



July 24, 2018

VIA E-FILING

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Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
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Harrisburg, PA 17120

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

**PEOPLES NATURAL GAS COMPANY LLC'S ANSWER TO DUQUESNE LIGHT
COMPANY'S REVISED MOTION TO DISMISS OBJECTIONS AND TO COMPEL
ANSWERS TO INTERROGATORIES (SET III) NOS. 2, 52-54, 58 AND 62**

Dear Secretary Chiavetta:

Enclosed for filing with the Commission, please find Peoples Natural Gas Company LLC's Answer to Duquesne Light Company's Revised Motion to Dismiss Objections and to Compel Answers to Interrogatories (Set III) Nos. 2, 52-54, 58 and 62 in the above-referenced proceeding. A copy of this document has been served in accordance with the attached 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: Jonathan P. Nase
Counsel for Peoples Natural Gas Company LLC

JPN:kmg
Enclosures

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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
	:	Docket No. R-2018-3000124
v.	:	C-2018-3001152
	:	
Duquesne Light Company	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing **Peoples Natural Gas Company LLC's Answer to Duquesne Light Company's Revised Motion to Dismiss Objections and to Compel Answers to Interrogatories (Set III) Nos. 2, 52-54, 58 and 62**, 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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Counsel for *Peoples Natural Gas Company LLC*

Date: July 24, 2018

VERIFICATION

I, Lynda 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: July 24, 2018


Lynda Petrichevich

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Administrative Law Judge Katrina L. Dunderdale

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

**PEOPLES NATURAL GAS COMPANY LLC’S ANSWER
TO DUQUESNE LIGHT COMPANY’S REVISED MOTION
TO DISMISS OBJECTIONS AND TO COMPEL ANSWERS TO
INTERROGATORIES (SET III) NOS. 2, 52-54, 58 AND 62**

AND NOW COMES, Peoples Natural Gas Company LLC (“Peoples”), by and through its counsel, Cozen O’Connor, pursuant to 52 Pa. Code § 5.342(g)(1), to file this Answer (“Answer”) to Duquesne Light Company’s Revised Motion to Dismiss Objections and to Compel Answers to Interrogatories (Set III), Nos. 2, 52-54, 58 and 62 (“Revised Motion”). The Revised Motion was filed on July 19, 2018. In support thereof, Peoples states as follows:

I. PROCEDURAL HISTORY

Duquesne Light Company (“Duquesne”) served Set III of its discovery on Peoples at approximately 11:50 a.m. on July 3, 2018 (*i.e.*, the day before the Independence Day holiday). Pursuant to the modified discovery rules adopted by Administrative Law Judge (“ALJ”) Katrina L. Dunderdale in her Prehearing Order dated May 8, 2018 (“Prehearing Order”), counsel for

Peoples was required to object orally to the discovery within three calendar days. On the afternoon of July 6, 2018, counsel for Peoples telephoned counsel for Duquesne to object orally to Interrogatories 2, 52-54, 58 and 62. No resolution was reached. Consequently, Peoples served the Objections of Peoples Natural Gas Company LLC to Certain Questions in Data Request Set III Propounded by Duquesne Light Company (“Objections”). The Objections were timely served by July 10, 2018. On July 13, 2016, Peoples timely served answers to all interrogatories in Set III to which no objection had been taken.

On July 16, 2018, Duquesne filed a Motion to Dismiss Objections and to Compel Answers to Interrogatories (Set III) Nos. 2, 52-54, 58 and 62. An e-mail from the ALJ directed Duquesne to revise that filing to include information required by the Commission’s Rules of Administrative Practice and Procedure. Consequently, Duquesne filed the Revised Motion on July 19, 2018.

II. OVERVIEW

The Commission should deny Duquesne’s Motion. Question 2 asks Peoples to produce a large quantity of information regarding Peoples’ electricity usage. Duquesne already has most of this information in its billing system and Peoples has provided the information that was not already in Duquesne’s possession through a supplemental discovery response. Peoples respectfully submits that requiring it to provide information that is already within the possession of Duquesne would cause unreasonable annoyance, oppression, burden and expense to Peoples.

With respect to Interrogatories 52-54, Duquesne improperly characterizes Ms. Scripps’ “apples-to-apples” methodology as a “model.” It is not. It is a detailed analysis performed by an expert; it is not simply an exercise in inserting different values into a formula. Peoples’ witness

should not be required to perform a study for Duquesne because Duquesne has the technical and financial ability to undertake its own study.

Peoples' Objection to Interrogatory 58 should be sustained because, again, Peoples has provided information to Duquesne through a supplemental discovery response. To the extent that Peoples has not answered the question, the information sought is irrelevant to the application of the "apples-to-apples" methodology employed by Ms. Scripps. Again, Duquesne has the technical and financial ability to undertake an alternative study if it so desires.

Finally, Peoples' Objection to Interrogatory 62 should be sustained because the question asks Peoples' witness for an opinion pertaining to a much broader topic than was discussed in her testimony. To formulate a response to the question, the witness would need to perform considerable additional study. Requiring the witness to undertake such a study would be unreasonably annoying, burdensome and expensive.

III. ANSWER

1. Denied. Peoples Statement No. 1 is a written document that speaks for itself.
2. Denied. Duquesne's Set III, Interrogatory No. 2 is a written document that speaks for itself.
3. Denied. Peoples' Objection to Interrogatory No. 2 is a written document that speaks for itself. By way of further answer, Duquesne already possesses, in its billing system, most of the information requested by Interrogatory No. 2. As noted in Peoples' Objections, p. 4 n. 1, Duquesne could have narrowly tailored its interrogatory to request the information it does not already possess. Instead, Duquesne seeks to require that Peoples engage in a large data-gathering project, largely to provide Duquesne with information already in Duquesne's possession.

4. In a supplemental discovery response dated July 20, 2018 (a copy of which is attached hereto as **Appendix A**), Peoples provided the information that Duquesne would not already have in its billing system (namely, (i) confirmation that all of Peoples' electricity is used for utility operations, and (ii) information regarding supply charges from electric generation suppliers broken down by year). Between that information and the information that Duquesne can pull from its own billing system, Duquesne has in its possession all of the information requested by Interrogatory No. 2. The request is, accordingly, unreasonably annoying, burdensome, oppressive and expensive, in violation of 52 Pa. Code § 5.361(a)(2). The interrogatory would require Peoples to undertake the effort to gather and turn over a large amount of information that is already in Duquesne's possession.

5. Denied. As stated above, by supplemental discovery response dated July 20, 2018, Peoples advised Duquesne that all of Peoples' electricity usage is for utility operations. Duquesne's rationale for dismissing Peoples' Objection – that there is a distinction between electricity used for Peoples' utility operations as compared to electricity used for Peoples' non-utility operations – is incorrect. All of the data that Duquesne has, or has been provided by Peoples, pertains to electricity used for utility operations. Additionally, it is worth noting that the instant case involves the proposed rates of Duquesne, in particular, Duquesne's proposal to increase its rates charged in Rider No. 16. Duquesne fails to establish any basis for the admissibility of the information sought in Interrogatory No. 2, nor does it establish any reason to believe that the requested information will lead to the discovery of admissible information. For this reason, Duquesne's request is unreasonably annoying, oppressive and burdensome, in violation of 52 Pa. Code § 5.361(a)(2).

6. Denied. Peoples Statement No. 3 is a written document that speaks for itself.

7. Denied. Peoples Statement No. 3 is a written document that speaks for itself. By way of further answer, Ms. Scripps does not claim that her “apples to apples” comparison is a modeling tool. Labeling her analysis as a modeling exercise is misleading and incorrectly assumes there is a “model” into which Ms. Scripps can plug different numbers. In response to other Interrogatories in Set III, Peoples provided Duquesne with detailed information concerning Ms. Scripps’ methodology. That information clearly reveals that Ms. Scripps completed an analysis requiring expert judgment; she did not simply insert values into a formula and run a model.

8. Denied. Interrogatories 52-54 are written documents that speak for themselves. By way of further answer, Duquesne argues that its Interrogatories “do nothing more than ask Ms. Scripps to run a limited number of additional scenarios under the existing and proposed terms of Rider No. 16.” Motion at ¶ 8. Ms. Scripps’ “apples to apples” comparison methodology specifically references each utility’s standby tariff and the six combined heat and power (“CHP”) scenarios provided. If the scenarios are changed, it is no longer “apples to apples” with the rest of the body of work. Reference to additional utility tariffs moves even farther away from the purpose and intended use of the comparison. Completing the “apples to apples” comparison requires that Ms. Scripps pull each standby tariff, create a customized narrative interpretation of the application of the tariff to the specific CHP outage scenarios in the “apples to apples” comparison methodology, and evaluate the findings for structural features of the rate design, such as whether the utility differentiates between scheduled and unscheduled outages, or on-peak vs. off-peak demand. The total estimated charges are added by hand to the overall comparison to help identify outliers or potential concerns. There is no “model” that does this for Ms. Scripps. To answer Duquesne’s Interrogatories, Ms. Scripps would need to complete a new analysis. Duquesne’s Interrogatories are unreasonably annoying, oppressive and

burdensome, in violation of 52 Pa. Code § 5.361(a)(2), because they would require Peoples to perform a study that Duquesne has the technical and financial ability to undertake on its own. *City of Pittsburgh v. Pa. Pub. Util. Comm'n*, 526 A.2d 1243 (Pa. Cmwlth. Ct. 1987), *appeal denied* 538 A.2d 880 (Pa. 1988). Duquesne has already asked numerous questions of Ms. Scripps regarding her “apples to apples” comparison, Duquesne’s Interrogatories Set III Nos. 39-57, and she has provided full and thorough responses. Peoples should not be forced to incur the time and expense of having Ms. Scripps prepare alternative analyses for Duquesne. Duquesne is fully capable of preparing such analyses on its own.

9. Denied. Duquesne’s Interrogatory No. 52 is a written document that speaks for itself.

10. Denied. Duquesne’s Interrogatory No. 53 is a written document that speaks for itself.

11. Denied. Duquesne’s Interrogatory No. 54 is a written document that speaks for itself.

12. Denied. Peoples’ Objections to Interrogatories No. 52-54 are a written document that speak for themselves.

13. Denied. Peoples’ Objections to Interrogatories No. 52-54 are a written document that speak for themselves. By way of further answer, DLC’s Interrogatories 52-54 ask Ms. Scripps to run “the same model” with different scenarios, taking into account different tariffs – which means it is no longer the same methodology. The additional “modeling” requested by Duquesne is fundamentally distinct from, and beyond the scope of, the intent and application of the “apples to apples” standby rate comparison, would require the creation of a brand new evaluative framework, and would require the review and analysis of additional tariffs not relevant to the “apples to apples” standby comparison. There is no reason why Ms. Scripps

should be compelled to be Duquesne's litigation consultant, performing whatever analysis Duquesne desires at Peoples' expense. Duquesne's Interrogatories are unreasonably annoying, oppressive and burdensome, in violation of 52 Pa. Code § 5.361(a)(2) because they would require Peoples to perform a study that Duquesne has the technical and financial ability to undertake on its own. *City of Pittsburgh, supra*.

14. Denied. Peoples incorporates by reference its Answer to Paragraphs 7-13 above. Ms. Scripps used her expertise to perform an analysis; she did not simply insert new values into a formula and run a model. Duquesne has the ability to perform its own analysis. It should be required to do so.

15. Denied. Peoples incorporates by reference its Answer to Paragraphs 7-14 above.

16. Denied. Duquesne's Interrogatory No. 58 is a written document that speaks for itself.

17. Denied. Peoples' Objection to Interrogatory No. 58 is a written document that speaks for itself. By way of further answer, by supplemental discovery response dated July 20, 2018, Peoples advised Duquesne that, as stated in Peoples Statement No. 3, p. 9, and in Exhibits JWS-2 and JWS-3, the "apples to apples" methodology assumes that the customer has a 2 MW CHP system, meaning that the customer requires 2 MW of back-up supply during each of the CHP outage scenarios. A 16-hour outage assumes 32,000 kWh of backup usage, a 32-hour outage assumes 64,000 kWh of backup usage, etc. The other items requested in the Interrogatory – total generation in kWh, supplemental supply in kWh, and total electricity consumption – are neither needed nor relevant for the "apples to apples" methodology. As a result, Peoples objects to the interrogatory on that basis. Additionally, Peoples' supplemental answer advised Duquesne that Ms. Scripps defines peak hours as noon to 7 p.m. Monday through Friday, and off-peak hours as the remaining hours during the week.

18. Denied. By way of further answer, Peoples incorporates the averments of Paragraph 17, above.

19. Denied. Peoples' Statement No. 4 is a written document that speaks for itself.

20. Denied. Duquesne's Interrogatory No. 62 is a written document that speaks for itself.

21. Denied. Duquesne's Interrogatory No. 62 is a written document that speaks for itself.

22. Denied. Duquesne's Interrogatory No. 62 is a written document that speaks for itself.

23. Denied. Peoples' Objection to Interrogatory No. 62 is a written document that speaks for itself.


24. Denied. Peoples' Objection to Interrogatory No. 62 is a written document that speaks for itself. By way of further answer, the referenced portion of Ms. Kefer's testimony is focused on the narrow topic of barriers to CHP deployment from a user-generator's perspective. Interrogatory No. 62 seeks Ms. Kefer's opinion on a much broader topic – the factors that investors in any form of generation consider in deciding whether to develop a plant at the wholesale level. In order to express an opinion on the latter, Ms. Kefer would need to undertake considerable additional study. It would be an unreasonable burden and expense for Ms. Kefer to undertake this effort simply to answer a discovery question. Peoples Objection should be sustained because Interrogatory No. 62 is unreasonably oppressive, burdensome and expensive.

IV. CONCLUSION

WHEREFORE, for the foregoing reasons, Peoples respectfully requests that the Administrative Law Judge deny the Revised Motion of Duquesne and sustain the Objections of Peoples Natural Gas Company LLC to Interrogatories 2, 52-54, 58 and 62.

Respectfully submitted,

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DATED: July 24, 2018

Counsel for *Peoples Natural Gas Company LLC*

APPENDIX A



July 20, 2018

VIA E-MAIL AND FIRST CLASS MAIL

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

**SUPPLEMENTAL ANSWERS OF PEOPLES NATURAL GAS COMPANY LLC TO
DUQUESNE LIGHT COMPANY'S DATA REQUEST SET III, NOS. 2 AND 58**

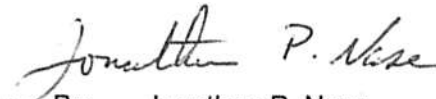
Dear Mr. Zimmerman:

Enclosed please find the Supplemental Answers of Peoples Natural Gas Company LLC to Duquesne Light Company's Data Request Set III, Nos. 2 and 58. Copies have been served in accordance with the enclosed certificate of service.

Please contact me if you have any questions concerning the enclosed.

Sincerely,

COZEN O'CONNOR



By: Jonathan P. Nase

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Per Certificate of Service
Lynda W. Petrichevich, Vice President of Regulatory Affairs
William H. Roberts II, Esq.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing **Supplemental Answers of Peoples Natural Gas Company LLC to Duquesne Light Company's Data Request Set III, Nos. 2 and 58**, 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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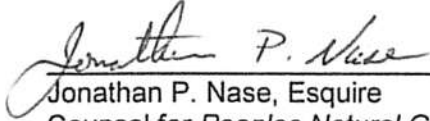
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Date: July 20, 2018

Interrogatory Response	Duquesne Light Docket No. R-2018-3000124 Response to Interrogatory
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Requesting Party :	Duquesne Light-III	Interrogatory-Set:	Third
Question Number :	058-REVISED	Subpart:	
Source and Title :	Jamie Scripps, Partner, 5 Lakes Energy LLC		
Question: Referring to Peoples Exhibit JWS-2: a. Ms. Scripps states that for Duquesne Light she assumes a "GL - General Service Large customer with generation equal to 2,000 kW based on its nameplate capacity rating and a contract maximum limit of 5,000 kW (i.e., 3000) kW of supplemental service)." What is the customer's total generation in kWh for the month during the on-peak and off-peak periods. What is the supplemental supply obtained from Duquesne Light in kWh for the month during on-peak and off-peak periods? What is the backup supply obtained from Duquesne Light in kWh for the month during the on-peak and off-peak periods? What is the total electricity consumption of the customer in kWh for the month during on-peak and off-peak periods? b. Ms. Scripps uses average day-ahead LMP, on-peak and off-peak period prices in her analysis. How does she define on-peak and off-peak periods?			
Answer: a. As stated in Peoples Statement No. 3, p. 9, and in Exhibits JWS-2 and JWS-3, the "apples to apples" methodology assumes that the customer has a 2 MW combined heat and power system, meaning that the customer requires 2 MW of back-up supply during each of the CHP scenarios. A 16-hour outage assumes 32,000 kWh of backup usage, a 32-hour outage assumes 64,000 kWh of backup usage, etc. The other items requested in the Interrogatory (including total generation in kWh, supplemental supply in kWh, and total electricity consumption) are neither needed nor relevant for the "apples to apples" methodology and, accordingly, Peoples objects to this interrogatory on that basis. b. I define peak hours as noon-7 pm Monday-Friday; off-peak as the rest.			
		Due Date:	07/20/2018

Interrogatory Response	Duquesne Light Docket No. R-2018-3000124 Response to Interrogatory
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Requesting Party :	Duquesne Light-III	Interrogatory Set :	Third																												
Question Number :	002-REVISED	Subpart:																													
Source and Title :	Jeffrey Nehr, Vice President, Business Development																														
<p>Question: Referring to Peoples Statement No. 1, page 3, lines 19 through 21 of Mr. Nehr's direct testimony, where Mr. Nehr states that, "Because Peoples takes service from Duquesne for use in its utility operations, the cost of electric service is included in the rates that Peoples charges to customers."</p> <p>a. For each year, 2012 through 2017, provide in dollars the annual total charges for electric service in Duquesne Light's service territory that Peoples incurred in connection with its utility operations, broken out by annual total electric supply charges, annual total electric transmission charges, and annual total electric distribution charges .</p> <p>b. For each year, 2012 through 2017, provide in kWh the annual total supply volumes and annual total distribution service volumes (if different) for service that Peoples received from Duquesne (or other electric generation supplier(s) (EGSs) operating in Duquesne Light's service territory) for use in Peoples' utility operations.</p>																															
<p>Answer: a. All of Peoples' electricity usage is for utility operations.</p> <p>The table below indicates the costs (in \$) of energy from 3rd party suppliers that do not use DLC's billing.</p> <table style="margin-left: auto; margin-right: auto; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Year</th> <th style="text-align: center;">GDF SUEZ ENERGY/ENGIE FIRST ENERGY : RESOURCES INC</th> <th style="text-align: center;">GUTTMAN ENERGY INC</th> <th style="text-align: right;">Grand Total</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">2012</td> <td style="text-align: center;">99,779</td> <td></td> <td style="text-align: right;">99,779</td> </tr> <tr> <td style="text-align: center;">2013</td> <td style="text-align: center;">101,421</td> <td></td> <td style="text-align: right;">101,421</td> </tr> <tr> <td style="text-align: center;">2014</td> <td style="text-align: center;">35,214</td> <td style="text-align: center;">29,033</td> <td style="text-align: right;">64,247</td> </tr> <tr> <td style="text-align: center;">2015</td> <td></td> <td style="text-align: center;">265,138</td> <td style="text-align: right;">265,138</td> </tr> <tr> <td style="text-align: center;">2016</td> <td style="text-align: center;">205,441</td> <td style="text-align: center;">75,324</td> <td style="text-align: right;">280,765</td> </tr> <tr> <td style="text-align: center;">2017</td> <td style="text-align: center;">238,112</td> <td></td> <td style="text-align: right;">238,112</td> </tr> </tbody> </table> <p>Peoples has objected to the remainder of the request on the basis that the information is already available to DLC through its billing system.</p> <p>b. See response to a. above.</p>				Year	GDF SUEZ ENERGY/ENGIE FIRST ENERGY : RESOURCES INC	GUTTMAN ENERGY INC	Grand Total	2012	99,779		99,779	2013	101,421		101,421	2014	35,214	29,033	64,247	2015		265,138	265,138	2016	205,441	75,324	280,765	2017	238,112		238,112
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		Due Date:	07/20/2018																												

VERIFICATION

I, Jeffrey S. Nehr, 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: July 20, 2018



VERIFICATION

I, Jamie Scripps, 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: July 20, 2018

Jamie Scripps