

COMMONWEALTH OF PENNSYLVANIA
BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

In the Matter of:)
VALE VISTA ASSOCIATES, L.P.,)
a Pennsylvania limited partnership, and)
DONALD J. IVILL and GLORIA IVILL,)
his wife, t/a **IVILL DEVELOPMENT,**)
and **GENERAL MECHANICAL**)
CONTRACTORS, INC., a Pennsylvania)
corporation, d/b/a **GENERAL**)
INDUSTRIES,)

Complainants,)

vs.)

WEST PENN POWER COMPANY,)
a Pennsylvania corporation, and)
FIRST ENERGY SERVICE)
COMPANY, an Ohio corporation,)

Respondents.)

Case No. C-2015-2517345

REPLY TO NEW MATTER

Filed on Behalf of Complainants:
Vale Vista Associates, L.P.,
Donald J. Ivill,
Gloria Ivill, and
General Mechanical Contractors, Inc.

Counsel For This Party:

Brenda B. Sebring, Esq.
Sebring & Associates
339 Haymaker Road
Suite 1101, Parkway Bldg.
Monroeville, PA 15146
PA I.D. #33379
bbs@sebringlaw.com

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AND NOW come Complainants, Vale Vista Associates, L.P., a Pennsylvania limited partnership, Donald J. Ivill and Gloria Ivill, his wife, t/a Ivill Development, and General Mechanical Contractors, Inc., a Pennsylvania corporation, d/b/a General Industries, by and through their attorneys, Brenda B. Sebring, Esquire and Sebring and Associates, and file the within Reply to New Matter, in support of which Complainants aver the following:

31. Paragraph 31 contains conclusions of law to which no response is required.
32. Paragraph 32 contains conclusions of law to which no response is required. By way of further response, as a matter of law, vegetation management “is squarely with the PUC’s regulatory jurisdiction.” PECO Energy Co. v. Twp. of Upper Dublin, 922 A.2d 996, 1009 (Pa.Cmwlth. 2007).

33. Paragraph 33 contains a conclusion of law to which no response is required.

34. Paragraph 34 contains conclusions of law to which no response is required.

35. Paragraph 35 contains a conclusion of law to which no response is required.

36. Paragraph 36 contains a conclusion of law to which no response is required.

37. Paragraph 37 contains a conclusion of law to which no response is required.

38. Paragraph 38 contains a conclusion of law to which no response is required. To the extent a response is necessary, Complainants deny that the PUC lacks jurisdiction to rule on the Complaint. By way of further response, Complainants have alleged that that the plain language of the ROWs does not permit West Penn to “remove” trees from Complainants’ property (Complaint at ¶¶ 18-23), and West Penn has admitted and acknowledged that “[t]he Complainants aver that West Penn’s work plan is not permitted based upon the plain language of the ROWs and easement” (Preliminary Objections at ¶ 7).

39. Paragraph 39 contains a conclusion of law to which no response is required. To the extent a response is necessary, Complainants deny that the PUC lacks jurisdiction to rule on the Complaint.

WHEREFORE, Complainants respectfully requests that the Public Utility Commission Order that Respondents are prohibited from removing trees from the Property and may only cut and trim as may be reasonable and necessary to keep the wires or said transmission line from interference and protect said transmission line from possible falling timber.

Respectfully submitted,
SEBRING & ASSOCIATES



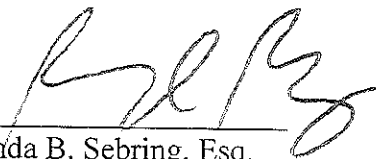
Brenda B. Sebring, Esquire
Counsel for Complainants

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served upon the following by mailing the same via UPS Next Day Mail (1Z 983 V0W 22 1000 558 8) and electronic mail, this 18th day of January, 2016:

Margaret A. Morris, Esq.
Reger Rizzo & Darnall LLP
Cira Centre, 13th Floor
2929 Arch Street
Philadelphia, PA 19104
mmorris@regerlaw.com

SEBRING & ASSOCIATES

By: 
Brenda B. Sebring, Esq.
Counsel for Complainants