



Pennsylvania Turnpike Commission

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February 11, 2020

Via Electronic Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

Re: Petition to Intervene of the Pennsylvania Turnpike Commission to the Application of Duquesne Light Company Filed Pursuant to 52 Pa. Code Chapter 57, Subchapter G, for Approval of the Siting and Construction of the Mon-Fayette Tower Relocations Project in Borough of West Mifflin, Borough of Dravosburg, and the City of Duquesne in Allegheny County, Pennsylvania
Docket No. A-2020-3015225

Dear Secretary Chiavetta:

Enclosed, for filing on behalf of the Pennsylvania Turnpike Commission, is the Original of the Petition to Intervene of the Pennsylvania Turnpike Commission, along with the required Verification and Certificate of Service in the above-referenced matter.

Copies of the Petition to Intervene are being served by First Class U.S. Mail upon the parties indicated on the Certificate of Service.

If you have any questions concerning this filing, please contact me at the address or telephone number provide above.

Respectfully submitted,

Jeanmarie McLaughlin
Assistant Counsel

JM:ams

Enclosures

cc: Certificate of Service
Administrative Law Judge Mary Long
Michael Zimmerman, Inhouse Counsel, Duquesne Light Company
Anthony D. Kanagy, Esquire, Post & Shell, P.C.
Garrett P. Lent, Esquire, Post & Shell, P.C.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Duquesne Light Company	:	
Filed Pursuant to 52 Pa. Code Chapter 57,	:	Docket No. A-2020-3015225
Subchapter G., for Approval of the Siting and	:	
Construction of the Mon-Fayette Tower	:	
Relocations Project in West Mifflin Borough,	:	
Borough of Dravosburg and the City of	:	
Duquesne in Allegheny County, Pennsylvania	:	

**PETITION TO INTERVENE OF THE
PENNSYLVANIA TURNPIKE COMMISSION**

Pursuant to 52 Pa. Code §§5.71 – 5.74, the Pennsylvania Turnpike Commission (“PTC”) submits this Petition to Intervene in the above-referenced matter and in support thereof respectfully avers as follows:

1. The Petitioner is the PTC, an instrumentality of the Commonwealth of Pennsylvania, authorized and empowered by Act No. 211 of the General Assembly of the Commonwealth of Pennsylvania, approved May 21, 1937, as amended, to construct, operate and maintain the turnpike, turnpike extensions and turnpike improvements, including but not limited to the project commonly known as the Mon-Fayette Expressway.

2. PTC has currently undertaken the final design and construction of the Mon-Fayette Expressway from SR 51 in Jefferson Hills Borough, Allegheny County, to the Monongahela River in the City of Duquesne, Allegheny County (the “MFE Project”).

3. On December 30, 2019, Duquesne Light Company (“Duquesne Light”) filed with the Pennsylvania Public Utility Commission (“Commission”) its Application, pursuant to 52 Pa.

Code Chapter 57, Subchapter G, for Approval of the Siting and Construction of the Mon-Fayette Tower Relocations Project in West Mifflin Borough, Borough of Dravosburg and the City of Duquesne in Allegheny County, Pennsylvania (“DLC’s Application”).

4. PTC is represented in this matter by the following counsel:

Jeanmarie McLaughlin (PA ID No. 87596)
John F. Dwyer (PA ID No. 89649)
Kelly H. Decker (PA ID No. 84886)
Mailing Address: Pennsylvania Turnpike Commission
Legal Department
P.O. Box 67676
Harrisburg, PA 17106
Physical Address: Pennsylvania Turnpike Commission
Legal Department
700 S. Eisenhower Blvd.
Middletown, PA 17057
Phone: 717-831-7318 or 717-831-7343
Email: jmclaugh@paturndpike.com
jdwyer@paturndpike.com
kdecker@paturndpike.com

PTC requests that the Commission and all parties of record serve all pleadings, notices, correspondence, Commission Orders and any documents issued in this proceeding on counsel for PTC at the above address.

5. The Commission’s regulations at 52 Pa. Code § 5.72(a) provide that “A petition to intervene may be filed by a person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate to the administration of the statute under which the proceeding is brought. The right or interest may be one of the following:

- (1). A right conferred by statute of the United States or of the Commonwealth.
- (2). An interest which may be directly affected, and which is not adequately represented by existing participants, and as to which the petitions may be bound by the action of the Commission in the proceeding.
- (3). Another interest of such nature that participation of the petitioner may be in the public interest.”

6. PTC clearly meets the standard for intervention, as set forth below.
7. PTC seeks to intervene in this proceeding to address issues related to, *inter alia*:
 - (a) MFE Project impacts on DLC's facilities and DLC relocation requirements;
 - (b) Impact of DLC relocation on MFE Project schedule and costs;
 - (c) Property Acquisition for MFE Project and DLC substitute right-of-way;
 - (d) MFE Project public outreach.

8. PTC may identify other issues as this proceeding develops and reserves the right to address such issues as they arise.

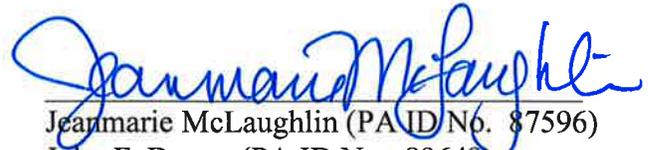
9. The interests of PTC are not represented by any other participant in this proceeding, the outcome of which will be binding on PTC.

10. DLC's Application directly impacts the MFE Project, and therefore, PTC has a substantial interest in this proceeding, and PTC's participation is in the public interest.

11. Because no other entity can represent PTC's interests, PTC requests that it be permitted to intervene as a party in order to adequately represent and protect its interests in this proceeding.

WHEREFORE, the Pennsylvania Turnpike Commission respectfully requests that its Petition to Intervene be granted and that it be accorded full party status in the above-captioned proceeding.

Respectfully submitted,



Jeanmarie McLaughlin (PA ID No. 87596)

John F. Dwyer (PA ID No. 89649)

Kelly H. Decker (PA ID No. 84886)

Pennsylvania Turnpike Commission

Legal Department

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February 11, 2020

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Duquesne Light Company	:	
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Subchapter G., for Approval of the Siting and	:	
Construction of the Mon-Fayette Tower	:	
Relocations Project in West Mifflin Borough,	:	
Borough of Dravosburg and the City of	:	
Duquesne in Allegheny County, Pennsylvania	:	

VERIFICATION

I, Matthew Burd, P.E., being the Interchange/Special Projects Manager of the Pennsylvania Turnpike Commission, hereby state that the facts set forth in the foregoing PETITION TO INTERVENE OF THE PENNSYLVANIA TURNPIKE COMMISSION are true and correct to the best of my knowledge, information and belief, and that I expect to be able to prove the same at a hearing if held in this matter. I understand that the statements herein are made subject to the penalties of 18 P.A.C.S. §4904 (relating to unsworn falsification to authorities).

DATE: 2/10/20



Matthew Burd, P.E.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Duquesne Light Company	:	
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Subchapter G., for Approval of the Siting and	:	
Construction of the Mon-Fayette Tower	:	
Relocations Project in West Mifflin Borough,	:	
Borough of Dravosburg and the City of	:	
Duquesne in Allegheny County, Pennsylvania	:	

CERTIFICATE OF SERVICE

I hereby certify that on this ____ day of February 2020, copies of the foregoing PETITION TO INTERVENE OF THE PENNSYLVANIA TURNPIKE COMMISSION have been served upon the persons listed below via First Class U.S. Mail in accordance with the requirements of 52 Pa. Code Sections 1.54 and 1.55.

Administrative Law Judge Mary Long
Pennsylvania Public Utility Commission
Piatt Place, Suite 220
301 5th Avenue
Pittsburgh, PA 15222

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

Allegheny County Conservation District
33 Terminal Way, Suite 325b
Pittsburgh, PA 15219

PA Historical and Museum Commission
State Historic Preservation Office
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120
Attn: Douglas C. McLearn

Michael Zimmerman, Inhouse Counsel
Duquesne Light Company
411 Seventh Avenue
Pittsburgh, PA 15230-1930

Anthony D. Kanagy, Esquire
Garrett P. Lent, Esquire
Post & Schell, P.C.
17 North Second Street, 12th Floor
Harrisburg, PA 17101-1601

Allegheny County Board of Commissioners
Rich Fitzgerald, County Executive
436 Grant Street
Pittsburgh, PA 15219

Borough of West Mifflin
Brian Kamauf, Borough Manager
1020 Lebanon Road
West Mifflin, PA 15122

Yassmin Gramian, P.E., Secretary
PA Department of Transportation
Commonwealth Keystone Building
400 North Street, 9th Floor
Harrisburg, PA 17120
Attn: Jason D. Sharp
Attn: Dennis Ciufo

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

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

Office of Small Business Advocate
555 Walnut Street
Forum Place, 1st Floor
Harrisburg, PA 17101

U.S. Fish and Wildlife Service
PA Field Office, Endangered Species Section
110 Radnor Road, Suite 101
State College, PA 16801
Attn: Robert M. Anderson

PA Department of Conservation
& Natural Resources
Bureau of Forestry, Ecological Services Section
400 Market Street
P.O. Box 8552
Harrisburg, PA 17105-8552
Attn: Daniel A. Devlin

PA Fish and Boat Commission
Division of Environmental Services
595 E. Rolling Ridge Drive
Bellefonte, PA 16823
Attn: Heather Smiles

Borough of Dravosburg
Steve Volpe
226 Maple Avenue
Dravosburg, PA 15034

City of Duquesne
Mayor's Office
12 South Second Street
Duquesne, PA 15110

U.S. Army Corp of Engineers
Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222
Attn: Greg Curry

Federal Aviation Administration
Mail Processing Center
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177
Attn: Andrew Hollie

West Mifflin Area School District
515 Camp Hollow Road
West Mifflin, PA 15122

Festival Fun Park, LLC
Kennywood
P.O. Box 543185
Dallas, TX 75354-3185

Clairton Sportsman Club
412 Coal Valley Road
Clairton, PA 15025-3810

16 New England LLC
747 Frank Street
Pittsburgh, PA 15227

Edith Jane Clapper
Ethel M. Smith
Esther F. Smith
4952 Route 580 Highway
Cherry Tree, PA 15742-6407

PA Game Commission
Bureau of Wildlife Habitat Management
Division of Environmental Planning
and Habitat Protection
2001 Elmerton Avenue
Harrisburg, PA 17110-9797
Attn: Peter F. Sussenbach

United States Steel Corporation
600 Grant Street, Room 1381
Pittsburgh, PA 15219

Duquesne Light Company
1800 Seymour Street
Pittsburgh, PA 15233

Union Railroad Company
1200 Penn Avenue, Suite 300
Pittsburgh, PA 15213

Daniel J. and Marilyn Nemchick
623 Bettis Road
West Mifflin, PA 15122-2804

Richard C. Smith
721 Saint Agnes Lane
West Mifflin, PA 15122

Westwood & Associates, LLC
2050 Hayden Boulevard
Elizabeth, PA 15037

Allegheny County Airport
Pittsburgh International Airport
Landside Terminal, Suite 4000
P.O. Box 12370
Pittsburgh, PA 15231

DATE:

Feb. 11, 2020


Jeanmarie McLaughlin
Assistant Counsel