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File #: 166407

October 22, 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 and A-2019-3008652**

Dear Secretary Chiavetta:

Attached for filing is Applicants' Motion for Continuance of Hearing in the above-referenced proceedings. Copies are being provided per the attached Certificate of Service.

Sincerely,



Garrett P. Lent

GPL/kl  
Enclosure

cc: Honorable Mary D. Long  
Certificate of Service

**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 : Docket No. A-2019-3008652  
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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**NOTICE TO PLEAD**

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YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.103(c), YOU MAY FILE A REPLY TO THE ENCLOSED MOTION. YOUR REPLY SHOULD BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY OF YOUR REPLY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL.

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Date: October 21, 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, :	
Subchapter G, for Approval of the Siting and :	Docket No. A-2019-3008589
Construction of the 138 kV Transmission :	Docket No. A-2019-3008652
Lines Associated with the <b>Brunot Island</b> – :	
<b>Crescent Project</b> in the City of Pittsburgh, :	
McKees Rocks Borough, Kennedy :	
Township, Robinson Township, Moon :	
Township, and Crescent Township, :	
Allegheny County, Pennsylvania :	

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**MOTION FOR CONTINUANCE OF HEARING**

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

Duquesne Light Company (“Duquesne Light” or the “Company”) hereby files this Motion pursuant to the Pennsylvania Public Utility Commission’s (“Commission”) regulations at 52 Pa. Code §§ 1.15(b) and 5.103 and requests that Administrative Law Judge Mary D. Long (the “ALJ”) continue the technical evidentiary hearing scheduled in this proceeding for October 29 and 30, 2019. Good cause for the requested continuance because Duquesne Light intends to amend the above-captioned application to eliminate its proposal to build one of the circuits to 345 kV standards. As such, Duquesne Light requires additional time to conduct necessary engineering studies associated with its plan to rebuild both circuits at the current 138 kV capacity and to submit an amended application.

In support thereof, the Company states as follows:

## **I. BACKGROUND**

1. On March 15, 2019, Duquesne Light filed, pursuant to 52 Pa. Code § 57.72, a line siting application requesting Pennsylvania Public Utility Commission (“Commission”) approval to site and construct approximately 14.5 miles of overhead double-circuit 138 kV transmission lines in the City of Pittsburgh, McKees Rocks Borough, Kennedy Township, Robinson Township, Moon Township, and Crescent Township, Allegheny County, Pennsylvania (the “Project” or “BI-Crescent Project”), docketed at A-2019-3008589. Duquesne Light also filed an application for eminent domain to acquire a certain portion of the lands of George N. Schaefer of Moon Township, Allegheny County, in connection with the transmission line project, docketed at A-2019-3008652.<sup>1</sup>

2. On April 29, 2019, a Prehearing Order was issued, which directed that dockets A-2019-3008589 and A-2019-300652 be consolidated for the purposes of discovery, litigation and decision.

3. On April 30, 2019, Duquesne Light filed Proof of Publication of Notice of the Applications in the Pittsburgh Post-Gazette.

4. On June 6, 2019, a Prehearing Conference was held. While no Protests and/or Petitions to Intervene had been filed as of the date of the Prehearing Conference, several affected landowners appeared and requested additional time to file Protests or Petitions to Intervene.

5. By Interim Order dated June 7, 2019, the deadline for filing a Protest or Petition to Intervene was extended until June 21, 2019.

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<sup>1</sup> Separate but concurrently, the Company submitted the Petition of Duquesne Light Company for Waiver of Provisions of the Pennsylvania Public Utility Commission’s Regulations at 52 Pa. Code § 57.71 et seq., for the Siting and Construction of Six Structures on an Existing Transmission Line, docketed at P-2019-3008604 (“Waiver Petition”) to allow Duquesne Light to replace six structures on an existing high voltage transmission line that were impacted by landslides in the spring of 2018. The Waiver Petition has been assigned to the Commission’s Law Bureau, and will be separately adjudicated.



6. On or before June 21, 2019, Protests were filed by Victoria Adams, John P. and Jennifer Crowe, Richard Gable, Folezia Marinkovic, Zachariah Nave, Joseph G. and Suzanne Rabosky, Aaron and Rebecca Siegel, Cynthia and Patrick Wilson, and Dennis J. and Jeanne Zona.

7. On July 2, 2019, a further Prehearing Conference was held, and a litigation schedule was established.

8. On September 10, 2019, an evidentiary hearing was held for the purpose of receiving the oral testimony of any Protestant that wished to testify.

9. In addition, Protestants were required to serve written direct testimony or an expert report for any identified experts on or before September 10, 2019. No Protestant identified an expert that would testify on their behalf and no Protestant served the written direct testimony or written report of any such expert.

10. On October 9, 2019, a Public Input Hearing was held.

11. On October 10, 2019, Duquesne Light served its written rebuttal testimony.

12. Technical evidentiary hearings are currently scheduled for October 29 and 30, 2019.

## **II. MOTION**

13. Pursuant to 52 Pa. Code § 1.15(b), “requests for continuance of hearings shall be by motion in writing.” 52 Pa. Code 1.15(b). Section 1.15(b) further states that a request for continuance of a hearing will be considered “[o]nly for good cause shown.” *Id.*

14. Section 1.15(b) of the Commission’s regulations does not define the “good cause” requirement.

15. However, the Commission has previously recognized the Pennsylvania Supreme Court’s definition of good cause as “conduct which is reasonable under all of the circumstances,

thereby justifying the [c]laimant's actions." See *In re Application of Penn Access Corporation and Digital Direct of Pittsburgh, Inc.*, Docket No. A-310006, 1992 Pa. PUC LEXIS 56, at \*9 (1992) (citing *Frumento v. Unemployment Comp. Bd. of Review*, 466 Pa. 81, 351 A.2d 631 (Pa. 1976)).

16. Good cause exists continuing the hearing scheduled in this case.

17. Based upon the input Duquesne Light received from its customers through multiple channels and forums, including the feedback received at the public input hearing on October 9, 2019, Duquesne Light will re-engineer the BI-Crescent Project to eliminate the proposal to build one of the circuits to 345 kV standards. In addition, changes in circumstances regarding recent generation deactivations may alleviate certain reliability criteria violations that Duquesne Light initially contemplated addressing by building one of the circuits associated with the BI-Crescent Project to 345 kV standards. As such, Duquesne Light now plans to rebuild both circuits at the current 138 kV capacity.

18. Rebuilding both existing circuits to the current 138 kV capacity will likely reduce the height of the originally proposed structures.

19. Duquesne Light is reviewing several options to re-engineer the BI-Crescent Project. Until it determines which option it will proceed under, the Company is not able to propose a date at which the evidentiary hearings in this matter should be held.

20. In addition, the elimination of its proposal to build one of the circuits to 345 kV standards will require Duquesne Light to submit an amended application for the BI-Crescent Project.

21. Duquesne Light expects that it will file an amended application on or before August 2020.

22. Counsel for Duquesne Light communicated its intent to file the instant Motion to each of the Protestants and asked whether each Protestant would not oppose to the Motion. Mr. Gable, Mr. Nave and Mr. Siegel stated that they do not oppose the Motion. Mrs. Wilson stated that she was unable to consent to the continuance at this time. Mrs. Crowe indicated she would not provide a response to the Company's request for non-opposition and planned to attend the hearings. Mr. and Mrs. Rabosky and Mr. and Mrs. Zona indicated they were opposed to the continuance. Mrs. Adams and Mrs. Marinkovic did not respond to Duquesne Light's inquiries.

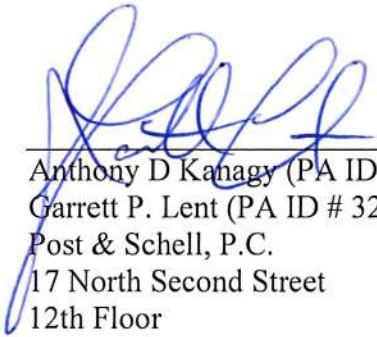
23. Considering the foregoing circumstances, Duquesne Light requests a continuance of the technical evidentiary hearing scheduled in this proceeding, and requests that a further prehearing conference be scheduled after Duquesne Light submits an amended application that reflects the elimination of Duquesne Light's proposal to build one of the circuits associated with the BI-Crescent Project o 345 kV standards.

**III. CONCLUSION**

WHEREFORE, Duquesne Light respectfully requests that Administrative Law Judge Mary D. Long grant this Motion, and continue the hearing in this matter, and requests that a further prehearing conference be scheduled after Duquesne Light submits an amended application.

Respectfully submitted,

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Date: October 21, 2019

Attorneys for Duquesne Light Company



**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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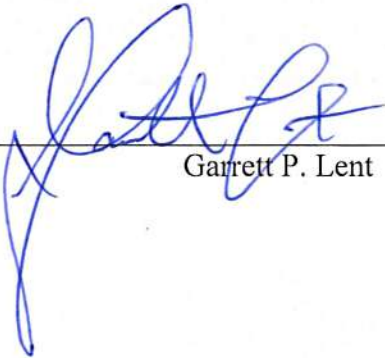
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Date: October 22, 2019



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