**BEFORE**

**THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Duquesne Light Company filed : A-2019-3008589

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. :

Application of Duquesne Light Company : A-2019-3008652

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. :

**INTERIM ORDER**

**GRANTING CONTINUANCE**

On March 15, 2019, Duquesne Light Company filed an application for approval to site and construct 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. (Docket No. 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. (Docket No. A-2019-3008652).

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.

Prehearing conferences have been held on April 29, 2019 and June 6, 2019. Testimony of the Protestants was offered at an evidentiary hearing held on September 10, 2019. A public input hearing was held in Moon Township on October 9, 2019. Technical evidentiary hearings were scheduled to begin on October 29, 2019.

On October 22, 2019, Duquesne Light filed a motion to continue the October 29, 2019 hearing in order to permit it time to file an amendment to the application under consideration. Duquesne Light contacted the Protestants. Mr. Gable, Mr. Nave and Mr. Siegel reported that they did not oppose the continuance. Mr. and Mrs. Rabosky and Mr. and Mrs. Zona opposed the continuance. The remaining Protestants either did not consent to the continuance or did not respond to the contact from Duquesne Light.

By email dated October 22, 2019, I contacted counsel for Duquesne Light and the Protestants in order 1) to provide the Protestants an opportunity to provide a reason for objecting to the continuance request; and 2) provide comments to the proposal to convert the first day of hearing to a prehearing conference.

Email responses were received from Ms. Adams, Ms. Crowe, Mr. Gable and Mr. Rabosky. Mr. Gable now opposes the continuance, as does Ms. Crowe and Mr. Rabosky. In their view, the continuance does not resolve their concerns regarding the proposed transmission project. Ms. Adams does not object to the continuance. Duquesne Light reports that they do not object to the conversion of the October 29, 2019 hearing to a prehearing conference, but request permission for Harrisburg-based counsel to appear by telephone.

Commission regulations permit continuances for “good cause shown.”[[1]](#footnote-1) Duquesne Light requests the continuance in order to provide time to consider “several options to re-engineer” the project so that both circuits can be rebuilt at the current 138 kV capacity. The amendment may result in a reduction of height of the originally proposed structures.[[2]](#footnote-2) The height of the structures and increase in capacity to 345 kV were both issues raised by the Protestants.

Duquesne Light’s motion for a continuance will be granted. A delay in the hearings on Duquesne Light’s application will not prejudice the Protestants. Upon submission of the amended application, further proceedings will be scheduled, and an opportunity will be provided to the Protestants to address any remaining concerns they have to the amended proposal.

However, based upon the communications from the Protestants, it appears that Duquesne Light’s proposal for future proceedings may be unclear. Therefore, the first day of the technical evidentiary hearings, October 29, 2019, will be converted to a prehearing conference. Duquesne Light can provide a short overview of the proposed amendment to the application and provide a general proposal for future proceedings. The Protestants can raise any procedural questions they have.

Mr. Lent and Mr. Kanagy’s request to appear by telephone is granted. If any of the Protestants would prefer to appear by telephone, they may do so by emailing a request no later than noon on Monday, October 28, 2019. A call-in telephone number and PIN will be provided on Monday afternoon.

THEREFORE,

IT IS ORDERED:

1. That the motion for a continuance filed by Duquesne Light Company on October 22, 2019, is granted.

2. That the technical evidentiary hearing scheduled for Tuesday, October 29, 2019, shall be convened as a prehearing conference.

3. That the request of Duquesne Light’s Harrisburg-based counsel to appear by telephone is granted.

4. That any other party wishing to appear by telephone may request to do so by email to [malong@pa.gov](mailto:malong@pa.gov) no later than noon on Monday, October 28, 2019.

Date: October 24, 2019 /s/

Mary D. Long

Administrative Law Judge

**A-2019-3008589 - 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.**

**A-2019-3008652 - 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.**

*Revised 10/24/19*

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1. 52 Pa.Code § 1.15(b). [↑](#footnote-ref-1)
2. Motion, ¶ 18-19. [↑](#footnote-ref-2)