

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

ORIGINAL

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Amended application of Duquesne :
Light Company for the citing and :
construction of a 4.9 mile 138 kv : Docket No.
transmission line in Hampton, : A-110150F0031
McCandless and Ross Townships, :
Allegheny County. :
Further pre-hearing conference.:

----- x
Mark R. Janosko v. Duquesne Light : Docket No.
Company. Objection to power line : C-20065987
application. :
Initial pre-hearing conference.:

----- x
Pages 18 through 71

State Office Building
Hearing Room 1
300 Liberty Avenue
Pittsburgh, Pennsylvania

DOCUMENT
FOLDER

Thursday, April 6, 2006

Met, pursuant to notice, at 10:00 a.m.

BEFORE:

FRED R. NENE, Administrative Law Judge

J.R.N.

APPEARANCES:

REGINA M. SESTAK, ESQUIRE
Duquesne Light Company
411 Seventh Avenue, 8-2
Pittsburgh, Pa. 15219
(For Duquesne Light Company, Applicant
and Respondent)

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WITNESS INDEX

WITNESSES

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(None)

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FORM 2

EXHIBIT INDEX

<u>NUMBER</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>	<u>REJECTED</u>
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FORM 2

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P R O C E E D I N G S

1
2 ADMINISTRATIVE LAW JUDGE FRED R. NENE: This is the time
3 for a further pre-hearing conference, regarding the
4 Application of Duquesne Light to erect a 4.9 mile line in, I
5 guess, Ms. Sestak, we're going to refer to this as the
6 Wildwood Project?

7 MS. SESTAK: Yes, Your Honor.

8 JUDGE NENE: Just for convenience. Okay.

9 My name's Fred Nene, and I'm the Administrative Law Judge
10 assigned by the Commission to develop an evidentiary record
11 and to consider the Application, to make recommendation to the
12 Commission as to whether approve that Application.

13 This is Regina Sestak, and she's counsel for the
14 Applicant, Duquesne Light. And, let's just go around the
15 table, so we can all know who everybody else is.

16 Sir?

17 MR. GOLDBACH: My name's Adam Goldbach. I'm with
18 Duquesne Light, also, in the Account Department.

19 JUDGE NENE: G-o-l-d-b-a ---

20 MR. GOLDBACH: C-h.

21 JUDGE NENE: --- (Continuing) --- c-h.

22 Yes, sir?

23 MR. SCHMITT: Tom Schmitt, Duquesne Light, and I'm an
24 engineer.

25 JUDGE NENE: Sir?

1 MR. BETTY: I'm Bruce Betty, from the Town of McCandless.

2 JUDGE NENE: And you're representing?

3 MR. BETTY: The Town. Town --- Town --- the Town Hall.

4 JUDGE NENE: The Town Hall?

5 MR. BETTY: Yeah. The Municipality.

6 JUDGE NENE: Okay. Township of McCandless.

7 MR. BETTY: Town.

8 JUDGE NENE: It's a town?

9 MR. BETTY: It's a town.

10 JUDGE NENE: Good. Didn't know that.

11 MR. BETTY: We could discuss why --- why it's not usually
12 recognized as that.

13 JUDGE NENE: Yes, we'll do that after --- we'll do that
14 off the record.

15 Sir, in the back there?

16 MR. KRIST: Bruce Krist, resident.

17 JUDGE NENE: Okay. Mr. Krist, you're also --- you filed
18 a document that the Commission has treated as a Protest ---

19 MR. KRIST: Yes.

20 JUDGE NENE: --- (Continuing) --- to the Application.
21 And I think that's K ---

22 MR. KRIST: K-r-i-s-t.

23 JUDGE NENE: K-r-i-s-t.

24 That --- I think you had a petition attached to that,
25 that had about 35 signatures.

1 MR. KRIST: 35 pages, yes.

2 JUDGE NENE: Oh, 35 pages of signatures?

3 MR. KRIST: Of signatures, within the area.

4 JUDGE NENE: Right.

5 MR. KRIST: The majority of the person --- the seven
6 people that were informed of the --- where the line was going
7 to go.

8 JUDGE NENE: Right. And some of those people have been
9 removed from the intended area, correct? I mean ---

10 MR. KRIST: Well, sort of. I mean, it's still ---
11 they're still referenced on the original Application, so, it's
12 --- it's an alternative, so, we're still kind of affected, but
13 not directly, because it's not the recommended route.

14 JUDGE NENE: Right. And the Commission might --- might
15 affect the ---

16 MR. KRIST: Yes.

17 JUDGE NENE: --- (Continuing) --- the Amended
18 Application.

19 Okay, welcome, Mr. Krist.

20 And, sir?

21 MR. MILKEY: Dave Milkey, resident of McCandless.

22 JUDGE NENE: Okay, and you --- are you a signature --- is
23 your signature on the list that Mr. Krist referred to?

24 MR. MILKEY: Yes.

25 JUDGE NENE: Okay.

1 And, sir, in the back?

2 MR. JANOSKO: Mark Janosko.

3 JUDGE NENE: Mr. Janosko, welcome to you, too. You filed
4 a similar document to Mr. Krist's, only, the Commission
5 treated yours as a Complaint, and gave it a different Docket
6 Number. And, that's Number C-20065987. And the substance of
7 your filing was, in effect, a Protest to the Application, too,
8 correct?

9 MR. JANOSKO: That's --- that's correct, Your Honor.

10 JUDGE NENE: We intend to consolidate your Case with this
11 one, by Order. You have no objection to that, do you?

12 MR. JANOSKO: No objection.

13 JUDGE NENE: Okay.

14 And, sir?

15 MR. HIGGINS: I am Gordon Higgins. I'm a resident of
16 McCandless in the affected area on Shady Oak Circle. I'm
17 signatory on the petition we sent in, or whatever.

18 JUDGE NENE: Mr. Krist's ---

19 MR. HIGGINS: Yes.

20 JUDGE NENE: --- (Continuing) --- list? Okay.

21 And, sir?

22 MR. NYPAVER: Terry Nypaver. I'm a resident of
23 McCandless.

24 JUDGE NENE: Mr. Nypaver, you, too, have filed a document
25 that the Commission has considered a Protest, and labeled as

1 such. You --- I'm a little confused about that. There --- I
2 have five names of Nypavers.

3 MR. NYPAVER: Okay. What ---

4 JUDGE NENE: I have Terrence, Thomas and Dolores ---

5 MR. NYPAVER: Yes.

6 JUDGE NENE: --- (Continuing) --- in one group.

7 MR. NYPAVER: That's correct.

8 JUDGE NENE: You said you're Thomas?

9 MR. NYPAVER: I'm Terry.

10 JUDGE NENE: Oh, I'm sorry.

11 MR. NYPAVER: My brother is Tom.

12 JUDGE NENE: Okay.

13 MR. NYPAVER: He and I originally bought the house, and,
14 when I married, Dolores is my wife.

15 JUDGE NENE: Okay.

16 And then, there's a Matthew and a Margaret.

17 MR. NYPAVER: Those are my cousins.

18 JUDGE NENE: Okay.

19 MR. HIGGINS: Those are my neighbors, and Margaret has
20 passed away. She's deceased.

21 JUDGE NENE: And you, sir?

22 MR. GAZDIK: My name is Arthur Gazdik, G-a-z-d-i-k. I'm
23 the Township Engineer for Ross Township, and been asked by the
24 Board of Commissioners to attend this hearing.

25 JUDGE NENE: Okay.

1 And, ma'am, we're making a list.

2 MS. NYPAVER: I'm Dolores Nypaver, Terry's husband ---
3 his wife.

4 JUDGE NENE: Good morning. Okay.

5 There was one other Protest filed, and that was a Mr.
6 Kalinski. It's signed by his wife, Anna Kalinska. That's K-
7 a-l-i-n-s-k-i, and K-a-l-i-n-s-k-a. That, also, will be
8 treated as a protest.

9 And, what the distinction is, is those who filed what has
10 been designated as a Protest and as a Complaint, will be given
11 the right, if you want, to cross-examine the witnesses for the
12 company who present evidence in support of their intention.
13 You also have the right then, to present evidence of your own,
14 under oath. Although, that right extends to anybody in the
15 area. We are --- intend to have public input hearings, at a
16 place convenient to the property owners, in which the
17 residents will have the option to make a statement, or to make
18 a statement under oath, and be subject to cross-examination,
19 or to just say that "I agree with the prior witness," some-
20 thing to that effect.

21 We --- the purpose of today's proceeding is just an
22 administrative manner. We intend to see how many days of
23 testimony we need for technical and evidentiary evidence that
24 will be presented by the company, and how many days and where
25 to have a public input hearing, so that, we can listen to

1 those who might be affected by this Application.

2 The law requires that, these hearings that we're going to
3 have, both public input and evidentiary hearings, be
4 advertised in the newspapers in the area, at least 45 days in
5 advance of the hearing, so that, everybody knows where and
6 when they can voice their opinions.

7 The Public Utility Code also states that, the burden of
8 this proceeding lies on the Applicant, and --- the burden of
9 proof. And, we can find that at Pennsylvania Code. That's 52
10 PA Code 57.76.

11 And the Commission will not grant the Application, unless
12 it finds and determines that, the high voltage line, 1,
13 there's a need for it; 2, that it will not create an
14 unreasonable risk or danger --- of danger to the health and
15 safety of the public; 3, that it is in compliance with the
16 applicable Statutes and Regulations, providing for the
17 protection of the natural resources of the Commonwealth; and
18 4, that it will have a minimum adverse environmental impact,
19 considering the electrical power needs of the public, the
20 state of the available technology, and the available
21 alternatives. That's the burden that's placed on the
22 Applicant.

23 So, as I say, today, we're not going to take any
24 testimony, we're going to --- we're going to make the
25 household --- the housekeeping decisions on how much time we

1 need to adequately consider this Application.

2 So many people have indicated an interest in this matter,
3 and so many people have signed Protests to it, that we
4 couldn't possibly have those people come in here. We intend
5 to have the hearing, the technical evidentiary hearings here.
6 And that will be subsequent to the public input hearings. So,
7 we'll schedule public input hearings, and that'll have to be
8 at least 60 days from now, because the Commission is currently
9 involved in trying to find a location, making arrangements for
10 the --- to rent that location, and, we're going to see here
11 how many days, how many hours we might need to listen to the
12 concerns of the public.

13 We're also going to consider then, how to handle the
14 second hearings, the evidentiary hearings, which we just
15 couldn't manage in a public forum, because of the cross-
16 examinations and the --- everything that that would entail.

17 So, the hearings will be bifurcated. Does everyone
18 understand how we intend to proceed on that? Any questions
19 about that?

20 (No response.)

21 JUDGE NENE: Okay, good.

22 MR. BETTY: Judge, I --- I have one question about that.

23 JUDGE NENE: Okay. Just state your name before you ---

24 MR. BETTY: Bruce Betty ---

25 JUDGE NENE: Yes.

1 MR. BETTY: --- (Continuing) --- Town of McCandless.
2 The --- it's my understanding that, the public input
3 hearings will be held locally. Is that correct?

4 JUDGE NENE: Absolutely. Yes.

5 MR. BETTY: Okay. Hopefully being within the Town of
6 McCandless or Hampton?

7 JUDGE NENE: There's three towns --- two Townships and a
8 town. And, yes, we're looking for something that's economical
9 and convenient.

10 MR. BETTY: Okay. Thank you.

11 JUDGE NENE: And of adequate space.

12 MR. GAZDIK: Judge, if I might interject, we have a
13 fairly large municipal center.

14 JUDGE NENE: And that would be?

15 MR. GAZDIK: In Ross Township.

16 JUDGE NENE: In Ross. And again, your name is?

17 MR. GAZDIK: Art --- Art Gazdik.

18 JUDGE NENE: Okay. Yes. And just so the court reporter
19 has it.

20 Ross Township Municipal Building, is that a new ---
21 that's a new building?

22 MR. GAZDIK: A new facility. It has a large room that
23 can hold 400, and then, a smaller room.

24 JUDGE NENE: Ms. Sestak, is that one of the names that
25 you submitted to the Commission for consideration?

1 MS. SESTAK: I don't believe so. I'm not sure that I
2 have the list here, but I think we were looking at more like,
3 schools and hotels. But certainly, that's something that can
4 be considered.

5 JUDGE NENE: It might be more reasonable, financially,
6 for the Commission to ---

7 MR. GAZDIK: If you need a contact, I can contact ---

8 JUDGE NENE: Please, yes, would you provide that to Ms.
9 Sestak now?

10 MR. GAZDIK: Yes. Contact Tom Lavorini, L-a-v-o-r-i-n-i,
11 412/931-7055. He'll be back next week.

12 JUDGE NENE: Thank you.

13 MS. SESTAK: Okay. I will forward that information to
14 Sue Liken, the PUC scheduler, who's responsible ---

15 JUDGE NENE: And copy Chris Williams on all that, will
16 you, too?

17 MS. SESTAK: Okay. Who is Chris ---

18 JUDGE NENE: Christine Williams is sort of the Supervisor
19 of the --- of the schedulers.

20 MS. SESTAK: Okay.

21 JUDGE NENE: Yes, ma'am? Mrs. ---

22 MRS. NYPAVER: You used a term I'm not familiar with,
23 "bifurcated."

24 JUDGE NENE: Well, that's just a split.

25 MRS. NYPAVER: Split with Townships?

1 JUDGE NENE: No, no, no. The split would be between the
2 evidentiary hearings and the public input hearings.

3 MRS. NYPAVER: Okay.

4 JUDGE NENE: The technical evidentiary hearings are part
5 of the burden of proof that the Applicant has here, regarding
6 environmental matters and --- and health matters. And
7 everything with --- what they try to do here, technical.

8 MRS. NYPAVER: Okay.

9 JUDGE NENE: There'll be exhibits, maps and that sort of
10 thing.

11 MRS. NYPAVER: Thank you.

12 JUDGE NENE: Now --- yes. Oh, I'm sorry.

13 MR. KRIST: Bruce Krist.

14 JUDGE NENE: Yes.

15 MR. KRIST: Is there an order to --- will the public
16 hearings be before the evidentiary hearings?

17 JUDGE NENE: Yes. We're going to have the public input
18 hearings first.

19 MR. KRIST: Okay. Thank you.

20 JUDGE NENE: Now, how much time --- the gentleman that
21 just came in, the last gentleman in, do you want to put your
22 name on the record, or ---

23 MR. LAPETS: My name is Oleg Lapets.

24 JUDGE NENE: Would you --- Oleg?

25 MR. LAPETS: Yes, that's all.

1 JUDGE NENE: O-l-e-g, L-a-p-e-t-s?

2 MR. LAPETS: Absolutely right.

3 JUDGE NENE: Okay. And you filed a Protest, also?

4 MR. LAPETS: Yes, I did.

5 JUDGE NENE: Okay, thank you. Welcome.

6 And, you had additional seven signatures on your list,
7 your Protest. Did you --- were you here in time to hear what
8 the Protestants are --- how they're going to be treated? And,
9 those named Protestants will --- I would ask that you be
10 speaking on behalf of the people that you listed, so we don't
11 have to take testimony from each individual who co-signed the
12 Protest that we're considering, if you would --- you know, in
13 your testimony, if you would try to incorporate the concerns
14 of all those who --- who signed your document? And the same
15 would be for the Complainant and the other Protestants. It
16 would --- so it wouldn't be duplicate testimony.

17 I'm glad you're here, because that's everybody on that --
18 - that we have, of record, with a denominated Protest caption.
19 So, that's good.

20 So, let's talk first about the public input hearing.
21 We'll find a place, a public, central place. And how --- how
22 many hours, or, how many days do we want to dedicate to that
23 purpose?

24 First of all, I think we should have some testimony
25 during the daylight hours, and then, some during the evening

1 hours, so that, people who are working or whatever, have an
2 opportunity.

3 Two, three days? How many days do you think would be
4 necessary? Do you think we could listen to everybody in two
5 days, four sessions, two morning, two evening sessions? I
6 would hope so. I would hope we'd do it in one, but --- yes,
7 sir?

8 MR. NYPAVER: Are you going to split the --- I mean,
9 like, different Townships? Are you planning on doing --- my
10 name's Terry Nypaver.

11 JUDGE NENE: Yes.

12 MR. NYPAVER: Different Townships? Or are you talking to
13 everybody together?

14 JUDGE NENE: I think everybody together in a se --- the -
15 -- what's the farthest you'd have to travel to cover all three
16 Townships? I mean, wouldn't it be convenient, don't you
17 think, for ---

18 MR. NYPAVER: I'm just --- I was just asking the
19 question. I have no ---

20 JUDGE NENE: Yes, I think just one location.

21 MR. NYPAVER: Okay.

22 JUDGE NENE: But, numerous sessions. And I'm of the
23 opinion that, we'll --- if we have two morning sessions and
24 two evening sessions, that, it should be sufficient to cover -
25 -- to provide everybody an opportunity to speak. And I don't

1 know. Again, the Commission's going to arrange those. I'll
2 make the recom --- I mean, I'll tell them how many hours we
3 need, and --- okay.

4 Do you think it would be better to have the daytime
5 session in the morning or the afternoon, or to have it in the
6 morning and go as long as it's needed? Any thoughts on that?

7 Mr. ---

8 MR. NYPAVER: I think most --- most of us probably work
9 during the day.

10 JUDGE NENE: Okay.

11 MR. NYPAVER: Other than different --- my neighbor here
12 (indicating).

13 JUDGE NENE: Yes. Well, maybe --- generally, what we do
14 in public input hearings is, we have a session at 2:00 in the
15 afternoon, that goes to suppertime, and then, we'll have a
16 7:00 session, that goes till whenever.

17 Yes, sir?

18 MR. KRIST: Bruce Krist.

19 I would say, I don't think we can avoid the afternoon and
20 evening, but I think we will have a lot or people, you know,
21 people coming to speak and to participate, not only at that
22 hearing. I'm assuming that, we don't have to be as
23 structured, with one person representing the group, it's ---
24 as people ---

25 JUDGE NENE: That's a good point, yes. No, I'm talking

1 more or less in terms of the evidentiary hearings, for one
2 person speaking and cross-examining, yes. But at the public
3 input hearings, anybody can speak. I would probably ask, if
4 it gets so crowded that, I would ask people to maybe state
5 that they agree with the prior speaker, or to somehow avoid
6 consistent duplication.

7 It's not going to be the number of people that the
8 Commission bases its Decision on, it's going to be the ---
9 well, the numbers are important, but, it's going to be on the
10 legitimacy of their protests, and the Application, I mean, how
11 it does apply to the situation.

12 MR. KRIST: I guess, as I would say that, the thing I
13 would do is try to limit the day ones, even though your
14 availability is better, and everybody who's working, would be
15 limited on our availability. So, we'll be more apt to go to
16 the night ones, and maybe one of the day ones, but not both of
17 them.

18 JUDGE NENE: Right. You're not going to be prejudiced by
19 not being there.

20 MR. KRIST: So, I would think, the more time in the
21 evening ones, the greater participation would be.

22 JUDGE NENE: Well, we can't --- we can't really start
23 much earlier than 7, I don't think, do you?

24 MR. KRIST: I don't think so.

25 JUDGE NENE: I mean, supertime, and, we can go to a

1 reasonable hour. I don't know what that would be, but 11:00
2 or so. But if we set enough days aside, and we urge people to
3 come to the first one, then --- then, maybe we can have an
4 idea for the second one, which will be scheduled, how long it
5 will --- it will be needed. I don't know. Maybe three days.

6 MR. KRIST: I wouldn't think two in the day would be very
7 productive. If you would be more apt to give people three
8 evening, and one in the day, than you would two in the day,
9 and two in the evening.

10 JUDGE NENE: Yes.

11 MR. KRIST: That's my suggestion.

12 JUDGE NENE: Alright. So, you say, just maybe three
13 evening sessions?

14 MR. KRIST: I would suggest three in the evening, and
15 possibly one in the day. That's just my opinion.

16 JUDGE NENE: Anybody object to that?

17 MR. LAPETS: We can start the evening sessions, say, at
18 5. One. Say, one session at 4 and 3, and two hours later.
19 So that, if it starts at 5, we could go longer. And then, a
20 couple of more sessions, and another session we could start at
21 7. But splitting, making one in the morning, and the other in
22 the evening, it's just ---

23 JUDGE NENE: Either way, it's going to be difficult for
24 the witnesses, the court reporter and myself to get some
25 supper. I mean, we really have to --- I think we have to

1 break for --- just for humanitarian purposes, to have the
2 supper hour and the dinner hour, really.

3 Yes, Mrs?

4 MRS. NYPAVER: Mrs. Nypaver.

5 JUDGE NENE: Nypaver.

6 MRS. NYPAVER: Are you thinking that people would come to
7 one of the sessions, or that they would come to all of them?

8 JUDGE NENE: Oh, no. I don't think you have to repeat.
9 I mean, the purpose is to just let everybody voice. And ---

10 MRS. NYPAVER: And we did have one informational session
11 in McCandless, over the summer. And, there were probably, 30
12 or 35 people there. And we went from --- it was --- it was 3
13 1/2 hours. And it was non-stop questions and answers. And,
14 it was everybody coming up to the microphone and saying
15 something.

16 JUDGE NENE: Okay. Well, that's helpful.

17 MRS. NYPAVER: It was pretty much all different points.

18 JUDGE NENE: That's helpful, just as how much time was
19 involved in that. Where was the informational hearing?

20 MRS. NYPAVER: It was at McCandless Town Hall, I believe.
21 And it was an invitation by the McCandless Manager and the
22 Council.

23 MS. SESTAK: And if I could clarify, two sessions similar
24 to that were held both in McCandless and in Hampton, but they
25 were different from the public input hearings, because, at

1 both of those sessions, Duquesne Light Company initially
2 presented the purpose of the line, and the proposed route, and
3 the proposed alternatives, and then, questions, answers and
4 comments were taken, and Duquesne Light continued to interact
5 and provide feedback.

6 At the public input hearing, I anticipate that, Duquesne
7 Light will be represented, but not actively participating. In
8 other words, rather than people coming to the microphone and
9 asking a question about a specific aspect of the line, and
10 Duquesne Light having an engineer answer that questions, it
11 would simply be people presenting their concerns and bases for
12 their concerns. It would then become a matter of the record.

13 JUDGE NENE: Right. Well, that's the way the public
14 input hearings go. It's for the Commission to accept the
15 testimony of the affected parties. And it's really not the
16 time for the --- for cross-examining the witnesses of
17 Duquesne. That would be reserved then, for the technical
18 evidentiary hearings.

19 It's generally that, such as the Applicant would have
20 somebody there, if a question comes up that needs addressed,
21 to explain where this line's going or something, if a party
22 wonders, "Is it going over my street?" That can be addressed
23 then, but, right.

24 So, that's a good point, Mrs. Nypaver. Say it again, I'm
25 sorry?

1 MR. NYPAVER: Nypaver.

2 JUDGE NENE: Nypaver.

3 MRS. NYPAVER: Nypaver.

4 JUDGE NENE: You needed about three hours there, so
5 probably, go till 11:00 at least.

6 Yes, sir?

7 MR. GAZDIK: Judge, Art Gazdik.

8 Am I to understand then, that, the public participation
9 hearing then, won't be a presentation as to the details that
10 involve construction before the hearing, that would give us
11 some understanding and background in this?

12 MR. NENE: No.

13 MR. GAZDIK: There'll be a lot of new people that may be
14 brought in, as possible.

15 JUDGE NENE: The new people have been served, have they
16 now, with the Application; copies of the Application?

17 MS. SESTAK: Well, Your Honor, everyone who fits under
18 the definition of "affected parties," within the Commission
19 Regulations, have been served with a Notice. In addition,
20 copies of the full Application and Amended Application are on
21 reserve at two libraries in the area. So, anyone who wants to
22 review the entire Application has the opportunity.

23 In addition, Duquesne Light Company has set up a website,
24 on which virtually the entire Application and Amended
25 Application are available. I believe there's one, large map

1 that we could not put up on the website, because of the
2 complexity of the map, itself, and the length of time it would
3 take someone to download.

4 MR. KRIST: Is that --- how would we find that?

5 MS. SESTAK: Well, it's listed in the Notices that were
6 sent to everyone who received notice, but it's
7 www.duquesnelightwildwood.info, all small letters, all run
8 together.

9 JUDGE NENE: Would you say that again for me?

10 MS. SESTAK: Yes, www.duquesnelightwildwood.info, i-n-f-
11 o.

12 JUDGE NENE: All one word?

13 MS. SESTAK: All --- yes. And duquesnelightwildwood is
14 all one word, all small letters.

15 JUDGE NENE: Wildwood.info?

16 MS. SESTAK: It's wildwood.info. Instead of .com, it's
17 .info.

18 JUDGE NENE: And where --- what are the two locations
19 where the Applications are physically located for inspection?

20 MS. SESTAK: I was afraid you were going to ask that.

21 MR. KRIST: Bruce Krist.

22 It's Northland Public Library.

23 JUDGE NENE: Northland?

24 MR. KRIST: Yeah, Northland Public Library, and Hampton
25 Library.

1 JUDGE NENE: Thank you, Mr. Krist.

2 MS. SESTAK: Thank you.

3 JUDGE NENE: I'll include that in --- in the Pre-Hearing
4 Order. I intend to issue a Pre-Hearing Order to all the
5 parties affected. And that will be following this discussion.
6 And, I'm going to wait until we get an actual location and
7 time, because that's still going to give you at least 45 days
8 notice. And, I will send out the Pre-Hearing Order to all the
9 affected parties, including this information and time and
10 place of the scheduled public input hearings, and the
11 evidentiary hearings.

12 I --- we just can't accommodate everybody here. This is
13 --- this is all we have for taking evidentiary hearing
14 testimony. So, the Order won't go out until --- until we've
15 made certain when and where the hearings will be held.

16 So, we think maybe, I'm not sure yet, three days or two
17 days, but --- and maybe we don't need two days of daytime
18 testimony, maybe we just put more emphasis on the evening
19 hours.

20 You had 35 --- or, 3 1/2 hours you had. And that was ---

21 MR. NYPAVER: One Township.

22 JUDGE NENE: One Township.

23 Yes, sir?

24 MR. MILKEY: Your Honor, hi, Dave Milkey speaking.

25 Is there a contact from Duquesne Light, if we needed

1 additional maps of the area, such as like, total system maps
2 of the affected area, that we could contact and get those maps
3 from Duquesne Light?

4 JUDGE NENE: Can the maps be downloaded, or --- that you
5 have put on your website? Are there any?

6 MS. SESTAK: We have some things available. I'm just
7 looking at --- some of the things are large and cumbersome,
8 and difficult to reproduce. And, without knowing how many
9 people are going to request it, it's difficult to say what we
10 can come up with. If anybody wants to give me a call, I'd be
11 happy to try to come up whatever they need.

12 MR. SCHMITT: Are you speaking for yourself, or a number
13 of people?

14 MR. MILKEY: No, I'm speaking for myself.

15 JUDGE NENE: What about the --- if the public wanted to
16 go to the library, could they make a xerox of the maps that
17 are there, of their particular area that might affect them?

18 MS. SESTAK: They could make copies of some of the
19 things. And, in fact, there is a map showing the route of the
20 line, attached to the Notice that went out to all affected
21 parties.

22 Some of the maps that are appended to the Application,
23 and, in particular I'm thinking of the maps in the
24 Environmental Impact Study ---

25 JUDGE NENE: Yes.

1 MS. SESTAK: --- (Continuing) --- are approximately the
2 size of this table (indicating), and would be very difficult
3 to photocopy in a library.

4 JUDGE NENE: Yes, I noticed that. But you might want to
5 --- they might be interested in photocopying only that part
6 that might affect them. I mean, that could be on a --- put on
7 a copy machine and ---

8 MS. SESTAK: That's, I think, a valid suggestion.

9 MR. MILKEY: Okay.

10 MR. SCHMITT: We did include *small maps* in the
11 Application.

12 MS. SESTAK: There are several small maps attached to the
13 ---

14 MR. SCHMITT: Bigger maps. I mean, there are smaller
15 maps for the area.

16 JUDGE NENE: So, you'll try to provide Mr. ---

17 MR. MILKEY: Mr. Milkey.

18 JUDGE NENE: Yes, Mr. ---

19 MR. MILKEY: Yes. What we're basically looking for is a
20 system map or every pole you have located in the area, and the
21 routing of each line.

22 MR. SCHMITT: No, it doesn't show every pole. It shows
23 all the lines.

24 MR. MILKEY: Oh, you don't have any maps down in your
25 office that have all the poles in the particular areas?

1 MR. SCHMITT: No.

2 MR. MILKEY: None, whatsoever?

3 MR. SCHMITT: Oh, pole map of the area?

4 MR. MILKEY: Yes.

5 MR. SCHMITT: There'd be like, maybe three to four pole
6 maps, yeah.

7 MR. MILKEY: Yeah, I'd like to take a look at those and
8 see the routing of the lines in the affected areas.

9 MR. SCHMITT: Yes, we can get pole maps.

10 MS. SESTAK: I think ---

11 MR. MILKEY: Contact Ms. Sestak on that?

12 MS. SESTAK: Actually, yes. But, perhaps it would be
13 better --- would it be alright if he contacted you directly?

14 MR. SCHMITT: Sure.

15 MR. MILKEY: Okay.

16 MS. SESTAK: This is ---

17 MR. SCHMITT: If you have no problem with it.

18 MS. SESTAK: I have none. This is ---

19 MR. SCHMITT: Yeah. That way, he can explain more
20 exactly what he's trying to find.

21 MS. SESTAK: Thomas Schmitt is the Systems --- or the
22 Project Engineer. He's on the project, so, he does have
23 access to the technical information. It's just that ---

24 MR. SCHMITT: What's your name?

25 MR. MILKEY: Dave Milkey.

1 MS. SESTAK: --- (Continuing) --- we don't want to get
2 into a situation where, huge amounts of information are being
3 provided through Duquesne Light employees, who have other
4 duties to perform. And, other than this request that's being
5 made here, I prefer that all requests come through me as
6 counsel, as formal discovery, which, is the process through
7 which, in any type of a court proceeding, people provide
8 information to each other, from one side of the case to
9 another.

10 JUDGE NENE: I'm going to schedule three evening
11 sessions, and can we risk one day session? Okay.

12 MS. SESTAK: Your Honor, I anticipate that, some of the
13 Municipal officials might prefer day sessions, or at least
14 participate in the one day session. Not to usurp these
15 gentlemen's positions, but, would that be your feeling, as
16 well?

17 MR. GAZDIK: We have other meetings in the evening hours,
18 too.

19 JUDGE NENE: But there are --- there have been some
20 inquiries from political bodies, and they might want to
21 testify during the day. Maybe I should have two daytime;
22 three nighttime?

23 MS. SESTAK: That might be safest.

24 MR. GAZDIK: Two is maybe better, because you may have a
25 business scheduling conflict there to work around.

1 JUDGE NENE: I am going to include in there, though, that
2 I'd like the people to come, say, for the three evening ones.
3 But if it turns out that a third --- the third one is not
4 necessary, I'd like to do it that way, and say that, "You
5 might have to come back. Because of the crowd, you might have
6 to come back the second day, the second evening and testify."
7 But, if --- if we finish everybody there the second evening,
8 then, we won't hold the third evening, because, you know, just
9 because it's a waste of time.

10 Okay. So, that's --- is that --- I'll phrase that in the
11 Pre-Hearing Order, that, that will be the way we'll conduct
12 it. But, we will reserve three evenings and schedule two
13 daytime.

14 Yes, sir?

15 MR. GAZDIK: Art Gazdik.

16 Is it possible, perhaps, the Application materials --- I
17 know they've been supplied to the library, can be supplied to
18 the Municipalities affected?

19 MS. SESTAK: The full Applications have been served on
20 the Municipalities affected.

21 MR. GAZDIK: So, the Managers have those?

22 MS. SESTAK: They should. They received them.

23 MR. GAZDIK: Okay.

24 MS. SESTAK: Or, they --- we've received green cards,
25 indicating that, the certified mail of them was received.

1 MR. GAZDIK: Alright. So, all the maps, et cetera?

2 MS. SESTAK: Yes.

3 JUDGE NENE: I think the poles are on some of those maps,
4 are they not?

5 MS. SESTAK: I believe there are some poles, but, not
6 every pole in Duquesne Light's system is shown on those maps.
7 I --- I had the impression that, what Mr. Milkey was talking
8 about was more of a pole map that shows the location of every
9 single pole.

10 MR. SCHMITT: I don't believe there's any poles on ---

11 JUDGE NENE: No, these --- what are the dots here
12 (indicating), houses?

13 MR. SCHMITT: Oh, yes, those are all homes.

14 JUDGE NENE: Do the affected property owners know where -
15 -- what --- you're not replacing poles, are you? I mean, if
16 you have a property with a pole on it, you pretty much know
17 where it's going to be?

18 MS. SESTAK: That's correct. We are replacing the poles
19 with taller, wooden poles. By and large, it would be a wood -
20 -- a regular size, wooden pole, being replaced by a taller,
21 wooden pole.

22 JUDGE NENE: But not relocated?

23 MS. SESTAK: Not relocated.

24 MR. SCHMITT: Generally, no.

25 MS. SESTAK: No.

1 JUDGE NENE: Generally, no?

2 MR. SCHMITT: Well, when you replace a pole, you don't
3 put it in the same place. You have to put it a couple feet
4 away.

5 JUDGE NENE: Because you put it next to the one --- the
6 existing one?

7 MR. SCHMITT: Yes. You don't take it down first.

8 JUDGE NENE: Well, that's general enough. I mean, I
9 think that, people could --- even a particular homeowner might
10 want it on the right-hand side of where the existing pole is,
11 as opposed to the left-hand side. Do they have any input in
12 that?

13 MR. SCHMITT: Well, when would they --- how could they
14 input that, though? When we design, it's not designed yet. I
15 mean, they could --- yeah, they --- I guess they realize where
16 the pole is now, if they wanted to, you know, call us and let
17 us know, "Can we move that pole a little bit?", you know.

18 JUDGE NENE: This is a complicated matter, isn't it?

19 MR. SCHMITT: We could do something like that, yeah.

20 MR. BETTY: Your Honor, regarding the poles, there was a
21 --- a meeting held at Shady Oak Circle for relocating. I
22 believe there are two poles there, which would relocate the
23 whole line. And I'm not sure what the outcome of that meeting
24 was, but ---

25 MS. SESTAK: At this stage, the Application as filed, and

1 the Amended Application, follows the existing 23 kilovolt line
2 behind the homes on Shady Oak Circle. Some of the residents
3 have expressed concerns to Duquesne Light Company about the
4 proximity of the poles to their homes, and asked if the poles
5 could be moved. Duquesne Light Company has gone out, met with
6 some of the residents, looked at options, and, it appears to
7 be feasible to move those poles to the back of these people's
8 properties. However, that would require obtaining the rights-
9 of-way to do that, and the agreement of the individuals
10 affected on Shady Oak.

11 At this stage, we have not entered into right-of-way
12 negotiations with anyone. I had anticipated that, if
13 agreement is reached with everyone on Shady Oak, that, that
14 could be done as a partial settlement of this Application ---
15 Protest to this Application. Or, in the alternative, if the
16 Commission grants Duquesne Light Company the right to locate
17 the line, the grant of the location right give --- allows
18 relocation up to 500 feet of the proposed location. I believe
19 that's 57.76 or 77, that allows that. So, we would still be
20 able to make that agreement with the Shady Oak residents, if
21 they all agree.

22 What we don't want to do, is move a few poles back, and
23 leave a few poles up, and have a zig-zag line going up, with
24 multiple guy poles holding the poles in place.

25 JUDGE NENE: So, you're still working on that?

1 MS. SESTAK: Right. And, there's no reason that this
2 matter cannot proceed as requested, at this point, but that is
3 something that we are considering. And, in fact, we've had
4 our survey crew go out and stake the area for where it may be
5 feasible to move that line to.

6 JUDGE NENE: Then, you'll have to have then, private
7 negotiations with those particular homeowners?

8 MS. SESTAK: Yes. Before we can negotiate a final
9 acquisition of right-of-way, as you know, the Commission
10 requires that, everyone receive a Notice 15 days ahead of
11 time, setting forth their rights under the Public Utility
12 Code. We've not yet reached the point of wanting to discuss
13 specifics of the right-of-way with the Shady Oak residents.

14 JUDGE NENE: Yes, sir?

15 MR. MILKEY: Dave Milkey.

16 I'm a little confused, because of the Amended
17 Application, how do you handle your very first Application, if
18 you do intend to move the lines and that might adversely
19 affect the environment? How --- I'm a little bit confused on
20 that aspect.

21 MS. SESTAK: Well, we're not really here for an
22 evidentiary hearing at this time. What I'm relying on is the
23 Commission Regulation.

24 And, by the way, if anyone wants to look at the
25 Commission Regulations on this matter, they are in Title 52 of

1 the Pennsylvania Code, Section 57.71, through 57.77. And,
2 what the Commission Regulation provides at 57.76, sub b, is,
3 "The Commission Order granting a Citing Application, will be
4 deemed to include a grant of authority, subject to the
5 provisions of law, to locate and construct the proposed high
6 voltage transmission line, within a corridor consisting of an
7 area of 500 feet on each side of the center line of the
8 proposed high voltage transmission line." So, that is what
9 I'm relying on in negotiations with the Shady Oak residents.

10 JUDGE NENE: Yes, sir?

11 MR. HIGGINS: Gordon Higgins, Shady Oak resident.

12 When do you anticipate approaching the residents on Shady
13 Oak?

14 MS. SESTAK: Well, we're going to have to serve the
15 Commission's Notice on --- that 15-day ahead of time Notice on
16 all residents, and then, wait 15 days. And, we really would
17 need everyone's agreement to move the right-of-way. So ---

18 MR. HIGGINS: Will this happen before the public
19 hearings?

20 MS. SESTAK: Probably.

21 MR. HIGGINS: 'Cause that definitely affects ---

22 MS. SESTAK: Yes.

23 MR. HIGGINS: --- (Continuing) --- my concern.

24 JUDGE NENE: Yes, you would be --- it would be very
25 important ---

1 MS. SESTAK: Yes.

2 JUDGE NENE: --- (Continuing) --- that, that be
3 expedited, because, there's no sense taking testimony on a
4 line that's not going to be built in a certain area. And ---

5 MS. SESTAK: Well, it would --- it would be in the same
6 area.

7 JUDGE NENE: Yes, I know, but it's going to affect people

8 ---

9 MR. HIGGINS: It's a big difference.

10 JUDGE NENE: Yes, it's a big difference, concern.

11 Before we get to you ---

12 MR. KRIST: Bruce Krist.

13 JUDGE NENE: Yes.

14 MR. KRIST: I ask that you don't allow that to happen,
15 because, to me, I think you have to either have that process
16 completed before you start this whole process, or you do it
17 after the process is completed.

18 JUDGE NENE: Yes, it's just ---

19 MR. KRIST: I think that, that impacts everything that
20 goes on with these meetings, and, I don't think you can do
21 that. You can schedule --- start these hearings, until you
22 resolve that, and this should be delayed until afterwards.

23 JUDGE NENE: I --- I --- it's a good point. I mean,
24 there's no sense in having a hearing --- you know, your
25 original Application went one way, and you changed it, and you

1 amended the Application, and that's the one we're considering
2 now.

3 MS. SESTAK: Right.

4 JUDGE NENE: And --- and ---

5 MS. SESTAK: And if there's a change on Shady Oak, it
6 will be within the 500-foot corridor.

7 JUDGE NENE: Yes, I know, but that --- I think the
8 Protestants have a valid point there, that really, let's get
9 it squared down to where it's going to go.

10 If --- if you have your negotiations, and they fail to
11 change the proposed route, then, we'll just go ahead with what
12 you've applied for.

13 MS. SESTAK: Your Honor, we would not want to delay this
14 matter further, though, while negotiations are underway with
15 Shady Oak.

16 MRS. NYPAVER: I'm confused. I don't --- Dolores
17 Nypaver.

18 I'm --- I'm not sure what we're going to have a hearing
19 on, whether it's the original Application, or whether it's
20 Amended Application. And if the one in the library is the
21 original Application, and it doesn't include any of the
22 discussion we had about this, if you move something 500 feet,
23 it could be over your house, or at the end of your yard. And
24 that makes a very big difference in your --- in how you feel
25 about it, whether you want to move. It makes a very big

1 difference in your testimony.

2 JUDGE NENE: Absolutely. I agree. Now, let --- let's --

3 -

4 MRS. NYPAVER: I really don't know --- I'm sorry. I
5 really don't know at this point, if we come to hearing, what
6 points we're going to prepare for that.

7 JUDGE NENE: Correct. Now --- yes?

8 MS. SESTAK: I'm sorry. I don't mean to interrupt, Your
9 Honor.

10 JUDGE NENE: Okay, go ahead.

11 MS. SESTAK: When we filed the Amended Application, we
12 intended to construct the line following the route of the 23
13 kv.

14 JUDGE NENE: Which route is that? Is that E? Is that
15 designated as E?

16 MS. SESTAK: That's E. The original Application was E-1;
17 the Amended Application is route E. Both are on file with the
18 libraries. We provided both to the libraries.

19 MRS. NYPAVER: Okay.

20 MS. SESTAK: And so, anybody who wishes to review them,
21 can go to the resource sections of the library and review
22 them.

23 JUDGE NENE: E, not E-1?

24 MS. SESTAK: E, not E-1.

25 The reason both were allowed to remain with the

1 libraries, is because, the Amended Application changes only a
2 small portion of the full route. And so, a lot of the
3 portions of the original Application and its exhibits, were
4 incorporated into the Amended Application by reference.
5 They're not repeated in full. So, you may have to look back
6 at the original Application, for example, to see the
7 Environmental Impact Study, which was an exhibit to the
8 original Application.

9 MRS. NYPAVER: So, the Amendment E would be the --- the
10 updated portion, involving Shady Oak Circle?

11 MS. SESTAK: No. No. It's at the other end of the line,
12 really. It's just route E from the Environmental Impact
13 Study, is the route to be followed in the Amended Application.

14 Shady Oak Circle, we had not have amended the
15 Application, because, as the line engineering goes along, it's
16 likely that, small changes will be made along the way. We
17 can't file an Amended Application and start over from square
18 one every time there's a minor change.

19 JUDGE NENE: And the law doesn't require you to.

20 MS. SESTAK: That's correct. That's exactly the reason
21 that the Regulation allows a 500-foot corridor. And for that
22 reason, while we're willing to talk to people on Shady Oak, to
23 determine if the line can be moved to meet their concerns,
24 Duquesne Light Company, as of now, is committed to following
25 route E.

1 Now, there may be minor changes along the way, like we're
2 discussing with Shady Oak residents, to accommodate various
3 concerns that customers have, but for the purposes of the ---
4 meeting the Commission's Regulations for the citing of this
5 line, Duquesne Light Company has requested permission to site
6 it along route E, as shown in the Environmental Impact Study.

7 JUDGE NENE: How many potential property owners on Shady
8 Oak are affected by your consideration?

9 MR. HIGGINS: Ten, 12, I guess. There are about 12 of
10 you, I would think?

11 MS. SESTAK: It's a small number, compared to the entire
12 ---

13 JUDGE NENE: Yes.

14 MR. BETTY: If I may complicate that matter a little
15 more, two issues with Shady Oak Circle. I don't know that
16 everybody on Shady Oak Circle's in agreement with moving the
17 line. Although, the reason it was suggested that the line be
18 moved, the line goes over one house, and very close to another
19 house. So, that's why we talked about moving it.

20 An issue with moving it away from the houses, is there is
21 a townhouse development at a base of a steep slope. We've
22 done a lot of work down there, worked with the residents, and
23 the town has done a lot of work, also, to stabilize the slopes
24 to a degree, emphasize the words "to a degree," and, control
25 the water runoff, which is coming from the Shady Oak Circle

1 area. And, any future disturbance of that area may have an
2 impact on that.

3 And, when we first talked about moving that, we were ---
4 we had asked that, Duquesne Light, if they are successful in
5 their negotings --- negotiations with Shady Oak Circle, that,
6 they also talk to the Town Square North people.

7 Another part is --- of that is, the need to remove a lot
8 of vegetation, particularly the trees which are stabilizing
9 the slope. There are a couple issues there. I'm not --- I'm
10 not sure technically how that would work out.

11 MR. SCHMITT: I'll just answer that part about the
12 condominiums. We would be talking to them, because, part of
13 that right-of-way that we would relocate there would --- would
14 be on their property, a small portion. So, we would be
15 talking --- they'd be aware of the line.

16 JUDGE NENE: 4.9 miles.

17 But, we're going to have to schedule the hearings, and
18 we're going to have to proceed with your Application. But,
19 please, use dispatch in trying to say whether or not you ---
20 you're going to make these subtle changes, and that might
21 reduce the opposition to the line, and, it might add more to
22 it. I don't know. But we have to know where we're going, by
23 the time we get to the public input hearing.

24 MS. SESTAK: Okay.

25 JUDGE NENE: I take it then, Mr. Lapets, you're affected

1 by this?

2 MR. LAPETS: Yes.

3 JUDGE NENE: Yes.

4 MR. LAPETS: In my case, it comes very close to my house.

5 JUDGE NENE: You attached the photographs to your

6 Complaint. Is that ---

7 MR. LAPETS: Right.

8 JUDGE NENE: Okay. Yes.

9 MR. LAPETS: Yes, I attached the photographs.

10 JUDGE NENE: The evidentiary hearings, Ms. Sestak, how --

11 - how long do you think it would take you to present your

12 testimony, and, is it pre-filed testimony in here

13 (indicating)?

14 MS. SESTAK: There is no pre-filed testimony in the
15 Environmental Impact Statement. But we anticipate, if you
16 prefer, that we will pre-file testimony. At present, I have
17 eight witnesses identified. I anticipate that there may be an
18 additional two witnesses.

19 In terms of simply presenting their pre-filed testimony,
20 it could easily be done within a day. However, I'm not
21 certain how long the Protestants' ---

22 JUDGE NENE: Cross-exam?

23 MS. SESTAK: Yes.

24 JUDGE NENE: Are you going to --- I think pre-filed
25 testimony would be --- would make things run smoother, if you

1 will pre --- serve a copy of the pre-filed testimony on each
2 of the named Protestants?

3 MS. SESTAK: Okay.

4 JUDGE NENE: And then, they would be able to be prepared
5 to cross-examine.

6 Do you understand what I'm saying? In other words,
7 instead of having the witness come in here and testify to ---
8 to all the technical details, he'll present his testimony in
9 writing, a copy of which will be provided to each of the named
10 Protestants. You read that before you come in here to the
11 evidentiary hearings. The witness will take the stand and say
12 --- be asked, "Is this your testimony? If you were to give it
13 today, is this the way you would say it? Do you have any
14 corrections? Okay, we'll move it into record."

15 At that point, you all have the opportunity to say,
16 "Well, what about this?" You can cross-examine him on --- on
17 what he's written, and what he's entering into the record.
18 And that would make the evidentiary hearings move smoother.

19 You have eight witnesses?

20 MS. SESTAK: Possibly 10, yes.

21 JUDGE NENE: Okay.

22 MS. SESTAK: And, to be safe, I suppose it would be
23 wisest to allow at least two days for their testimony, plus,
24 whatever direct testimony the Protestants may choose to
25 present.

1 JUDGE NENE: So, maybe we reserve three days for
2 evidentiary hearings.

3 And do you need --- you'll pre-file --- you'll serve the
4 pre-filed testimony in at least 20 days prior to the date of
5 the evidentiary hearings?

6 MS. SESTAK: Okay.

7 JUDGE NENE: I don't mean pre-filed, I mean, pre-served,
8 because, you won't file them, you'll enter them into the
9 record here.

10 MS. SESTAK: Right. It's probably safer to call it
11 "written testimony."

12 JUDGE NENE: Okay.

13 MR. BETTY: May I ask if the Municipalities receive a
14 copy of that, also, even though we're not Protestants?

15 JUDGE NENE: You're interested --- very interested
16 parties. And I think that's appropriate.

17 You'll serve the three Municipalities?

18 MS. SESTAK: Okay.

19 JUDGE NENE: Not necessarily the County. The County's
20 not here. So, you'll serve the named Protestants, the
21 Complainant, and the three Municipal bodies.

22 MS. SESTAK: Okay.

23 JUDGE NENE: That will expedite the proceedings, and ---

24 MS. SESTAK: Of course, it's possible that, the
25 Protestants will take that 20 days to pick out everything they

1 can from the proposed testimony, and come up with a lot of
2 cross-examination, and it's certainly their right.

3 JUDGE NENE: It certainly is.

4 So, that's the hearings. And like I say, we'll get the
5 dates, and they'll be a part of the Pre-Hearing Order. And
6 you won't be getting the Pre-Hearing Order until we have that.
7 But you know what we've done here, and you'll have plenty of
8 time, because of the requirement of the law that these Notice
9 --- these hearings be advertised, at least 45 days prior to
10 the --- conducting them.

11 MR. NYPAVER: What is the time between public hearings
12 and evidentiary?

13 JUDGE NENE: I --- I don't --- I would like --- once we
14 start having hearings, I'd like to do it in near proximity.
15 I'd like to have the public hearing --- the public input
16 hearings, and while that's all still fresh, and the
17 transcript's being prepared, we'll start to take the testimony
18 on the --- on the technical issues.

19 MS. SESTAK: Your Honor, may I ask that, if any of the
20 Protestants intend to present testimony, or, in particular,
21 expert testimony, that they also file written testimony and
22 serve it on Duquesne light ahead of time?

23 JUDGE NENE: At --- you're absolutely entitled to a grant
24 of that, too.

25 So, if you --- if any of the Protestants or any of the

1 Municipalities intend to present a witness or an expert
2 witness on an issue, I think it's not unreasonable that they
3 have a prepared statement for the Applicant to consider, also.
4 So, if you're going to have an expert witness prepare
5 testimony, do it in --- do it in writing. And again, that
6 will be served 20 days prior to the taking of that testimony.
7 Goose and the gander. Fairness.

8 MS. SESTAK: Your Honor, may Mr. Schmitt be excused? He
9 has a previous engagement.

10 JUDGE NENE: Mr. Schmitt, you may leave. Thank you.

11 MR. SCHMITT: Thank you, Judge.

12 JUDGE NENE: We'll see you sometime down the road.

13 MR. SCHMITT: It'll be a pleasure.

14 (Whereupon, Mr. Schmitt leaves the proceedings.)

15 JUDGE NENE: Anything else? Yes, Mr. Krist?

16 MR. JANOSKO: Mr. Janosko.

17 JUDGE NENE: Janosko.

18 MR. JANOSKO: Your Honor, I have a request of Ms. Sestak
19 and Duquesne Light, if they would be kind enough to put any
20 information regarding the upcoming hearings on the
21 duquesnelightwildwood.info website, if that's at all possible?

22 JUDGE NENE: Once the Order's issued, I think that, if
23 you were to put that on your website, that would be helpful,
24 too.

25 MS. SESTAK: Okay, that's a good idea. We'll ---

1 JUDGE NENE: That's a good idea.

2 MS. SESTAK: We'll put the Pre-Hearing Order on the
3 website.

4 MR. JANOSKO: Thank you. I appreciate that.

5 JUDGE NENE: Yes?

6 MR. NYPAVER: Terry Nypaver.

7 When you --- they announce it in the paper, do they ---
8 don't read the paper that much, and so, I don't know which
9 paper it's going to be in, which section. Is it one
10 particular day?

11 JUDGE NENE: You're --- you're going to --- somebody's
12 going to be calling you real quick, I'm sure, saying, "What's
13 this all about?" And, let me see what the paper --- what the
14 law says, that, upon the filing --- "The Commission will set a
15 time and a place for hearing or hearings of the Application,
16 and will thereupon require the Applicant to cause the weekly
17 publication, for two consecutive weeks, of a Notice of Hearing
18 in a newspaper of general circulation in each Municipality in
19 which the high voltage line is proposed to be located."

20 North Hills News Record comes to mind, and Post
21 Gazette, Trib.

22 MRS. NYPAVER: It's the Tribune Review.

23 JUDGE NENE: "Two consecutive weeks, in a newspaper of
24 general circulation." It's only one newspaper. Where do you
25 want to put it? Where do you think's the most generally

1 circulated?

2 (No response.)

3 JUDGE NENE: Now, all the parties are going to be getting
4 a copy of the Pre-Hearing Order. All the copies will know ---
5 I mean, all the property owners will receive a notice from the
6 Commission, in addition to your publication.

7 MR. HIGGINS: We get that on the website.

8 JUDGE NENE: Yes, and it'll be on the website. I don't
9 know how generally your website is advertised or known to the
10 community. I --- I don't --- I didn't know ---

11 MS. SESTAK: Well ---

12 JUDGE NENE: Maybe it would be not fair for me to look at
13 that website. I mean, it's probably phrased in your --- in
14 your interest.

15 MS. SESTAK: It's absolutely objective. But, I think
16 most people are aware of the website because, the one-page
17 Notices that went to all affected property owners, to which
18 was attached our map showing the location of the line,
19 explains where the line's to be located and gives the website
20 address as a place to obtain further information.

21 JUDGE NENE: Yes. Okay. Well, that's important. I
22 think as much --- it's certainly better than it would have
23 been a number of years ago, where that was unavailable. The
24 information highway is good.

25 Yes, Ms. ---

1 MRS. NYPAVER: Mrs. Nypaver.

2 JUDGE NENE: Mrs. Nypaver. I have trouble with that.

3 MRS. NYPAVER: That's alright.

4 When you asked us to prepare a statement, if we want the
5 Applicant to consider something and serve it to them, is that
6 our unique information, or is it the reaction to their
7 information, or the reaction to their Pre-trial ---

8 JUDGE NENE: No, I think --- I mean, this testimony will
9 be filed simultaneously, so ---

10 MRS. NYPAVER: Okay.

11 JUDGE NENE: --- (Continuing) --- it won't be --- you ---
12 you can address their testimony by cross-examination, and
13 vise-versa.

14 MRS. NYPAVER: Okay.

15 JUDGE NENE: But, I don't know that you need to file ---
16 do you want a written statement from every Protestant who
17 intends to testify, or just witness --- expert witnesses?

18 MS. SESTAK: Your Honor, I'm inclined to say, everybody,
19 but, only because it puts everyone on an even playing field,
20 that we know what is likely to be in the testimony, in case
21 somebody decides that they want to ---

22 JUDGE NENE: Add.

23 MS. SESTAK: --- (Continuing) --- add or cite to a lot of
24 studies that we have not had the opportunity to examine.

25 JUDGE NENE: Yes, I --- I think --- I think that's fair,

1 that, your testimony be put in a written statement. If you
2 have something, and we will say the same to the witnesses, you
3 can have redirect, and they would be allowed to add further
4 oral comments to their written testimony. And it would be the
5 same for --- for you. But, I think they're entitled to a
6 general understanding of where you're coming from, what your
7 testimony's going to address, so that, they can be prepared to
8 cross.

9 MS. SESTAK: Your Honor, am I to assume that, both sides
10 would also have the opportunity to present rebuttal testimony?

11 JUDGE NENE: Do you want four days? Yes. I mean, okay.
12 Sure. We're not going to abuse rebuttal testimony. But, we
13 will allow --- we want to get a record. I want to --- I want
14 to be able to tell the Commission what this Case is all about,
15 with all the information that we can get, and, what I would
16 recommend, based on the information that we have. That's ---
17 that's where we are.

18 Yes?

19 MR. KRIST: Bruce Krist.

20 Something that we, as a group, had talked about as part
21 of the residents, was the fact that, to my knowledge, none of
22 us had representation from any kind of lawyer. Is there a
23 method or a way that the Court provides any assistance in that
24 way, or is that up to us?

25 JUDGE NENE: A Public Defender?

1 MR. KRIST: I'm serious. We really don't have the
2 expertise for that. And we don't know the protocol, a lot of
3 times, nor have we participated in a Court, so.

4 JUDGE NENE: Right. You certainly have the right to
5 retain counsel to --- to represent you. As far as public
6 appointed counsel, I don't believe there is one.

7 Now, I would refer you to the Office of the Consumer
8 Advocate. If you --- I'll give you the number afterwards, and
9 you can call and tell them what you're interest is, and ask
10 them if they're interested in entering an appearance on your
11 behalf. Sometimes they do in rate cases. They always do in
12 rate cases. They --- they might. I don't know.

13 And I suspect they'd be reluctant to, because, the issues
14 here are such that, there is a large public interest in having
15 this line, and then, there is the local interest in --- in
16 wanting to put it somewhere else. So, they might not do it,
17 because it's a kind of a lose-lose situation. But I'll give
18 you the number of the Office of Consumer Advocate, which is
19 part of the Pennsylvania Department of Justice.

20 Ms. Sestak, did we cover everything that --- as far as
21 the company's concerned?

22 MS. SESTAK: Yes, Your Honor.

23 JUDGE NENE: Did anybody else have anything they want to
24 ---

25 MR. MILKEY: I --- quick question. He's brought up a

1 good point. You mentioned the difference between the people
2 that opposed this, and the residents that would have --- would
3 like this. I know we're --- we're a small group. There's 300
4 of us along this route, but, outside of the community where
5 this is affecting, is there going to be any commentary from
6 the people willing --- stating that they want this? Is there
7 any way we can do --- Duquesne Light can supply us with that
8 information?

9 JUDGE NENE: No, they're not --- they're not obliged to.
10 I mean, their burden of proof is set forth in the Statutes.

11 MR. MILKEY: Okay.

12 JUDGE NENE: And, it's just almost judicial --- you take
13 judicial knowledge of the fact that, people need electricity.

14 MR. MILKEY: Oh, that's understandable. But, it's
15 understandable, also, that ---

16 JUDGE NENE: Right. Well, they'll--- they'll address
17 that. That's one of the burdens that they have to address.

18 MR. MILKEY: Okay, thank you.

19 JUDGE NENE: Thank you all for being so accommodating
20 here, and I --- especially the Protestants who got short
21 notice on this. And we appreciate your --- your civility,
22 first of all, and --- yes, sir?

23 MR. HIGGINS: Is it too late for additional Protestants?
24 Gordon Higgins.

25 JUDGE NENE: Yes. Mr. Higgins, it's never too late. I

1 mean, this is a moving --- it is a moving target. I'm not
2 sure what the Statute says about Protestants, when they can
3 file. It might be too late. But there might be some in
4 Harrisburg right now that they're filing, I mean, that they're
5 docketing. It's --- it's very --- these are --- I didn't
6 sleep last night, thinking ---

7 MR. HIGGINS: Anybody can talk at the public hearing
8 part?

9 JUDGE NENE: Anybody can talk in the public hearing, yes.
10 And I don't think it's necessary for any more Protestants,
11 myself. I mean, the parties are going to be represented, the
12 Municipalities. You can take those Protests and direct them
13 to your Municipalities, who might want to present a witness on
14 behalf of their citizens. But ---

15 MR. HIGGINS: I'm not think ---

16 JUDGE NENE: --- (Continuing) --- we're trying to keep
17 this thing manageable.

18 MR. HIGGINS: Yeah, I'm not thinking of an individual,
19 but a public entity.

20 JUDGE NENE: Yes.

21 Are you on Shady Oak, sir?

22 MR. HIGGINS: Yes.

23 JUDGE NENE: Maybe --- maybe things would work out, and
24 we won't see any more of you, either. I don't know. I mean
25 it's --- pardon me?

1 MR. HIGGINS: I may move.

2 JUDGE NENE: Oh. Yes.

3 Well, you'll have the opportunity. I mean, you --- you
4 can testify ---

5 MR. HIGGINS: No, I'm not thinking of it for myself. I'm
6 thinking of other people.

7 JUDGE NENE: Other people.

8 MR. HIGGINS: Another group that I'm going to get
9 involved with this.

10 JUDGE NENE: Get counsel.

11 MR. HIGGINS: I'm a pensioner.

12 JUDGE NENE: Well, I mean, if you have a group.

13 MR. HIGGINS: I'm on Social Security.

14 JUDGE NENE: Get a group.

15 MR. HIGGINS: Huh?

16 JUDGE NENE: Get a group.

17 MR. HIGGINS: Have you ever tried to herd cats?

18 JUDGE NENE: That's somewhat --- I think that's what I
19 think this is going be, in a way. I'm not looking forward to
20 the public input hearings, believe me. But we have to allow -
21 -- we have to hear what everybody's concern is, and consider
22 it.

23 So, anyway, thanks for coming.

24 MS. SESTAK: Thank you, Your Honor.

25 PROTESTANTS: Thank you.

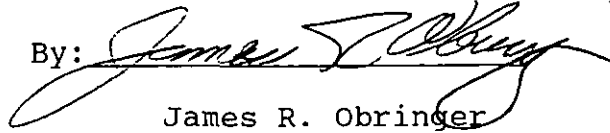
(Whereupon, at 11:01 a.m., the hearing was adjourned.)

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.

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