*Via electronic service only due to Emergency Order at M-2020-3019262*

**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. :

**PREHEARING ORDER**

**SETTING A LITIGATION SCHEDULE**

**ON THE AMENDED APPLICATION**

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 the Company time to file an amendment to the application under consideration. By Interim Order entered October 24, 2019, Duquesne Light’s motion was granted. That order also converted the first day of the technical evidentiary hearings, October 29, 2019, to a prehearing conference.

The October 29, 2019 prehearing conference convened as scheduled. Counsel for Duquesne Light appeared as well as Protestants Gable, Adams, Nave and Zona. Duquesne Light offered an overview of the amendment planned for the application and the likely time horizon for completion. The Parties also discussed publication and notice of the amendment as well as miscellaneous discovery issues. Following the conference, an Interim Order was issued which stayed the proceedings until August 2020, provided publication instructions for the amended application when filed, and stated that a further prehearing conference would be scheduled upon filing of the amended application.

On August 10, 2020, Duquesne Light filed an amended application, which modified the original proposal to eliminate the construction of one of the two circuits to 345 kV engineering standards, and reducing the height of the poles that will be constructed as part of the amended project.

In accordance with Paragraph 5 of the October 29, 2019 Interim Order, a further prehearing was scheduled to take place on Friday, September 25, 2020, at 10:00 a.m. A hearing notice was served on August 20, 2020. On August 24, 2020, a prehearing conference order was issued setting forth instructions for participation in the prehearing conference.

On September 18, 2020 a petition to intervene was filed by the Allegheny County Sanitary Authority (ALCOSAN).[[1]](#footnote-1)

The prehearing conference convened as scheduled. Counsel for Duquesne Light and ALCOSAN appeared and participated. Protestants Victoria Adams, Jennifer Crowe, Richard Gable, Folezia Marinkovic, Zachariah Nave, Joseph Rabosky, Cynthia Wilson and Dennis Zona also appeared. The petition to intervene of ALCOSAN was addressed. No party objected to the petition and it was granted. Also, a proposed litigation schedule was discussed, and the schedule is set forth in the ordering paragraphs below.

THEREFORE,

IT IS ORDERED:

1. That the petition to intervene of the Allegheny County Sanitary Authority is granted.

2. That the litigation schedule shall be as follows:

|  |  |
| --- | --- |
| Date | Event |
| September 25, 2020 | Prehearing Conference |
| November 25, 2020 | Service of written direct testimony of ALCOSAN |
| December 21, 2020 | Evidentiary hearing for the Direct Testimony of the Protestants |
| January 21, 2021 | Service of written rebuttal testimony of Duquesne and ALCOSAN |
| February 3-4, 2021[[2]](#footnote-2) | Evidentiary hearing for the rebuttal testimony of the Protestants and any further cross-examination or oral rejoinder testimony |

**CALL-IN INFORMATION FOR EVIDENTIARY HEARINGS**

Toll-free Bridge Number: 1-866-566-0649

PIN Number: 83345259

**You must call into the conference on the scheduled day and time. Failure of any party to attend the prehearing conference without good cause shall constitute a waiver of all objections to the agreements reached and matters decided at the prehearing conference. You will not be called by the Administrative Law Judges.**

3. Due to the COVID-19 pandemic, Commission offices are currently closed, and I do not have access to regular mail. Therefore, if you intend to present any documents or exhibits for my consideration during the hearing, you must email them to **the Presiding Officer at** [malong@pa.gov](mailto:malong@pa.gov).  You must also submit a copy of each document you submit to me to all parties in this case.  Your exhibits must be received by me and all parties at least five (5) business days before the scheduled hearing.  As previously noted, a copy of the Commission’s current service list of all parties (with available email addresses) is attached to this Order.

**If you are unable to scan and email your documents**, please email **the Presiding Officer** for possible alternative arrangements.

4. Proposed exhibits should be properly pre-marked for identification, such as [Party Name] Exh. 1, Exh. 2 etc. If you have already submitted exhibits which were admitted into the record, please do not duplicate exhibit names. For your convenience, an exhibit list of material previously admitted into the record is attached as an appendix to this order.

5. That a request for a change of the scheduled hearing date must state the agreement or opposition of other parties, and must be submitted in writing no later than five (5) days prior to the Prehearing Conference. A request for a change of the scheduled prehearing conference date must state the agreement or opposition of other parties and must be emailed to **the Presiding Officer** and all parties no later than five (5) business days prior to the hearing. 52 Pa.Code § 1.15(b). Email **the Presiding Officer at** [malong@pa.gov](mailto:malong@pa.gov) with any request for a change of the hearing date.  A continuance of the hearing will only be granted in rare circumstances an upon good cause shown.

This telephonic hearing is a formal proceeding and will be conducted in accordance with the Commission’s regulations.

6. Pursuant to 52 Pa.Code §§ 1.21 - 1.22, you may represent yourself if you are an individual or you may have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you. However, if you are a partnership, limited liability company, corporation, trust, association, or governmental agency or subdivision, you **must** have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you in this proceeding. Unless you are an attorney, you may not represent someone else. Attorneys shall insure that their appearance is entered in accordance with the provisions of 52 Pa.Code § 1.24(b).

7. If you intend to subpoena witnesses for the hearing, you should review the procedures established in 52 Pa.Code § 5.421. You must submit your written application to the Administrative Law Judge sufficiently in advance of the hearing date so that the other parties will have the required ten (10) business days’ notice to answer or object, and so that you will have enough time to receive the subpoena and serve it.

8. If you, or anyone you plan to call as a witness on your behalf, have a limited ability to speak or understand English or are deaf or hearing-impaired, a qualified interpreter can be provided upon your request. If you want an interpreter, please email **the Presiding Officer** your request at least ten (10) business days before the scheduled hearing.

Date: September 28, 2020 /s/

Mary D. Long

Administrative Law Judge

APPENDIX

EXHIBITS ADMITTED INTO THE RECORD AS OF 9/25/20

A-2019-3008589 - APPLICATION OF DUQUESNE LIGHT - 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 POWER OF EMINENT DOMAIN TO ACQUIRE A CERTAIN PORTION OF THE LANDS OF GEORGE N. SCHAEFER OF MOON TOWNSHIP, ALLEGHENY COUNTY, PENNSYLVANIA

| **Date** | **Event** | **Exhibit** |
| --- | --- | --- |
| June 6, 2019 | Prehearing Conference | Transcript pp. 1-19 |
| July 2, 2019 | Prehearing Conference | Transcript pp. 20-51 |
| September 10, 2019 | Evidentiary Hearing | Transcript pp. 52-195 |
|  |  | Adams Ex. 1 |
|  |  | Adams Ex. 2 |
|  |  | Adams Ex. 3 |
|  |  | Adams Ex. 4 |
|  |  | Adams Ex. 5 |
|  |  | Adams Ex. 6 |
|  |  | Adams Ex. 7 |
|  |  | Adams Ex. 8 |
|  |  | Adams Ex. 9 |
|  |  | Adams Ex. 10 |
|  |  | Adams Ex. 11 |
|  |  | Adams Ex. 12 |
|  |  | Adams Ex. 13 |
|  |  | Adams Ex. 14/15 |
|  |  | Adams Ex. 16 |
|  |  | Adams Ex. 16A |
|  |  | Adams Ex. 18 |
|  |  | Adams Ex. 19 |
|  |  | Adams Ex. 20 |
|  |  | Crowe Ex. 1 |
|  |  | Crowe Ex. 2 |
|  |  | Crowe Ex. 3 |
|  |  | Crowe Ex. 4 |
|  |  | Crowe Ex. 5 |
|  |  | Crowe Ex. 6 |
|  |  | Crowe Ex. 7 |
|  |  | Crowe Ex. 8 |
|  |  | Crowe Ex. 9 |
|  |  | Crowe Ex. 10 |
|  |  | Crowe Ex. 11 |
|  |  | Gable Ex. 1 |
|  |  | Gable Ex. 2 |
|  |  | Gable Ex. 3 |
|  |  | Gable Ex. 4 |
|  |  | Marinkovic Ex. 1 |
|  |  | Marinkovic Ex. 2 |
|  |  | Wilson Ex. 1 |
|  |  | Zona Ex. 1 |
|  |  | Zona Ex. 2 |
|  |  | Zona Ex. 3 |
|  |  | Zona Ex. 4 |
|  |  | Zona Ex. 5 |
|  |  | Zona Ex. 6 |
| October 9, 2019 | Public Input Hearing | Transcript pp. 196-279 |
|  |  | Horvath Ex. 1 |
| October 29, 2019 | Prehearing Conference | Transcript pp. 280-317 |

**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 9/25/20*

ANTHONY D KANAGY ESQUIREGARRETT P LENT ESQUIRE

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(no phone number or email address)

1. ALCOSAN also filed a petition for admission *pro hac vice* of Ade Adeniyi. That petition will be granted by separate order.  
    [↑](#footnote-ref-1)
2. Although the parties agreed that one day of hearing was likely sufficient, upon reflection and in abundance of caution, two have been scheduled. [↑](#footnote-ref-2)