

**COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**EXCEPTIONS OF INTERVENOR,
CROWN CASTLE TOWERS 05, LLC, TO AUGUST 6, 2009
INITIAL DECISION OF ADMINISTRATIVE LAW JUDGE**

AND NOW comes CROWN CASTLE TOWERS 05 LLC (“Crown Castle”), by its attorneys, Strassburger McKenna Gutnick & Gefsky, and files the following exceptions to the August 6, 2009 Initial Decision and Order of Administrative Law Judge (“Initial Decision”) and a requests a Stay of that Initial Decision pending appeal.

BACKGROUND

In the above referenced Pennsylvania Utility Commission (PUC) case, Francis Veahman and Tharon Taylor filed an administrative complaint against Duquesne Light Company regarding a certain telephone pole and meter, which meter is in the name of Crown Castle Towers 05 LLC (“Crown Castle”). The Davidsons intervened in that suit and participated in the hearing on July 2, 2009. Crown was not given notice of that suit and was not made a party.

Crown Castle is a Delaware limited liability company, with a mailing address of 2000 Corporate Drive, Canonsburg, Pennsylvania 15317. 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

PUC. That easement is for the installation, maintenance and operation of utilities, including electric and telephone, to service its facilities.

Crown Castle maintains a cell phone tower on the Property owned by the Davidsons, Intervenor in the underlying case. That tower has been powered by the pole and power line at issue in the above-referenced PUC hearing prior to the effective date of the Agreement between Crown Castle and the Davidsons. The account that powers the cell phone tower is in the name of Crown Castle. Crown Castle's rights were significantly curtailed by the unilateral cut-off of its power source, unbeknownst to Crown Castle, by Duquesne Light. Crown Castle's rights, however, were not acknowledged in the underlying suit, yet the Initial Decision has a significant impact on those rights.

An Initial Decision and Order was filed on August 6, 2009 (the "Order"), 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.

Crown Castle has now been informed, *without prior notice*, that, effective September 5, 2009, its power source is being removed. Although its rights were affected by the Initial Decision in the above-referenced case, Crown was not made a necessary party to the case nor was it given notice of the case.

EXCEPTIONS

1. In adjudicating the rights of the parties without all necessary parties made a part of the lawsuit.

2. In failing to determine the name on the meter, which was in the name of Crown Castle.

3. In failing to determine whether the pole(s) at issue were on the property of the Veahmans or were public poles, as Crown Castle asserts.

4. Whether the termination of an active account without notice to Crown Castle was a violation of the Public Utility Code such that Crown Castle's rights must be adjudicated.

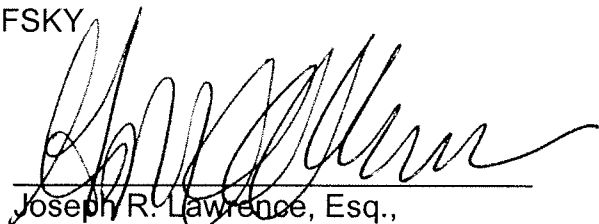
5. Whether, should these exceptions be denied, Crown Castle should be entitled to a reasonable amount of time to secure an alternative power source.

WHEREFORE, CROWN CASTLE, respectfully requests that this Honorable Court grant Crown Castle's Petition to Intervene, consider the exceptions filed herein, and stay the proceedings until resolution of this appeal.

Respectfully submitted,

STRASSBURGER McKENNA GUTNICK &
GEFSKY

By:



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

VERIFICATION

THE UNDERSIGNED, Denise Albertini, hereby verifies that the statements of fact contained in the foregoing **EXCEPTIONS OF INTERVENOR, CROWN CASTLE TOWERS 05, LLC, TO AUGUST 6, 2009 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

CERTIFICATE OF SERVICE

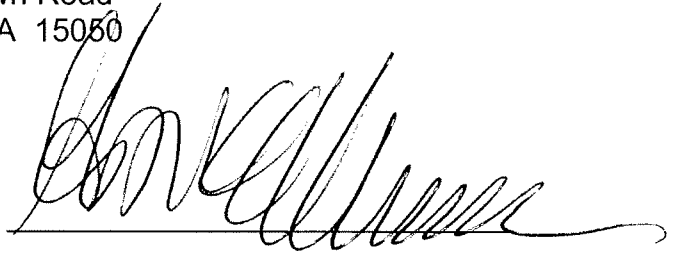
The undersigned hereby certifies that a true and correct copy of the foregoing
**EXCEPTIONS OF INTERVENOR, CROWN CASTLE TOWERS 05, LLC, TO
AUGUST 6, 2009 INITIAL DECISION OF ADMINISTRATIVE LAW JUDGE**
was served on interested parties/counsel of record, as set forth below, by first class
mail, postage pre-paid, on the 26th 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.