



LEGAL SERVICES

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**VIA UPS NEXT DAY**

April 28, 2009


James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

**Re: Saundra Faye Adams v. West Penn Power Company  
Complaint Docket No. C-2008-2059564**

Dear Secretary McNulty:

Enclosed is the original copy of the **Reply Exceptions** of West Penn Power Company d/b/a Allegheny Power to the above-captioned Formal Complaint, with certificate of service attached. This filing is also made electronically. This filing is filed by UPS Next Day and electronically and is deemed filed today.

Very truly yours,

  
John L. Munsch  
Attorney

JLM:sac

Enclosures

cc: Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>SAUNDRA FAYE ADAMS</b>	:	
<b>Complainant,</b>	:	
	:	
v.	:	<b>Complaint Docket No. C-2008-2059564</b>
	:	
<b>WEST PENN POWER COMPANY,</b>	:	
<b>Respondent.</b>	:	

**REPLY EXCEPTIONS OF WEST PENN POWER COMPANY**

West Penn Power Company d/b/a Allegheny Power (“Allegheny Power” or “Company”) hereby files its Reply to the Exceptions filed April 22, 2009, by Complainant, Sandra Faye Adams, to the Initial Decision of Administrative Law Judge Katrina L. Dunderdale issued April 6, 2009.

Allegheny Power submits that the Initial Decision was based on substantial evidence and that the Administrative Law Judge correctly decided the controversy based on applicable law and Commission precedent.

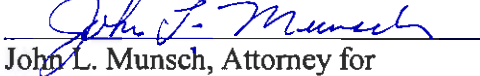
The essence of Ms. Adams’ Complaint was that a utility pole of Allegheny Power was illegally situated on her property without a valid right-of-way. Allegheny Power presented evidence that the Company has a valid written right-of-way agreement for the placement of the pole in question.

The Commission does not have jurisdiction over substantive determinations of property rights and easements. Amati v. West Penn Power Company, Docket No. C-00945842 (1996). The Commission does have jurisdiction, however, to determine that a public utility has relied on an executed right-of-way and has not violated the Public Utility Code placing its facilities on property without a valid right-of-way or without a commission-approved exercise of eminent

domain. Messina v. Bell Atlantic, 1998 Pa. PUC LEXIS 190, C-00968225 (1998). The Company presented substantial evidence of the validity of its right-of-way, as correctly determined by the Administrative Law Judge. The Exceptions of the Complainant, therefore, should be denied.

Respectfully submitted,

Date: April 28, 2009

By:   
John L. Munsch, Attorney for  
WEST PENN POWER COMPANY,  
d/b/a ALLEGHENY POWER  
800 Cabin Hill Drive  
Greensburg, PA 15601  
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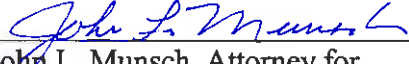
**Pennsylvania Public Utility Commission;**  
**Re: Sandra Faye Adams v. West Penn Power Company; Docket No. C-2008-2059564**

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served by first-class mail, postage prepaid, the foregoing **Reply Exceptions** addressed as follows:

Sandra Faye Adams  
226-103 Heritage Drive  
Mount Braddock, PA 15465

Date: April 28, 2009

  
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John L. Munsch, Attorney for  
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