

June 1, 2018

**VIA E-FILE AND FIRST CLASS MAIL**

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Honorable Katrina L. Dunderdale  
Pennsylvania Public Utility Commission  
Piatt Place  
301 Fifth Avenue - Suite 220  
Pittsburgh, PA 15222

**Re: PENNSYLVANIA PUBLIC UTILITY COMMISSION v. DUQUESNE LIGHT COMPANY,  
DOCKET NOS. R-2018-3000124 AND C-2018-3001152**

**PEOPLES NATURAL GAS COMPANY LLC RESPONSE TO DUQUESNE LIGHT  
COMPANY MOTION FOR PROTECTIVE ORDER, DATED MAY 31, 2018**

Dear Administrative Law Judge Dunderdale:

In recognition that Your Honor is likely growing tired of the discovery disputes in this proceeding, Peoples Natural Gas Company LLC ("Peoples") submits this brief letter in lieu of a formal answer to the Motion for Protective Order ("Motion") of Duquesne Light Company ("Duquesne"), filed on May 31, 2018. Peoples recognizes that Duquesne's proposed protective order is a standard order used in most Commission proceedings and, in this respect, does not oppose its issuance. In fact, Peoples encourages its immediate issuance.

Peoples notes however that Duquesne has inexplicably delayed filing of the Motion for nearly a month after the Prehearing Conference in this matter; thereby depriving Peoples and other parties of access to Confidential materials needed to prepare Non-Company Direct Testimony – which is currently due on June 25, 2018. Indeed, Duquesne did not file the Motion until Peoples pointed out to Your Honor that Duquesne violated the Commission's Rules of Practice and Procedure at 52 Pa. Code § 5.365(c)(4) by failing to provide Peoples with immediate access to Confidential materials after Peoples agreed to treat the materials as if they were subject to a protective order and by failing to file a motion within 14 days of Peoples' commitment. See Peoples Motion to Dismiss Objections and Compel Answer to Set II Discovery, dated May 29, 2018, p. 15.

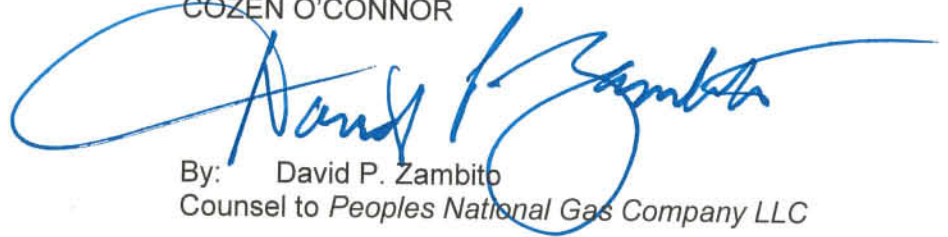
As Duquesne notes in its Motion, Peoples refused to agree to the Motion. Motion, p. 4. Peoples' refusal was for one fundamental reason: Duquesne refused to commit that it would not classify officers and employees of Peoples as "Restricted Persons" under Paragraph 7 of the proposed protective order. Such a classification would deprive Peoples' officers and employees of access to Confidential materials, which are necessary to prepare testimony and exhibits, and of the opportunity to consult with their counsel on case strategy. While Peoples could admittedly challenge such classification, the associated time delay would jeopardize Peoples' ability to meet the fast-approaching June 25, 2018 deadline for the submission of Non-Company Direct Testimony.

Duquesne has, in a variety of manners (including numerous objections, late responses, non-responsive responses, and failure to produce Confidential materials), delayed the production of relevant discovery materials to Peoples in this proceeding and should face consequences for its conduct. Peoples respectfully requests that the issuance of the proposed protective order be accompanied by an admonition by Your Honor that Duquesne's treatment of Peoples' officers and employees as "Restricted Persons" will not be viewed favorably and may result in an extension of the deadline for submission of Non-Company Direct Testimony at the expense of Duquesne's time for preparation of Rebuttal Testimony.

Thank you for your attention to this matter. If you require any additional information, please let me know.

Respectfully,

COZEN O'CONNOR



By: David P. Zambito  
Counsel to Peoples National Gas Company LLC

cc: Rosemary Chiavetta, Secretary  
Per Certificate of Service  
Lynda Petrichevich  
William H. Roberts II, Esquire

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

|  |   |                           |
|--|---|---------------------------|
| Pennsylvania Public Utility Commission | : |                           |
|  | : |                           |
| v.                                     | : | Docket No. R-2018-3000124 |
|  | : |                           |
| Duquesne Light Company                 | : |                           |

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing Response to Duquesne Light Company Motion for Protective Order, dated May 31, 2018, upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

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DATED: June 1, 2018



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