques, such as:

- use of a phase arrangement of the two circuits' conductors that produces the lowest magnetic field
- use of depth of burial of the line conductors to control magnetic field exposure
- use of steel pipe ferromagnetic shielding to reduce magnetic field strength at the edge of the existing right-of-way
- use of a duct bank design that allows for proximity of a circuit's three phase conductors which can have some magnetic field cancellation effect

Once again, the existing 25' wide right-of-way is six times narrower than accepted power industry standard of a 150'wide required right-of-way. The risk of increased cancer to the public living along the increased power capacity corridor will be unacceptable on such a narrow right-of-way. The increased risk of dangerous step voltage under and around the increased voltage 345KV transmission line in such a high-density neighborhood is unacceptable.

The 345KV transmission line will produce higher corona effect and result in more nuisance audible noise. Corona is the ionization of the air that occurs at the surface of the energized conductor and suspension hardware due to very high electric field strength at the surface of the metal during certain conditions. Our residence presently experiences audible noise from the crackle of the existing 138KV sub-transmission line insulator leakage frequently on foggy, rainy, misty and snowy days.

Possible high voltage nuisance static discharges on passenger vehicles and school buses parked under the line or passing on neighborhood public roadways through the housing plan is unacceptable.

Existing sub-transmission steel lattice towers along the power corridor are in the magnitude of 78' in height. The proposed Tower #76 replacement monopole is a whopping **185'** in height. Proposed Tower #77 replacement monopole is an unbelievable **195'** in height. The aesthetic impact of these massively tall structures will be visual eyesores in an established neighborhood.

The consequences on property resale value will be extremely negative. The outcome for Moon Township and Moon Area School District tax basis assessed property values along the upgraded transmission corridor will be detrimental. In other words, an extremely unfair burden will be placed upon the property owners in North Wyngate area of Moon Township, PA.

Finally, the degradation in the quality of life in an established mature residential neighborhood will be enormous and the tranquility lost by the proposed project.

Any one of the following three options is acceptable as a resolution to this complaint:

1. Choose an alternate route through Moon Township for the proposed upgraded capacity Z Circuit power corridor.

2. Redesign the Z Circuit power corridor capacity increase to change a minor portion of it from an aerial conductor design to an underground duct bank design. This will entail utilizing an underground design for routing between existing aerial towers #75, #76, #77, #78 and #79. Beyond Tower #79, the Z circuit can again become an aerial power corridor. (Note: This same solution was reached by Pennsylvania Power & Light Company (PPL) in a dispute with residents in Derry Township, Dauphin County, PA on February 13, 2019. PPL will remove aerial transmission lines in a neighborhood and reroute up to four miles of newly-constructed transmission lines underground).

3. Stop the proposed project. Leave the existing Z Circuit power corridor as is: a twin, 138 KV, three phase, aerial circuit, on present height towers. Duquesne Light can then pursue an alternate means to solve their transmission system issue.

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

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Dated: July 8, 2019

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