

**COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

FRANCIS E. VEAHMAN	:	C-2009-2093363
	:	
v.	:	
	:	
DUQUESNE LIGHT COMPANY	:	

**PETITION FOR LEAVE TO INTERVENE AND
FOR EXTENSION OF TIME TO FILE EXCEPTIONS
TO INITIAL DECISION OF ADMINISTRATIVE LAW JUDGE**

AND NOW comes CROWN CASTLE TOWERS 05 LLC (“Crown Castle”), by its attorneys, Strassburger McKenna Gutnick & Gefsky, and petitions this Honorable Court to allow it to intervene in this matter for the purposes of exceptions to the August 6, 2009 Initial Decision of Administrative Law Judge and a Stay of that Decision pending appeal and for an extension of time in which to file same. In support thereof, Crown Castle states:

1. Crown Castle Towers 05 LLC (“Crown Castle”), is a Delaware limited liability company, with a mailing address of 2000 Corporate Drive, Canonsburg, Pennsylvania 15317.

2. By virtue of a Memorandum of Lease and a subsequent Utility Easement Agreement, Crown Castle has a property interest via an easement that was impacted by the above-captioned case before the Pennsylvania Utility Commissions (“PUC”).

3. Crown Castle has an easement over the land of the Davidsons, Intervenor in the underlying PUC case, situated at 971 Old Mill Creek Road, Hookstown, Pennsylvania 15050 in the county of Beaver (the “Property”).

4. Crown Castle's easement is for the installation, maintenance and operation of utilities, including electric and telephone, to service its facilities.

5. Crown Castle maintains a cell phone tower on the Property.

6. That tower has been powered by the pole and power line at issue in the above referenced PUC Hearing since prior to the effective date of the Agreement between Crown Castle and the Davidsons.

7. In the above-referenced PUC case, Francis Veahman and Tharon Taylor filed an administrative complaint against Duquesne Light Company regarding this telephone pole and meter.

8. The meter is in Crown Castle's name.

9. Service to that meter was unilaterally disconnected by Duquesne Light, unbeknownst to Crown Castle, thereby having an effect on Crown Castle's rights.

10. While the Davidsons intervened in that suit and participated in the hearing on July 2, 2009, Crown Castle was not given notice of that suit and was not made a party.

11. An Initial Decision of Administrative Law Judge was filed on August 6, 2009 (the "Decision"), stating that, *inter alia*:

The Duquesne Light Company is directed to remove the service line that crosses Mr. Veahman's property to connect to the property owned by Mr. and Mrs. Davidson within ten (10) days after this Order becomes final.

12. That Decision impacted not only the rights of the Davidsons, but also the rights of Crown Castle.

13. Crown Castle has now been informed, *without prior notice*, that, effective September 5, 2009, its power source is being removed.

14. The meter in question that this court ruled upon is in Crown Castle's name, yet Crown Castle was not made a necessary party to the underlying suit.

15. Therefore, all necessary parties were not given an opportunity to be heard at that hearing.

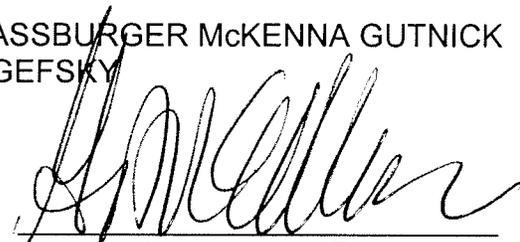
16. Crown Castle respectfully requests to intervene in this suit and file exceptions to the August 6, 2009 Decision and for an extension of time within which to do so and further requests a stay of the August 6, 2009 Decision until exceptions have been resolved.

17. In coordination with this motion, Crown Castle has simultaneously filed the form of its exceptions in a separate motion.

WHEREFORE, CROWN CASTLE asks this Honorable Court to grant its Motion to Intervene for the purpose of appealing the August 6, 2009 Decision of the Administrative Law Judge and for extension of time, as set forth in the attached Order.

STRASSBURGER McKENNA GUTNICK
& GEFSKY

BY:



Joseph R. Lawrence, Esq.,
Gretchen E. Moore, Esq.
*Attorneys for Intervenor, Crown
Castle Towers 05, LLC*

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

FRANCIS E. VEAHMAN

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C-2009-2093363

v.

DUQUESNE LIGHT COMPANY

ORDER

AND NOW, to wit, this ____ day of _____, 2009, upon consideration of the within PETITION FOR LEAVE TO INTERVENE TO FILE EXCEPTIONS TO INITIAL DECISION OF ADMINISTRATIVE LAW JUDGE, it is hereby Ordered that a stay of the August 6, 2009 Decision is GRANTED and this case is stayed pending the resolution of those exceptions. Crown Castle's request for an extension of time to file exceptions and/or supporting documents is GRANTED and Crown Castle shall have until _____ to file its exceptions.

_____, J.
Administrative Law Judge

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **PETITION FOR LEAVE TO INTERVENE AND EXTENSION OF TIME TO FILE EXCEPTIONS TO INITIAL DECISION OF ADMINISTRATIVE LAW JUDGE** was served on interested parties/counsel of record, as set forth below, by first class mail, postage pre-paid, on the 20th day of August, 2009:

Francis Veahman
954 Old Mill Creek Road
Hookstown, PA 15050

Krysia M. Kubiak, Esq.
Duquesne Light Company
411 Seventh Avenue, Mail Drop 8-3
Pittsburgh, PA 15219

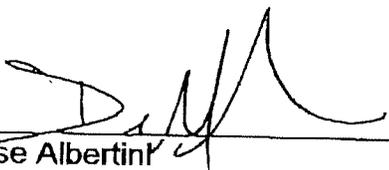
William Braslawsce, Esq.
531 Midland Avenue
Midland, PA 15059

Homer & Alma Davidson
971 Hookstown Road
Hookstown, PA 15050

A handwritten signature in black ink, appearing to read "Homer & Alma Davidson", written over a horizontal line.

VERIFICATION

THE UNDERSIGNED, Denise Albertini, hereby verifies that the statements of fact contained in the foregoing **PETITION FOR LEAVE TO INTERVENE AND FOR EXTENSION OF TIME TO FILE EXCEPTIONS TO INITIAL DECISION OF ADMINISTRATIVE LAW JUDGE** are true and correct to the best of the undersigned's knowledge, information and/or belief, and are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.


Denise Albertini