



Pennsylvania Turnpike Commission

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March 6, 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 Prehearing Memorandum of the Pennsylvania Turnpike Commission, along with the required Certificate of Service in the above-referenced matter.

Copies of the Prehearing Memorandum 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	:	

**PREHEARING MEMORANDUM
OF THE PENNSYLVANIA TURNPIKE COMMISSION**

Pursuant to the Prehearing Conference Order issued by the Honorable Mary D. Long, Administrative Law Judge, dated February 21, 2020, and 52 Pa. Code § 5.221 - § 5.224, the Pennsylvania Turnpike Commission (the “PTC”) hereby submits its Prehearing Memorandum, stating as follows:

I. BRIEF NARRATIVE HISTORY OF PROCEEDINGS

On December 30, 2019, pursuant to 52 Pa. Code §57.72, Duquesne Light Company (“DLC”) filed a line siting Application requesting the Pennsylvania Public Utility Commission (“Commission”) approve the siting and construction of the proposed Mon-Fayette Expressway Tower Relocation Project, located in the Borough of West Mifflin, the Borough of Dravosburg and the City of Duquesne, Allegheny County, Pennsylvania (hereinafter the “Project”), docketed at A-2020-3015225. PTC filed its Petition to Intervene on February 11, 2020. On February 21, 2020, a Prehearing Conference Order was issued by this Honorable Court, which provided *inter alia* that formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before March 4, 2020. As of the date of this Memorandum, PTC has not been served with any protest or additional interventions in this matter.

PTC is currently designing and will construct the Mon-Fayette Expressway project, from State Route 51 in Jefferson Hills Borough, Allegheny County to State Route 2044 in the City of Duquesne,

Allegheny County (the “MFE”). The Project is required as a result of PTC’s construction of the MFE, which directly interferes with existing utility facilities including portions of DLC’s transmission facilities. DLC must relocate all such facilities in such a manner that they do not interfere with the MFE design or PTC’s construction activities.

II. ISSUES PRESENTING

DLC published notice of this prehearing conference in two newspapers of general circulation, namely the Valley Mirror on January 30, 2020, and the Pittsburgh Post-Gazette on February 7, 2020. PTC joins in support of DLC in its Application and is not an adverse party to the proceeding. PTC is not aware of any other actual or potential intervenors. In the absence of adverse parties, PTC contends that there is no procedural need for an evidentiary hearing before an Administrative Law Judge. Accordingly, PTC respectfully joins in DLC’s request that this matter be assigned to the Commission’s Bureau of Technical Utility Services. To the extent other parties intervene in this proceeding, and such interventions require an evidentiary hearing and the establishment of a procedural schedule, PTC concurs with DLC’s proposed procedural schedule, as set forth more fully in this Memorandum below.

III. PTC WITNESSES

In the event an evidentiary hearing is ordered, PTC will have the following witnesses available for testimony, as may be necessary:

Witness	Subjects Addressed
Matthew Burd, P.E. Interchange and Special Projects Manager Pennsylvania Turnpike Commission P.O. Box 67676 Harrisburg, PA 17106-7676	MFE Overview MFE Schedule
John R. Romano Right-of-Way Administrator Pennsylvania Turnpike Commission P.O. Box 67676 Harrisburg, PA 17106-7676	Right-of-Way Acquisition Status

PTC respectfully reserves the right to call additional witnesses, as necessary. If PTC determines an additional witness or witnesses are necessary, the Presiding Officer and all parties of record will be notified promptly.

IV. PTC EVIDENCE

In the event an evidentiary hearing is warranted, PTC will rely on the direct, rebuttal and surrebuttal testimony of witnesses called by DLC and other parties to this proceeding. PTC will also rely on relevant exhibits submitted by DLC, and other parties, in support of the testimony of its witnesses, and materials obtained through discovery and cross examination. PTC does not intend to submit affirmative evidence; however, it reserves the right to do so if it is deemed necessary.

V. PROPOSED PROCEDURAL SCHEDULE

In the event an evidentiary hearing is warranted, PTC concurs with DLC's Proposed Procedural Schedule as follows:

Date	Event
April 24, 2020	Written Direct Testimony of All Non-Duquesne Light Parties
May 22, 2020	Written Rebuttal Testimony of All Parties
June 5, 2020	Written Surrebuttal Testimony of All Parties
June 12, 2020	Written Rejoinder
June 23, 2020	Evidentiary Hearings in Pittsburgh beginning at 10:00 a.m. in 2 nd Floor Hearing Room
July 21, 2020	Main Briefs Due
August 4, 2020	Reply Briefs Due

WHEREFORE, The Pennsylvania Turnpike Commission respectfully submits its Prehearing Memorandum in accordance with the Prehearing Conference Order issued by the Honorable Mary D. Long, Administrative Law Judge, dated February 21, 2020, and 52 Pa. Code § 5.221 - § 5.224.

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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Dated: March 6, 2020

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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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 6th day of March, 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. McLearen

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 Ciufu

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 Currey

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
1020 Lebanon Road, Suite 250
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

Esther F. Smith
4952 Route 580 Highway
Cherry Tree, PA 15742-6407

Ethel M. Smith
932 Garden City Drive
Monroeville, PA 15146

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

DATE: March 6, 2020

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

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


Jeanmarie McLaughlin
Assistant Counsel