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September 18, 2020

**VIA ELECTRONIC FILING**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor  
Harrisburg, PA 17120

**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 Pittsburg, McKees Rocks Borough, Kennedy Township, Robinson Township, Moon Township, and Crescent Township, Allegheny County, Pennsylvania  
Docket No. A-2019-3008589**

**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.  
Docket No. A-2019-3008652**

Dear Secretary Chiavetta:

Enclosed for filing with the Pennsylvania Public Utility Commission is the Petition to Intervene of the Allegheny County Sanitation Authority, in the above-referenced proceedings.

As shown by the attached Certificate of Service and per the Commission's March 20, 2020, Emergency Order, all parties to this proceeding are being duly served via email only due to the

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Rosemary Chiavetta, Secretary  
September 18, 2020  
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current COVID-19 pandemic. Upon lifting of the aforementioned Emergency Order, we can provide parties with a hard copy of this pleading upon request.

Sincerely,

McNEES WALLACE & NURICK LLC

By 

Kenneth R. Stark  
Counsel to the Allegheny County Sanitation Authority

KRS/ams

Enclosure

c: Certificate of Service

## CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a true copy of the foregoing document upon the participants listed below in accordance with the requirements of Section 1.54 (relating to service by a participant).

### VIA E-MAIL

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*Representing Duquesne Light Company*

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Tishekia Williams, Esquire  
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**Accepts E-Service**

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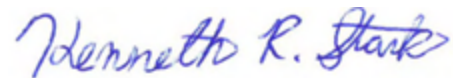
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**VIA U.S. Mail**

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Doug Meyer  
Linda Meyer  
111 Wynview Dr  
Moon Twp., PA 15108-1032

Richard I Gable  
126 Flaugherty Run Rd  
Coraopolis, PA 15108



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Kenneth R. Stark  
Counsel to Allegheny County Sanitation  
Authority

Dated this 18th day of September, 2020, in Harrisburg, Pennsylvania

**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.	:	

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**PETITION TO INTERVENE  
OF THE ALLEGHENY COUNTY SANITARY AUTHORITY**

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Pursuant to Sections 5.71 through 5.74 of the Pennsylvania Public Utility Commission’s (“PUC” or “Commission”) Regulations, 52 Pa. Code §§ 5.71 - 5.74, the Allegheny County Sanitary Authority (“ALCOSAN”) hereby files this Petition to Intervene in the above-captioned proceeding concerning the amended application (“Application” or “Amended Application”) of Duquesne Light Company (“Duquesne”) seeking Commission approval of the siting and construction of the 138 kV Transmission Lines Associated with the Brunot Island-Crescent Project (“Project”), and a finding and determination that the service to be furnished through Duquesne’s

proposed exercise of the power of eminent domain is necessary or proper for the service, accommodation, convenience, or safety of the public.

In support of its Petition to Intervene, ALCOSAN asserts the following:

1. The Allegheny County Sanitary Authority is a political subdivision of the Commonwealth of Pennsylvania with administrative offices located at 3300 Preble Avenue Pittsburgh, Pennsylvania 15233.<sup>1</sup> In 1946, ALCOSAN was created under Pennsylvania's Municipal Authorities Act to design, construct, and operate an interceptor system and treatment plant for residential, commercial, and industrial wastewater. ALCOSAN provides wastewater treatment services to 83 communities, including the City of Pittsburgh.
2. ALCOSAN has wastewater facilities that are located along portions of the proposed route parallel to Chartiers Creek; accordingly, ALCOSAN has a substantial interest in the outcome of this proceeding.<sup>2</sup> ALCOSAN is concerned that the PUC's determinations in this proceeding, including approval of the proposed route in the Application, may adversely impact ALCOSAN's existing operations and obligations under a Consent Decree entered into with the United States Environmental Protection Agency ("Consent Decree").<sup>3</sup>

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<sup>1</sup> ALCOSAN is a Municipal Authority created by the County under the Municipalities Authorities Act of 1945 (now codified in the Municipality Authorities Act, 53 Pa. C.S. §5601 et seq.) ("Authorities Act").

<sup>2</sup> See, Docket Number A-2019-3008589 Duquesne Application, Attachments 9 & 10.

<sup>3</sup> On May 14, 2020, ALCOSAN entered into a Modified Consent Decree with the United States Environmental Protection Agency, Commonwealth of Pennsylvania Department of Environmental Protection, and Allegheny County Health Department in the United States District Court for the Western District of Pennsylvania. See *United States of America, et. al. v. Allegheny County Sanitary Authority*, 2:07CV00737 (W. D. Pa., May 14, 2020). The Modified Consent Decree is available at <https://www.alcosan.org/docs/default-source/clean-water-plan-documents/2020-consent-decree.pdf> (last accessed Sep. 17, 2020) (hereinafter "Modified Consent Decree").

3. The names and address of ALCOSAN's attorneys are:

Pamela Polacek (I.D. No. 78276)  
Kenneth R. Stark (I.D. No. 312945)  
Ade Adeniyi  
*Motion for Pro Hac Vice Pending*  
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4. On April 29, 2019, the Commission directed that dockets A-2019-3008589 and A-2019-3008652 be consolidated for the purposes of discovery, litigation, and decision on Duquesne's Applications for approval of the siting and construction of the Project as well as Duquesne's proposed exercise of the power of eminent domain.

5. On or around August 10, 2020, ALCOSAN received notice from Duquesne of the Amended Application filed by Duquesne in this proceeding.

6. On August 24, 2020, Presiding Administrative Law Judge Mary D. Long issued an Interim Order Scheduling a Prehearing Conference on the Amended Application for September 25, 2020 at 10:00 a.m.

7. As a party to a Consent Decree, ALCOSAN must, no later than December 31, 2036, design, construct, and operate conveyance, storage, and treatment facilities for flows from the Regional Collection System in accordance with the planning, design, construction, and operational requirements of the Consent Decree.<sup>4</sup> In fulfillment of its obligations under the Consent Decree, ALCOSAN has planned the construction and operation of facilities, including planned facilities

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<sup>4</sup> See Modified Consent Decree at 3-4, Appendix Z (Construction Projects and Activities Include in Interim Measures).

along Duquesne's proposed route. ALCOSAN must submit the National Pollutant Discharge Elimination System ("NPDES") Part II Water Quality Management ("WQM") application for the Ohio River Tunnel segment and Chartiers River Crossing by January 1, 2022.<sup>5</sup> Among other deadlines, ALCOSAN must complete preliminary planning and submit a preliminary basis of design report, including a tunnel and consolidation sewer construction schedule, by October 1, 2020.<sup>6</sup>

8. ALCOSAN does not oppose the need for the Project but is concerned that the proposed route of the Project will overlap with ALCOSAN's existing and future wastewater treatment facilities, with potential adverse impacts to safe and reliable operations, the health and safety of the public and the environment, and ALCOSAN's obligations under the Consent Decree. The areas of overlapping facilities occur on pages 21 and 22 of proposed route map that was attached to Duquesne's August 10, 2020 Amended Notice of Filing.

9. ALCOSAN has reached out to Duquesne to discuss ALCOSAN's concerns regarding the proposed route and ALCOSAN's objective and desire to work with Duquesne to ensure that the parties coordinate on the completion of both projects – Duquesne's proposed transmission line and ALCOSAN's planned facilities.

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<sup>5</sup> *Id.*, Appendix Z, p. Z-5.

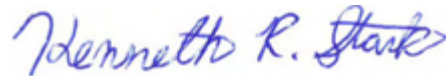
<sup>6</sup> *Id.*, Appendix Z, at p. Z-2, Z-5.



**WHEREFORE**, Allegheny County Sanitary Authority respectfully requests that the Pennsylvania Public Utility Commission grant this Petition to Intervene, providing Allegheny County Sanitary Authority with full-party status in this proceeding, as well as any other relief as it deems necessary.

Respectfully submitted,

McNEES WALLACE & NURICK LLC



By \_\_\_\_\_

Pamela Polacek (I.D. No. 78276)  
Kenneth R. Stark (I.D. No. 312945)  
Ade Adeniyi  
*Motion for Pro Hac Vice Pending*

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Counsel to the Allegheny County Sanitary  
Authority, Pennsylvania

Dated: September 18, 202

**VERIFICATION**

I, Arletta Scott Williams, as Executive Director for the Allegheny County Sanitary Authority, 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: 9/17/2020

Arletta Scott Williams  
Arletta Scott Williams  
Executive Director