



David J. Montgomery
Direct Dial 412 394 7763
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ORIGINAL

ATTORNEYS AT LAW SINCE 1885

VIA FEDERAL EXPRESS

April 10, 2006

Pennsylvania Public Utility Commission
Jamie Henry, Legal Assistant
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

RECEIVED

APR 10 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

C-20066233

Re: Ohioview Infrastructure, Inc. v. Duquesne Light Company
Groveton Housing Partnership, LP v. Duquesne Light Company

Dear Ms. Henry:

On behalf of the Complainants, I have enclosed the original and three copies of the following documents:

- Complaint of Ohioview Infrastructure, Inc. for Declaratory Relief Concerning the Application of Duquesne Light Company Tariff No. 13.2 and Refund Pursuant to 66 Pa. C.S.A. §1312; and
- Complaint of Groveton Housing Partnership, LP for Declaratory Relief Concerning the Application of Duquesne Light Company Tariff No. 13.2 and Refund Pursuant to 66 Pa. C.S.A. §1312

Because these Complaints involve the same defendant and related questions of law and fact, we respectfully request that they be consolidated.

Please return a time-stamped copy to our attention. Thank you for your attention to this matter.

DOCUMENT
FOLDER

DOCKETED

APR 19 2006

Very truly yours,

David J. Montgomery

Ephrata

Philadelphia

Pittsburgh

Wheeling

DJM/kak
Enclosures

Cc: Ralph A. Falbo, Ralph A. Falbo, Inc. (w/encl.)
Walter D. MacFann, Allegheny County Housing Authority (w/encl.)
Clifford B. Levine, Esquire (w/o encl.)
Tanya J. McCloskey, Esquire, Office of Consumer Advocate (w/encl.)

Thorpe Reed & Armstrong LLP
One Oxford Centre
501 Grant Street, 14th Floor
Pittsburgh, PA 15219-1425
412 394 7711
412 394 2555 Fax

BEFORE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

OHIOSVIEW INFRASTRUCTURE, INC.,

Plaintiff,

v.

DUQUESNE LIGHT COMPANY,

Defendant.

Docket No. C-20066233

COMPLAINT OF OHIOVIEW
INFRASTRUCTURE, INC. FOR
DECLARATORY RELIEF CONCERNING
THE APPLICATION OF DUQUESNE
LIGHT COMPANY TARIFF NO. 13.2
AND REFUND PURSUANT TO 66 Pa.
C.S.A. §1312

Filed on Behalf of Plaintiff
OHIOVIEW INFRASTRUCTURE, INC.

Counsel of Record for this Party:

Clifford B. Levine
Pa. I.D. #33507

David J. Montgomery
Pa. I.D. #78874

Thorp Reed & Armstrong, LLP
Firm I.D. No. #282
One Oxford Centre
301 Grant Street, 14th Floor
Pittsburgh, PA 15219-1425
(412) 394-7763

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

BEFORE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

COMPLAINT OF OHIOVIEW)
INFRASTRUCTURE, INC. FOR)
DECLARATORY RELIEF CONCERNING)
THE APPLICATION OF DUQUESNE LIGHT)
COMPANY TARIFF NO. 13.2 AND REFUND)
PURSUANT TO 66 Pa. C.S.A. §1312)

Docket No. C-20066233

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

COMPLAINT OF OHIOVIEW INFRASTRUCTURE, INC. FOR DECLARATORY
RELIEF CONCERNING THE APPLICATION OF DUQUESNE LIGHT COMPANY
TARIFF NO. 13.2 AND REFUND PURSUANT TO 66 PA. C.S.A. §1312

AND NOW, comes the Plaintiff, Ohioview Infrastructure, Inc., by its counsel, and hereby files the following Complaint of Ohioview Infrastructure, Inc. for Declaratory Relief Concerning the Application of Duquesne Light Company Tariff No. 13.2 and Refund Pursuant to 66 Pa. C.S.A. §1312, and in support, avers as follows:

The Parties

1. Plaintiff Ohioview Infrastructure, Inc., is a corporation ("Ohioview" or "Plaintiff") formed under and pursuant to the laws of the Commonwealth of Pennsylvania and is located at 230 Wyoming Avenue, Kingston, Pennsylvania 18704.
2. The Plaintiff is a land developer and general contractor.
3. The name and address of Plaintiff's attorneys are Clifford B. Levine and David J. Montgomery, Thorp Reed & Armstrong, LLP, Firm I.D. No. #282, One Oxford Centre, 301 Grant Street, 14th Floor, Pittsburgh, PA 15219-1425.
4. Defendant Duquesne Light Company is a public utility located at 411 Seventh Avenue, Pittsburgh, Pennsylvania 15219.

Ohioview Acres

5. In 2003, Ohioview was formed for the purpose of constructing Ohioview Acres
6. Ohioview Acres is an affordable housing development currently under construction in Stowe Township, Pennsylvania.
7. When completed, Ohioview Acres will consist of 181 Townhouses for rent and an additional ten houses for sale.
8. Prior to the beginning of construction, the existing affordable housing on the Ohioview Acres site was demolished
9. In addition, the streets within the site were vacated and excavated.
10. The parcel on which the demolished housing existed comprising the old site was subdivided into a number of parcels of land.

Ohioview Acres Qualifies as a "New Residential Development"
under Section 13.2.A of Duquesne Light's Tariff

11. Under its Tariff, Duquesne Light is required to pay the costs incurred during the construction and installation of facilities for New Residential Developments. See Duquesne Light Company Schedule of Rates, Tariff Nos. 13.2B and 13.2.C(6) (Exhibit A).
12. Under the section of Duquesne Light's Tariff regarding New Residential Developments, a "Development" is defined as follows:

A planned project which is developed by a developer/Applicant for electric service set out in a recorded plot plan of five or more adjoining unoccupied lots for the construction of single family residences, detached or otherwise, or mobile homes and one or more five-unit apartment houses, all of which are intended for year-round occupancy, if providing electric services to such project necessitates extending the Company's existing distribution lines.

See Tariff No. 13.2.A

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

13. The Ohioview Acres project meets all of the elements of the foregoing definition:

- a) Ohioview Acres is a "planned project";
- b) developed by a developer;
- c) set out in a recorded plot plan of five or more adjoining unoccupied lots;
- d) for the development of single family residences, detached or otherwise, or mobile homes and one or more five-unit apartment houses.
- e) all of which are intended for year-round occupancy; and
- f) the project necessitates extending Duquesne Light's existing distribution lines.

14. Although subsection 13.2.A does not define what constitutes a "New" development, Ohioview Acres satisfies that criterion because the project involves the construction of 181 new rental townhouses and ten townhouses for sale to private owners, on vacant land that has been subdivided with new lot lines, streets and rights of way.

Duquesne Light's Refusal to Classify Ohioview Acres as a "New Residential Development"

15. Prior to beginning construction, the Plaintiff supplied Duquesne Light with a copy of the project subdivision plan, identifying boundaries and any necessary easements or rights of way, as required under subpart 13.2.C(1).

16. The Plaintiff also advised Duquesne Light that it would comply with subpart 13.2.C(2)'s requirement that the Plaintiff clear and grade the installation area.

17. On July 7, 2004, the Plaintiff's attorneys sent a letter to Duquesne Light, requesting that Ohioview Acres be treated as a New Residential Development under Tariff No.

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APR 10 2006

13.2. See July 7, 2004 letter to John E. Kahlil, Project Manager from Clifford B. Levine, Esquire (Exhibit B).

18. On August 14, 2004, Duquesne Light responded with a letter setting forth its refusal to designate the project as New Residential Development. In that letter, counsel for Duquesne Light erroneously concluded that Ohioview Acres was "an existing development under construction for modernization" rather than "new construction." See August 17, 2004 letter from Jody Noble, Esquire, of Duquesne Light (Exhibit C)

19. Following this August 14, 2004 letter, Duquesne Light demanded a deposit of \$253,416.73 to install the underground distribution and supply lines for Ohioview Acres.

20. The Plaintiff refused to sign the contract with Duquesne Light for the installation of the underground distribution and supply lines.

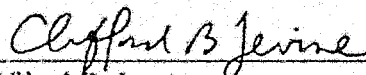
21. However, in order to keep the project on schedule, while reserving its right to challenge Duquesne Light's erroneous determination regarding the status of Ohioview Acres, the Plaintiff paid the \$253,416.73 deposit to Duquesne Light.

22. Because Ohioview Acres qualifies as a New Residential Development, the Plaintiff is entitled to a refund of its \$253,416.73 deposit

WHEREFORE, Plaintiff, Ohioview Infrastructure, Inc., by its counsel, requests that the Pennsylvania Public Utility Commission approve this Complaint and declare that: (a) Ohioview Acres qualifies as a New Residential Development under the Duquesne Light Tariff No. 13 2, (b) Duquesne Light's Application of its tariff violated 66 Pa. C.S. § 1303 and 1304, (c) Duquesne Light is required to refund the \$253,416.73 deposit to Ohioview Infrastructure, Inc. including the permitted statutory interest, (d) Ohioview Infrastructure, Inc. is entitled to whatever other relief is deemed just and equitable, and (e) Ohioview Infrastructure, Inc. be awarded all attorneys' fees and costs.

Respectfully submitted,

THORP REED & ARMSTRONG, LLP



Clifford B. Levine
Pa. I.D. #33507
David J. Montgomery
Pa. I.D. #78874
Firm I.D. No. #282
One Oxford Centre
301 Grant Street, 14th Floor
Pittsburgh, PA 15219-1425
(412) 394-7763


Counsel for Plaintiff, Ohioview
Infrastructure, Inc.

VERIFICATION

I, Ralph A. Falbo, of the OHIOVIEW INFRASTRUCTURE, INC., state that the averments of fact set forth in the foregoing COMPLAINT OF OHIOVIEW INFRASTRUCTURE, INC. FOR DECLARATORY RELIEF CONCERNING THE APPLICATION OF DUQUESNE LIGHT COMPANY TARIFF NO. 13.2 are true and correct to the best of my knowledge, information, and belief.

I understand that the statements herein are made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false averments, I may be subject to criminal penalties.

Date: April 13, 2006





RULES AND REGULATIONS - (Continued)

INSTALLATION OF SERVICE - (Continued)

13.2 UNDERGROUND ELECTRIC SERVICE IN NEW RESIDENTIAL DEVELOPMENTS

A. Definitions

The following words and terms, when used in this rule shall have the following meanings, unless the text clearly indicates otherwise.

- (1) **Applicant for Electric Service** - The developer of a recorded plot plan consisting of five or more lots, or of one or more five-unit apartment houses.
- (2) **Developer** - The party responsible for constructing and providing improvements in a development, that is, streets, sidewalks, and utility-ready lots.
- (3) **Development** - A planned project which is developed by a developer/applicant for electric service set out in a recorded plot plan of five or more adjoining unoccupied lots for the construction of single-family residences, detached or otherwise, or mobile homes and one or more five-unit apartment houses, all of which are intended for year-round occupancy, if providing electric service to such project necessitates extending the Company's existing distribution lines.
- (4) **Distribution line** - An electric supply line of untransformed voltage which delivers energy to one or more service lines.
- (5) **Service line** - An electric supply line of transformed voltage which delivers service to a residence or building as described in the Company's Construction Standards.
- (6) **Subdivider** - The party responsible for dividing a tract of land into building lots which are not to be sold as utility-ready lots.
- (7) **Subdivision** - A tract of land divided by a subdivider into five or more adjoining unoccupied lots for the construction of single-family residences, detached or otherwise, or one or more five-unit apartment houses, all of which are intended for year-round occupancy, if providing electric delivery service to such subdivision necessitates extending the Company's existing distribution lines.

RULES AND REGULATIONS - (Continued)

INSTALLATION OF SERVICE - (Continued)

13.2 UNDERGROUND ELECTRIC SERVICE IN NEW RESIDENTIAL DEVELOPMENTS - (Continued)

B. Installation of Distribution and Service Lines

Distribution and service lines installed under an application for electric service within a development will be installed underground; will conform to the Company's construction standards, the Pennsylvania PUC regulation 57.26 of Title 52 (relating to construction and maintenance of facilities), the specifications set forth in the National Electric Safety Code (NESC), and will be owned and maintained by the Company. Pad-mounted transformers will be installed as a Company construction standard. Excavating and backfilling shall be performed by the developer of the project or by another agent as the developer may authorize. Installation of service-related Company facilities will be performed by the Company or by another agent as the Company may authorize. Street-lighting lines installed then or thereafter within the same development will also be installed underground, upon terms and conditions prescribed elsewhere in the Company's tariff. The Company will not be liable for injury or damage occasioned by the willful or negligent excavation, breakage, or other interference with its underground lines occasioned by anyone other than its own employees or agents.

Nothing in this rule shall prohibit the Company from performing its own excavating and backfilling for greater system design flexibility. However, no charges to the developer other than those specified in C(4) of this rule will be charged.

C. Applicants for Electric Service

The applicant for electric service to a development shall conform with the following:

- (1) At its own cost, provide the Company with a copy of the recorded development plot plan identifying property boundaries, and with easements satisfactory to the Company for occupancy by distribution, service and street-lighting lines and related facilities.
- (2) At its own cost, clear the ground in which the lines and related facilities are to be laid of trees, stumps and other obstructions, provide the excavating and backfilling subject to the inspection and approval of the Company, and rough grade it to within six inches of final grade, so that the Company's part of the installation shall consist only of laying of the lines and installing other service-related facilities. Excavating and backfilling performed or provided by the applicant will follow the Company's underground construction standards and specifications set forth by the Company in written form and presented to the applicant at the time of application for service and presentation of the recorded plot plan to the Company. If the Company's specifications have not been met by the applicant's excavating and backfilling, the excavating and backfilling will be corrected or redone by the applicant or its authorized agent. Failure to comply with the Company's construction standards and specifications permits the Company to refuse utility service until the standards and specifications are met.

RULES AND REGULATIONS - (Continued)

INSTALLATION OF SERVICE - (Continued)

13.2 UNDERGROUND ELECTRIC SERVICE IN NEW RESIDENTIAL DEVELOPMENTS - (Continued)

C. Applicants for Electric Service - (Continued)

- (3) Request electric service at such time that the lines may be installed before curbs, pavements and sidewalks are laid; carefully coordinate scheduling of the Company's line and facility installation with the general project construction schedule, including coordination with other utilities sharing the same trench; keep the route of lines clear of machinery and other obstructions when the line installation crew is scheduled to appear; and otherwise cooperate with the Company to avoid unnecessary costs and delay.
- (4) Pay to the Company any necessary and additional costs incurred by the Company as a result of the following:
 - (a) Installation of underground facilities that deviate from the Company's underground construction standards and specifications if such deviation is requested by the applicant for electric service and is acceptable to the Company.
 - (b) A change in the plot plan or final grade elevations by the applicant for electric service after the Company has completed engineering for the project and/or has commenced installation of its facilities.
 - (c) Physical characteristics such as oversized lots or lots with extreme set-back where under the Company's line extension policy contained in its tariff a charge is mandated for overhead service.
- (5) No charges other than those described in paragraph (4) of this rule shall be borne by the applicant for electric service or by any other utility sharing the same trench, even if the Company elects to perform its own excavating and backfilling.
- (6) No charges other than those described in paragraphs (4) or (5) will be borne by the applicant, even if the Company elects to perform its own trenching and backfilling.

D. Installing Distribution Lines Beyond Boundary of Development

Whenever the distance from the end of the Company's existing distribution line to the boundary of the development is 100 feet or more, the 100 feet of new distribution line nearest to but outside such boundary shall be installed underground if practicable; and whenever such distance is less than 100 feet from said boundary, all of the new distribution line nearest to but outside such boundary shall be installed underground if practicable. The installation required by this paragraph shall be provided by the Company, without cost to the applicant. However, the developer must provide the excavating and backfilling.

RULES AND REGULATIONS - (Continued)

INSTALLATION OF SERVICE - (Continued)

13.2 UNDERGROUND ELECTRIC SERVICE IN NEW RESIDENTIAL DEVELOPMENTS - (Continued)

E. Classification of Charges

Amounts the Company receives under paragraph C(4) (relating to applicant for electric service) will be credited to Contributions in Aid of Construction.

F. Exceptions

- (1) Whenever the Company or any affected person believes that the application of the tariff rule works an undue hardship, involves a physical impossibility, or is otherwise inappropriate, the Company or persons may request an exception from the underground requirements of paragraphs A through E of this rule (relating to definitions, installation of distribution and service lines, applicant for electric service, installing distribution lines beyond boundary of development, and calculation and classification of charges) by providing the Pennsylvania Public Utility Commission with the following:
 - (a) A copy of the recorded plot plan of the development for which the exception is being sought.
 - (b) A letter petition setting forth:
 - (i) the name of the applicant
 - (ii) the location and size of the development involved
 - (iii) the names of the electric utility and telephone utility which will provide service to that development
 - (iv) the date on which construction began or will begin, whether the development is a new development or one phase in a development to be completed in several phases; and whether facilities in the area surrounding the development have been installed underground or overhead.
- (2) Upon the filing of an exception request, the Pennsylvania Public Utility Commission (Commission) Staff will notify the utilities involved and the appropriate local government authority, review the facts stated in the request, and issue to the applicant and the utility an informal written report and decision within 180 days of the request for an exception. Failure of the party requesting an exception to supply sufficient data within 180 days of the period shall result in the automatic denial of the request.

RULES AND REGULATIONS - (Continued)

INSTALLATION OF SERVICE - (Continued)

13.2 UNDERGROUND ELECTRIC SERVICE IN NEW RESIDENTIAL DEVELOPMENTS - (Continued)

F. Exceptions - (Continued)

- (3) A public utility or any affected person may appeal the informal decision rendered by Commission Staff by filing a letter petition with the Secretary of the Commission stating the facts in question and requesting a hearing. All appeals shall be referred to the Commission's Office of Administrative Law Judge for hearing and decision.
- (4) If an exception request initiated by an applicant for electric service is granted, and the applicant thereafter desires underground electric service, then paragraphs B and C (relating to installation of distribution and service lines and applicant for electric service) will apply as if no exception had been granted.

G. Applicability

This rule shall apply to applications for service to developments, which are filed with the Company after June 30, 1984.

H. Subdivisions

Underground facilities in new residential developments are only required by paragraphs A through G (relating to underground electric service in new residential developments) when a bona fide developer exists, that is, only when utility-ready lots are provided by the developer. A mere subdivision is not required to have underground service. Should the lot owner or owners in a subdivision desire underground service, the service will be provided by the Company if the lot owner or owners, at their option, either comply with paragraph C (relating to applicants for electric service) or pays to the Company charges that are contained in the Company's tariff for underground electric service not required by this rule.

13.3 BUILDING ENERGY CONSERVATION STANDARDS FOR RECEIPT OF UTILITY SERVICE FOR RESIDENTIAL BUILDINGS Pursuant to the requirements of amended Pa. Code §69.101 through §69.107, the following provisions are incorporated in this Tariff:

The Company must receive proof of compliance with, or exemption from, the insulation standards set forth in the Building Energy Conservation Act (Act 222) prior to providing electric service for any purpose, including temporary electric service for residential building construction purposes, to (1) new residential buildings, (2) additions to existing residential buildings, and (3) renovated residential buildings located in municipalities that have not elected to administer Act 222.

Proof of compliance shall be made by furnishing the Company with a "Notice of Intent to Construct" form certified by Pennsylvania's Department of Community Affairs.

Upon request, the Company will provide information and the required forms for compliance with Act 222.





Clifford B. Levine
Direct Dial 412 394 2396
Email clevine@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

July 7, 2004

John E. Kahlil, Project Manager
Duquesne Light Company
2601 Preble Avenue
Pittsburgh, PA 15233

Re: Ohioview Acres

Dear Mr. Kahlil:

I am writing to follow up on one of the issues addressed at the June 24, 2004 meeting regarding the above-referenced project. We discussed the fact that Duquesne Light Company ("DQE") will install the distribution and service lines for underground electric service at its own expense for projects that are deemed to be New Residential Developments. In the section of DQE's Tariff regarding the provision of Underground Electric Service in New Residential Developments, a "Development" is defined as follows:

A planned project which is developed by a developer/applicant for electric service set out in a recorded plot plan of five or more adjoining unoccupied lots for the construction of single family residences, detached or otherwise, or mobile homes and one or more five-unit apartment houses, all of which are intended for year-round occupancy, if providing electric services to such project necessitates extending the Company's existing distribution lines.

Tariff No. 13.2.A ("Definitions") (attached hereto as Tab A). The Ohioview Acres project appears meet all of the elements of the foregoing definition. Moreover, although subsection 13.2.A does not define what constitutes a "New" development, Ohioview Acres would satisfy that criterion because the project involves the construction of 181 new townhouses on what is currently vacant land.

I understand that Pennrose/Falbo has already supplied DQE with a copy of the project subdivision plan, identifying boundaries and any necessary easements or rights of way, as required under subpart 13.2.C(1). Pennrose/Falbo also stands ready to comply with subpart 13.2.C(2)'s requirement that the applicant clear and grade the installation area. Accordingly, pursuant to Tariff 13.2, Penrose/Falbo would expect DQE to install the underground distribution and supply lines for Ohioview Acres at its expense, with the exception of any necessary excavation or backfilling tasks, which would be accomplished by Mistick Construction Company, the project's contractor.

Please let us know if DQE agrees that the project should be deemed a New Residential Development under Tariff No. 13.2. If DQE disputes Tariff No. 13.2's application to

Pittsburgh

Philadelphia

Princeton

Washington

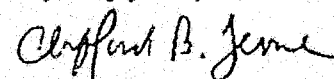
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301 Grant Street, 14th Floor
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412 394 2711
412 394 2555 Fax

John E. Kahlil, Project Manager
Page 2

July 7, 2004

Ohioview Acres, please identify the Tariff provisions and any other authority that supports its position. Thank you for your attention to these requests.

Very truly yours,



Clifford B. Levine

Enclosure

cc: Ralph A. Falbo (w/enclosure)
Glenn Worgan (w/enclosure)
Patrick M. Gallagher (w/enclosure)





Duquesne Light

A DQE Company

Jody Noble
Assistant General Counsel

Law Department
411 Seventh Avenue, 8-2
Pittsburgh, PA 15219

Tel 412.393.1196
Fax 412.393.1418
jnoble@duglight.com

August 17, 2004

Clifford B. Levine, Esq.
Thorp Reed & Armstrong
One Oxford Centre
301 Grant Street, 14th Floor
Pittsburgh, PA 15219-1425

Re: Ohioview Acres

Dear Mr. Levine:

Your letter dated July 7, 2004 has been forwarded to me for response.

As Duquesne Light Company's John Khalil stated at the June 24th meeting, Ohioview Acres is not a new residential development but is simply an existing development under construction for modernization. In support of DLC's position I have attached a page from Allegheny County Housing Authority's web page describing this modernization project, including the Ohioview Acres Modernization History from August 1993 through Spring 2004. Hope VI Modernization at Ohioview Acres involves the redevelopment of an existing residential development with existing infrastructure and clearly, is not a new residential development.

In addition, DLC had distribution lines in place serving Ohioview Acres. As such, Section 9(B), Relocation of Facilities, is the operable provision of DLC's Tariff and provides:

"When requested or required by the action of a customer or a third party, relocation of Company facilities, except those covered under Section A of this Rule, will be performed by the Company upon receipt, in advance, of the Company's estimated total direct and indirect costs including the related income tax of such relocations from the customer or such third party."

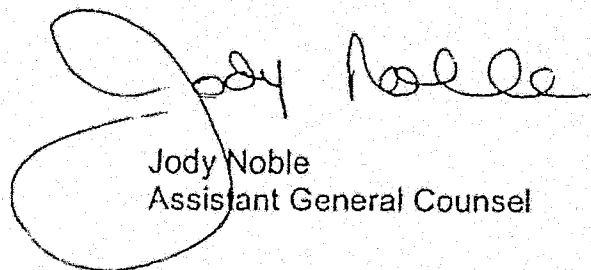
Section 13.1(A), Underground Distribution, of DLC's Tariff goes on to require:

AUG 19 2004

When the Company is required by governmental order or enters into agreements with redevelopment authorities, a private real estate developer or a group of customers to change its distribution supply lines from overhead to underground, customers receiving or to receive electric service at voltages of 600 volts or less from these supply lines shall provide at their own expense the necessary facilities for receiving such underground service."

We trust this answers your questions concerning the difference between service to new residential developments versus relocation of existing facilities. If you have any additional questions, please give me a call.

Very truly yours,



Jody Noble
Assistant General Counsel

Enclosure

Cc: Marty Ryan
John Kahil



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

DATE SERVED: April 20, 2006

C-20066233

MORGAN O'BRIEN PRESIDENT
DUQUESNE LIGHT COMPANY
411 7TH AVENUE 16-1
PITTSBURGH PA 15219-1905

DOCUMENT
FOLDER

Dear Mr. O'Brien:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by Ohioview Infrastructure, Inc.. To defend yourself against the claims stated in the following pages, you must act within twenty (20) days by filing in writing with the Commission, either personally or through your attorney, your defenses or objections to the claims stated against you. Or, you may satisfy the complaint by settling the matter with the Complainant and submitting proof of settlement to the Commission within twenty (20) days.

IF YOU FAIL TO RESPOND WITHIN TWENTY (20) DAYS, THE CASE MAY GO FORWARD IN YOUR ABSENCE AND A JUDGEMENT MAY BE ENTERED AGAINST YOU BY THE COMMISSION WITHOUT FURTHER NOTICE.

CUSTOMER OF A UTILITY

A payment schedule may be prescribed or a termination of utility services may be authorized. You may lose money or property or other rights important to you.

COMPANY/UTILITY

An Administrative Law Judge may revoke or suspend any certificate or permit held by you, or impose a fine, or any other appropriate penalty or remedy authorized by the Public Utility Code. You may lose money or property or other rights important to you.

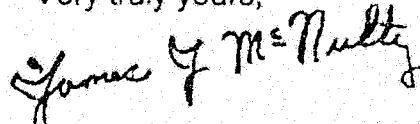
Detailed instructions on how to proceed are contained in the attached pages. You are advised to read them carefully.

April 20, 2006

Unless you are a corporation or other organization, you may proceed without a lawyer. However, if you want a lawyer and do not have one or cannot afford one, the office listed below can tell you where you can get legal help:

Pennsylvania Lawyer Referral Service
Pennsylvania Bar Association
P.O. Box 186
Harrisburg, PA 17108
(800) 692-7375

Very truly yours,

A handwritten signature in cursive script that reads "James J. McNulty". The signature is written in black ink and is positioned above the printed name and title.

James J. McNulty
Secretary

ksb

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: April 20, 2006

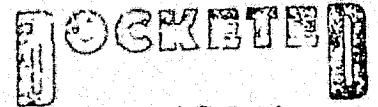
Ohioview Infrastructure, Inc.
Complainant

v.

DUQUESNE LIGHT COMPANY
Respondent

Complaint Docket
No: C-20066233

DOCUMENT
FOLDER



APR 19 2006

FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

TO: DUQUESNE LIGHT COMPANY

TAKE NOTICE:

That a complaint in the above entitled matter, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission. Section 702 of the Public Utility Code, 66 Pa. C.S. Section 702, requires the Commission to serve on each party named in a complaint a copy of the complaint and notice calling upon each party to satisfy the complaint, or to answer the same in writing within a specified time; THEREFORE,

1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the **Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265**, an answer (original and three copies), in writing, under oath, which, as required by Section 5.61 of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 5.61, either affirms or specifically denies the allegations in this complaint. You must also serve a copy of the answer upon the complainant. The date of service is the mailing date as indicated by the date at the top of this Notice. Section 1.56(a) of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 1.56(a).

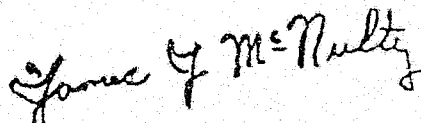
2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. Code Section 5.61. In that event, the Commission may, without hearing, enter an order which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C.S. Section 101, et seq.; and, if

you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

3. If you elect to satisfy this complaint you must file, within twenty (20) days from the date on which this complaint is served, affidavits executed by each complainant that this complaint has been satisfied. Such affidavits must describe the basis on which this complaint was satisfied; any settlement agreement between the parties must be reduced to writing and attached to the affidavit. Such affidavits are to be filed with the Secretary of the Commission at the address set forth in paragraph 1. Upon receipt of affidavits of satisfaction from all complainants, this complaint may be dismissed by the Commission in accordance with Section 703(a) of the Public Utility Code, 66 Pa. C.S. Section 703(a), unless the Commission determines that such dismissal would be contrary to the public interest, in which event the Commission may direct that hearings be held upon the complaint.

4. If you file an answer which admits the allegations in this complaint, or which fails to specifically deny the allegations in this complaint, the Commission may, without hearing, enter an order which either revokes or suspends any certificate held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

5. If you file a timely answer which specifically denies the allegations in this complaint, or which raises material questions of law or fact, this matter shall be referred to the Office of Administrative Law Judge for hearing and decision. If, after hearing on the issues raised by that answer, you are found to have committed any of the violations alleged in the complaint, the Administrative Law Judge may render a decision which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. In the imposition of a penalty after a hearing the Administrative Law Judge is not bound by the relief sought by the complainant in paragraph 4 of the attached complaint.



James J. McNulty
Secretary

(SEAL)

Certified Mail
Return Receipt Requested



Duquesne Light
Our Energy... Your Power

ORIGINAL

Legal Department
411 Seventh Avenue 8-2
Pittsburgh, PA 15219

Tel 412-393-1546
Fax 412-393-1418
rsestak@duqlight.com

Regina M. Sestak
Assistant General Counsel

May 15, 2006

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PA PUBLIC UTILITY COMMISSION
GLUCHESTER'S BUILDING

Certificate of Mailing

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

RE: Ohioview Infrastructure, Inc. v. Duquesne
Light Company
Docket No. C-20066233

Dear Secretary McNulty:

An original and three copies of Duquesne Light Company's Answer are enclosed. A copy of this document has been served upon Complainant and its attorneys in accordance with Commission regulations.

Sincerely,

Regina M. Sestak
Assistant General Counsel
Duquesne Light Company

DOCUMENT
FOLDER

encls

- c: Ohioview Infrastructure, Inc., (w/enclosure)
- Clifford B. Levine, Attorney at Law (w/enclosure)
- David J. Montgomery, Attorney at Law (w/enclosure)

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MAY 15 2006

PA PUBLIC UTILITY COMMISSION
REGULATORY BUREAU

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

OHIOVIEW INFRASTRUCTURE, INC.)

Complainant,)

v.)

DUQUESNE LIGHT COMPANY.)

Respondent.)

DOCUMENT
FOLDER

Docket No. C-20066233

DOCKETED
JUN 08 2006

ANSWER

TO THE HONORABLE COMMISSION:

AND NOW comes the Respondent, Duquesne Light Company, by and through its attorney, Regina M. Sestak, and files the within Answer of which the following is a statement:

Cover Letter:

No response is required to Complainant's cover letter. However, to the extent that said cover letter requests that this Formal Complaint be joined with the Formal Complaint of Groveton Housing Partnership, LP against Respondent which is docketed at Public Utility Commission (PUC) Docket No. C020066236, Respondent joins in this request.

WHEREFORE, Respondent requests that these Formal Complaints be joined in accordance with Commission Regulation 5.23(a), 52 Pa. Code §5.23(a)

Identification Sheet:

No response is required to Complainant's Identification Sheet, which is in the form prescribed by Rule 198.6 of the Allegheny County Court of Common Pleas Rules of Civil Procedure.

Complaint:

To the extent that Complainant's averment that it is filing for "Declaratory Relief Concerning the Application of Duquesne Light Company Tariff No. 13.2 and Refund Pursuant to 66 Pa. C.S.A. §1312," characterizes this Formal Complaint, no response is required.

The Parties

1. Admitted. However, by way of further response, based upon documents of record with the Pennsylvania Department of State Corporation Bureau, Respondent believes and therefore avers that Complainant's registered office address is 1 Liberty Place, 1650 Market Street, Suite 3810, Philadelphia, PA 19103.

2. After reasonable investigation, Respondent is without sufficient knowledge or information to form a belief as to the truth of Complainant's averment that it is a land developer and general contractor, and this averment is therefore denied.

3. Complainant's averment concerning the names and addresses of its attorneys is admitted to the extent that said attorneys have entered their appearance for Complainant in this matter in accordance with Commission Regulation 1 24(b)(1), 52 Pa. Code §1 24(b)(1).

4. Admitted.

Ohioview Acres

5. After reasonable investigation, Respondent is without sufficient knowledge or information to form a belief as to the truth of Complainant's averment that Ohioview was formed in 2003 for the purpose of constructing Ohioview Acres, and this averment is therefore denied. By way of further response, documents of record with the Pennsylvania Department of State Corporation Bureau indicate that Complainant was created on February 24, 2004.

6. After reasonable investigation, Respondent is without sufficient knowledge or information to form a belief as to the truth of Complainant's averment that Ohioview Acres is an affordable housing development currently under construction in Stowe Township, Pennsylvania, and this averment is therefore denied.

7. After reasonable investigation, Respondent is without sufficient knowledge or information to form a belief as to the truth of Complainant's averments that when completed Ohioview Acres will consist of 181 townhouses for rent and an additional ten houses for sale, and these averments are therefore denied.

8. Complainant's averment that the existing housing on the Ohioview Acres site was demolished prior to the beginning of construction is admitted. After reasonable investigation, Respondent is without sufficient knowledge or information to form a belief as to the truth of Complainant's characterization of said housing as "affordable," and this averment is therefore denied.

9. After reasonable investigation, Respondent is without sufficient knowledge or information to form a belief as to the truth of Complainant's averment, "the streets within the site were vacated and excavated," and this averment is therefore denied.

10. After reasonable investigation, Respondent is without sufficient knowledge or information to form a belief as to the truth of Complainant's averment that the parcel on which the demolished housing existed which comprised the old site was subdivided into a number of parcels of land, and this averment is therefore denied.

Ohioview Acres Qualifies as a "New Residential Development"

Under Section 13.2.A of Duquesne Light's Tariff

11. Complainant's averment, "[u]nder its Tariff, Duquesne Light is required to pay the costs incurred during the construction and installation of facilities for New Residential Developments," is a conclusion of law to which no response is required. To the extent that a response may be appropriate, this averment is inaccurate summary of the Tariff Rules in question, in that it fails to note circumstances under which a developer may incur costs. Further, as discussed more fully below in Paragraph 13(f), said Tariff Rules do not apply to the development in question.

Complainant's averment, "See Duquesne Light Company Schedule of Rates, Tariff Nos. 13.2B and 13.2C(6) (Exhibit A)" is an apparent reference to the attached document labeled Exhibit A. If so, the authenticity of said tariff provisions are admitted. By way of further response, a complete copy of

Respondent's Tariff Rule 13.2 is attached hereto, incorporated herein, and marked Exhibit 1.

12 Complainant's averment regarding the definition of a "Development" in Respondent's Tariff, ELECTRIC - PA P.U.C. No. 23, Rule 13.2 A (3), is admitted.

13 Complainant's averment, "[t]he Ohioview Acres project meets all of the elements of the foregoing definition," is a statement of opinion and/or conclusion of law to which no response is required. To the extent that a response may be appropriate, this averment is denied, as is discussed more fully under (f) below.

- a) After reasonable investigation, Respondent is without sufficient knowledge or information to form a belief as to the truth of Complainant's averment that Ohioview Acres is a "planned project," and this averment is therefore denied.
- b) After reasonable investigation, Respondent is without sufficient knowledge or information to form a belief as to the truth of Complainant's averment that the Ohioview Acres project is being developed by a developer, and this averment is therefore denied.
- c) After reasonable investigation, Respondent is without sufficient knowledge or information to form a belief as to the truth of Complainant's averment, "set out in a recorded plot plan of five or more adjoining unoccupied lots," and this averment is therefore denied.

- d) After reasonable investigation, Respondent is without sufficient knowledge or information to form a belief as to the truth of Complainant's averment that Ohioview Acres contains single family residences, detached or otherwise, or mobile homes and one or more five-unit apartment houses, and this averment is therefore denied.
- e) After reasonable investigation, Respondent is without sufficient knowledge or information to form a belief as to the truth of Complainant's averment that the Ohioview Acres homes are intended for year-round occupancy, and this averment is therefore denied.
- f) Complainant's averment, "the project necessitates extending Duquesne Light's existing distribution lines" is denied. On the contrary, the tract of land in question was being served through Respondent's existing distribution system prior to Complainant's development.

14. Complainant's averment, 'subsection 13.2.A does not define what constitutes a "New" development,' is a conclusion of law to which no response is required. To the extent that a response may be appropriate, this averment is denied as stated. On the contrary, although the term "new" development is not explicitly defined, the definition of "Development" in Rule 13.2 A(3) clearly indicated that, inter alia, a development under Rule 13.2 is one to which Respondent's existing distribution lines must be extended.

Complainant's averment that the Ohioview Acres project satisfies the criterion for a "New" development is a conclusion of law to which no response is required. To the extent that a response may be appropriate, this averment is denied. On the contrary, as noted above in Paragraph 13(f), the tract of land in question was being served through Respondent's existing distribution system prior to Complainant's development.

After reasonable investigation, Respondent is without sufficient knowledge or information to form a belief as to the truth of Complainant's averment. "the project involves the construction of 181 new rental townhouses and ten townhouses for sale to private owners," and this averment is therefore denied.

After reasonable investigation, Respondent is without sufficient knowledge or information to form a belief as to the truth of Complainant's averment that the vacant land been subdivided with new lot lines, street and rights of way, and this averment is therefore denied. By way of further response, prior to Complainant's development, this tract of land was not vacant but was occupied by structures to which Respondent was providing service through its existing distribution system. Complainant's actions in razing said structures and constructing new structures in their place did not necessitate Respondent extending its distribution system. Rather, said razing and construction required Respondent to make changes to its existing distribution system. Such changes are made at the expense of the entity requesting them in accordance with Respondent's Tariff Rules 7, 9, and 13.1. Copies of said

Tariff Rules are attached hereto, incorporated herein, and marked Exhibits 2, 3, and 4, respectively.

Duquesne Light's Refusal to Classify Ohioview Acres as a
"New Residential Development"

15. Complainant's averment, "[p]rior to beginning construction, the Plaintiff supplied Duquesne Light with a copy of the project subdivision plan, identifying boundaries and any necessary easements or rights of way as required under subpart 13.2.C (1)," is admitted.

16. Complainant's averment that it advised Respondent that it would comply with subpart 13.2.C (2)'s requirement that Complainant would clear and grade the installation area is admitted.

17. Complainant's averment that its attorneys sent a letter to Respondent on July 7, 2004, "requesting that Ohioview Acres be treated as a New Residential Development under Tariff No. 13.2," is admitted, to the extent that Respondent's Project Manager, John E. Kahlil received said letter from Complainant's attorneys.

Complainant's averment, "[s]ee July 7, 2004 letter to John E. Kahlil, Project Manager from Clifford B. Levine, Esquire (Exhibit B)" is an apparent reference to Complainant's Exhibit B, which is a copy of the above-mentioned letter. If so, the authenticity of said document is admitted.

18. Complainant's averment that Respondent responded with a letter on August 14, 2004, is denied as stated. By way of further response, Respondent's attorney, Jody Noble, Assistant General Counsel, responded to Clifford B. Levine, Esquire, by letter dated August 17, 2004.

Complainant's averment, "setting forth its refusal to designate the project as New Residential Development," is admitted. By way of further response, Respondent's Assistant General Counsel, Jody Noble, stated in said letter that the current modernization at Ohioview Acres "involves the redevelopment of an existing residential development with existing infrastructure and clearly, is not a new residential development."

Complainant's averment that Respondent's counsel concluded that Ohioview Acres is an "existing development under construction for modernization" rather than "new construction," is admitted. To the extent that this averment characterizes Attorney Noble's conclusion as "erroneous," it is a statement of opinion and/or conclusion of law to which no response is required. To the extent that a response is appropriate, it is denied that Attorney Noble's conclusion is erroneous for the reasons set forth above in Paragraphs 13 and 14, above.

Complainant's averment, "[s]ee August 17, 2004 letter from Jody Noble, Esquire of Duquesne Light (Exhibit C)" is an apparent reference to Complainant's Exhibit C, which is a copy of the above-mentioned letter. If so, the authenticity of said document is admitted.

19. Complainant's averment, "[f]ollowing this August 14, 2004 letter, Duquesne Light demanded a deposit of \$253,416.73 to install the underground distribution and supply lines for Ohioview Acres," is denied. On the contrary, Respondent demanded \$253,416.73, the estimate cost of performing the work requested in a letter to Patrick Gallagher of GAI Consultants Inc., dated July

14, 2004, more than one month prior to the August 17, 2004 letter. A copy of said letter is attached hereto, incorporated herein and marked Exhibit 5.

20. Complainant's averment that it refused to sign the contract with Respondent for the installation of the underground distribution and supply lines is denied as stated. By way of further response, Respondent does not employ written contracts for the type of work in question. Instead, Respondent provides the cost estimate and performs the work after receipt of payment.

21. Complainant's averment, "[h]owever, in order to keep the project on schedule, while reserving its right to challenge Duquesne Light's erroneous determination regarding the status of Ohioview Acres," is a statement of opinion and/or conclusion of law to which no response is required.

Complainant's averment that it paid the \$253,416.73 to Respondent is admitted.

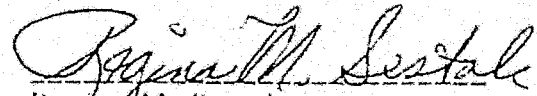
Complainant's averment that characterizes this payment as a "deposit" is denied. On the contrary, said \$253,416.73 was payment of Respondent's estimated cost of performing the work in question.

22. Complainant's averment, "[b]ecause Ohioview Acres qualifies as a New Residential Development, the Plaintiff is entitled to a refund of its \$253,416.73 deposit," is a conclusion of law to which no response is required. To the extent that a response is appropriate, for reasons set forth more fully above, Respondent's Tariff Rule 13.2 does not apply to Ohioview Acres and Complainant is therefore not entitled to a refund of its \$253,416.73 payment which, as noted above, was not a "deposit."

WHEREFORE, Respondent requests that after reasonable investigation and hearing the Complaint be dismissed.

Respectfully submitted:

DUQUESNE LIGHT COMPANY
By Counsel:



Regina M. Sestak
Pa. I.D. # 23632
Duquesne Light Company
411 Seventh Avenue, 8-2
Pittsburgh, PA 15219
Telephone: (412) 393-1546
FAX (412) 393-1418

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PA PUBLIC UTILITIES COMMISSION
COMMUNICATIONS SECTION

RULES AND REGULATIONS - (Continued)

INSTALLATION OF SERVICE - (Continued)

13.2 UNDERGROUND ELECTRIC SERVICE IN NEW RESIDENTIAL DEVELOPMENTS

A. Definitions

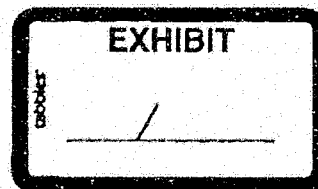
The following words and terms, when used in this rule shall have the following meanings, unless the text clearly indicates otherwise

- (1) **Applicant for Electric Service** - The developer of a recorded plot plan consisting of five or more lots, or of one or more five-unit apartment houses.
- (2) **Developer** - The party responsible for constructing and providing improvements in a development, that is, streets, sidewalks, and utility-ready lots.
- (3) **Development** - A planned project which is developed by a developer/applicant for electric service set out in a recorded plot plan of five or more adjoining unoccupied lots for the construction of single-family residences, detached or otherwise, or mobile homes and one or more five-unit apartment houses, all of which are intended for year-round occupancy, if providing electric service to such project necessitates extending the Company's existing distribution lines.
- (4) **Distribution line** - An electric supply line of untransformed voltage which delivers energy to one or more service lines.
- (5) **Service line** - An electric supply line of transformed voltage which delivers service to a residence or building as described in the Company's Construction Standards.
- (6) **Subdivider** - The party responsible for dividing a tract of land into building lots which are not to be sold as utility-ready lots.
- (7) **Subdivision** - A tract of land divided by a subdivider into five or more adjoining unoccupied lots for the construction of single-family residences, detached or otherwise, or one or more five-unit apartment houses, all of which are intended for year-round occupancy, if providing electric delivery service to such subdivision necessitates extending the Company's existing distribution lines.

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PACIFIC UTILITIES SECTION
SECRETARY GENERAL



RULES AND REGULATIONS - (Continued)

INSTALLATION OF SERVICE - (Continued)

13.2 UNDERGROUND ELECTRIC SERVICE IN NEW RESIDENTIAL DEVELOPMENTS - (Continued)

B. Installation of Distribution and Service Lines

Distribution and service lines installed under an application for electric service within a development will be installed underground, will conform to the Company's construction standards, the Pennsylvania PUC regulation 57.26 of Title 52 (relating to construction and maintenance of facilities), the specifications set forth in the National Electric Safety Code (NESC), and will be owned and maintained by the Company. Pad-mounted transformers will be installed as a Company construction standard. Excavating and backfilling shall be performed by the developer of the project or by another agent as the developer may authorize. Installation of service-related Company facilities will be performed by the Company or by another agent as the Company may authorize. Street-lighting lines installed then or thereafter within the same development will also be installed underground, upon terms and conditions prescribed elsewhere in the Company's tariff. The Company will not be liable for injury or damage occasioned by the willful or negligent excavation, breakage, or other interference with its underground lines occasioned by anyone other than its own employees or agents.

Nothing in this rule shall prohibit the Company from performing its own excavating and backfilling for greater system design flexibility. However, no charges to the developer other than those specified in C(4) of this rule will be charged.

C. Applicants for Electric Service

The applicant for electric service to a development shall conform with the following:

- (1) At its own cost, provide the Company with a copy of the recorded development plot plan identifying property boundaries, and with easements satisfactory to the Company for occupancy by distribution, service and street-lighting lines and related facilities.
- (2) At its own cost, clear the ground in which the lines and related facilities are to be laid of trees, stumps and other obstructions, provide the excavating and backfilling subject to the inspection and approval of the Company, and rough grade it to within six inches of final grade, so that the Company's part of the installation shall consist only of laying of the lines and installing other service-related facilities. Excavating and backfilling performed or provided by the applicant will follow the Company's underground construction standards and specifications set forth by the Company in written form and presented to the applicant at the time of application for service and presentation of the recorded plot plan to the Company. If the Company's specifications have not been met by the applicant's excavating and backfilling, the excavating and backfilling will be corrected or redone by the applicant or its authorized agent. Failure to comply with the Company's construction standards and specifications permits the Company to refuse utility service until the standards and specifications are met.

RULES AND REGULATIONS - (Continued)

INSTALLATION OF SERVICE - (Continued)

13.2 UNDERGROUND ELECTRIC SERVICE IN NEW RESIDENTIAL DEVELOPMENTS - (Continued)

C. Applicants for Electric Service - (Continued)

- (3) Request electric service at such time that the lines may be installed before curbs, pavements and sidewalks are laid; carefully coordinate scheduling of the Company's line and facility installation with the general project construction schedule, including coordination with other utilities sharing the same trench; keep the route of lines clear of machinery and other obstructions when the line installation crew is scheduled to appear; and otherwise cooperate with the Company to avoid unnecessary costs and delay.
- (4) Pay to the Company any necessary and additional costs incurred by the Company as a result of the following.
 - (a) Installation of underground facilities that deviate from the Company's underground construction standards and specifications if such deviation is requested by the applicant for electric service and is acceptable to the Company.
 - (b) A change in the plot plan or final grade elevations by the applicant for electric service after the Company has completed engineering for the project and/or has commenced installation of its facilities.
 - (c) Physical characteristics such as oversized lots or lots with extreme set-back where under the Company's line extension policy contained in its tariff a charge is mandated for overhead service.
- (5) No charges other than those described in paragraph (4) of this rule shall be borne by the applicant for electric service or by any other utility sharing the same trench, even if the Company elects to perform its own excavating and backfilling.
- (6) No charges other than those described in paragraphs (4) or (5) will be borne by the applicant, even if the Company elects to perform its own trenching and backfilling.

D. Installing Distribution Lines Beyond Boundary of Development

Whenever the distance from the end of the Company's existing distribution line to the boundary of the development is 100 feet or more, the 100 feet of new distribution line nearest to but outside such boundary shall be installed underground if practicable; and whenever such distance is less than 100 feet from said boundary, all of the new distribution line nearest to but outside such boundary shall be installed underground if practicable. The installation required by this paragraph shall be provided by the Company, without cost to the applicant. However, the developer must provide the excavating and backfilling.

RULES AND REGULATIONS - (Continued)

INSTALLATION OF SERVICE - (Continued)

13.2 UNDERGROUND ELECTRIC SERVICE IN NEW RESIDENTIAL DEVELOPMENTS - (Continued)

E. Classification of Charges

Amounts the Company receives under paragraph C(4) (relating to applicant for electric service) will be credited to Contributions in Aid of Construction.

F. Exceptions

- (1) Whenever the Company or any affected person believes that the application of the tariff rule works an undue hardship, involves a physical impossibility, or is otherwise inappropriate, the Company or persons may request an exception from the underground requirements of paragraphs A through E of this rule (relating to definitions, installation of distribution and service lines, applicant for electric service, installing distribution lines beyond boundary of development, and calculation and classification of charges) by providing the Pennsylvania Public Utility Commission with the following:
 - (a) A copy of the recorded plot plan of the development for which the exception is being sought
 - (b) A letter petition setting forth:
 - (i) the name of the applicant
 - (ii) the location and size of the development involved
 - (iii) the names of the electric utility and telephone utility which will provide service to that development
 - (iv) the date on which construction began or will begin; whether the development is a new development or one phase in a development to be completed in several phases; and whether facilities in the area surrounding the development have been installed underground or overhead.
- (2) Upon the filing of an exception request, the Pennsylvania Public Utility Commission (Commission) Staff will notify the utilities involved and the appropriate local government authority, review the facts stated in the request, and issue to the applicant and the utility an informal written report and decision within 180 days of the request for an exception. Failure of the party requesting an exception to supply sufficient data within 180 days of the period shall result in the automatic denial of the request.

RULES AND REGULATIONS - (Continued)

INSTALLATION OF SERVICE - (Continued)

13.2 UNDERGROUND ELECTRIC SERVICE IN NEW RESIDENTIAL DEVELOPMENTS - (Continued)

F. Exceptions - (Continued)

- (3) A public utility or any affected person may appeal the informal decision rendered by Commission Staff by filing a letter petition with the Secretary of the Commission stating the facts in question and requesting a hearing. All appeals shall be referred to the Commission's Office of Administrative Law Judge for hearing and decision.
- (4) If an exception request initiated by an applicant for electric service is granted, and the applicant thereafter desires underground electric service, then paragraphs B and C (relating to installation of distribution and service lines and applicant for electric service) will apply as if no exception had been granted.

G. Applicability

This rule shall apply to applications for service to developments, which are filed with the Company after June 30, 1984.

H. Subdivisions

Underground facilities in new residential developments are only required by paragraphs A through G (relating to underground electric service in new residential developments) when a bona fide developer exists, that is, only when utility-ready lots are provided by the developer. A mere subdivision is not required to have underground service. Should the lot owner or owners in a subdivision desire underground service, the service will be provided by the Company if the lot owner or owners, at their option, either comply with paragraph C (relating to applicants for electric service) or pays to the Company charges that are contained in the Company's tariff for underground electric service not required by this rule.

13.3 BUILDING ENERGY CONSERVATION STANDARDS FOR RECEIPT OF UTILITY SERVICE FOR RESIDENTIAL BUILDINGS Pursuant to the requirements of amended Pa. Code §69.101 through §69.107, the following provisions are incorporated in this Tariff:

The Company must receive proof of compliance with, or exemption from, the insulation standards set forth in the Building Energy Conservation Act (Act 222) prior to providing electric service for any purpose, including temporary electric service for residential building construction purposes, to (1) new residential buildings, (2) additions to existing residential buildings, and (3) renovated residential buildings located in municipalities that have not elected to administer Act 222.

Proof of compliance shall be made by furnishing the Company with a "Notice of Intent to Construct" form certified by Pennsylvania's Department of Community Affairs.

Upon request, the Company will provide information and the required forms for compliance with Act 222.

RULES AND REGULATIONS - (Continued)

INSTALLATION OF SERVICE - (Continued)

7. SUPPLY LINE EXTENSIONS

A. Definitions

For the purposes of this rule, the following definitions are applicable:

- (1) **Contractor cost** - The amount paid to a contractor for work performed on a line extension.
- (2) **Direct labor cost** - The pay and expenses of public utility employees directly attributable to work performed on line extensions, but does not include construction overheads or payroll taxes, workers' compensation expenses, or similar expenses.
- (3) **Direct material cost** - The purchase price of materials used for a line extension, but does not include the related stores expenses. In computing direct material costs, proper allowance should be made for unused materials recovered from temporary structures, and discounts allowed and realized in the purchase of materials.
- (4) **Total construction cost** - The contractor cost, direct labor cost, direct material cost, stores expense, construction overheads, payroll taxes, workers' compensation expenses, or similar expenses.
- (5) **Current Year** - For purposes of calculating a revenue guarantee, current year shall be each consecutive period of 12 calendar months following the date permanent electric delivery service was first provided to a customer.
- (6) **Income Tax** - Federal and State tax relating to the tax liability of contributions in aid-of-construction.

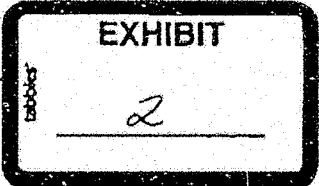
B. Overhead Areas

- (1) In areas where the existing supply lines are overhead, the Company will construct and maintain extensions of all single-phase overhead supply lines operating at 23,000 volts or less to the customer's property line without a guarantee of revenue.
- (2) In areas where the existing supply lines are overhead, the Company will construct and maintain extensions of all three-phase overhead supply lines, operating at 23,000 volts or less, which are usable as a part of its general supply system without a guarantee of revenue. When the three-phase supply line extension is to supply service exclusively to a single customer, such a supply line will be extended to the customer's property line only if a guarantee of revenue is provided by the customer over a period of five years which is sufficient to recover the actual total construction cost of the three-phase overhead line extension, less the estimated total construction cost for an equivalent single-phase overhead line extension. In the event that a revenue guarantee is not sufficient to recover the estimated total cost of the construction, or if the Company determines that the extension is speculative, or the customer represents a credit risk, the Company may require an up-front contribution in aid of construction (CIAC) from the customer to recover the total cost of

(C) Indicates Change

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(C)
(C)



RULES AND REGULATIONS - (Continued)

INSTALLATION OF SERVICE - (Continued)

7. SUPPLY LINE EXTENSIONS - (Continued)

B. Overhead Areas - (Continued)

construction. A customer may choose the option to make a CIAC rather than utilize a revenue guarantee. The Company will consider financing alternatives, such as a letter of credit or other payment arrangements, in lieu of a CIAC when appropriate. Any additional CIAC payment required will include the related income tax. (C)

- (3) When the customer has a severe fluctuating or unbalanced load, or requests an alternate routing or a deviation from the Company's standard overhead construction practices, the additional cost incurred plus the related income tax will be borne by the customer and will not be included when determining the revenue guarantee amount. (C)

C. Underground Areas

- (1) In areas where the existing supply lines are underground outside the limits of a residential development covered by Tariff Rule 13.2, the Company will construct and maintain extensions of all single-phase underground supply lines operating at 23,000 volts or less which are usable as part of its general supply system without a guarantee of revenue. When the single-phase supply line extension is to supply electricity exclusively to a single customer, such a supply line will be extended to the customer's property line only if a guarantee of revenue is provided by the customer, over a period of five years which is sufficient to recover the actual total contractor cost, direct labor cost and direct material cost for the full length of the single-phase underground line extension, less the estimated total contractor cost, direct labor cost, and direct material cost for an equivalent single-phase overhead line extension. In the event that a revenue guarantee is not sufficient to recover the estimated total cost of the construction, or if the Company determines that the extension is speculative, or the customer represents a credit risk, the Company may require an up-front contribution in aid of construction (CIAC) from the customer to recover the total cost of construction. A customer may choose the option to make a CIAC rather than utilize a revenue guarantee. The Company will consider financing alternatives, such as a letter of credit or other payment arrangements, in lieu of a CIAC when appropriate. Any additional CIAC payment required will include the related income tax. (C)

- (2) In areas where the existing supply lines are underground outside of the limits of a residential development covered by Tariff Rule 13.2, the Company will construct and maintain extensions of all three-phase underground supply lines operating at 23,000 volts or less which are usable as part of its general supply system without a guarantee of revenue. When the three-phase supply line extension is to supply service exclusively to a single customer, such a supply line will be extended to the customer's property line only if a guarantee of revenue is provided by the customer over a period of five years which is sufficient to recover the actual total construction cost of the three-phase underground line extension, less the estimated total construction cost for an equivalent single-phase overhead line extension. In the event that a revenue guarantee is not sufficient to recover the estimated total cost of (C)

(C) Indicates Change

RULES AND REGULATIONS - (Continued)

INSTALLATION OF SERVICE - (Continued)

7. SUPPLY LINE EXTENSIONS - (Continued)

C. Underground Areas - (Continued)

the construction, or if the Company determines that the extension is speculative, or the customer represents a credit risk, the Company may require an up-front contribution in aid of construction (CIAC) from the customer to recover the total cost of construction. A customer may choose the option to make a CIAC rather than utilize a revenue guarantee. The Company will consider financing alternatives, such as a letter of credit or other payment arrangements, in lieu of a CIAC when appropriate. Any additional CIAC payment required will include the related income tax. (C)

- (3) When the customer has a severe fluctuating or unbalanced load, or requests an alternate routing or a deviation from the Company's standard underground construction practices, the additional cost plus the related income tax will be borne by the customer and will not be included when determining the revenue guarantee amount. (C)

D. Rights-of-Way

Before construction of a line extension, satisfactory rights of way and other necessary permits must be granted to the Company for the construction of the supply line extension along the route selected by the Company. The customer agrees to pay the Company any initial and recurring rights-of-way or license fees in excess of an amount normally incurred by the Company in constructing and maintaining the supply line extension.

E. Revenue Guarantees

The revenue guarantee amount shall be the estimated cost of the line extension. The annual revenue guarantee amount shall be the revenue guarantee amount, divided by the number of years in the guarantee period. (C)

The annual revenue guarantee amount will be reviewed yearly and will be adjusted to the minimum charges as provided in the applicable rate schedule on the following basis:

- (1) When the total of the monthly Company delivery charges at the end of the current year is less than the annual revenue guarantee amount, a payment equal to the difference plus the related income tax where applicable shall be immediately due and payable. (C)
- (2) When the total of the monthly Company delivery charges within the number of years in the guarantee period, equals or exceeds the revenue guarantee amount, no further payments are required. Any prior payments in excess of the revenue guarantee amount will be refunded with accrued interest. (C)

(C) Indicates Change

RULES AND REGULATIONS - (Continued)

INSTALLATION OF SERVICE - (Continued)

7. SUPPLY LINE EXTENSIONS - (Continued)

E. Revenue Guarantees - (Continued)

- (3) If an additional customer is served from the line extension, the revenue guarantee amount will be reduced to the cost of the line extension which is used exclusively to serve the single customer. If the cost of the line extension to serve the new customer would increase the revenue guarantee amount for an existing customer, the extension shall be considered as a new line extension.
- (4) In the event the customer discontinues or cancels service before the end of the guarantee period, the balance of the revenue guarantee amount plus the related income tax where applicable shall be immediately due and payable.

F. Contributions in Aid of Construction

The Contribution in Aid of Construction (CIAC) will be refunded to the customer over the five-year revenue guarantee period to the extent that the revenue from the customer satisfies the revenue guarantee.

- (1) When the total of the monthly Company delivery charges at the end of the current year is greater than or equal to one-fifth of the CIAC, a refund of one-fifth of the CIAC will be made to the customer.
- (2) When the total of the monthly Company delivery charges at the end of the current year is less than one-fifth of the CIAC, a refund of one-fifth of the CIAC less the revenue shortfall will be made to the customer.
- (3) At the end of the five-year revenue guarantee period, a final reconciliation of delivery charges during the period will be made against the CIAC. If the total delivery charges paid exceed or equal the original CIAC, any remaining CIAC will be returned to the customer. If the total delivery charges paid are less than the original CIAC, the remaining CIAC will be retained by the Company.

8. CONNECTION CHARGES The Company reserves the right to make a reasonable charge including the related income tax, payable in advance, for service lines and for equipment installed for the exclusive use of a customer which exceed Company established standards described in the Company's "Electric Service Installation Rules."

(C) Indicates Change

(C)

RULES AND REGULATIONS - (Continued)

INSTALLATION OF SERVICE - (Continued)

9. RELOCATIONS OF FACILITIES

A. Pole Removal or Relocation for Residential Customers

When requested by a residential property owner who is not otherwise entitled to receive condemnation damages to cover the cost of the pole removal or relocation or who is not requesting a pole removal or relocation as the result of damages caused by the intentional or negligent conduct of any party, the Company will when it is practicable, subject to the execution and receipt of required easements, licenses or municipal permits, remove or relocate a pole or poles and associated attachments, upon receipt, in advance, of the Company's estimated contractor or direct labor and direct material costs associated with the particular pole removal or relocation, less any maintenance expenses avoided as a result of the pole removal or relocation.

For purposes of this Rule, the following definitions are applicable:

- (1) **Contractor costs** - Amount paid by the utility to a contractor for work performed on a pole removal or relocation.
- (2) **Direct labor costs** - Includes pay and expenses of public utility employees directly attributable to work performed on pole removals or relocations. Excludes payroll taxes, workmen's compensation, similar items of expense and construction overhead costs.
- (3) **Direct materials costs** - Includes the purchase price of materials used in performing a pole removal or relocation and excludes the related stores expenses. Proper allowance shall be made for unused materials, and materials recovered from temporary structures, and for discounts allowed and realized in purchase of materials.
- (4) **Income tax** - Federal and State tax relating to the tax liability of contributions in aid-of-construction.

B. Other Company Facilities for all Customers

When requested or required by the action of a customer or a third party, relocation of Company facilities, except those covered under Section A of this Rule, will be performed by the Company upon receipt, in advance, of the Company's estimated total direct and indirect costs including the related income tax of such relocations from the customer or such third party. The Company may waive charges under this rule if, in the Company's judgment, the location of the Company's existing supply line and/or service line on the customer's property restricts the growth of the customer's operations and the potential increase in the Company's revenues.

JUL 1 2006
UTILITY COMPANY
REGULATORY BUREAU

EXHIBIT
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RULES AND REGULATIONS - (Continued)

INSTALLATION OF SERVICE - (Continued)

10. ONE SERVICE OF A KIND Only one service of each type as to voltage and phase will be provided to a customer under one contract; provided, however, that when, in the judgment of the Company, compliance with Rule No. 17, Fluctuations and Unbalances, may be most economically effected by establishing a separate service connection for a portion of the customer's load, such separate service connection may, at the option of the customer, be combined, notwithstanding similarity as to voltage and phase, with other service connections under a single contract for the customer's entire electric delivery service requirements at the affected location. Electric service at different premises, regardless of voltage or phase, shall never be combined for billing under one account for the purpose of reducing Company charges.

11. METER SUPPORTS The customer shall provide on the premises, at a location satisfactory to the Company, proper space, supports, and enclosures for metering equipment.

12. TRANSFORMERS AND CONTROL EQUIPMENT Where, in the judgement of the Company, it is necessary to install transformers and other control or protective equipment on the customer's premises, the customer shall provide a suitable place, foundation and housing for such installation, in accordance with the Company's "Electric Service Installation Rules."

13. CUSTOMER'S FACILITIES The installation and maintenance of the customer's wiring and equipment shall be in accordance with the Company's "Electric Service Installation Rules" and shall be subject to the approval of the proper authorities. The Company is not required to provide electric service thereto unless so approved, but does not assume any responsibility for securing such approval. The Company shall not be liable for damages or injuries resulting from any defects in the customer's wiring or equipment.

13.1 UNDERGROUND DISTRIBUTION

A. When the Company is required by governmental order or enters into agreements with redevelopment authorities, a private real estate developer or a group of customers to change its distribution supply lines from overhead to underground, customers receiving or to receive electric service at voltages of 600 volts or less from these supply lines shall provide at their own expense the necessary facilities for receiving such underground service.

B. Underground Service Lines from Overhead Supply Lines

(1) Service Line Voltages Under 600 Volts.

(a) Where an underground service line is installed from the Company's overhead, street secondary supply lines, the customer shall furnish and install all conductors and conduit in accordance with the Company's "Electric Service Installation Rules."

(2) Service Line Voltages Over 600 Volts.

(a) Where the Company's supply lines are overhead, the customer shall furnish and install all conduits or ducts for the underground primary service line within the street area as well as all necessary conduit, ducts, manholes and junction boxes on private property in accordance with the Company's "Electric Service Installation Rules."

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EXHIBIT

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2601 Preble Ave
Pittsburgh, Pa. 15233

July 14, 2004

Mr. Patrick Gallagher
GAI Consultants Inc.
570 Beatty Rd
Monroeville, Pa. 15146

Re: Revised Cost Estimate
Ohioview Acres
Stowe Twp., Pa.

Dear Patrick:

Thank you for giving Duquesne Light the opportunity to serve your electric needs.

We have revised our design per your request at the July 7, 2004 meeting. The revised cost estimate will keep the remaining overhead in the vicinity of the existing high-rise. The overhead wires will then terminate into the proposed underground facilities per your request. The former overhead facilities were removed this past winter under a prior job to allow for the rebuilding of Ohioview Acres. This revised cost estimate provides for some additional savings by allowing the overhead conductors to remain. The estimate also does not include the material cost for the requested URD transformers. This cost was eliminated from the estimate so that this project could move forward as provided for in your budget.

The revised customer cost is \$253,416.73

Since you will be requiring work soon, please forward a check, payable to Duquesne Light Company, to my attention at the following address:

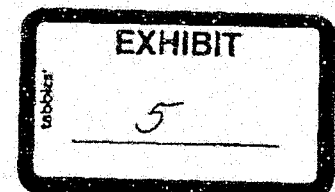
2601 Preble Ave
Pittsburgh, Pa. 15233

These costs will remain in effect until Jan 15, 2005, after which time we will need to reevaluate this cost.

If you have any questions concerning this cost estimate, please call me at 412-393-8013.

Sincerely,

John E. Khalil
Project Manager



RECEIVED
DIVISION
BUREAU

AFFIDAVIT

I, Michael S. Thomas, being duly sworn according to law depose and say that I am authorized to make this affidavit on behalf of Duquesne Light Company being the holder of the office of Director of Work Management with that corporation, and that the facts set forth in the foregoing document are true and correct to the best of my knowledge, information and belief and Duquesne Light Company expects to be able to prove the same at any hearing hereof.

Michael S. Thomas
Michael S. Thomas

Sworn and subscribed before me this 15th day of May, 2006.

Mary Jane Hammer
Notary Public

My Commission Expires October 6, 2007

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Mary Jane Hammer, Notary Public
City of Pittsburgh, Allegheny County
My Commission Expires Oct. 6, 2007
Member, Pennsylvania Association of Notaries

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

OHIOVIEW INFRASTRUCTURE, INC.,)

Complainant,)

) Docket No. C-20066233

DUQUESNE LIGHT COMPANY,)

Respondent.)

CERTIFICATE OF SERVICE

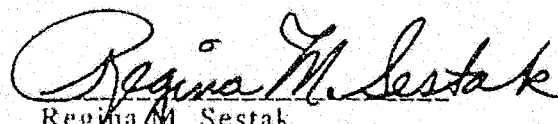
I hereby certify that I have this day served a true copy of the foregoing document upon the participant listed below in accordance with the requirements of 52 PA. Code § 1.54 (relating to service by a participant).

Ohioview Infrastructure, Inc.
230 Wyoming Avenue
Kinston, PA 18704

Clifford B. Levine
Attorney at Law
Thorp Reed & Armstrong, LLP
One Oxford Centre
301 Grant Street, 14th Floor
Pittsburgh, PA 15219-1425

David J. Montgomery
Attorney at Law
Thorp Reed & Armstrong, L
One Oxford Centre
301 Grant Street, 14th Floor
Pittsburgh, PA 15219-1425

Dated this 15th day of May, 2006.



Regina M. Sestak
Pa. I.D.# 23632
Duquesne Light Company
411 Seventh Avenue
Mail Drop 8-2
Pittsburgh, PA 15219
Telephone: (412) 393-1196
FAX (412) 393-1418

COMMUNICATIONS SECTION



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Office of Administrative Law Judge
P.O. BOX 3265, HARRISBURG, PA 17105-3265
June 19, 2006

IN REPLY PLEASE
REFER TO OUR FILE

In Re: C-20066233,
C-20066236

(See attached list)

DOCUMENT FOLDER

C-20066236 Ohioview Infrastructure v. Duquesne Light Company
C-20066236 Groveton Housing v. Duquesne Light Company

Billing dispute.

NOTICE

This is to inform you that an Initial Prehearing Conference by telephone on the above-captioned case will be held as follows:

Date: Thursday, July 20, 2006

Time: 10:00 a.m.

Presiding: Administrative Law Judge Michael A. Nemeo
1103 Pittsburgh State Office Building
300 Liberty Avenue
Pittsburgh, Pennsylvania 15222
Telephone: 412.565.3550
Fax: 412.565.5692

BTL

If you have not provided a current telephone number where you can be reached for participation in the conference OR YOUR AREA CODE HAS CHANGED, then you must contact the presiding officer at least 7 days before the actual conference and provide the necessary information.

DOCKETED
NOV 20 2006

At the above date and time, the Administrative Law Judge will contact the parties as follows:

Cliffor B. Levine & David J. Montgomery 412.394.7763
Regina M. Sestak, Esquire 412.393.1546

If you are a person with a disability, and you wish to attend the hearing, we may be able to make arrangements for your special needs. Please call the scheduling office at the Public Utility Commission at least (2) two business days prior to your hearing:

- Scheduling Office: 717.787.1399
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1.800.654.5988

pc: Judge Nemeč
Susan Licon
Beth Plantz
Docket Section
Calendar File

C-20066236 Ohioview Infrastructure v. Duquesne Light Company
C-20066236 Groveton Housing v. Duquesne Light Company

Billing dispute.

CLIFFORD B LEVINE ESQUIRE
DAVID J MONTGOMER ESQUIRE
THORP REED & ARMSTRONG
ONE OXFORD CENTRE
301 GRANT STREET 14TH FLOOR
PITTSBURGH PA 15219-1425

REGINA M SESTAK ESQUIRE
DUQUESNE LIGHT COMPANY
411 SEVENTH AVENUE
MAIL DROP 8-2
PITTSBURGH PA 15219