



Duquesne Light

Our Energy...Your Power

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November 24, 2010

Via Electronic Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

RE: Joanna Warren Williamson v. Duquesne Light Company
Docket No. C-2009-2138578

Dear Secretary Chiavetta,

Enclosed please find Duquesne Light's Reply Exceptions. A copy of this document has been served upon Complainant in accordance with Commission Regulations.

Sincerely,

A handwritten signature in black ink that reads "Krycia Kubiak".

Krycia Kubiak
Assistant General Counsel
Duquesne Light Company

encs

cc: Joanna Warren Williamson (w/enclosure)
Administrative Law Judge John H. Corbett, Jr. (w/enclosure)

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MS. JOANNA WARREN)	
WILLIAMSON,)	
)	
Complainant,)	
)	
v.)	Docket No. C-2009-2138578
)	
DUQUESNE LIGHT COMPANY,)	
)	
Respondent.)	

**RESPONDENT DUQUESNE LIGHT COMPANY'S
REPLY EXCEPTIONS**

AND NOW comes Respondent Duquesne Light Company, by and through its attorney Krysia Kubiak, and files the following Reply to Complainant's Exceptions to the Initial Decision:

BACKGROUND

Complainant filed the above-captioned Formal Complaint on or about October 29, 2009. In the complaint, Complainant claimed that a utility pole owned by Respondent was interfering with her property located in Aliquippa, Beaver County, Pennsylvania. A hearing was held on September 7, 2010.

REPLY TO EXCEPTIONS

Complainant's Exceptions do not comply with Commission Regulation 5.533(b), 52 Pa. Code §5.533(b), which requires that each exception be numbered.

Complainant's first paragraph of her Exceptions references numerous documents that were not entered into evidence at the hearing. Care must be exercised to ensure that

the decision of the Commission is supported by substantial evidence in the record. Pa. PUC v. Fix, A-001112441C9701 (April 10, 1996).

Furthermore, evidence that is not of record cannot be used to satisfy Complainant's burden proof. This is significant because Complainant has the burden of proof in her Complaint. 'Burden of proof' imports the duty of finally establishing the existence of a certain fact or set of facts by evidence which preponderates to a legally required extent. Se-Ling Hosiery v. Margulies 364 Pa. 45, 70 A.2d 854(1950).

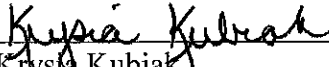
The Administrative Law Judge Corbett's Initial Decision details 17 findings of fact, and 5 pages of legal reasoning following by 4 conclusions of law. Many of Complainant's exceptions revolve around an issue that was thoroughly considered in the Initial Decision. As it states clearly, the Public Utility Commission does not have jurisdiction to determine if Respondent possesses the right to place its utility pole on Complainant's property.

Complainant's exceptions also allege that Respondent's trucks caused damage to her property. The Initial Decision details and weighs the testimony at the hearing. Contrary to Complainant's assertion that the damage was caused by Duquesne Light, she testified that she suffered water runoff from adjoining streets, that cable, telephone and garbage companies run their trucks next to her property and that she admitted that the damage to her property was caused by water runoff and not Respondent's pole. (N.T. 52).

WHEREFORE, Respondent Duquesne Light Company respectfully requests that the Commission deny Complainant's exceptions and adopt the Initial Decision.

Respectfully Submitted:

Duquesne Light Company
By Counsel:



Krysta Kubiak

PA ID 90619

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