**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Duquesne Light Company for :

Approval of its Energy Efficiency and :

Conservation and Demand Response Plan : M-2009-2093217

**(Petition for Approval of Modifications** :

**to its Demand Response Programs)** :

**PREHEARING CONFERENCE ORDER**

A prehearing conference in this case is scheduled for Thursday, July 28, 2011 at 2:00 p.m. Please be advised that the undersigned presiding officer will preside telephonically in a 2nd Floor Hearing Room in Piatt Place, 301 Fifth Avenue, Pittsburgh, Pennsylvania 15222. Pittsburgh area parties may report to the aforementioned location in Pittsburgh. Harrisburg parties please report to Hearing Room 3, Plaza Level, Commonwealth Keystone Building, 400 North Street, Harrisburg, Pennsylvania 17120. The parties are hereby directed to comply with the following requirements:

1. A request for a change of the scheduled prehearing conference date must be submitted in writing no later than five (5) days prior to the prehearing conference. 52 Pa. Code §1.15(b). Requests for changes of initial prehearing conferences must be sent to the undersigned Administrative Law Judge, 301 Fifth Avenue, Piatt Place, Suite 220, Pittsburgh, PA 15222, with copies to all parties of record. Such changes are granted only in rare situations where sufficient cause exists.

In accordance with the foregoing, all parties must be prepared to participate in the scheduled prehearing conference.

1. Please review the regulations pertaining to prehearing conferences, 52 Pa. Code §5.221-§5.224, and in particular, §5.222(d) which provides, in part:

(d) Parties and counsel will be expected to attend the conference fully prepared for useful discussion of all problems involved in the proceeding, both procedural and substantive, and fully authorized to make commitments with respect thereto.

(1) The preparation must include submission of a prehearing memorandum and list:

(i) The presently identified issues.

(ii) The names and addresses of the witnesses.

(iii) The proposed area of testimony of each witness.

(2) The preparation may include:

(i) Development of a proposed procedural schedule.

(ii) Advance study of all relevant materials.

(iii) Advance informal communication between the parties, including requests for additional data and information, to the extent it appears feasible and desirable.

(Emphasis added).

1. Each party must prepare and distribute a prehearing memorandum which sets forth the history of the proceeding, the issues you intend to present, and a listing of your proposed witnesses and the subject of their testimony.
2. Please review the regulations relating to discovery, specifically 52 Pa. Code §5.331(b), which provides, inter alia, that “a party shall initiate discovery as early in the proceedings as reasonably possible,” and 52 Pa. Code §5.322, which encourages participants to exchange information on an informal basis. I urge all parties to cooperate in discovery. Such cooperation is preferable to numerous or protracted discovery disagreements, which require the presiding officers’ participation for resolution. Please be aware that there are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa. Code §§5.361, 5.371‑5.372.
3. 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 represent you in this proceeding. Unless you are an attorney, you may not represent someone else.
4. You must serve me directly with a copy of any document that you file in this proceeding. If you send me any correspondence or document, you must send a copy to all other parties. For your convenience, a copy of the Commission’s current service list of the parties to this proceeding is enclosed with this Order.
5. 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 contact the Scheduling Office (Christine Williams) at least ten (10) days before the scheduled Prehearing Conference or Hearing to make your request.

Scheduling Office: (717) 787-1399

AT&T Relay Service number for persons who are deaf or hearing-impaired:

1‑800‑654‑5988

Date: July 21, 2011 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

John H. Corbett, Jr.

Administrative Law Judge

**M-2009-2093217 - Petition of Duquesne Light Company For Approval of Its Energy Efficiency and Conservation and Demand Response Plan**

*revised 7/20/11*

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