



100 Pine Street • PO Box 1166 • Harrisburg, PA 17108-1166
Tel: 717.232.8000 • Fax: 717.237.5300

Patrick L. Gregory
Direct Dial: 717.237.5378
Direct Fax: 717.260.1776
pgregory@mwn.com

July 26, 2011

VIA HAND DELIVERY

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

**RE: Petition of Duquesne Light Company for Approval of its Energy Efficiency and Conservation and Demand Side Response Plan
Docket No. M-2009-2093217**

Dear Secretary Chiavetta:

Please find enclosed for filing with the Pennsylvania Public Utility Commission ("PUC" or "Commission") the original and three (3) copies of the Prehearing Memorandum of the Duquesne Industrial Intervenors ("DII") in the above-referenced proceeding.

As evidenced by the attached Certificate of Service, all parties to the proceeding are being duly served with a copy of this document. Please date stamp the extra copy of this transmittal letter and Prehearing Memorandum, and kindly return them to our messenger for our filing purposes. Thank you.

Very truly yours,

McNEES WALLACE & NURICK LLC

By 
Patrick L. Gregory

Counsel to the Duquesne Industrial Intervenors

c: Administrative Law Judge John H. Corbett, Jr. (via E-Mail and First-Class Mail)
Certificate of Service

RECEIVED
2011 JUL 26 PM 2:28
PA PUC
SECRETARY'S BUREAU

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Duquesne Light Company :
For Approval of its Energy Efficiency : Docket No. M-2009-2093217
And Conservation and Demand Side :
Response Plan :

RECEIVED
2011 JUL 26 PM 2:28
PENNSYLVANIA PUC
SECRETARY'S BUREAU

**PREHEARING MEMORANDUM
OF DUQUESNE INDUSTRIAL INTERVENORS**

The Duquesne Industrial Intervenors ("DII") hereby submit this Prehearing Memorandum in the above-captioned proceeding. DII intends to participate in this proceeding as an "active" party.

I. HISTORY OF THE PROCEEDING

Consistent with the requirements of Act 129, on June 30, 2009, Duquesne Light Company ("Duquesne" or "Company") filed its Act 129 Energy Efficiency and Conservation Plan ("EE&C Plan") with the Pennsylvania Public Utility Commission ("PUC" or "Commission").

On July 24, 2009, DII filed a Petition to Intervene in this proceeding. A description of DII is set forth in Paragraph 6 of DII's Petition to Intervene. DII's Petition to Intervene was granted in a Prehearing Order issued on July 30, 2009.

On August 31, 2009, Duquesne filed a Joint Petition for Partial Settlement. Duquesne's EE&C Plan was approved in part and rejected in part by Commission Order entered October 27, 2009. On December 24, 2009, Duquesne filed a revised EE&C Plan ("December 2009 Plan"), which was approved by the Commission on February 17, 2010.

On September 15, 2010, Duquesne filed a Petition proposing modifications to its December 2009 Plan. On December 15, 2010, the Company filed a clarification to its Petition. The Petition was granted by Commission Order entered January 28, 2011.

On May 9, 2011, Duquesne filed a Petition for Approval of Modifications to its Demand Response ("DR") Plan previously approved by the Commission on January 28, 2011 ("May 2011 Petition"). The Office of Consumer Advocate and DII filed Answers to the Petition on May 19, 2011. On May 25, 2011, Comverge, Inc. ("Comverge") filed a Petition to Intervene, and the Company filed its Response to the Answers of the OCA and DII. On June 3, 2011, Duquesne filed its Answer to Comverge's Petition. By Commission Order issued June 30, 2011, the Commission approved Comverge's Petition and referred the May 2011 Petition to the Office of Administrative Law Judge for expedited evidentiary hearings and the issuance of a Recommended Decision.

II. ANTICIPATED ISSUES AND SUBISSUES

DII has identified four primary areas of concern. First, DII members are interested in Duquesne's proposal to cancel its Residential and Small/Midsized Commercial and Industrial ("C&I") DR Programs. Second, DII is interested in the Company's proposal to shift \$892,000 in EE&C fund responsibility to the Large C&I DR Program. Third, DII is also concerned with Duquesne's proposal to increase the size of the Large C&I DR Program to 40 MW. Fourth, DII is concerned with Duquesne's proposal to further increase the Large C&I DR Program by an additional 20 MW. DII anticipates pursuing these issues during this proceeding and reserves the right to raise further issues and to respond to all matters raised by other parties.

III. PROPOSED WITNESSES

DII is still evaluating whether it will present any witnesses in this proceeding. If DII determines that it will present such witnesses, DII will inform the ALJ and the other parties as soon as possible. DII also reserves its right to participate in this proceeding through the submission of discovery, cross-examination of other parties' witnesses, and the submission of briefs, exceptions and reply exceptions, if necessary.

IV. PROPOSED SCHEDULE AND DISCOVERY RULES

DII will cooperate with the ALJ and the parties at the Prehearing Conference to develop an appropriate procedural schedule and discovery rules in accordance with the Commission's regulations and any ALJ directives.

V. POSSIBILITY OF SETTLEMENT

DII is willing to participate in discussions with the other parties to amicably resolve the issues in this proceeding.

Respectfully submitted,

McNEES WALLACE & NURICK LLC

By 

Pamela C. Polacek (I.D. No. 78276)
Patrick L. Gregory (I.D. No. 310548)
McNees Wallace & Nurick LLC
100 Pine Street, P.O. Box 1166
Harrisburg, PA 17108
Phone: (717) 232-8000
Fax: (717) 237-5300

Counsel to Duquesne Industrial Intervenors

Dated: July 26, 2011

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a true copy of the foregoing document upon the participants listed below in accordance with the requirements of Section 1.54 (relating to service by a participant):

VIA E-MAIL AND FIRST-CLASS MAIL

David T. Evrard, Esq.
Tanya McCloskey, Esq.
Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101-1923
devrard@paoca.org
tmccloskey@paoca.org

Sharon Webb, Esq.
Office of Small Business Advocate
Commerce Building, Suite 1102
300 North Second Street
Harrisburg, PA 17101
swebb@state.pa.us

Charles Daniel Shields, Esq.
Adeolu Bakare, Esq.
Office of Trial Staff
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
P.O. Box 3265
Harrisburg, PA 17105-3265
chshields@state.pa.us
abakare@state.pa.us

Gary A. Jack, Esq.
Kelly L. Geer, Esq.
Assistant General Counsel
Duquesne Light Company
411 Seventh Ave. 16-1
Pittsburgh, PA 15219
gjack@duqlight.com
kgeer@duqlight.com

Kurt E. Klapkowski, Esq.
Commonwealth of Pennsylvania
Department of Environmental Protection
RCSOB, 9th Floor
400 Market Street
Harrisburg, PA 17101-2301
kklapkowski@state.pa.us

Carolyn Pengidore
President/CEO
ClearChoice Energy
180 Fort Couch Road, Suite 265
Pittsburgh, PA 15241
carolyn@clearchoice-energy.com

Theodore J. Gallagher, Esq.
Senior Counsel
NiSource Corporate Services Company
501 Technology Drive
Canonsburg, PA 15317
tjgallagher@nisource.com

Daniel Clearfield, Esq.
Eckert Seamans Cherin & Mellott, LLC
213 Market Street, 8th Floor
P.O. Box 1248
Harrisburg, PA 17108-1248
dclearfield@eckertseamans.com

RECEIVED
2011 JUL 26 PM 2:28
SECRETARY'S BUREAU
PA PUC

Harry S. Geller, Esq.
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101
hgellerpulp@palegalaid.net

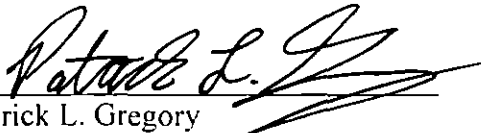
Charles E. Thomas, Jr., Esq.
Thomas T. Niesen, Esq.
Thomas, Long, Niesen & Kennard
P.O. Box 9500
212 Locust Street, Suite 500
Harrisburg, PA 17108-9500
cthomasjr@ttanlaw.com
tniesen@ttanlaw.com

Daniel L. Frutchey
Chief Regulatory Officer
Equitable Distribution Company
225 North Shore Drive
Pittsburgh, PA 15212-5861
dfrutchey@eqt.com

Kevin J. McKeon, Esq.
Tori L. Giesler, Esq.
Hawke McKeon & Sniscak LLP
P.O. Box 1778
100 North Tenth Street
Harrisburg, PA 17101
kjmckeon@hmslegal.com
tlgiesler@hmslegal.com

Scott H. DeBroff, Esq.
Rhoads & Sinon LLP
One South Market Square
P.O. Box 1146
Harrisburg, PA 17108-1146
sdebroff@rhoads-sinon.com

Divesh Gupta, Esq.
Senior Counsel
Constellation Energy
111 Market Place, Suite 500
Baltimore, MD 21202
Divesh.gupta@constellation.com


Patrick L. Gregory

Counsel to the Duquesne Industrial
Intervenors

Dated this 26th day of July, 2011, in Harrisburg, Pennsylvania.