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File #: 166407

March 15, 2019

VIA HAND DELIVERY

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

**Re: Application of Duquesne Light Company for Waiver of Provisions of the Pennsylvania Public Utility Commission's Regulations at 52 Pa. Code Section 57.71 et seq., for the Siting and Construction of Six Structures on an Existing Transmission Line
Docket No. P-2019-**

Dear Secretary Chiavetta:

Enclosed for filing is the Petition for Waiver of Duquesne Light Company ("Duquesne Light" or the "Company") in the above-referenced proceeding. Duquesne Light notes that the six structures involved in this Petition are part of the broader Application of Duquesne Light Company filed Pursuant to 52 Pa. Code Chapter 57, Subchapter G, for Approval of the Siting and Construction of the 138 kV Transmission Lines Associated with the **Brunot Island – Crescent Project** in the City of Pittsburgh, McKees Rocks Borough, Kennedy Township, Robinson Township, Moon Township, and Crescent Township, Allegheny County, Pennsylvania that is being concurrently filed. This waiver is being requested in order to allow Duquesne Light to replace these six structures that were impacted by landslides in 2018 on an accelerated basis.

As indicated on the Certificate of Service, copies of the Petition for Waiver are being served by certified mail, return receipt requested, upon the involved governmental agencies, municipalities, and property owners.

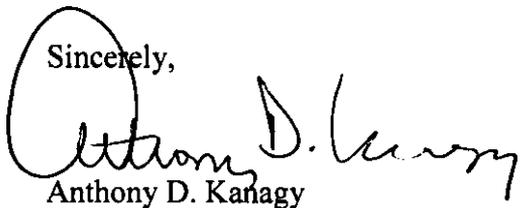
If you have any questions concerning this matter, please contact me the address or telephone numbers provided above.

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Rosemary Chiavetta, Secretary
March 15, 2019
Page 2

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Sincerely,



Anthony D. Karagy

ADK/kl
Enclosures

cc: Certificate of Service
Robert F. Young
Office of Consumer Advocate
Office of Small Business Advocate
Bureau of Investigation & Enforcement
Paul T. Diskin
Yasmin Snowberger
Kimberly Hafner

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MAR 15 2019

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Duquesne Light Company for :
Waiver of Provisions of the Pennsylvania :
Public Utility Commission's Regulations at : Docket No. P-2019-
52 Pa. Code § 57.71 et seq., for the Siting :
and Construction of Six Structures on an :
Existing Transmission Line :

PETITION FOR WAIVER

Duquesne Light Company ("Duquesne Light") hereby files this Petition pursuant to 52 Pa. Code §§ 5.43 and 57.72 (e) to request a waiver of the Pennsylvania Public Utility Commission ("Commission") regulations governing the review and approval of the siting and construction of high voltage electric transmission lines set forth at 52 Pa. Code §57.71 et seq. This waiver is being requested in order to allow Duquesne Light to replace six structures on an existing high voltage transmission line that were impacted by recent landslides in the spring of 2018. Replacement of these structures is necessary in order to maintain safe and reliable service to customers because these structures are in a landslide-prone area. Two of the six structures are original lattice steel towers with grillage foundations, the other four were replaced with temporary emergency structures in the spring of 2018, each consisting of two directly embedded galvanized steel monopoles. The existing structures will be replaced with monopoles on concrete foundations that will be designed to withstand potential landslides.

With this Petition, Duquesne Light is not seeking approval to site and construct a new transmission line, but rather to replace approximately six structures which support an existing transmission line. The six structures in question are part of the Brunot Island-Crescent double-circuit 138 kV Transmission Line between the Brunot Island Substation in the City of Pittsburgh and the Crescent Substation in Crescent Township ("BI-Crescent Line"). Duquesne Light plans

to rebuild approximately 14.5 miles of the BI-Crescent Line transmission line, and that rebuild project is the subject of a separate, full Application for siting and construction approval which has been filed separate but concurrently with this filing. However, the replacement of the six structures must occur in advance of the anticipated timeframe for approval of the full rebuild of the BI-Crescent line due to the foreseeable threat of future landslides that could damage Duquesne Light infrastructure, or cause public safety and reliability issues.

For the reasons explained below, Duquesne Light respectfully requests a waiver from the siting and construction approval requirements of 52 Pa. Code §§ 57.72(a)-(d) to allow Duquesne Light to perform the required preventative construction work which includes the installation of six structures as detailed herein.

I. INTRODUCTION AND BACKGROUND

1. Duquesne Light is a public utility and electric distribution company as defined in Sections 102 and 2803 of the Public Utility Code, 66 Pa. C.S.A. 102, 2803. Duquesne Light provides electric distribution, transmission, and provider of last resort services in Pennsylvania subject to the regulatory jurisdiction of the Commission.

2. Duquesne Light's principal business address is:

Duquesne Light Company
411 Seventh Avenue
Pittsburgh, PA 15219

3. Duquesne Light is represented in this matter by:

Tishekia Williams (PA ID # 208997)
Emily Farah (PA ID # 322559)
Duquesne Light Company
411 Seventh Avenue
Pittsburgh, PA 15230-1930
E-mail: twilliams@duqlight.com
E-mail: efarah@duqlight.com

Anthony D Kanagy (PA ID # 85522)
Garrett P. Lent (PA ID # 321566)
Post & Schell, P.C.
17 North Second Street
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Phone: 717-731-1970
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4. Duquesne Light furnishes electric service to approximately 596,000 customers throughout its certificated service territory, which includes portions of Allegheny and Beaver Counties and encompasses approximately 800 square miles.

5. Duquesne Light owns approximately 686 miles of transmission lines operating at 69kV or higher, and approximately 8,210 miles of distribution lines operating at less than 69 kV.

6. Since April of 2018, three landslides have occurred in Robinson Township. The most recent landslide was discovered on June 15, 2018 in the same vicinity. The landslides in this area have been impacting approximately six lattice towers (Structure numbers 35-1, 36-1, 37-1, 38-1, 39, and 40) that support approximately 0.58 miles of high voltage transmission line. A map showing the location of the six structures in question is attached hereto as Exhibit 1 to this Petition.

7. The six structures at issue include:

- a. structure 35-1 which consists of two direct embedded galvanized steel monopoles 81 feet tall and installed in April 2018;
- b. structure 36-1 which consists of two direct embedded galvanized steel monopoles 81 feet tall and installed in April 2018;
- c. structure 37-1 which consists of two direct embedded galvanized steel monopoles 121 feet tall and installed in April 2018;

- d. structure 38-1 which consists of two direct embedded galvanized steel monopoles 121 feet tall and installed in April 2018; and
- e. structure 39 which consists of one galvanized steel lattice tower 81 feet tall and installed in 1915, and structure 40 which consists of one galvanized steel lattice tower 82 feet tall and installed in 1915.

Structures 35-1, 36-1, 37-1, and 38-1 are temporary emergency pole structures that were installed following the most recent landslide, Duquesne Light performed temporary repairs to stabilize the structures, including installation of four temporary emergency structures each consisting of two directly embedded galvanized steel monopoles.

8. Permanent construction work needs to be performed on and around six structures in order to further stabilize the structures and protect against potential damage from additional landslides which may occur in the vicinity of the structures, to ensure reliability and avoid service outages.

II. STANDARD FOR GRANTING WAIVER OF COMMISSION REGULATIONS

9. The Commission's regulation at 52 Pa. Code § 5.71(e) states that the Commission or the presiding officer may, upon the petition of any party, waive one or more or all of the requirements in the Commission's transmission line siting and construction regulations. The petition must clearly state the requirement sought to be waived and the reasons therefor.

10. The Commission's Rules of Administrative Practice and Procedure at 52 Pa. Code § 5.43 allow for petitions for waiver of any of the Commission's regulations. Such petitions must set forth clearly and concisely the interest of the petitioner in the subject matter, the specific waiver being requested, and cite by appropriate reference the statutory provision or other authority involved. The petition must set forth the purpose of, and the facts claimed to

constitute the grounds requiring the waiver.

III. REQUEST FOR WAIVER

11. In order to stabilize the transmission line that was damaged by the landslides in 2018 as soon as possible, Duquesne Light is hereby requesting a waiver of the Commission's transmission line siting and construction regulations at 52 Pa. Code §57.71, et. seq.

12. The Commission's transmission line siting and construction regulations require the filing of an Application or Letter of Notification and obtaining Commission approval before performing construction on a high voltage transmission line or portion thereof.

13. The work required is expected to include the replacement of the current structures with six new weathering steel monopoles on concrete caisson foundations. Duquesne Light intends to begin construction on the six impacted structures in July 2019 and anticipates completing the work in January 2020.

14. Duquesne Light deems this work to be maintenance. However, this maintenance work arguably falls within the definition of "construction," thereby triggering the need for Commission approval for the project under 52 Pa. Code §57.71.

15. The work will largely occur within the existing right-of-way of the transmission line, but potentially could extend beyond the right-of-way. If additional right-of-way is required to replace the six structures, Duquesne Light will obtain the right-of-way prior to construction.

16. Time is of the essence for the preventative construction work on the six structures, because of the foreseeable potential of more landslides that could further de-stabilize the structures.

17. The structures in question are part of the BI-Crescent double-circuit 138 kV Transmission Line. Duquesne Light expects to rebuild approximately 14.5 miles of the BI-

Crescent Line transmission line, and that rebuild project is the subject of a separate, full Application for siting and construction approval during which time the siting and construction of the BI-Crescent rebuild will be fully evaluated by the Commission and other interested stakeholders.

18. The work that is required for the six structures in question needs to occur much sooner than that full rebuild due to the threat of more landslides that could damage the structures.

19. A waiver of the siting and construction approval regulations is in the public interest because:

- a. There is a foreseeable potential of further landslides in the vicinity of the six structures, based on the occurrence of three such landslides in the spring of 2018;
- b. Further landslides could further destabilize the six structures, thereby increasing the risk of service outages in the event that one or more of the structures is partially or fully toppled;
- c. A waiver of the siting and construction approval regulations will permit Duquesne Light to proceed with replacing the structures immediately, whereas both the Application process or Letter of Notification process under 52 Pa. Code § 57.72 could significantly delay the commencement of the required stabilizing work;
- d. The work to be performed will largely occur within Duquesne Light's existing right-of-way; and
- e. The high voltage transmission line in question (the BI-Crescent Line) will be the subject of a full siting and construction approval application in the near

future, at which time the Commission and other interested parties will have the opportunity to fully evaluate the location and construction of the transmission line.

20. Copies of this Petition are being served on all of the parties required by Section 57.74 of the Commission's regulations, 52 Pa. Code § 57.74, as well as the owners of the properties abutting the rights of way upon which the six structures are located.

IV. CONCLUSION

For the foregoing reasons, Duquesne Light Company respectfully requests that the Commission approve a waiver of the Commission's transmission line siting and construction regulations at 52 Pa. Code § 57.71, et. seq. to permit Duquesne Light to immediately proceed with the preventative maintenance work on the six structures located on the BI-Crescent Line which have been impacted by landslides in their vicinity.

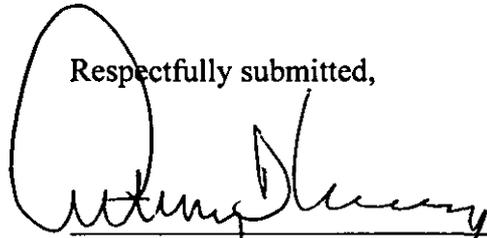
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Tishekia Williams (PA ID # 208997)
Emily Farah (PA ID # 322559)
Duquesne Light Company
411 Seventh Avenue
Pittsburgh, PA 15230-1930

Respectfully submitted,



Anthony D Kanagy (PA ID # 85522)
Garrett P. Lent (PA ID # 321566)
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E-mail: akanagy@postschell.com
E-mail: glent@postschell.com

Date: March 15, 2019

Attorneys for Duquesne Light Company

VERIFICATION

I, Meenah Shyu, holding the title of Manager of Civil & Transmission Line Engineering with Duquesne Light Company verify that the factual allegations contained in the foregoing Petition for Waiver are true and correct to the best of my knowledge, information and belief and that I expect Duquesne Light Company to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsifications to authorities.

Dated: Meenah Shyu 2/26/2019

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CERTIFICATE OF SERVICE

And now, this 15th day of March, 2019, I do hereby certify that I have served a true and correct copy of the foregoing **Petition for Waiver** upon the persons listed below at their respective address, via **certified mail, return receipt requested**:

Pennsylvania Department of Environmental
Protection
Southwest Regional Office
400 Waterfront Drive
Pittsburgh, PA 15222
Attn.: Ronald Schwartz

Bureau of Investigation & Enforcement
Commonwealth Keystone Building
400 North Street, 2nd Floor West
PO Box 3265
Harrisburg, PA 17105-3265

Robert Young, Esquire
Pennsylvania Public Utility
Law Bureau
400 North Street
Harrisburg, PA 17120

Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101-1923

Office of Small Business Advocate
300 North Second Street, Suite 202
Harrisburg, PA 17101

Allegheny County Planning Commission
Rich Fitzgerald – County Executive
Allegheny County
436 Grant St.
Pittsburgh, PA 15219

Allegheny County Council
Allegheny County Courthouse
436 Grant Street, Room 119
Pittsburgh, Pennsylvania 15219-2497
Attn: John DeFazio, President
Attn: Willy McKain
Attn: Ken Varhola

Allegheny County Public Works
County Office Building
542 Forbes Avenue, Room 501
Pittsburgh, PA 15219
Attn: Ronald G. Florian, III

Robinson Township
1000 Church Hill Road
Pittsburgh, PA 15205
Attn: Sam Abatta, Chairman
Attn: Frank Piccolino, Manager

Crescent Township
225 Spring Run Road
Crescent, PA 15046
Attn: Joe Sabol, President
Attn: Patty Christian, Secretary

McKees Rocks Borough
340 Bell Avenue
McKees Rocks, PA
Attn: Anthony T. Skender, Jr., President
Attn: Ruth Pompey, Manager

Kennedy Township
340 Forest Grove Road
Coraopolis, PA 15108
Attn: Anthony Mollica, President
Attn: Paul Bingham, Planning Commission
Chairman
Attn: Kathleen Myers

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Attn: David Bachman, President
Attn: Dawn Lane

City of Pittsburgh
414 Grant Street
5th Floor
Pittsburgh, PA 15219
Attn: Molly Onufer, Manager, Office of
Community Affairs

City of Pittsburgh
200 Ross St.
Suite 309
Pittsburgh, PA 15219
Attn: Christine Mondor, Chairwoman, City
Planning Commission

Michael Syme, Esquire
Partner
Fox Rothschild LLP
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KEVIN J & MICHELE R GOSS (W)
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CHERLY A SOWERS
30 JEFF DRIVE
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STEPHEN J & NEYRCHEL D LUDWICK
(W)
28 JEFF DRIVE
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CHARLES W III & CYNTHIA L EISEL
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112 AMY JO LN
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ROBERT AND ZHOU JIANJUN ALLSOP
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MARK & CHRISTINE FERA (W)
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MICHAEL & TAMMY LEWICKI (W)
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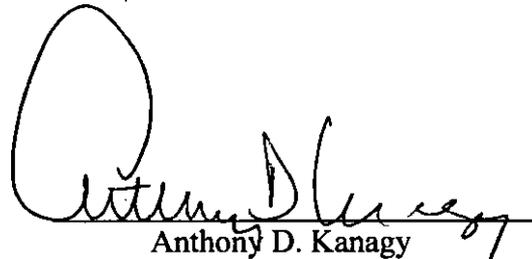
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VICKI J JONES
160 COKETOWN RD
CORAOPOLIS PA 15108

Date: March 15, 2019


Anthony D. Kanagy

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