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September 22, 2020

**VIA ELECTRONIC FILING**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> 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 in the Prehearing Memorandum 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, parties to this proceeding are being duly served via email only due to the

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Rosemary Chiavetta, Secretary  
September 22, 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

KRS/ams

Enclosure

c: Certificate of Service  
Administrative Law Judge Mary D. Long

## 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).

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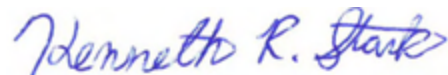
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Kenneth R. Stark  
Counsel to Allegheny County Sanitation  
Authority

Dated this 22<sup>nd</sup> 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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**PREHEARING MEMORANDUM OF  
THE ALLEGHENY COUNTY SANITARY AUTHORITY**

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Per request of presiding Administrative Law Judge (“ALJ”) Mary D. Long, the Allegheny County Sanitary Authority (“ALCOSAN”) hereby submits this Prehearing Memorandum.

**I. HISTORY OF THE PROCEEDING**

On March 15, 2019, the Pennsylvania Public Utility Commission (“Commission” or “PUC”) established Docket No. A-2019-3008589 for Duquesne Light Company’s (“Duquesne”) filed 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. Duquesne also filed an application in Docket No. A-2019-3008652 for eminent domain to acquire a certain portion of the lands of ALCOSAN, in connection with the transmission line project.

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. A Prehearing Conference was also scheduled for Thursday, June 6, 2019.

On June 7, 2019 an Interim Order scheduled a Further Prehearing Conference for July 2, 2019 and directed that any entity wishing to file a formal protest or petition to intervene in order to become a party of record in this matter do so on or before June 21, 2019. Testimony of the Protestants to the Application was offered at an evidentiary hearing held on September 10, 2019. A public input hearing was held in Moon Township on October 9, 2019.

On October 22, 2019, Duquesne filed a Motion for Continuance requesting that the ALJ continue the technical evidentiary hearing scheduled for October 29 and 30, 2019. Duquesne requested continuance because Duquesne intended to amend its application to eliminate its proposal to build one of the circuits to 345kV standards. As such, Duquesne required additional time to conduct necessary engineering studies associated with its planned amendment and to submit an amended application. On October 29, 2019, the matter was stayed pending Duquesne's filing of its proposed amendment to the application.

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

On August 27, 2020 and September 3, 2020 Duquesne published notice of the project in the Pittsburgh Post-Gazette, pursuant to 52 Pa. Code § 57.75, and filed proof of publication with the Commission's Secretary's Bureau.

On September 18, 2020, ALCOSAN filed a Petition to Intervene in this proceeding. A description of ALCOSAN is set forth in Paragraph 1 of ALCOSAN's Petition to Intervene.

## **II. ANTICIPATED ISSUES**

ALCOSAN is concerned that Duquesne's proposed transmission line route and proposed exercise of the power of eminent domain could impact ALCOSAN's existing and planned wastewater facilities. ALCOSAN is also 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 ("EPA").<sup>1</sup> Consistent with these concerns, ALCOSAN anticipates addressing the following issues:

- (1) Whether Duquesne's proposed new tower, transmission lines, and related constructions will have easement impacts on ALCOSAN's facilities.

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<sup>1</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").

- (2) Whether Duquesne's proposed transmission siting route will adversely impact ALCOSAN's obligation to complete preliminary planning and submit a preliminary basis of design report under the Modified Consent Decree.
- (3) Whether Duquesne's proposed future structure locations 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 Modified Consent Decree.

ALCOSAN reserves the right to raise further issues as necessary and appropriate during this proceeding and to respond to issues raised by other parties.

### **III. PROPOSED WITNESSES**

ALCOSAN is evaluating whether it will sponsor any witness(es) and ALCOSAN will update the parties accordingly.

ALCOSAN intends to participate in this proceeding through the submission of discovery, cross-examination of other parties' witnesses, and the submission of briefs, exceptions and reply exceptions, if necessary. ALCOSAN also reserves the right to add or otherwise modify its proposed witness list.

### **IV. PROPOSED SCHEDULE AND DISCOVERY RULES**

ALCOSAN will cooperate with the ALJ and the parties at the Prehearing Conference to determine a procedural schedule and develop appropriate discovery rules in accordance with the Commission's regulations and any directives issued by the ALJ.



**V. SETTLEMENT AND MEDIATION**

ALCOSAN is willing to participate in settlement discussions and/or mediation with the other parties to amicably resolve the issues in this proceeding.

Respectfully submitted,

McNEES WALLACE & NURICK LLC



By \_\_\_\_\_

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Dated: September 22, 2020