

July 19, 2017

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-2610584

RE: Robert Kuhn, Jr. vs Duquesne Light Company  
Docket No. C-2017-2610584


Dear Secretary Chiavetta:

Enclosed please find Robert Kuhn's answer to new matter filed by  
Duquesne Light to Robert Kuhn's Formal Complaint.

A copy of this document has been sent via first class mail to:

Jeremy V Farrell  
Paul Shane Miller  
Attorneys for Duquesne Light Company  
1500 One PPG Place  
Pittsburgh, PA 15222

Sincerely,



Robert Kuhn, Jr

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Robert Kuhn Jr.,

Complainant

VS

No.C-2017-2610584

Duquesne Light Company,

Respondent

FILED

JUL 19 2017

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S OFFICE

**ANSWER TO NEW MATTER**

10. Complainant Robert Kuhn, incorporates the statements made in his Formal Complaint as if fully restated herein.

11. Denied. IF the commission lacks jurisdiction over rights of way disputes, then the vaguely worded 1926 right of way agreement (Exhibit A) should not be allowed as an exhibit or evidence to be presented in this case. Instead the precise deeded surveys that clearly represent the easement boundaries should be deferred to as a superseding legal document of record. There is no adjudication needed as to the scope and validity of the surveys. There is no ambiguity whatsoever. The surveys have been universally accepted, approved, and recorded as legal documents by the municipalities and other government agencies such as zoning boards and planning commissions as well as the property owners.

Furthermore, DLC's "past practice" and "course of performance" over a 90 year period should also be accepted as superseding the outdated ambiguous 1926 document. DLC's past practice of pruning and trimming trees within the universally accepted boundaries of the easement has demonstrated a clearly successful and adequate course of performance in vegetation management. DLC has acknowledged this in paragraph 12 of their own document (PUC docket No. A-110150, (exhibit 5)):

*Paragraph 12 acknowledges the course of performance and past practice procedure regarding successful vegetation management:*

*"The operation and maintenance procedures for these lines conforms to Duquesne Light's transmission and distribution construction standards and Duquesne Light's procedures for clearance and vegetation managements of rights-of-way. These standards meet or exceed all relevant NESC standards and all standards of the Federal Occupational Safety and Health Administration."*

WHEREFORE, Complainant, Robert Kuhn Jr. respectfully requests that the Public Utility Commission Order the relief sought by Complainant.



Robert Kuhn Jr.  
3705 Aurelia Dr.  
Allison Park, PA 15101

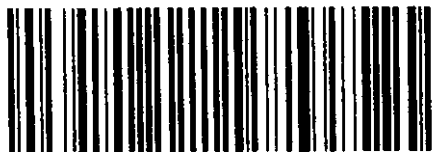
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**CERTIFIED MAIL**

Robert Kuhn  
3705 Aurelia Dr.  
Allison Park, PA. 15101



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