



June 6, 2018

VIA E-FILE

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

Re: Petition of Peoples Natural Gas Company LLC for Approval of its Energy Efficiency and Conservation Plan; Docket No. M-2017-2640306

Pennsylvania Public Utility Commission v. Duquesne Light Company; Docket Nos. R-2018-3000124 and C-2018-3001152

ANSWER OF PEOPLES NATURAL GAS COMPANY LLC TO THE "MOTION OF DUQUESNE LIGHT COMPANY FOR SIMULTANEOUS CONSIDERATION OF: (1) THE PETITION FOR INTERLOCUTORY REVIEW OF DUQUESNE LIGHT COMPANY FILED APRIL 29, 2018 AT DOCKET NO. M-2017-2640306; AND (2) THE PETITION FOR INTERLOCUTORY REVIEW FILED MAY 22, 2018 BY THE [SIC] PEOPLES NATURAL GAS COMPANY LLC AT DOCKET NOS. R-2018-3000124 ET AL."

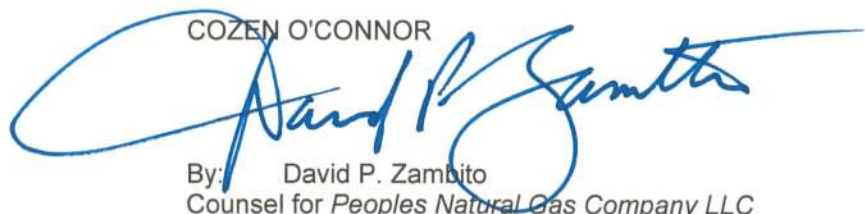
Dear Secretary Chiavetta:

Enclosed for filing with the Commission is Peoples Natural Gas Company LLC's Answer to "Motion of Duquesne Light Company for Simultaneous Consideration" in the above-referenced proceeding. Copies of the Motion are being served on the Presiding Officers, Administrative Law Judge Dennis J. Buckley, and Katrina L. Dunderdale, and on all parties, as indicated on the enclosed Certificate of Service.

If you have any questions regarding this filing, please direct them to me. Thank you for your attention to this matter.

Sincerely,

COZEN O'CONNOR



By: David P. Zambito
Counsel for Peoples Natural Gas Company LLC

DPZ:kmg
Enclosure

cc: Honorable Dennis J. Buckley
Honorable Katrina L. Dunderdale
Per Certificate of Service
Lynda W. Petrichevich, Vice President Rates and Regulatory Affairs
William H. Roberts II, Esquire

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of Peoples Natural Gas Company LLC :
for Approval of Its Energy Efficiency and : Docket No. M-2017-2640306
Conservation Plan :

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Answer of Peoples Natural Gas Company LLC to the "Motion Of Duquesne Light Company for Simultaneous Consideration of: (1) the Petition for Interlocutory Review of Duquesne Light Company filed April 29, 2018 at Docket No. M-2017-2640306; and (2) the Petition for Interlocutory Review filed May 22, 2018 by the [sic] Peoples Natural Gas Company LLC at Docket Nos. R-2018-3000124 et al.," upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

VIA FIRST CLASS MAIL:

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DATED: June 6, 2018



David P. Zambito, Esquire
Counsel for *Peoples Natural Gas Company LLC*

VERIFICATION

I, Lynda W. Petrichevich, hereby state that the facts set forth above are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Date: 6/5/2018



Lynda W. Petrichevich
Vice President, Regulatory Strategy
PNG Companies LLC

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Peoples Natural Gas Company LLC :
For Approval of its Energy Efficiency and : Docket No. M-2017-2640306
Conservation Plan :

Pennsylvania Public Utility Commission :
 : Docket Nos. R-2018-3000124
v. : C-2018-3001152
 :
Duquesne Light Company :

**ANSWER OF PEOPLES NATURAL GAS COMPANY LLC
TO THE “MOTION OF DUQUESNE LIGHT COMPANY FOR
SIMULTANEOUS CONSIDERATION OF: (1) THE PETITION FOR
INTERLOCUTORY REVIEW OF DUQUESNE LIGHT COMPANY
FILED APRIL 29, 2018 AT DOCKET NO. M-2017-2640306; AND (2) THE PETITION
FOR INTERLOCUTORY REVIEW FILED MAY 22, 2018 BY THE [SIC] PEOPLES
NATURAL GAS COMPANY LLC AT DOCKET NOS. R-2018-3000124 *ET AL.*”**

AND NOW COMES, Peoples Natural Gas Company LLC (“Peoples”), by and through its counsel, Cozen O’Connor, pursuant to 52 Pa. Code § 5.103(c), to file this Answer to the “Motion of Duquesne Light Company for Simultaneous Consideration of: (1) The Petition for Interlocutory Review of Duquesne Light Company Filed April 29, 2018 at Docket No. M-2017-2640306; and (2) The Petition for Interlocutory Review Filed May 22, 2018 by The [sic] Peoples Natural Gas Company LLC at Docket Nos. R-2018-3000124, *et al.*” (“Motion”). In the Motion, Duquesne Light Company (“Duquesne”) appears to request that the Commission consolidate, for purposes of adjudication and disposition, Petitions for Interlocutory Review and Answer to Material Question (“Petitions for Interlocutory Review”) filed in two separate proceedings. Peoples has no objection to consideration by the Pennsylvania Public Utility Commission (“PUC” or

“Commission”) of the two petitions at or around the same time. However, the petitions should be considered separately and Peoples’ Petition for Interlocutory Review should be considered expeditiously so as not to prejudice Peoples’ participation in Duquesne’s base rate proceeding through delay. *See*, Peoples’ Brief in Support of its Petition for Interlocutory Review p. 1 (explicitly requesting that the Commission act on Peoples’ Petition for Interlocutory Review on an expedited basis). The Commission should not consolidate the two Petitions for Interlocutory Review and dispose of them by way of a single Opinion and Order because the underlying proceedings are clearly distinguishable and involve separate issues.

I. INTRODUCTION AND OVERVIEW

A. Procedural History

These two rather straightforward cases have turned into a procedural quagmire due to Duquesne’s repeated efforts to have the Commission consider its Petition for Interlocutory Review¹ and forestall Peoples’ active participation in Duquesne’s base rate case.² In order to avoid unnecessary repetition, this document incorporates by reference the numerous documents identified below that Peoples previously filed in these matters. Additionally, to supply appropriate context, this Answer provides an abbreviated procedural history of each proceeding.

¹ As will be discussed in greater detail *infra*, Duquesne filed its Petition for Interlocutory Review, asked the Commission to consider its Petition for Interlocutory Review and supporting brief as Exceptions to an Initial Decision, and now has asked the Commission to consider its Petition for Interlocutory Review simultaneously with the Petition for Interlocutory Review filed by Peoples in an unrelated case.

² As will be discussed in greater detail *infra*, Peoples’ Petition for Interlocutory Review seeks Commission review of an Interim Order finding that Peoples is precluded from pursuing certain issues in a base rate case. Peoples requested that the Commission consider its Petition for Interlocutory Review on an expedited basis so that the ALJ’s error could be quickly rectified and Peoples could continue to conduct discovery so that it can prepare written testimony, which is currently due on June 25, 2018. The 30-day period for Commission consideration of Peoples’ Petition for Interlocutory Review will expire on June 21, 2018. In contrast, Duquesne filed a Petition for Interlocutory Review in a case that does not have a statutory deadline. Additionally, the Commission has already issued a Secretarial Letter waiving the 30-day deadline for consideration of Duquesne’s Petition for Interlocutory Review.

1. Duquesne's Petition for Interlocutory Review

Duquesne's Petition for Interlocutory Review arises out of Peoples' petition for approval of a voluntary energy efficiency and conservation plan ("EE&C Plan"), filed on December 27, 2017 at Docket No. M-2017-2640306 ("Peoples' EE&C Plan Proceeding"). Duquesne petitioned to intervene ("Duquesne's Petition to Intervene") in this proceeding on March 12, 2018. On March 29, 2018, Peoples filed an Answer to Duquesne's Petition to Intervene. Duquesne filed a Motion Requesting Oral Argument on its Petition to Intervene, which was granted, and oral argument was held on April 9, 2018.

On April 27, 2018, Administrative Law Judge ("ALJ") Dennis J. Buckley issued an Initial Decision (the "Initial Decision") denying Duquesne's Petition to Intervene. Duquesne responded on April 30, 2018, by filing its Petition for Interlocutory Review. On May 10, 2018, the Commission issued a Secretarial Letter waiving the 30-day deadline for the Commission to issue a decision on Duquesne's Petition for Interlocutory Review. 52 Pa. Code § 5.303.

Also on May 10, 2018, Duquesne filed a Brief in Support of its Petition for Interlocutory Review, as did the OCA and the OSBA. On that same date, Peoples filed a Brief in Opposition to Duquesne's Petition for Interlocutory Review. Among other things, Peoples argued that the Commission should decline to answer the material questions presented in Duquesne's Petition for Interlocutory Review because interlocutory review was not necessary to prevent substantial prejudice or expedite the proceedings; Duquesne could simply file Exceptions to the Initial Decision; and Duquesne, in fact, lacked standing to challenge Peoples EE&C Plan. Peoples' Brief in Opposition to Duquesne's Petition for Interlocutory Review pp. 4-7.

On May 16, 2018, Peoples filed a Motion to Strike Duquesne's Brief in Support of its Petition for Interlocutory Review because Duquesne's brief addressed a significant issue that was

not raised in its Petition for Interlocutory Review. Duquesne apparently filed an Answer to that Motion on June 5, 2018.³

On May 17, 2018, Duquesne filed correspondence asking that the Commission treat its Petition for Interlocutory Review and brief in support thereof as Exceptions to the Initial Decision. Also on May 17, the OCA and the OSBA filed Exceptions to the Initial Decision. On May 29, 2018, Peoples filed the Replies of Peoples Natural Gas Company LLC to Exceptions of Other Parties (“Peoples’ Replies to Exceptions”).

On May 31, 2018, Duquesne filed the instant Motion. The Peoples’ EE&C Plan proceeding is currently in the briefing stage.

2. Peoples’ Petition for Interlocutory Review

Peoples’ Petition for Interlocutory Review arises out of Duquesne’s base rate case (“Duquesne Rate Case”), filed on March 28, 2018 at Docket No. R-2018-3000124. Among other things, Duquesne proposed changes in its Rider No. 16 – Service to Non-Utility Generating Facilities (“Rider 16”) that would result in a 220% increase in its Back-Up Rate. Peoples filed a Formal Complaint (“Complaint”) against Duquesne’s Rate Case on April 10, 2018. On May 1, 2018, Duquesne filed the “Motion of Duquesne Light Company for Partial Judgment on the Pleadings with Regard to Averments in the Complaint of Peoples Natural Gas Company LLC Regarding Tariff Rider No. 16” (“Duquesne’s Motion for Partial Judgment on the Pleadings”). Peoples filed its Answer on May 11, 2018.

On May 22, 2018, ALJ Katrina L. Dunderdale issued her Interim Order Granting Respondent’s Motion for Partial Judgment on the Pleadings (“Interim Order”), granting

³ Peoples received the “Answer of Duquesne Light Company to Peoples Natural Gas Company LLC’s Motion to Strike Duquesne Light Company’s Brief in Support of Duquesne Light Company’s Petition for Interlocutory Review and Answer of Material Questions via Federal Express on June 6, 2018. As of this writing, however, the Commission’s website does not indicate that this document has been filed.

Duquesne's Motion for Partial Judgment on the Pleadings and precluding Peoples from opposing Rider 16. Also on May 22, 2018, Peoples filed its Petition for Interlocutory Review. Due to the compressed time frame for litigating a rate proceeding, Peoples requested expedited treatment of its Petition for Interlocutory Review. Among other things, Peoples asked that the time frame for filing briefs on its Petition for Interlocutory Review be shortened from ten days to three. The Commission issued a Secretarial Letter establishing the deadline for filing briefs on the Petition as May 29, 2018.

On May 29, 2018, the Duquesne Industrial Intervenors ("DII") filed a Brief in Support of Peoples' Petition for Interlocutory Review. Also on May 29, 2018, Duquesne filed a request for an extension of time in which to file briefs on People's Petition for Interlocutory Review. By Secretarial Letter dated May 29, 2018, the Commission established the deadline for filing briefs as May 31, 2018.

On May 31, 2018, Peoples filed a Brief in Support of its Petition for Interlocutory Review and Duquesne filed a Brief in Opposition to People's Petition for Interlocutory Review. In addition, Duquesne filed the instant Motion requesting the consolidation, for purposes of adjudication and disposition, of the petitions for interlocutory review filed in the two separate proceedings.

B. Summary of Argument

Peoples has no objection to the Commission's consideration of both Petitions at or around the same time – so long as they are considered separately and Peoples' Petition for Interlocutory Review is considered expeditiously. Peoples respectfully submits, however, that the Commission should not consolidate the two petitions for purposes of adjudication and disposition. Specifically, Peoples submits that the Commission should deny Duquesne's Motion for the following reasons:

1. **Inconsistency with Procedural Rules.** Duquesne fails to point to any authority other than “administrative efficiency” for its request. Peoples respectfully submits that this “authority” is inadequate and inconsistent with the Commission’s Rules of Practice and Procedure.

Section 5.81(a) of the Commission’s Rules of Practice and Procedure, 52 Pa. Code § 5.81(a), allows the Commission or presiding officer to consolidate *proceedings* involving a common question of law or fact, but Duquesne does not ask the Commission to consolidate *proceedings*. Rather, it requests that the Commission consolidate *pleadings* in two unrelated cases which involve different facts and issues. *Cf.*, 52 Pa. Code § 5.1(a)(4) (a petition and answer are considered pleadings). Duquesne does not discuss what happens to the cases afterwards if the Commission grants its request and jointly resolves the Petitions for Interlocutory Review. Presumably, after the Commission renders its decision on the two Petitions for Interlocutory Review, the two cases would proceed along separate paths to ultimate resolution. As such, there is no compelling reason to resolve the Petitions for Interlocutory Review in conjunction with each other.

There are significant differences in fact and law in the two proceedings, which weigh against consolidating the Petitions for Interlocutory Review for purposes of adjudication and disposition. One proceeding involves a proposal to adopt a natural gas distribution company’s voluntary energy efficiency and conservation plan. This proceeding has only a handful of participants. It has no statutory deadline and the Commission has already waived the 30-day deadline established in the Commission’s regulations for ruling on a petition for interlocutory review.

The other proceeding is the base rate case of an electric distribution company (“EDC”). As of this date, there are more than a dozen parties to this proceeding (in addition to any *pro se*

complainants). This proceeding has a statutory deadline, and the Commission has not waived the 30-day deadline in its regulations for a Commission ruling on a petition for interlocutory review.

Peoples' research has not identified any precedent for consolidating, for purposes of adjudication and consolidation, two *pleadings* in such disparate *proceedings*. Duquesne has failed to articulate any compelling reason for establishing such a precedent here.

2. Different Questions of Fact and Law. As stated above, 52 Pa. Code § 5.81(a) allows the Commission or a presiding officer to consolidate proceedings that involve common questions of law or fact. The instant pleadings, however, do *not* involve common questions of law or fact.

Both pleadings are petitions for interlocutory review. The threshold question on such a petition is whether there are compelling reasons why interlocutory review will prevent substantial prejudice or expedite the conduct of the proceeding. 52 Pa. Code § 5.302. The party seeking interlocutory review must show that the error and any prejudice flowing therefrom could not be satisfactorily cured during the normal Commission review process. *Joint Application of Bell Atlantic Corp. and GTE Corp.*, Docket No. A-310200F0002 *et al.* (Order entered June 10, 1999); *Pa. PUC v. Frontier Communications of Pa. Inc.*, Docket No. R-0098441 (Order entered February 11, 1999); *In re: Knights Limousine Service, Inc.*, 59 Pa. P.U.C. 538 (1985).

In Peoples' Brief in Opposition to Duquesne's Petition for Interlocutory Review, Peoples demonstrates that Duquesne does not meet this threshold condition for consideration of its Petition for Interlocutory Review. Since Duquesne filed its Petition for Interlocutory Review *after* the issuance of the Initial Decision, it is impossible for Duquesne to show that the error cannot be cured during the normal Commission review process. The proper mechanism for seeking Commission review of the Initial Decision was to file Exceptions. Peoples' Brief in Opposition to Duquesne's Petition for Interlocutory Review pp. 5-7. The Commission should therefore

decline to answer the material questions presented in Duquesne’s Petition for Interlocutory Review.

In contrast, no party has questioned that Peoples’ Petition for Interlocutory Review satisfies the threshold condition for consideration by the Commission. Peoples seeks review of an Interim Order that would prevent it from pursuing a certain issue during a base rate case, which has a statutory deadline. If the ALJ’s error is not corrected quickly, Peoples will forever lose its ability to conduct discovery and prepare testimony pursuing that issue in this case. Due to the statutory deadline, the Commission could not adequately remedy the ALJ’s error through the normal review process. Peoples’ Brief in Support of Peoples’ Petition for Interlocutory Review pp. 4-6.

Even if the Commission would conclude that Duquesne’s Petition for Interlocutory Review meets the threshold condition for consideration, the questions presented in the Petitions are completely unrelated. Each petition asks the Commission to consider a material question or questions. The lack of any commonality is obvious from the following chart.

| Material Questions Presented in Duquesne’s Petition for Interlocutory Review | Material Questions Presented in Peoples’ Petition for Interlocutory Review |
|---|---|
| 1. Does Duquesne, as a Peoples customer, have standing to intervene to address issues pertaining to the quality of the data, validity of the assumptions and accuracy of the analyses Peoples used to apply the Total Resource Cost tests, where resolution of those issues will determine the prudence and reasonableness of the costs (principally subsidy payments) Peoples asks to recover through a Section 1307 surcharge imposed on gas customers? | 1. Does the Interim Order, dated May 22, 2018, err in granting the Motion for Partial Judgment on the Pleadings filed by Duquesne Light Company (“Duquesne”) on May 1, 2018 and precluding Peoples – as a developer of Combined Heat and Power (“CHP”) projects – from contesting, in Duquesne’s base rate proceeding, a proposed 220% increase in the rate for Back-Up Service for CHP projects? |
| 2. Recognizing that CHP and some non-CHP measures in Peoples’ EE&C program will interconnect with Duquesne’s distribution system, does Duquesne have standing to intervene to address whether those measures will: (a) impact the operation and safety of [Duquesne’s] distribution system; and (b) | |

| Material Questions Presented in Duquesne's Petition for Interlocutory Review | Material Questions Presented in Peoples' Petition for Interlocutory Review |
|---|--|
| increase costs to furnish electric distribution service? | |
| 3. Recognizing that gas-utility sponsored CHP projects are, as the Commission stated, "more akin to market development projects" because they increase gas consumption and depend on claimed electric usage reductions to pass a cost/benefit test, does Duquesne have standing to intervene to assess whether benefits claimed by Peoples (which principally exist on its system) will actually exist, were properly determined in light of facts only the affected EDC may have access to, and do not impose countervailing costs that Peoples ignored? | |
| 4. Does Duquesne have standing to intervene to address whether the "incentives" offered under Peoples' voluntary [EE&C Plan] duplicate, necessitate coordination with, or improperly impede EE&C measures Duquesne offers (or may find it necessary to offer) to satisfy its statutory obligation to meet Act 129's mandatory usage reduction targets? | |
| 5. Whether the ALJ's comments about the scope of this proceeding and Peoples' contention that CHP-related issues are significant enough to warrant participation of all potential stakeholders (with attendant expanded notice) merit bifurcating CHP-related issues to a separate procedural path, with an appropriately expanded schedule to accommodate greater stakeholder participation, before the Commission decides the important CHP-related issues presented by Peoples' EE&C filing? | |

Indeed, the issues in the two petitions are not interrelated. By way of example, there would be no inconsistency in a Commission finding that Duquesne lacks standing to challenge Peoples' EE&C Plan and a Commission finding that Peoples has standing to challenge Duquesne's proposed 220% increase in its Back-Up Rate for Non-Utility Generating Facilities. Duquesne's

Motion is an attempt to derail an EE&C Plan proceeding that is progressing toward conclusion by forcing the Commission to address an issue in that proceeding that is presented by the facts and law of a *different case*. Similarly, Duquesne's motion seeks to forestall Peoples' participation in a base rate proceeding at the critical initial stage⁴ by getting the Commission bogged down in a host of issues that are presented by the facts and law in a *different case*. For all of the foregoing reasons, the Commission should deny the instant Motion and refuse to consolidate the Duquesne Petition for Interlocutory Review with the Peoples Petition for Interlocutory Review.

II. ANSWER

1. Admitted in part and denied in part. It is admitted that Peoples filed its voluntary EE&C Plan on December 27, 2017. That filing is a written document that speaks for itself. Consequently, the remainder of this paragraph is denied.

2. Admitted in part and denied in part. It is admitted that Peoples' EE&C Plan includes an energy efficiency and conservation rider ("EE&C Rider"). Peoples' EE&C Plan, including the EE&C Rider, is a written document that speaks for itself. Consequently, the remainder of this paragraph is denied.

3. Admitted in part and denied in part. The remainder of this paragraph states a legal conclusion to which no response is required. To the extent a response is required, the remainder of this paragraph is denied for the reasons set forth in Peoples' Replies to Exceptions pp. 7-10 (responding to Duquesne's claims regarding the notice that was required of Peoples when it filed its EE&C Plan), which is incorporated by reference herein.

⁴ Non-Company Direct Testimony is due in Duquesne's base rate case on June 25, 2018. Absent a timely Commission ruling on Peoples' Petition for Interlocutory Review, Peoples will be deprived of the opportunity to receive and review discovery responses and then prepare its testimony and exhibits.

4. Admitted in part and denied in part. It is admitted that Peoples' EE&C Plan does not have a statutory deadline for Commission action, and that Peoples requested that the Commission approve the EE&C Plan at its August 23, 2018 public meeting, so that Peoples could be ready to implement the plan on January 1, 2019. The remainder of this paragraph is denied for the reasons set forth in Peoples' Replies to Exceptions pp. 8-10 (explaining how Peoples followed Commission guidance and precedent with respect to providing notice of the filing of its voluntary EE&C Plan), which are incorporated by reference herein.

5. Admitted.

6. Admitted.

7. Admitted in part and denied in part. It is admitted that Duquesne filed its Petition to Intervene on March 12, 2018. That filing is a written document that speaks for itself. Consequently, the remainder of this paragraph is denied.

8. Admitted in part and denied in part. It is admitted that Peoples filed an Answer to Duquesne's Petition to Intervene on March 29, 2018. That filing is a written document that speaks for itself. Consequently, the remainder of this paragraph is denied.

9. Admitted in part and denied in part. It is admitted that Duquesne filed a motion requesting oral argument on its Petition to Intervene, which was granted. The oral argument was transcribed. The transcript is a written document that speaks for itself. Consequently, the remainder of this paragraph is denied.

10. Admitted in part and denied in part. It is admitted that ALJ Buckley issued the Initial Decision on April 27, 2018. That decision is a written document that speaks for itself. Consequently, the remainder of this paragraph is denied.

11. Admitted in part and denied in part. It is admitted that Duquesne filed a Petition for Interlocutory Review. That filing is a written document that speaks for itself. Consequently,

the remainder of this paragraph is denied. It is specifically denied that the five material questions presented in Duquesne's Petition for Interlocutory Review "arose directly from the April 27, 2018 Initial Decision," for the reasons stated in Peoples' Replies to Exceptions pp. 5-6 (noting that the Initial Decision did not address the possible bifurcation of issues in the proceeding, as discussed in Duquesne's material question number 5), which are incorporated by reference herein.

12. Admitted in part and denied in part. It is admitted that Duquesne filed its Brief in Support of its Petition for Interlocutory Review on May 10, 2018. That document, like the cover letter filed with it, is a written document that speaks for itself. Consequently, the remainder of this paragraph is denied.

13. Admitted in part and denied in part. It is admitted that the OSBA and the OCA filed Briefs in Support of Duquesne's Petition for Interlocutory Review and Peoples filed a Brief in Opposition to Duquesne's Petition for Interlocutory Review. Those briefs are written documents that speak for themselves. Consequently, the remainder of this paragraph is denied.

14. Admitted in part and denied in part. It is admitted that the Commission issued a Secretarial Letter on May 10, 2018, waiving the 30-day deadline for the Commission to issue a decision on Duquesne's Petition for Interlocutory Review. 52 Pa. Code § 5.303. That Secretarial Letter is a written document that speaks for itself. Consequently, the remainder of this paragraph is denied.

15. It is admitted that Duquesne's Petition for Interlocutory Review remains pending at this time.

16. Admitted in part and denied in part. It is admitted that Duquesne filed its proposed Supplement No. 174 to Tariff – Electric Pa. P.U.C. No. 24 ("Proposed Tariff") and supporting material on March 28, 2018. That filing is a written document that speaks for itself. Consequently, the remainder of this paragraph is denied.

17. Admitted in part and denied in part. It is admitted that Duquesne's Proposed Tariff included a proposal to modify the existing Rider 16. Duquesne's Proposed Tariff is a written document that speaks for itself. Consequently, the remainder of this paragraph is denied.

18. Denied. Rider 16 is a written document that speaks for itself. Consequently, the averments of this paragraph are denied.

19. Denied. Rider 16 is a written document that speaks for itself. Consequently, the averments of this paragraph are denied.

20. Denied. Rider 16 is a written document that speaks for itself. Consequently, the averments of this paragraph are denied.

21. Admitted.

22. Admitted. By way of further answer, Peoples' Complaint was assigned Docket No. C-2018-3001152.

23. Denied. Peoples' Complaint is a written document that speaks for itself.

24. Denied. Peoples' Complaint is a written document that speaks for itself.

25. Denied. Peoples' Complaint is a written document that speaks for itself.

26. Admitted in part, denied in part. Peoples' Complaint is a written document that speaks for itself. It is admitted that Peoples' EE&C Plan has not been approved by the PUC. The remainder of this paragraph states a legal conclusion to which no response is required.

27. Admitted in part, denied in part. Peoples' Complaint is a written document that speaks for itself. The remainder of this paragraph states a legal conclusion to which no response is required. By way of further answer, Duquesne objected to the two discovery questions referenced in this paragraph. Peoples has filed a Motion to Dismiss Objections and Compel Answers, which remains pending at this time.

28. Admitted in part, denied in part. It is admitted that Duquesne filed its Motion for Partial Judgment on the Pleadings on May 1, 2018. That filing is a written document that speaks for itself. Consequently, the remainder of this paragraph is denied.

29. Admitted in part, denied in part. It is admitted that Peoples filed its Answer to Duquesne's Motion for Partial Judgment on the Pleadings on May 11, 2018. Peoples' filing is a written document that speaks for itself. Consequently, the remainder of this paragraph is denied.

30. Admitted in part, denied in part. It is admitted that ALJ Dunderdale issued her Interim Order on May 22, 2018. The Interim Order is a written document that speaks for itself. Consequently, the remainder of this paragraph is denied.

31. Admitted in part, denied in part. It is admitted that the Commission issued Secretarial Letters on May 24, 2018 and May 29, 2018, establishing the deadline for filing briefs on Peoples' Petition for Interlocutory Review. It is also admitted that Peoples filed an Amended Complaint at Docket No. C-2018-3001152 on May 25, 2018. Finally, it is admitted that Peoples filed its Petition for Interlocutory Review on May 22, 2018. Peoples' filing is a written document that speaks for itself. Consequently, the remainder of this paragraph is denied.

32. Denied. Peoples and Duquesne are not the only parties to either proceeding. As of this date, there are a handful of parties to the Peoples' EE&C Plan proceeding (Peoples, Duquesne, the Office of Consumer Advocate, the Office of Small Business Advocate and the Pennsylvania Independent Oil & Gas Association). As of this date, there are more than a dozen parties to the Duquesne Rate Case (in addition to any *pro se* complainants).

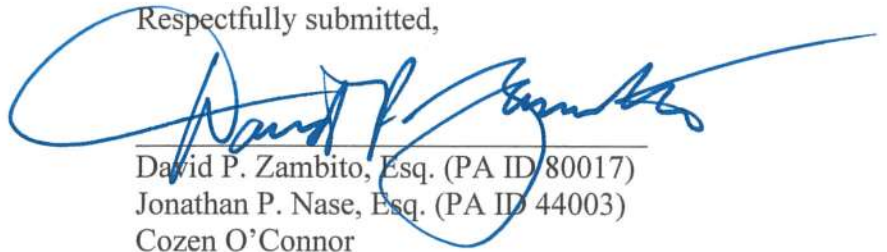
33. Denied. Duquesne fails to cite any authority for its requested relief other than "administrative efficiency." 52 Pa. Code § 5.81(a) does not provide authority for Duquesne's requested relief because that regulation concerns the consolidation of *proceedings*, not *pleadings*. Peoples' research has not identified any precedent for consolidating, for purposes of adjudication

and consolidation, two *pleadings* in disparate *proceedings*. As discussed in detail, *supra*, Peoples' EE&C Plan proceeding and Duquesne's Rate Case do not present common questions of fact and law. The cases involve different parties and different issues. The Duquesne Petition for Interlocutory Review does not pass the threshold test for consideration of a petition for interlocutory review – it does not demonstrate that review is necessary to prevent substantial prejudice and expedite the proceeding. In contrast, no party has questioned that Peoples' Petition for Interlocutory Review meets that same threshold test for consideration of a petition for interlocutory review. Additionally, the five material questions that Duquesne's petition asks the Commission to address are very different from the one question that Peoples' petition asks the Commission to address. In short, there is no compelling reason to consolidate these two petitions for interlocutory review.

III. CONCLUSION

WHEREFORE, for the foregoing reasons, the “Motion of Duquesne Light Company for Simultaneous Consideration of: (1) The Petition for Interlocutory Review of Duquesne Light Company Filed April 29, 2018 at Docket No. M-2017-2640306; and (2) The Petition for Interlocutory Review Filed May 22, 2018 by The Peoples Natural Gas Company LLC at Docket Nos. R-2018-3000124, *et al.*” should be denied. Peoples respectfully submits that the Commission may consider the two petitions separately at or around the same time, but should not consolidate them for purposes of adjudication and disposition. Peoples’ Petition for Interlocutory Review should be resolved expeditiously so as not to prejudice Peoples’ participation Duquesne’s base rate case.

Respectfully submitted,



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Dated June 6, 2018

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