

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

IN RE: AMENDED APPLICATION OF | Docket #
DUQUESNE LIGHT COMPANY | A-110150F0031

Pages: 1 - 18
Public Utility Commission
State Office Building
300 Liberty Avenue, 11th Floor
Pittsburgh, PA 15222

ORIGINAL

Thursday, March 23, 2006
Commencing at 10:00 a.m.

BEFORE:

FRED NENE, Administrative Law Judge

APPEARANCES:

REGINA SESTAK, Esquire
411 Seventh Avenue 8-2
Pittsburgh, PA 15219
For Duquesne Light

DOCUMENT
FOLDER

REPORTER: Beth A. Duzzny

DOCKETED
MAR 31 2006

RECEIVED
MAR 28 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Any reproduction of this transcript
is prohibited without authorization
by the certifying agency.

89

INDEX TO WITNESSES

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

WITNESS

DIRECT

CROSS

REDIRECT

RECROSS

NONE CALLED

P R O C E E D I N G S

JUDGE FRED NENE:

1
2 -----
3
4 This is scheduled for a pre-hearing
5 conference on the application of Duquesne Light
6 Company for the construction of and siting of a 138 KV
7 transmission line. We're going to talk more about the
8 caption, but it's docketed at number A-110150F0031.
9 And present in the hearing room in Pittsburgh is
10 Attorney Regina Sestak representing the applicant.
11 Ms. Sestak has two gentlemen here that are involved in
12 the engineering aspect of this project. We also have
13 --- this hearing was scheduled to be held
14 telephonically from Harrisburg, and I am told from
15 Harrisburg that there is no one present in Hearing
16 Room Two concerning this matter.

17 The first thing I want to address is the caption
18 of the matter. The caption that I have on this
19 Hearing Notice appears to be the caption that was
20 originally assigned this case. And subsequent, the
21 application was amended. And I think that the caption
22 should read the amended application, and the amended
23 application involves a third township that's not
24 mentioned in the caption as it sits. So if Counsel
25 has no objection, I'm going to amend the caption at

1 the same docket number to read the Amended Application
2 of Duquesne Light Company for the Siting and
3 Construction of a 138 KV Transmission Line in Hampton,
4 McCandless and Ross, R-O-S-S, Townships, Allegheny
5 County. In the original application, you indicated
6 that it would be a 4.1-mile line. Is that affected by
7 the amended application?

8 ATTORNEY SESTAK:

9 Yes, Your Honor. The line is presently
10 --- I'm sorry, I should know this. It's 4.9 miles
11 long now.

12 JUDGE NENE:

13 Okay. I'm going to incorporate the 4.9
14 mile into the new caption. So it would read Amended
15 Application of Duquesne Light Company for the Siting
16 and Construction of 4.9 Mile 138 KV Transmission Line
17 in Hampton, McCandless and Ross Townships, Allegheny
18 County. Do you have any objection to that, Ms.
19 Sestak?

20 ATTORNEY SESTAK:

21 No, Your Honor.

22 JUDGE NENE:

23 My next concern is how many of the
24 parties have been served with the application. The
25 amended application is much smaller. It seems to be

1 without your Exhibit Nine.

2 ATTORNEY SESTAK:

3 Yes, Your Honor. Into the amended
4 application, we had incorporated those portions of the
5 original application and those exhibits to the
6 original application, which did not change. So
7 actually, the amended application does include Exhibit
8 Nine as well as the other exhibits that were
9 unchanged.

10 JUDGE NENE:

11 And would you tell, for the record, what
12 parties were served with this amended application?

13 ATTORNEY SESTAK:

14 The amended application was served on all
15 affected parties that were set forth in the
16 certificate of service, including all the designated
17 governmental officials, all affected property owners
18 and all affected public utilities. In addition,
19 copies were served upon the parties, the affected
20 property owners to the original application who are no
21 longer affected by the amended application, primarily
22 for their own informational purposes.

23 JUDGE NENE:

24 And roughly how many individuals would
25 that be, roughly?

1 ATTORNEY SESTAK:

2 Roughly 200. I don't have an exact count
3 off the top of my head.

4 JUDGE NENE:

5 Okay. But we do have a listing of the
6 service list? We have the ---?

7 ATTORNEY SESTAK:

8 Yes. The service list was appended to
9 the amended application.

10 JUDGE NENE:

11 Okay. The next item, I think, would be
12 the parties. And there seems to be no statutory
13 parties involved in this, and at this point, we have
14 the applicant and we have a number of letters that
15 were written to the Commission, which we are going to
16 determine whether they are protestants, in fact,
17 protestants to this application or just individuals
18 commenting on it. And I have not seen those letters
19 and we will make those letters available to you and
20 myself immediately following this conference.

21 ATTORNEY SESTAK:

22 Thank you. Your Honor, in addition,
23 there was a document filed that was treated by the
24 Commission as a formal complaint docketed at
25 C-2006 5987, filed by a Mark R. Janosko. This was

1 served on Duquesne Light as a formal complaint.
2 However, it is clear from the content that it is meant
3 to be a protest to this application.

4 JUDGE NENE:

5 You were kind enough to provide me with a
6 copy of Mr. Janosko's complaint, as you described.
7 And you're right, it is directed entirely at the
8 concerns involving this application. That docket
9 number probably should have been listed --- should not
10 have been given as a C docket number. But since it
11 has been, I'm going TO consolidate this C docket
12 number C-2006 5987, Mark Janosko against Duquesne
13 Light Company. I'm going to docket --- that number is
14 going to be part of this application. It will be
15 consolidated for consideration and disposition.

16 ATTORNEY SESTAK:

17 Your Honor, may I request further
18 guidance in that since this document was served as a
19 formal complaint upon Duquesne Light Company, under
20 the rules governing formal complaints, Duquesne Light
21 would be required to file an answer by the 6th of
22 April, 2006. I'm requesting guidance as to whether we
23 should go ahead and file the answer as if this were a
24 normal formal complaint or if Duquesne Light should
25 respond in a different matter or according to a

1 different timeframe?

2 JUDGE NENE:

3 No. I would say you answer this
4 complaint in the normal fashion and I will consolidate
5 it by order.

6 ATTORNEY SESTAK:

7 Thank you.

8 JUDGE NENE:

9 The next thing that I would have to
10 address is the statutorily required hearings on this
11 matter. And because of the interest that's been shown
12 in your informational hearings and because of the
13 nature of the application, it's essential that we have
14 public input hearings. And I'm suggesting that we
15 have the public input hearings prior to the
16 evidentiary hearings on the matter. And the public
17 input hearing I think should be in the area where this
18 line is to be sited, first of all, for the convenience
19 of the public, and secondly, because I don't think
20 that we would adequately be able to accommodate the
21 number of people that might be expected to appear.

22 Under the provisions of the Code, we need
23 to schedule this at least 45 days --- the
24 advertisement has to 45 days prior to the hearings.
25 And of course, the hearings --- public input hearings

1 are arranged by the Commission, hopefully in
2 conjunction with the applicant as to an appropriate
3 and convenient location. The Commission will pay any
4 of the charges that might be necessitated by this
5 proceeding. How many days, how many hours do you
6 think we will need to adequately give the public
7 opportunity to voice their concerns?

8 ATTORNEY SESTAK:

9 Your Honor, I would anticipate a minimum
10 of six hours, whether that would be over one day or
11 more than one day. It was our experience during the
12 informational meetings with the public that several
13 individuals do wish to be heard and do wish to present
14 specific testimony concerning their beliefs as to the
15 dangers of this proposed line.

16 JUDGE NENE:

17 Do you think that the parties might have
18 prepared statements that they would like to read at
19 these proceedings?

20 ATTORNEY SESTAK:

21 I believe that some of the parties will
22 prepare statements, yes.

23 JUDGE NENE:

24 Do you think if we were to have hearings,
25 say, 2:00 in the afternoon until 5:00, and then from

1 7:00 until whenever? Do you think that would be
2 adequate?

3 ATTORNEY SESTAK:

4 Yes, Your Honor.

5 JUDGE NENE:

6 One day, all day?

7 ATTORNEY SESTAK:

8 One day, all day. I suspect that that
9 would be adequate.

10 JUDGE NENE:

11 I hope so. Well, I'm going to let the
12 Commission and yourselves arrange the date. And then
13 I think that the evidentiary hearing should be held
14 rather short --- or quickly after the input hearing,
15 maybe within a week, so we can consider the technical
16 aspects of it. And I'll also have an opportunity to
17 tell those at the public input hearing the nature of
18 the technical evidentiary hearings here so that they
19 have more information in deciding whether or not to
20 attend those procedures. Hopefully we can accommodate
21 the number that might appear. Would the public input
22 hearing, then do you think two o'clock until maybe
23 5:00 or 6:00, and then from 7:00 on, do you think that
24 will be enough? I know you can't ---.

25 ATTORNEY SESTAK:

1 It's difficult. Some of the individuals
2 involved appear to be very long-winded and compulsive
3 about compiling large amounts of data. So I would say
4 that would be enough with the caveat that individuals
5 be limited to a set timeframe; either 20 minutes, half
6 an hour maximum.

7 JUDGE NENE:

8 Well, I think that's reasonable. And I'm
9 also intending to limit repetitious testimony and ask
10 the witnesses if they agree with the testimony of
11 prior witnesses and that sort of thing. I'll try to
12 limit it that way. All right. Well, we'll schedule
13 it for a one day hearing. But if we have the
14 evidentiary hearing, say, a week later, we might have
15 at least another day that we could fudge a second
16 public input hearing day in if necessary by informing
17 all those who attend that we will have to extend the
18 schedule. I think that would still comply with the
19 provisions of the code.

20 ATTORNEY SESTAK:

21 Okay.

22 JUDGE NENE:

23 Hopefully we won't have to do that.

24 ATTORNEY SESTAK:

25 Okay. May I ask that the PUC scheduler

1 discuss with me the proposed date for the hearing?
2 Because some individuals who have to be involved have
3 different schedules of previously-scheduled vacation
4 time and things of that nature that might make them
5 unavailable.

6 JUDGE NENE:

7 Right. I think that's a given. The
8 scheduler is Sue Licon in this matter, L-I-C-O-N, and
9 she will try to coordinate with you something that's
10 available for your witnesses. Do you intend to have
11 individuals present at the public input hearing who
12 can respond to concerns of the public?

13 ATTORNEY SESTAK:

14 I had not considered that, but I can. At
15 present, I anticipate presenting seven or eight
16 evidentiary witnesses, whenever that is appropriate.
17 However, there's no reason that we could not present
18 an overview of the technical information for the
19 benefit of the individuals of the public hearing.

20 JUDGE NENE:

21 I think that would be helpful. Because
22 otherwise, it will be just Counsel and the
23 Administrative Law Judge there who might not be able
24 to respond to some of the queries that the public
25 might have. Okay. Since this is not a rate case,

1 we're not going to schedule briefs at this time.
2 We'll schedule them following the completion of the
3 hearings and the transcripts and have them all
4 available before we schedule a briefing if you would
5 like to pull it all together to show that you've met
6 your burden that you carry under the Code.

7 ATTORNEY SESTAK:

8 Okay. Your Honor, I've been assuming
9 that for the evidentiary hearings you would prefer
10 written testimony from Duquesne Light Company
11 witnesses; is that correct?

12 JUDGE NENE:

13 I would. I would prefer that. And so
14 far, we don't know who the copies must be served on,
15 other than myself. Which brings me to another part
16 that I think I overlooked when we talked about the
17 serving of the original application and all its
18 exhibits. There is a provision that a copy of the
19 application must be made available for the public
20 inspection.

21 ATTORNEY SESTAK:

22 Yes, Your Honor. Copies were made
23 available at two libraries in the vicinity of the area
24 where the line is located. Specifically at the
25 Hampton Community Library and at Northland Public

1 Library. Interest of parties who did not receive a
2 copy of the full application but received the notice
3 filing under Rule 5774 were provided with this
4 information in the notice of filing. And it's my
5 understanding that a large number of people did go to
6 look at the application. They're both on reserve ---
7 our copies are on reserve at both of those libraries.

8 JUDGE NENE:

9 I think it might be helpful if I were to
10 include that information in my pre-hearing order. So
11 could you provide me with a copy of that?

12 ATTORNEY SESTAK:

13 Yes, Your Honor. It's in the final
14 paragraph of the notice.

15 JUDGE NENE:

16 Very well. I think it would be helpful
17 if I include that in the language of the pre-hearing
18 order. Which the pre-hearing order won't be issued
19 immediately. It won't be ---. Since we have to send
20 it to a large number of people, I'm going to wait
21 until we have actual dates that you come up with with
22 Ms. Licon on behalf of the Commission. And is there
23 anything else that we have to address?

24 ATTORNEY SESTAK:

25 Your Honor, I did bring a cheat sheet,

1 let me just consult it. I think that's it.

2 JUDGE NENE:

3 Okay. You know how to get in touch with
4 Ms. Licon, I'm sure?

5 ATTORNEY SESTAK:

6 Yes, Your Honor. I speak to her
7 frequently.

8 JUDGE NENE:

9 Okay. And the court reporter is here, so
10 if you want to get a copy of this proceeding, you can
11 discuss that with her.

12 ATTORNEY SESTAK:

13 Okay.

14 JUDGE NENE:

15 And if there's nothing else that you want
16 to put on the record, I can't think of anything else
17 that I need to put on the record, other than to just
18 indicate that we will be issuing a pre-hearing order
19 covering these matters and giving the actual dates of
20 the oncoming hearings. After that, then, you will be
21 responsible to publish those hearing notices as
22 directed by the regulations. And then we will call
23 the relevant constabulary to protect us.

24 ATTORNEY SESTAK:

25 And just for clarification purposes, in

1 publishing the dates of hearing, would Duquesne Light
2 Company be required to publish, say, if there's ---
3 June 27th is set for the date of the public input
4 hearing and July 15th is set for the date of the
5 evidentiary hearing, would Duquesne Light publish both
6 of those dates in its notice?

7 JUDGE NENE:

8 I think they could be done simultaneously
9 in a single notice, and that would comply with the
10 provisions of the law, at least 45 days prior.

11 ATTORNEY SESTAK:

12 Okay. Thank you.

13 JUDGE NENE:

14 Okay. Then that will conclude this
15 proceeding and you'll hear from us on an official
16 order as soon as we get the dates. Okay?

17 ATTORNEY SESTAK:

18 Thank you.

19 JUDGE NENE:

20 Okay. Thank you.

21

22

23

* * * * *

24

HEARING CONCLUDED AT 10:18 A.M.

25

* * * * *

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

I hereby certify, as the
stenographic reporter, that the foregoing
proceedings were taken stenographically by
me, and thereafter reduced to typewriting
by me or under my direction; and that this
transcript is a true and accurate record
to the best of my ability.


Court Reporter

RECEIVED
MAR 28 2006
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU