

Sept 22, 2017

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

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

Dear Secretary Chiavetta:

Enclosed please find: EXCEPTIONS OF Complainant Robert Kuhn to  
the initial decision and order dated September 7, 2017.

**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

RECEIVED  
2017 SEP 25 AM 10:30  
PA PUC  
SECRETARY'S BUREAU

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Robert Kuhn Jr.,

Complainant

VS

No.C-2017-2610584

Duquesne Light Company,

Respondent

**EXCEPTIONS OF Complainant Robert Kuhn to the initial decision and order dated September 7, 2017.**

I, Robert Kuhn, Complainant respectfully submit that the Initial Decision regarding the Commission's lack of jurisdiction over real property rights and easement/rights of way addresses only one part of the formal complaint. In addition to real property rights, the complaint is also about enforcing past practices and procedures that the Respondent has stated have been successful.

I believe the Commission does have jurisdiction over statements that Duquesne Light Company (DLC), Respondent asserts in past publicly documented PUC docket cases. I request that the Commission please reconsider the following excerpts taken from Exhibit 5, some of which have been used by the Commission in previous docket cases.

In July of 2005, DLC sent a letter of notification (exhibit 5) to the owners of properties along the electric transmission/ distribution lines. The letter references PUC docket No. A-110150 requesting approval to increase the voltage of their lines.

Paragraph 9 of DLC's own document acknowledges defined 30-foot, 40-foot, and centerline right-of-ways.

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.”

Paragraph 16 states:

“The existing right-of-way agreements are written for a transmission system for the conveyance and distribution of electric current.”  
And goes on to state that “The existing rights-of-way widths of 40 foot, 30 foot, or centerline will remain unchanged

On October 10, 2005 The Commission’s order to approve DLC’s application request (PUC docket No. A-110150F0033 ) contained:

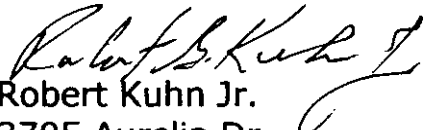
Within the next to last paragraph on page 3 of the order:

In 1969, the Lines were modified and upgraded to increase the voltage from 69 kV to 138 kV. Although the Lines have continued to operate at 69 kV since that time, the modifications were designed and constructed, and the Lines have been operated and maintained, to meet or exceed the requirements of the National Electrical Safety Code ("NESC"). The operation and maintenance procedures for these Lines conform to Duquesne's procedures for line clearance and vegetation management on rights-of-way. These standards meet or exceed all relevant NESC standards and all standards of the Federal Occupational Safety and Health Administrations.

The “PUC order” approving DLC’s application was made with consideration to DLC’s assertion in their July 2005 letter of notification and also confirmed and referenced in docket # A-110150F0033 that the past practice of respecting the established right of ways and their vegetation management has been successful. Again, I respectfully submit my belief that the ALJ and Commission do have jurisdiction over what has been presented to them as factual and has been a consideration in decisions and orders in prior docket cases.

Therefore I respectfully request that my formal complaint NOT be dismissed and that DLC not be permitted to randomly change established policy and procedures that negatively impact the "rate paying" property owners. In addition, I ask that the Commission order the relief requested in my formal complaint.

Sincerely,

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

RECEIVED

Exhibit 5

SEP 25 2005

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Before the  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In re:

Letter of Notification of Duquesne Light Company for Increasing the Voltage of a 5.13 mile Long Transmission Line in Ross Township, Shaler Township, Hampton Township, and Indiana Township, Allegheny County	:	Docket No. A-110150
	:	Folder _____

**LETTER OF NOTIFICATION  
OF DUQUESNE LIGHT COMPANY**

TO THE HONORABLE COMMISSION:

AND NOW comes Duquesne Light Company ("Duquesne Light") and, pursuant to Commission Regulation 57.72(d)(1)(iv), 52 Pa. Code § 57.72(d)(1)(iv), files the within Letter of Notification of which the following is a statement:

**STATEMENT REQUIRED BY REGULATION 57.72(d)(5)**

This Letter of Notification is being filed on July 27, 2005.

The Commission will review and, by order, approve or disapprove this letter of notification. If the Commission approves this letter of notification, the voltage will be raised without the application process set forth in Regulations 57.71 - 57.77. If the Commission does not approve this letter of notification, its order shall direct the applicant to comply with the application process.

**INTRODUCTION**

1. The name and address of the Applicant is:

Duquesne Light Company  
411 Seventh Avenue  
Pittsburgh, PA 15230-1930

2. Duquesne Light is a duly incorporated Pennsylvania public utility engaged in the distribution of electric service to the public, primarily within Allegheny and Beaver Counties, Pennsylvania, in an area of approximately 800 square

miles having a combined population based on the 2000 census of approximately 1,327,057.

3. The name and address of Duquesne Light's attorney is:

Regina M. Sestak  
Assistant General Counsel  
Duquesne Light Company, 8-2  
411 Seventh Avenue  
Pittsburgh, PA 15219

#### DESCRIPTION OF THE PROPOSED LINE

4. Duquesne Light proposes to increase the voltage of each circuit of an existing 5.13 mile double circuit 69 kilovolt ("kV") transmission line to 138kV. These lines are currently and will continue to be identified as "Pine Creek - North No.1" and "Pine Creek - North No.2" ("Lines"). The Lines connect the Duquesne Light Pine Creek Substation to the Duquesne Light North Substation. A topographic map of the area showing the location of the Lines is attached hereto and incorporated herein as Exhibit 1.

5. The existing 69kV line consists of lattice steel towers constructed in the late 1920s and early 1930s. Between 1969 and 1970, the line was upgraded for operation at 138kV. The upgrade consisted of replacing the steel crossarms with bowed laminated wood crossarms, modifying each tower with a single steel peak to accommodate one common shield wire for both circuits, tower and foundation reinforcement, and replacing the conductors and insulators.

6. The height of the towers and the span lengths will remain the same. The height of the existing towers ranges between 84 feet and 127 feet above the ground. Existing span lengths range from 424 to 1814 feet, with typical span lengths varying between 500 and 1000 feet. The maximum span length is 1,814 feet at the Route 8 crossing in Shaler Township.

7. The Lines will continue to be three-phase alternating current transmission lines. Each circuit consists of three phase conductors with one shield wire common to both circuits. Each phase conductor is 853.7 kcmil 24/13 Aluminum

Conductor Alloy Reinforced ("ACAR") conductor. The shield wire is a 5/16" stainless steel conductor. A cross-sectional diagram showing the typical arrangement of the towers is attached hereto and incorporated herein as Exhibit 2.

8. No new construction, reconstruction, or modifications, except for routine maintenance items, will be required to increase the voltage from 69kV to 138kV on these Lines.

#### **GENERAL DESCRIPTION OF ROUTE OF THE LINE**

9. The Lines begin at Pine Creek Substation and proceed a distance of 5.13 miles in a generally westerly direction, through Indiana Township, Hampton Township, and Shaler Township, and end at North Substation in Ross Township, Allegheny County. Approximately 8,970 feet of the Lines are within Indiana Township, 2,050 feet are within Hampton Township, 15,360 feet are within Shaler Township, and 710 feet are within Ross Township, Allegheny County. Approximately 10 % of the Line is located on existing 40-foot rights-of-way, 26 % is located on existing 30-foot rights-of-way and 61 % is located on existing centerline rights-of-way. Approximately 3 % is located on Duquesne Light property and by railroad permit.

#### **BACKGROUND**

10. In 1999, Duquesne Light divested all of its generation, thus relinquishing the ability to control the availability of certain generation facilities critical to the voltage stability in the eastern portion of Duquesne Light's service territory. To compensate for this loss of control and to support the system voltage during periods of heavy load, Duquesne Light installed numerous capacitor banks on the distribution system and developed "must run" agreements with the owners of the critical generation facilities. These agreements assured that adequate voltage was available during anticipated critical operating periods. Subsequent to Duquesne Light joining the PJM ISO System in 2004, these "must run" agreements became economically burdensome to continue. Consequently, Duquesne has identified

transmission projects such as the voltage increase herein that, once completed, will eliminate the need for the "must run" agreements in the eastern portion of the system.

#### **STATEMENT OF NEED**

11. Concerns have arisen regarding the limited transmission resources supplying the northeastern areas of Duquesne Light's service territory. Increasing the transmission supply from 69kV to 138kV will increase the capacity of the transmission system, decrease the number of transformations to 69kV and consequently reduce losses and investment in 69kV autotransformers, while addressing the need for extensive rehabilitation of aging substations. Conversion of the terminal substations at Pine Creek and North Substations are part of the overall strategy to establish the eastern area source and eliminate 69kV as a transmission supply voltage because:

- (1) Duquesne's aging 69kV substation equipment requires increased maintenance on obsolete equipment with limited parts availability.
- (2) Conversion from 69kV to 138kV will reduce transmission system losses by eliminating double transformations resulting from the use of numerous 138-69kV autotransformers to serve islands of 69kV and by reducing current flow on the transmission line conductors due to the increased voltage level.
- (3) There is a need to improve voltage on the existing 69kV system, which typically experiences the lowest system voltage following certain transmission system contingencies.

#### **SAFETY CONSIDERATIONS**

12. In 1969, the Lines were modified and upgraded to increase the voltage from 69kV to 138kV. Although the Lines have continued to operate at 69kV since that time, the modifications were designed and constructed, and the Lines have been operated and maintained, to meet or exceed the requirements of the 6<sup>th</sup> Edition of the National Electrical Safety Code (NESC) for 138kV operation in effect at the time of the structural conversion to 138kV. The safety standards contained in the 6<sup>th</sup> Edition

of the NESC relating to overhead electric supply lines were incorporated into the design and construction of the line modifications implemented between 1969 and 1970 as minimum safety standards as to required clearances and structural loadings. The operation and maintenance procedures for these Lines conforms to Duquesne Light's transmission and distribution construction standards and Duquesne Light's procedures for line clearance and vegetation management on rights-of-way. These standards meet or exceed all relevant NESC standards and all standards of the Federal Occupational Safety and Health Administration.

#### **IN-SERVICE DATE**

13. The proposed in-service date for the Lines at 138kV is December 2005.

#### **SERVICE OF LETTER OF NOTIFICATION**

14. Copies of this Letter of Notification have been sent to all interested parties by certified mail, return receipt requested, as required by Commission Regulation 57.74, 52 Pa. Code § 57.74.

#### **LETTER OF NOTIFICATION IN LIEU OF FULL SITING APPLICATION**

15. Commission Regulation 57.72(d)(1)(iv), 52 Pa. Code §57.72(d)(1)(iv), provides:

A letter of notification may be filed with the Commission in lieu of the application process set forth in §§ 57.72-57.76 for the following:

\* \* \*

(iv) A line for which the voltage is proposed to be increased above its present levels, so long as the size, character, design or configuration of the proposed HV line does not substantially alter the right-of-way.

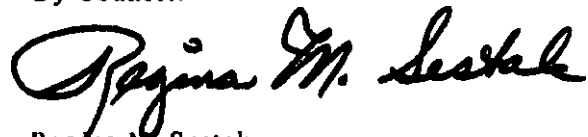
16. The proposed increase in voltage of the Lines will not substantially alter the right-of-way. The Lines have existed and operated in their present location since the early 1930s and in their present configuration since 1970. The size, character, design, or configuration of the Lines will not change to increase the

voltage of these Lines. The existing right-of-way agreements are written for a "transmission system for the conveyance and distribution of electric current." The route of the transmission line will remain unchanged. The existing rights-of-way widths of 40 foot, 30 foot, or centerline, will remain unchanged.

**RELIEF REQUESTED**

WHEREFORE, in consideration of the foregoing, it is requested that the Pennsylvania Public Utility Commission grant Duquesne Light Company approval to proceed with the proposed increase in voltage of these Lines as described in this Letter of Notification.

Respectfully submitted,  
DUQUESNE LIGHT COMPANY  
By Counsel:



Regina M. Sestak  
Attorney for Duquesne Light Company  
Pa. I.D. # 23632

Duquesne Light Company  
411 Seventh Avenue, 8-2  
Pittsburgh, PA 15219

Telephone: (412) 393-1546  
FAX: (412) 393-1418





**Duquesne Light**

*Our Energy... Your Power*

Legal Department  
411 Seventh Avenue, 9-1  
Pittsburgh, PA 15219

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

**Regina M. Sestak**  
Assistant General Counsel

July 27, 2005

Certificate of Mailing

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

In re: Letter of Notification of Duquesne Light Company for Increasing the Voltage of a  
5.13 mile Long Transmission Line in Ross Township, Shaler Township, Hampton  
Township, and Indiana Township, Allegheny County  
Docket No. A-110150 Folder \_\_\_\_\_

Dear Secretary McNulty:

Enclosed for filing are an original and six (6) copies of the Letter of Notification of  
Duquesne Light Company for Increasing the Voltage of a 5.13 mile Long Transmission Line in  
Ross Township, Shaler Township, Hampton Township, and Indiana Township, Allegheny  
County. Copies of the Letter of Notification are being served by certified mail upon all  
persons who are listed in the Certificate of Service.

Thank you for your attention to this matter. Please contact me at (412) 393-1546, if  
you have any questions.

Sincerely,

Regina M. Sestak  
Attorney for Duquesne Light Company

Enclosures

cc: All persons listed on the Certificate of Service (with enclosures)  
Robert Rosenthal, Director, Bureau of Fixed Utility Services (with enclosure)

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Uniform Cover and Calendar Sheet

1. <b>REPORT DATE:</b> November 1, 2005	2. <b>BUREAU AGENDA NO.:</b> NOV-2005-FUS-1073*
3. <b>BUREAU:</b> Fixed Utility Services	
4. <b>SECTION(S):</b> Energy	5. <b>PUBLIC MEETING DATE:</b> November 10, 2005
6. <b>APPROVED BY:</b> Director: Rosenthal 3-5242 Manager: Rodrock 3-6185 Legal Review by: <i>R. Young</i>	
7. <b>PERSONS IN CHARGE:</b> Rodrock/Muriceak 3-6185	9. <b>EFFECTIVE DATE OF FILING:</b> N/A
8. <b>DOCKET NO.:</b> A-110150 F0033	

10. (a) CAPTION (abbreviate if more than 4 lines)  
(b) Short summary of history & facts, documents & briefs  
(c) Recommendation

- (a) Letter of Notification of Duquesne Light Company ("Duquesne") filed pursuant to 52 Pa. Code Chapter 57 to convert an existing 5.13 mile double circuit 69 kilovolt ("kV") transmission line to a 138 kV transmission line in Ross Township, Shaler Township, Hampton Township and Indiana Township, Allegheny County, Pennsylvania.
- (b) On July 27, 2005, Duquesne filed the above-captioned Letter of Notification. Authority for this procedure is provided for at §57.72(d)(1)(vi). No protests were filed. No hearings were held.
- (c) The Bureau of Fixed Utility Services recommends that the Commission adopt the proposed Order.

**DOCKETED**  
DEC 01 2005

**DOCUMENT  
- FOLDER**

11. **MOTION BY:** Commissioner Chm. Holland

**SECONDED:** Commissioner Cawley

Commissioner Shane - Yes  
Commissioner Pizzingrilli - Yes  
Commissioner Fitzpatrick - Yes

**CONTENT OF MOTION:** Staff recommendation adopted.

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Uniform Cover and Calendar Sheet

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6. <b>APPROVED BY:</b> Director: Rosenthal 3-5242 <i>[Signature]</i> Manager: Rodrock 3-6185 <i>H.E.R.</i> Legal Review by: <i>[Signature]</i>	November 10, 2005
7. <b>PERSONS IN CHARGE:</b> Rodrock/Muriceak 3-6185	9. <b>EFFECTIVE DATE OF FILING:</b> N/A
8. <b>DOCKET NO.:</b> A-110150 F0033	

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- (a) Letter of Notification of Duquesne Light Company ("Duquesne") filed pursuant to 52 Pa. Code Chapter 57 to convert an existing 5.13 mile double circuit 69 kilovolt ("kV") transmission line to a 138 kV transmission line in Ross Township, Shaler Township, Hampton Township and Indiana Township, Allegheny County, Pennsylvania.
- (b) On July 27, 2005, Duquesne filed the above-captioned Letter of Notification. Authority for this procedure is provided for at §57.72(d)(1)(vi). No protests were filed. No hearings were held.
- (c) The Bureau of Fixed Utility Services recommends that the Commission adopt the proposed Order.

**DOCKETED**  
DEC 01 2005

**DOCUMENT  
- FOLDER**

11. MOTION BY: Commissioner Chm. Holland  
 SECONDED: Commissioner Cawley

Commissioner Shane - Yes  
 Commissioner Pizzingrilli - Yes  
 Commissioner Fitzpatrick - Yes

CONTENT OF MOTION: Staff recommendation adopted.



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

IN REPLY PLEASE  
REFER TO OUR FILE

NOVEMBER 15, 2005

A-110150F0033

REGINA M SESTAK ESQUIRE  
DUQUESNE LIGHT COMPANY  
411 SEVENTH AVENUE  
MAIL DROP 9-1  
PITTSBURGH PA 15219

DOCUMENT  
FOLDER

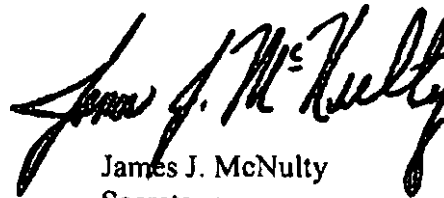
Letter of Notification of Duquesne Light Company filed pursuant to 52 Pa. Code Chapter 57 to convert an existing 5.13 mile double circuit 69 kV transmission line to a 138 kV transmission line in Ross Township, Shaler Township, Hampton Township and Indiana Township, Allegheny County, Pennsylvania.

To Whom It May Concern:

This is to advise you that the Commission in Public Meeting on November 10, 2005 has adopted an Order in the above entitled proceeding.

An Order has been enclosed for your records.

Very truly yours,



James J. McNulty  
Secretary

fg  
encls  
cert. mail

**DOCKETED**  
APR 24 2006

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265

Public Meeting held November 10, 2005

Commissioners Present:

Wendell F. Holland, Chairman  
James H. Cawley, Vice Chairman  
Bill Shane  
Kim Pizzingrilli  
Terrance J. Fitzpatrick

DOCUMENT  
FOLDER

Letter of Notification of Duquesne Light Company  
filed pursuant to 52 Pa. Code Chapter 57 to convert  
an existing 5.13 mile double circuit 69 kV  
transmission line to a 138 kV transmission line in  
Ross Township, Shaler Township, Hampton  
Township and Indiana Township, Allegheny  
County, Pennsylvania.

Docket Number:  
A-110150 F0033

ORDER

**DOCKETED**  
APR 24 2006

**BY THE COMMISSION:**

On July 27, 2005, Duquesne Light Company ("Duquesne") filed a Letter of Notification pursuant to 52 Pa. Code §57.72 (d)(1)(vi), of the Commission's transmission line siting regulations. Section 57.72 authorizes the abbreviated "Letter of Notification" siting application process when approval is being requested to construct a transmission line where the voltage is proposed to be increased above present levels, where a line is to be reconstructed, or where the line has a proposed length of two miles or less.

The Letter of Notification proposes to convert an existing 5.13 mile double circuit 69 kilovolt ("kV") transmission line into a 138 kV transmission line. These lines are currently and will continue to be identified as "Pine Creek – North No. 1" and "Pine Creek – North No. 2" ("Lines"). The Lines connect the Duquesne Light Pine Creek Substation to the Duquesne Light North Substation.

The existing 69 kV line was upgraded for operation at 138 kV between 1969 and 1970. The upgrade consisted of replacing the steel crossarms with bowed laminated wood crossarms, modifying each tower with a single steel peak to accommodate one common shield wire for both circuits, tower and foundation reinforcement, and replacing the conductors and insulators. Duquesne states that the height of the towers and the span lengths will remain the same.

The Lines will continue to be three-phase alternating current transmission lines. Each circuit consists of three phase conductors with one shield wire common to both circuits. Each phase conductor is 24/13 Aluminum Conductor Alloy Reinforced ("ACAR") conductor. The shield wire is a 5/16" stainless steel conductor. No new construction, reconstruction, or modifications, except for routine maintenance items, will be required to increase the voltage from 69 kV to 138 kV on these Lines.

Duquesne states that concerns have arisen regarding the limited transmission resources supplying the northeastern areas of Duquesne's service territory. Increasing the transmission supply from 69 kV to 138 kV will increase the capacity of the transmission system, decrease the number of transformations to 69 kV and consequently reduce losses and investment in 69 kV autotransformers, while addressing the need for extensive rehabilitation of aging substations. Conversion of the terminal substations at Pine Creek and North Substations are part of the overall strategy to establish the eastern area source and eliminate 69 kV as a transmission supply voltage because:

- (1) Duquesne's aging 69 kV substation equipment requires increased maintenance on obsolete equipment with limited parts availability.
- (2) Conversion from 69 kV to 138 kV will reduce transmission system losses by eliminating double transformations resulting from the use of numerous 138 – 69 kV autotransformers to serve islands of 69 kV and by reducing current flow on the transmission line conductors due to the increased voltage level.
- (3) There is a need to improve voltage on the existing 69 kV system, which typically experiences the lowest system voltage following certain transmission system contingencies.

In 1969, the Lines were modified and upgraded to increase the voltage from 69 kV to 138 kV. Although the Lines have continued to operate at 69 kV since that time, the modifications were designed and constructed, and the Lines have been operated and maintained, to meet or exceed the requirements of the National Electrical Safety Code ("NESC"). The operation and maintenance procedures for these Lines conform to Duquesne's procedures for line clearance and vegetation management on rights-of-way. These standards meet or exceed all relevant NESC standards and all standards of the Federal Occupational Safety and Health Administrations.

Duquesne states that in accordance with the provisions of 52 Pa. Code §57.72 (d)(3), a copy of this Letter of Notification was served by certified mail upon those who would have otherwise been entitled to receive a copy of an application or

2. Article Number



7160 3901 9843 0839 0456

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee)  Yes

1. Article Addressed to:

A-110150F-1033  
Regina A. Santak Esq

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

*Jule Allen*

B. Date of Delivery

*11 17*

C. Signature

*Jule Allen*

Agent  
 Addressee

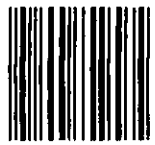
D. Is delivery address different from item 1?  
If YES, enter delivery address below.

Yes  
 No

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



1000



17105

U.S. POSTAGE  
PAID  
GLENSHAW, PA  
15116  
SEP 22, 17  
AMOUNT

**\$1.61**

R2304N116897-04

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