



Emily M. Farah
Counsel, Regulatory

411 Seventh Avenue
Mail drop 15-7
Pittsburgh, PA 15219

Tel: 412-393-6431
efarah@duqlight.com

August 25, 2020

Via Electronic Filing

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

**Re: Public Utility Service Termination Proclamation of Disaster Emergency- Duquesne Light Company's Answer to Joint Petition of CAUSE-PA and TURN-et al for Due Process Relief
Docket M-2020-3019244**

Dear Secretary Chiavetta:

Attached for filing, please find Duquesne Light Company's Answer to the Joint Petition in the above docket. Copies of this document and the enclosed filing have been served on the parties in accordance with the enclosed Certificate of Service. Please contact me with any questions, concerns or comments.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Emily M. Farah", is written over a faint, larger version of the signature.

Emily M. Farah
Counsel, Regulatory

Enclosure

cc: Certificate of Service (w/ encl.)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Public Utility Service Termination :
Proclamation of Disaster Emergency - : **Docket No. M-2020-3019244**
COVID-19 :

**ANSWER OF DUQUESNE LIGHT COMPANY
TO PETITION OF LOW INCOME ADVOCATES**

Duquesne Light Company (“Duquesne Light” or the “Company”), files its Answer to the Joint Petition for Due Process Relief (the “Petition”), filed by Tenant Union Representative Network (“TURN”) and Action Alliance of Senior Citizens of Greater Philadelphia (“Action Alliance”), together with the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (“CAUSE-PA”) (collectively, “Low Income Advocates”) in accordance with 52 Pa. Code § 5.61(e) stating as follows:

INTRODUCTION

Duquesne Light is a public utility that provides electric distribution, transmission, and default service in Pennsylvania subject to the regulatory jurisdiction of the Commission. Duquesne Light is a “public utility” and an “electric distribution company” as defined in Sections 102 and 2803 of the Pennsylvania Public Utility Code, 66 Pa.C.S. §§ 102, 2803. Duquesne Light furnishes electric service to more than 600,000 customers throughout its certificated service territory, which includes all or portions of Allegheny and Beaver Counties and encompasses approximately 800 square miles in western Pennsylvania.

On March 6, 2020, Governor Tom Wolf issued a 90-day Proclamation of Disaster Emergency (“Proclamation”) suspending the provisions of “any regulatory statute prescribing the procedures for conduct of Commonwealth business, or the orders, rules or regulations of any Commonwealth agency, if strict compliance with the provisions of any statute, order, rule or regulation would in any way prevent, hinder, or delay necessary action” in coping with the COVID-19 pandemic. Thereafter, on March 13, 2020, the Commission issued an Emergency Order at Docket No. M-2020-3019244 prohibiting utilities from terminating electric service to customers, and effectively extending the winter moratorium indicated in 66

Pa. C.S. § 1406(e). The same day, Duquesne Light suspended termination of utility service for nonpayment. On June 3, 2020, Governor Wolf extended the Proclamation for an additional 90 days, renewing the provisions of the Proclamation until at least September 2, 2020.

On August 5, 2020, the Low Income Advocates filed a Petition for Due Process Relief, requesting the Commission conduct an on-the-record public review process before lifting the extended moratorium on utility terminations. On August 10, 2020, Commission Chair Gladys Brown Dutrieuille entered a letter at the above-captioned docket (“Letter”), initiating a stakeholder process to solicit input regarding lifting the extended moratorium. The Letter required stakeholders file comments by August 18, 2020, and further indicated that the issue of lifting the extended utility termination moratorium would be addressed at the Commission’s August 27, 2020 Public Meeting. Duquesne Light and the Low Income Advocates filed comments on August 18, 2020, and the August 27, 2020 Public Meeting has not yet taken place.

ANSWER

1. Duquesne Light incorporates the preceding paragraphs and as if fully restated herein.
2. Duquesne Light incorporates its comments filed on August 18, 2020 at the above-captioned docket as if fully restated herein.
3. Duquesne Light denies all material allegations in the Petition unless specifically admitted. Duquesne Light reserves the right to address any and all issues that arise during the course of this proceeding, to the extent necessary.
4. In its Petition, the Low Income Advocates request a “public review process” wherein the Commission can “fairly evaluate” whether lifting the extended moratorium outweighs the harm of accruing utility debts. Petition at p. 1. It is Duquesne Light’s position that such a public review process is already underway, and further hearings or comments on the issue will only exacerbate the issue at hand. The Commission has promised to consider stakeholder input and act accordingly at the August 27, 2020 Public Meeting. As such, any obligation to provide the utilities and Low Income advocates with due process has been satisfied.

The Petition indicates that the matter of lifting the extended moratorium demands “further due

process consideration and the creation of an on-the-record proceeding which allows the public and stakeholders to be heard.” Petition at p. 6. In Pennsylvania, due process consists of two elements: (a) notice, and (b) an opportunity to be heard and to defend in a proceeding adapted to the nature of the case. Manu v. AT&T Comm. Of Pa., No. C-00913621, 1994 WL 932224, at *7 (May 9, 1994), citing Conestoga Nat. Bank of Lancaster v. Patterson, 442 Pa. 289, 295, 275 A.2d 6, 9 (1971) Here, both of the elements of due process have been met. By virtue of the Letter, the Commission provided notice of a stakeholder process and comments by August 18, 2020. The public and interested stakeholders had the opportunity to be heard by filing comments that would be considered by the Commission at the August 27, 2020 Public Meeting. Indeed, Duquesne Light, Low Income Advocates and other interested stakeholders submitted comments on August 18, 2020. Given the time-sensitive nature of the matter, the due process provided by the Commission in the Letter is appropriate under the circumstances. In fact, further discussion or proceedings will make matters worse by prolonging the process, and in turn, increasing customer debts and decreasing the interests of judicial economy. The parties at the above-captioned matter have had a full and fair opportunity to provide comments on whether the extended moratorium on utility terminations should be lifted. Prolonging the process is unnecessary, unjust, and contrary to the public interest.

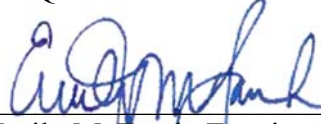
In summary, the Letter calling for comments on whether to lift the extended moratorium has satisfied the Commission’s obligation to provide due process, and renders the Low Income Advocates’ Petition moot.

WHEREFORE, Respondent Duquesne Light Company respectfully requests that the Pennsylvania Public Utility Commission deny the relief sought by the Low Income Advocates and dismiss the Petition with prejudice.

[signature on the following page]

Dated: August 25, 2020

Respectfully submitted,
DUQUESNE LIGHT COMPANY



Emily M. Farah, Esquire
Tishekia Williams, Esquire
Michael Zimmerman, Esquire
411 7th Avenue, MD 15-7
Pittsburgh, PA 15219
(412) 393-6431
efarah@duqlight.com
twilliams@duqlight.com
mzimmerman@duqlight.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Answer to the Joint Petition for Due Process Relief has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant):

VIA ELECTRONIC MAIL

Bureau of Investigation & Enforcement
Richard Kanaskie
Commonwealth Keystone Building
400 North Street, 2nd Floor West
PO Box 3265
Harrisburg, PA 17105-3265
rkanaskie@pa.gov

Energy Association of Pennsylvania
Terrance J. Fitzpatrick
Donna Clark
800 North Third Street
Harrisburg, PA 17102
tfitzpatrick@energypa.org
dclark@energypa.org

Office of Consumer Advocate
Tanya McCloskey
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101-1923
TMcCloskey@paoca.org

Bureau of Audits
Pennsylvania Public Utility Commission
Barbara Sidor
Commonwealth Keystone Building
400 North Street, 3rd Floor East
Harrisburg, PA 17120
bsidor@pa.gov

Pennsylvania Utility Law Project
Elizabeth R. Marx
John Sweet
Ria Pereira
118 Locust Street
Harrisburg, PA 17101
pulp@palegalaid.net

Community Legal Services
Robert W. Ballenger
Josie B. Pickens
Joline R. Price
1424 Chestnut Street
Philadelphia, PA 19102-2505
jpickens@clsphila.org
rballenger@clsphila.org
jprice@clsphila.org

Dated: August 25, 2020



Emily M. Farah
Duquesne Light Company
411 Seventh Avenue, 15-7
Pittsburgh, PA 15219
Phone: 412-393-6431
Email: efarah@duqlight.com