



Emily M. Farah
Counsel, Regulatory

411 Seventh Avenue
Mail drop 15-7
Pittsburgh, PA 15219

Tel: 412-393-6431
efarah@duqlight.com

October 21, 2019

Via Electronic Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Keystone Bldg. 2nd Floor W
400 N. Street
Harrisburg, PA 17120

**RE: Lipsoss Corp. Constructors v. Duquesne Light Company
Docket No. C-2019-3012350**

Dear Secretary Chiavetta:

Enclosed please find Duquesne Light Company's Answer to Complainant's Petition for Allowance of Addendum No. 3 to the Formal Complaint. A copy of this document and the enclosed filing have been sent to Complainant's counsel and the Presiding Officer in accordance with the enclosed Certificate of Service.

Please contact me with any questions, comments, or concerns.

Respectfully,

A handwritten signature in blue ink, appearing to read "Emily M. Farah", is written over the typed name and title.

Emily M. Farah
Duquesne Light Company
Counsel, Regulatory

Enclosure

cc: Certificate of Service (w/ encl.)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

LIPSOSS CORP. CONSTRUCTORS,	:	
	:	
Complainant,	:	
	:	
vs.	:	No: C-2019-3012350
	:	
DUQUESNE LIGHT COMPANY,	:	
	:	
Respondent.		

**RESPONDENT’S ANSWER TO COMPLAINANT’S PETITION FOR ALLOWANCE OF
ADDENDUM NO. 3 TO THE FORMAL COMPLAINT**

Pursuant to 52 Pa. Code § 5.1(a)(2), Duquesne Light Company (“Duquesne Light” or the “Company”) files this Answer to Complainant’s Petition for Allowance of Addendum No. 3 to Formal Complaint (“Answer”), and in support thereof, states as follows:

I. INTRODUCTION & BACKGROUND

The primary purpose of this Answer is to respond to the allegations made in the Petition for Allowance of Addendum No. 3 to Formal Complaint, filed on September 30, 2019. As noted below, Complainant made several filings after Duquesne Light submitted its Answer, New Matter, and Preliminary Objections to the Formal Complaint. Because the filings are unclear, Duquesne Light reserves the right to assert any additional responses or defenses as may be necessary at a later date.

By way of background, on August 22, 2019, Duquesne Light Company was served with the Formal Complaint filed by Lipsoss Corp. Constructors. On September 11, 2019, Duquesne Light filed a timely Answer and New Matter, as well as Preliminary Objections. On September 27, 2019, Complainant made two filings: A “Petition for Extension of Time to Acquire Legal

Counsel to Answer to Respondent's Response to Respondent's Preliminary Objections" and "Rebuttal Answers to Respondent's Answer and New Matter to Formal Complaint."

On September 28, 2019, Complainant filed another version of "Rebuttal Answers to Respondent's Answer and New Matter to Formal Complaint," and "Rebuttal Answers to Respondent's Answer and New Matter to Formal Complaint and Complainant's New Matter of Fraud and Abuse of Commission Regulations." Complainant's September 28, 2019 "Rebuttal Answers to Respondent's Answer and New Matter to Formal Complaint" contained a response to the Company's Preliminary Objections. Therefore, the Complainant's September 27, 2019 "Petition for Extension of Time to Answer to Respondent's Response to Respondent's Preliminary Objections" is moot.

On September 30, 2019, Complainant made three more filings: "Petition for Allowance of Addendum No. 3 to Formal Complaint," a "Petition for an Extension of Time to Respond to Respondent's Response to Respondent's Preliminary Objections," and a "Petition for Extension of Time to Acquire Legal Counsel." As noted above, Complainant's request for more time to respond to the Company's Preliminary Objections is moot. Complainant's request to obtain legal counsel is also moot, being that counsel has entered a notice of appearance for the Complainant regarding this matter on October 17, 2019.

Complainant's request for a third addendum to the Formal Complaint is puzzling, being that the Complainant has not filed a first or second addendum to the Formal Complaint. The Complainant's filings mentioned above were not filed by counsel and did not contain a notice stating that an answer or other responsive pleading shall be filed within 20 days of service. However, out of an abundance of caution, and in accordance with 52 Pa. Code § 5.1(a), Duquesne Light offers the following Answer.

II. ANSWER TO ADDENDUM NO. 3

1. In the first paragraph of the Addendum No. 3, Complainant refers to an “[A]ddendum No. 1 and No. 2.” According to the online docket, Complainant has not filed Addendum No. 1 or Addendum No. 2. Therefore, the allegation in the first paragraph of Addendum No. 3 is denied.

2. In the second paragraph of Addendum No. 3, Complainant refers to various lot numbers. Duquesne Light does not have knowledge or information sufficient to form a belief as to whether those lot numbers pertain to the property subject to the original formal complaint, which is located at 4073 Liberty Avenue, and therefore, denies the same.

3. In the third paragraph of Addendum No. 3, Complainant refers to a letter dated September 8, 2019, identified as Exhibit 25. The allegations in Exhibit 25 are two fold: the first paragraph of Exhibit 25 reiterates the allegations in the original complaint pertaining to 4073 Liberty Avenue, and the second paragraph of Exhibit 25 pertains to other properties along Ewing Street in Pittsburgh, PA. As to the first paragraph of Exhibit 25, Duquesne Light incorporates its Answer, New Matter, and Preliminary Objections as if fully stated herein. As to the second paragraph of Exhibit 25, Duquesne Light does not have information sufficient to form a belief as to the City of Pittsburgh’s representations to the Complainant, and therefore, denies the same. By way of further response, Complainant makes claims about certain property rights along Ewing Street that are outside of the Commission’s jurisdiction, and therefore, no response is required. By way of further response, Duquesne Light incorporates its Preliminary Objections as if fully stated herein.

4. In the fourth paragraph of Addendum No. 3, Complainant refers to the nine photographs attached to the Addendum No. 3, which speak for themselves and require no

response. To the extent a response is necessary, it is believed that the photographs do not reflect the condition of the 4073 Liberty Avenue Property, which is the subject of the Formal Complaint, but rather, pertain to the properties along Ewing Street.

5. In the fifth paragraph of Addendum No. 3, Complainant alleges the Company violated an Occupational Safety and Health Administration (“OSHA”) regulation. The interpretation and enforcement of an OSHA regulation is outside of the Commission’s jurisdiction. As such, Duquesne Light incorporates the jurisdictional argument made in its Preliminary Objections as if fully restated herein.

6. In the sixth paragraph of Addendum No. 3, Complainant alleges that the Company created a hazard and that tree branches are intertwined with electrical wires near the Ewing Street properties. Those allegations are denied. Duquesne Light representatives visited Ewing Street on or about September 30, 2019 and determined that the Duquesne Light distribution lines along Ewing Street are unobstructed by trees or other vegetation. Duquesne Light maintains that no dangerous or unreasonable condition exists as it relates to Company infrastructure along Ewing Street.

7. In the seventh paragraph of Addendum No. 3, Complainant alleges the Company violated an OSHA regulation. The interpretation and enforcement of an OSHA regulation is outside of the Commission’s jurisdiction. As such, Duquesne Light incorporates the jurisdictional argument made in its Preliminary Objections.

8. In the eighth paragraph of Addendum No. 3, Complainant refers to five of the nine attached photographs, which speak for themselves and require no response. To the extent a response is necessary, Duquesne Light denies any wrongdoing related to the condition of its facilities along Ewing Street.

9. In the closing paragraph of Addendum No. 3, Complainant broadly alleges that the Company violates the Pennsylvania Public Utility Commission's regulation without further identification. Duquesne Light maintains that it is in compliance with all Commission rules and regulations as it pertains to the Formal Complaint. Complainant further alleges that the Company has violated OSHA regulations, which cannot be heard by the Pennsylvania Public Utility Commission. Duquesne Light reserves the right to assert additional defenses as may be necessary in future proceedings.

WHEREFORE, Duquesne Light respectfully requests that Complainant's request for Addendum No. 3 be added to the Formal Complaint in the above-captioned matter be denied, with prejudice.

Respectfully submitted,

DUQUESNE LIGHT COMPANY



Emily M. Farah, Esquire
PA I.D. No. 322559
(412) 393-6431

411 Seventh Avenue
Mail Drop 15-7
Pittsburgh, PA 15219

Counsel for Duquesne Light Company

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

LIPSOSS CORP. CONSTRUCTORS,	:	
	:	
Complainant,	:	
	:	
vs.	:	No: C-2019-3012350
	:	
DUQUESNE LIGHT COMPANY,	:	
	:	
Respondent.		

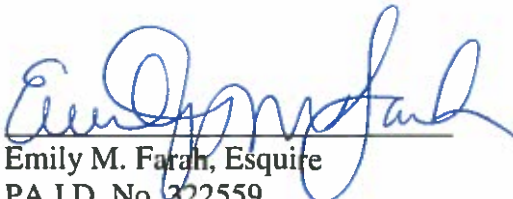
CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Answer to Petition for Allowance of Addendum No. 3 upon the participants listed below in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant):

Craig Maravich, Esq.
Sommer Law Group, P.C.
Counsel for Complainant Lipsoss Corp Constructors
6 Market Square
Pittsburgh, PA 15222
(via first-class mailing and electronic mailing)

Administrative Law Judge Katrina Dunderdale
Piatt Place - 301 Fifth Avenue
Suite 220
Pittsburgh, PA 15222
(via first-class mailing and electronic mailing)

Dated this 21st day of October, 2019


Emily M. Farah, Esquire
PA I.D. No. 322559
Counsel for Duquesne Light Company