*Via electronic service only due to Emergency Order at M-2020-3019262*

**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. :

**INTERIM ORDER**

**SCHEDULING A PREHEARING CONFERENCE**

**ON THE AMENDED APPLICATION**

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).

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.

Prehearing conferences have been held on April 29, 2019 and June 6, 2019. Testimony of the Protestants was offered at an evidentiary hearing held on September 10, 2019. A public input hearing was held in Moon Township on October 9, 2019.

Technical evidentiary hearings were scheduled to begin on October 29, 2019. On October 22, 2019, Duquesne Light filed a motion to continue the October 29, 2019 hearing in order to permit the Company time to file an amendment to the application under consideration. By Interim Order entered October 24, 2019, Duquesne Light’s motion was granted. That order also converted the first day of the technical evidentiary hearings, October 29, 2019, to a prehearing conference.

The October 29, 2019 prehearing conference convened as scheduled. Counsel for Duquesne Light appeared as well as Protestants Gable, Adams, Nave and Zona. Duquesne Light offered an overview of the amendment planned for the application and the likely time horizon for completion. The Parties also discussed publication and notice of the amendment as well as miscellaneous discovery issues. Following the conference, an Interim Order was issued which stayed the proceedings until August 2020, provided publication instructions for the amended application when filed, and stated that a further prehearing conference would be scheduled upon filing of the amended application.

On August 10, 2020, Duquesne Light filed an amended application, which modified the original proposal to eliminate the construction of one of the two circuits to 345 kV engineering standards, and reducing the height of the poles that will be constructed as part of the amended project.

In accordance with Paragraph 5 of the October 29, 2019 Interim Order, a further prehearing conference is scheduled as set forth in the ordering paragraphs below. The purpose of the prehearing conference shall be to set a further litigation schedule on the application as amended. No testimony or other evidence will be taken.

Due to the ongoing response to the Covid-19 pandemic, Commission offices remain closed. Accordingly, the prehearing conference will be conducted by telephone. Please read the order carefully regarding modified service and filing requirements.[[1]](#footnote-1)

THEREFORE,

IT IS ORDERED:

1. That a Prehearing Conference is scheduled in this case for **Friday, September 25, 2020, at 10:00 a.m.** To participate in the hearing, you must dial the toll-free number listed below. You will be prompted to enter a PIN number, which is also listed below. You will be asked to speak your name and then the telephone system will connect you to the hearing.

**CALL-IN INFORMATION**

Toll-free Bridge Number: 1-866-566-0649

PIN Number: 83345259

**You must call into the conference on the scheduled day and time. Failure of any party to attend the prehearing conference without good cause shall constitute a waiver of all objections to the agreements reached and matters decided at the prehearing conference. You will not be called by the Administrative Law Judges.**

2. That you must email **ALJ Long at** [malong@pa.gov](mailto:malong@pa.gov) any documents that you electronically file in this proceeding. If you **email** ALJ Long any documents or correspondence, you must also send a copy to all parties in this case. The current service list (with available email addresses) is attached to this order. **Because the Commission presently does not have access to regular mail because our offices are closed due to the COVID-19 pandemic, all parties are encouraged to sign up for efiling and eservice. Please visit the Commission’s website at** [**www.puc.pa.gov**](http://www.puc.pa.gov) **for instructions.**

3. That a request for a change of the scheduled Prehearing Conference date must state the agreement or opposition of other parties, and must be submitted in writing no later than five (5) days prior to the Prehearing Conference. A request for a change of the scheduled prehearing conference date must state the agreement or opposition of other parties and must be emailed to **the Presiding Officer** and all parties no later than five (5) business days prior to the hearing. 52 Pa.Code § 1.15(b). Email **the Presiding Officer at** [malong@pa.gov](mailto:malong@pa.gov) with any request for a change of the hearing date.  A continuance of the prehearing conference will only be granted in rare circumstances an upon good cause shown.

4. That at least three business days in advance of the prehearing conference each party must e-file and serve by email a prehearing conference memorandum or written statement which sets forth any additional testimony you wish to present; a listing of any additional proposed witnesses and the subject of their testimony; and a proposed litigation schedule, agreed to by all parties if possible. **Any additional proposed testimony should be related to the August 10, 2020 Amended Application and should avoid duplicating any testimony already offered at the September 10, 2019 evidentiary hearing or at the October 9, 2019 public input hearing.**

5. That parties and counsel will be expected to attend the conference fully prepared for a useful discussion of all problems involved in the proceeding, both procedural and substantive, and fully authorized to make commitments with respect thereto. 52 Pa.Code § 5.222(d).

6. That in the event the parties are able to unanimously agree on a proposed litigation schedule, the parties may request that the prehearing conference be cancelled.

Date: August 24, 2020 /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 8/19/20*

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1. See *Emergency Proclamation*, M-2020-3019262 and Secretarial Letter dated July 27, 2020. [↑](#footnote-ref-1)