

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

THOMAS BEATTY,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

No. C-2017-2588733

ANSWER TO NEW MATTER

Filed on Behalf of:  
Thomas Beatty, Complainant

Counsel of Record for this Party:

Michael J. Witherel, Esquire  
PA. I.D. 27726

WITHEREL & ASSOCIATES  
966 Perry Highway  
Pittsburgh, PA 15237

(412) 366-6629

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AND NOW, comes the Complainant, Thomas Beatty, by and through his attorneys, Michael J. Witherel, Esquire, and the law firm of Witherel & Associates, and submits this Answer to New Matter and in support thereof avers as follows:

10. Complainant is Thomas Beatty, incorporates the statements made in his Formal Complaint and amended formal complaint as if fully restated herein.

11. Denied. By way of further response, the right away authorizes Respondent to enter the property at any time for that purpose, as well as the right to "trim or remove any trees, shrubbery, or obstruction which at any time may interfere or threaten to interfere with" that operation of that transmission circuit.

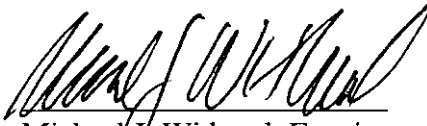
On or about September 3, 2016, Respondent did enter the property without prior notice to Complainant and marked thirty-nine (39) trees for removal, however Complainant avers that in every instance of Respondents' necessity to manage the vegetation near the transmission line, that respondent has merely trimmed the vegetation as opposed to removal. Complainant believes and therefore avers that there have been no instances of disruption or interference with the transmission circuit caused by the trees; exhibiting that the past trimming practices has been successful for the Respondent pursuant to the rights and purposes, not the geographic scope, of

the easement. By way of further response, Complainant believes and therefore avers that certain trees marked for removal by the Respondent are so distant from the transmission line that they cannot be reasonably deemed to "interfere or threaten to interfere" with the transmission line rendering the removal inconsistent with the right of way.

12. Denied. Complaint is respectfully requesting that Respondent act consistent with its interpretation of the vaguely worded easement as they have done for the past sixty (60) years that complainant has owned the property by continuing the practice of trimming those trees on the property necessary to prevent an interference with their transmission line as opposed to removal of those trees.

WHEREFORE, Complainant, Thomas Beatty, respectfully requests Order be entered directing Respondent, Duquesne Light Company, to trim the trees on the property located at 653 Nicholson Road, Sewickley, PA 15143, as opposed to removing the thirty-nine (39) marked trees.

Respectfully submitted,



Michael J. Witherel, Esquire

**CERTIFICATE OF SERVICE**

I hereby certify this 9th day of May, 2017, that a true and correct copy of the within Answer to New Matter was served upon the following via first-class United States Mail, postage pre-paid: .

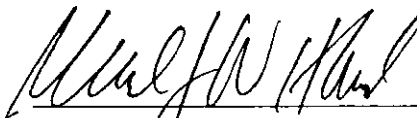
Administrative Law Judge Mark A. Hoyer  
Piatt Place, Suite 220  
301 5<sup>th</sup> Avenue  
Pittsburgh, PA 15222

Jeremy Farrell, Esq.  
Tucker Arensberg, PC  
1500 One PPG Place  
Pittsburgh, PA 15222

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Michael J. Witherel, Esq.