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File #: 166407

July 8, 2019

***VIA ELECTRONIC FILING***

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 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  
Docket No. A-2019-3008589**

Dear Secretary Chiavetta:

Enclosed for filing is the Answer of Duquesne Light Company to the Protest of Folezia A. Marinkovic.

Copies are being provided per the attached Certificate of Service.

Sincerely,

  
Garrett P. Lent

GPL/kl  
Enclosures

cc: Certificate of Service

ALLENTOWN HARRISBURG LANCASTER PHILADELPHIA PITTSBURGH PRINCETON WASHINGTON, D.C.

A PENNSYLVANIA PROFESSIONAL CORPORATION

18943672v1

**CERTIFICATE OF SERVICE**  
**(A-2019-3008589 and A-2019-3008652)**

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

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Dated: July 8, 2019

  
\_\_\_\_\_  
Garrett P. Lent

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Duquesne Light Company :  
filed Pursuant to 52 Pa. Code Chapter 57, :  
Subchapter G, for Approval of the Siting and :           Docket No. A-2019-3008589  
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 :  
:  
:  
:  
Protest of Folezia A. Marinkovic :

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**ANSWER OF DUQUESNE LIGHT COMPANY  
TO THE PROTEST OF FOLEZIA A. MARINKOVIC**

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**TO THE HONORABLE ADMINISTRATIVE LAW JUDGE MARY D. LONG:**

Duquesne Light Company (“Duquesne Light” or the “Company”) files this Answer to Protest filed by Folezia A. Marinkovic (“Protestant”)<sup>1</sup> pursuant to Section 5.61 of the Pennsylvania Public Utility Commission’s (“Commission”) regulations, 52 Pa. Code § 5.61. Although the Commission’s regulations do not require an answer to a Protest, Duquesne Light responds to each of the separately-numbered paragraphs of the Marikovic Protest as follows:

**ANSWER**

1. Admitted.
2. Denied as stated. The name of the utility is Duquesne Light Company.
3. Admitted.

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<sup>1</sup> Duquesne Light received a Formal Complaint from the Protestant on June 20, 2019. No docket number has been assigned to the pleading. The Protest is specific to a property located at 205 Purdy Road, Coraopolis, PA 15108. As the pleading contests and opposes the electric transmission line siting application at Docket No. A-2019-3008589, Duquesne Light is treating the pleading as a Protest to the Application.

4. Admitted in part and denied in part. It is admitted Duquesne Light recently filed: (1) “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,” at Docket No. A-2019-3008589 (“BI-Crescent Full Siting Application”); and (2) “Application of Duquesne Light Company Under 15 Pa.C.S. § 1511(c) For A Finding and Determination That the Service to be Furnished by the Applicant Through Its Proposed Exercise of the Power of Eminent Domain to Acquire a Certain Portion of the Lands of George N. Schaefer of Moon Township, Allegheny County, Pennsylvania for the Siting and Construction of Transmission Lines Associated with the Proposed Brunot Island – Crescent Project is Necessary or Proper for the Service, Accommodation, Convenience, or Safety of the Public,” at Docket No. A-2019-3008652 (“Schaefer Condemnation Application”).<sup>2</sup>

It is denied that Duquesne Light Company did not provide Protestant with the legally required disclosures pursuant to 52 Pa. Code § 69.3102. By way of further response, the Protestant’s property is not traversed by the BI-Crescent Project and, therefore, no additional rights-of-way were required to be obtained from the Protestant. In addition, Duquesne Light has not and is not seeking to condemn any portion of the Protestant’s property.

It is denied that Duquesne Light Company has or is seeking to take a portion of the Protestants’ property to widen a private road. Protest ¶ 4 (attachment page 1, numbered paragraph 2). By way of further response, the Commission is without jurisdiction over other real

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<sup>2</sup> While the Protest references the Schaefer Condemnation Application and/or its docket number, Duquesne Light denies that the Protestant is a property owner of record for the subject property.

property issues. See *Shedlosky v. Pennsylvania Electric Co.*, Docket No. C-20066937 (Order entered May 28, 2008); see also *Anne E. Perrige v. Metropolitan Edison Co.*, Docket No. C-00004110 (Order entered July 11, 2003) (Commission had no jurisdiction to interpret the meaning of a written right-of-way agreement); *Samuel Messina v. Bell Atlantic-Pennsylvania, Inc.*, Docket No. C-00968225 (Order entered Sept. 23, 1998) (“The Commission has clearly stated in prior decisions that it is without subject matter jurisdiction to adjudicate questions involving trespass and whether or not utility facilities are located pursuant to valid easements or rights-of-way.” (citation omitted)). It is further denied that Duquesne Light has failed in its obligation to acquire land to support its infrastructure or that the Company has used or is using insufficient right-of-way to support its transmission line projects.

It is denied that the alleged expansion of the private road will interfere with the Protestant’s drainage system. Protest ¶ 4 (attachment page 1, numbered paragraph 3). By way of further response, Duquesne Light is not expanding a private access road and, therefore, the complained of interference will not occur. In addition, the Commission is without jurisdiction over other real property issues.

It is denied that the Protestant is entitled to an Order denying Duquesne Light access to or widening of the existing private road. Protest ¶ 4 (attachment page 1, numbered paragraph 4). This averment constitutes a request for relief to which no response is required.

It is denied that Duquesne Light’s or its contracted vendors’ actions will result in an unreasonable “increase of noise, wear and tear of private road condition and decrease in resident’s Privacy.” Protest ¶ 4 (attachment page 1, numbered paragraph 5). By way of further response, the Commission is without jurisdiction over other real property issues or damages.

It is denied that Duquesne Light's or its contracted vendors' actions will result in "Property's owner's liability relating to any injuries that may occur to Duquesne Light Company and/or contracted vendor personnel while performing assigned responsibilities." Protest ¶ 4 (attachment page 1, numbered paragraph 6). By way of further response, the Commission is without jurisdiction over other real property issues or damages.

It is denied that Duquesne Light's or its contracted vendors' actions will "Increase of both potential physical/medical and absolute emotional (stress/anxiety) related as a result of the Brunot Island-Crescent Project." Protest ¶ 4 (attachment page 1, numbered paragraph 7). By way of further response, the Commission is without jurisdiction over other real property issues or damages. By way of further response, Duquesne Light Company references Attachment 11 – Design Criteria and Safety Practices to the BI-Crescent Full Siting Application and incorporates the information contained therein into this Answer.

5. Denied. The averments contained in Paragraph 5 (referencing the requests for relief on page 2 of 2 of the attachment to the Protest) of the Protest are requests for relief to which no responsive pleading is required. To the extent a response is deemed necessary, Duquesne Light denies that the Protestants are entitled to the relief requested.

By way of further response, Duquesne Light incorporates Paragraphs 2 through 4, *supra*, as though fully set forth herein.

6. Paragraph 6 of the Protest relates to Protection from Abuse orders, to which no responsive pleading is required.

7. Admitted.

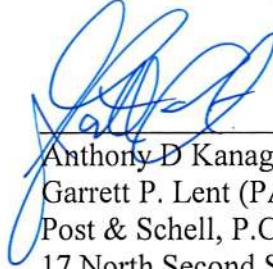
8. Paragraph 8 of the Protest pertains to the Protestants' legal representation, to which no responsive pleading is required.

9. Paragraph 9 sets forth the verification and signature, to which no responsive pleading is required.

10. Paragraph 10 sets forth the instructions for filing the Protest, to which no responsive pleading is required.

WHEREFORE, Duquesne Light Company respectfully requests that the Protest of Folezia A. Marinkovic be denied and with prejudice as against Duquesne Light.

Respectfully submitted,



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Date: July 8, 2019

Attorneys for Duquesne Light Company



**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Duquesne Light Company :  
filed Pursuant to 52 Pa. Code Chapter 57, :  
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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 :  
:  
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Protest of Folezia A. Marinkovic :

**VERIFICATION**

I, MEENAH SHYU, hereby state that the facts above set forth are true and correct (or 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 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 falsification to authorities).



Dated: 7/8/2019