

**STEVENS & LEE**  
**LAWYERS & CONSULTANTS**

17 N. 2<sup>nd</sup> Street, 16<sup>th</sup> Fl.  
Harrisburg, PA 17101  
www.stevenslee.com

Direct Dial: (717) 255-7365  
Email: mag@stevenslee.com

January 5, 2021

**VIA ELECTRONIC FILING**

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 Act 129 Phase IV Energy Efficiency and Conservation Plan**  
**Docket No. M-2020-3020818**

Dear Secretary Chiavetta:

Enclosed for filing on behalf of Duquesne Light Company is its Prehearing Conference Memorandum in the above-captioned matter.

Copies of this filing have been served in accordance with the attached Certificate of Service.

Thank you, and please contact me if you have any questions or concerns.

Sincerely,

STEVENS & LEE



Michael A. Gruin

Enclosures

cc: Certificate of Service  
Administrative Law Judge Mark Hoyer (via email)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

---

Petition of Duquesne Light Company	:	
for Approval of its Act 129 Phase IV Energy	:	Docket No. M-2020-3020818
Efficiency and Conservation Plan	:	
	:	

---

**PREHEARING CONFERENCE MEMORANDUM OF  
DUQUESNE LIGHT COMPANY**

Pursuant to 52 Pa. Code § 5.222 and the Prehearing Conference Order issued by Administrative Law Judge Mark Hoyer on December 30, 2020, Duquesne Light Company (“Duquesne Light,” “Duquesne” or “Company”) respectfully submits its Prehearing Conference Memorandum in the above-captioned matter.

**I. BACKGROUND**

On November 30, 2020, pursuant to Act 129 of 2008 (“Act 129”), 66 Pa. C.S §§ 2806.1 and 2806.2, and the *Implementation Order* issued by the Pennsylvania Public Utility Commission (“Commission”) on June 18, 2020<sup>1</sup>, Duquesne Light filed the above-captioned Petition with the Commission. Act 129, which became effective on October 15, 2008, created, inter alia, an energy efficiency and conservation (“EE&C”) program. This program required each EDC with at least 100,000 customers to adopt and implement a Commission-approved EE&C Plan. EE&C Plans are programs designed to achieve the Act 129 conservation and peak load reduction requirements, by specified dates, within the specified cost cap.

---

<sup>1</sup> *Energy Efficiency and Conservation Program*, Docket No. M-2020-3015228, (Implementation Order entered on June 18, 2020) (“*Phase IV Implementation Order*”).

With its Petition, Duquesne Light requested Commission approval of Duquesne Light's Phase IV EE&C Plan, which covers the period from June 1, 2021 through May 31, 2026. The Phase IV Plan includes a range of energy efficiency and demand response programs designed to achieve the required 348,126 MWh of reduced energy consumption and the required demand reduction of 62 MW. Duquesne Light's Phase IV EE&C Plan includes a total of twelve programs: five programs targeting the residential sector; four programs targeting the small/medium commercial and industrial sector; and three programs targeting the large commercial/industrial sector.

Duquesne Light's Plan proposes an Energy Efficiency and Conservation ("EEC") Surcharge, which is designed to fully recover all applicable EE&C-related costs. The EEC Surcharge is fully reconcilable and will be applied on a non-bypassable basis to customers who receive distribution service from the Company. The Plan includes a reconcilable adjustment clause tariff mechanism in accordance with 66 Pa.C.S. § 1307.

On December 11, 2020, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania ("CAUSE-PA") filed its Petition to Intervene and Answer in this proceeding.

On December 21, 2020, the Office of Small Business Advocate ("OSBA") filed its Notice of Intervention and Public Statement in this proceeding. That same day, the Community Action Association of Pennsylvania ("CAAP") filed its Petition to Intervene in this proceeding.

On December 30, 2020, a Prehearing Conference Order was issued in this proceeding. The Prehearing Conference Order scheduled a Prehearing Conference for January 6, 2021, and directed the parties to file prehearing conference memoranda on or before January 5, 2021.

On December 30, 2020, CAUSE-PA issued Set I Interrogatories and Requests for the Production of Documents to Duquesne Light.

On December 31, 2020, the Office of Consumer Advocate (“OCA”) filed its Notice of Intervention and Public Statement in this proceeding. Also on December 31, 2020, OCA issued Set I of its Interrogatories to Duquesne Light.

On January 2, 2021, notice of Duquesne Light’s Petition was published in the Pennsylvania Bulletin. The notice established a deadline of January 22, 2021 for the filing of comments on, and responsive pleadings to, the Company’s Phase IV EE&C Plan.

## **II. WITNESSES AND ISSUES**

The issue for resolution in this proceeding is whether Duquesne Light’s Phase IV EE&C Plan should be approved by the Commission as being consistent with the requirements of Act 129 and the Commission’s *Implementation Order*. Duquesne Light’s Petition included the Direct Testimony of the following two witnesses in support of the approval of Duquesne Light’s Phase IV EE&C Plan:

1. David Defide, Duquesne Light’s Senior Manager of Customer Programs, 411 Seventh Avenue, Pittsburgh, PA 15219. Mr. Defide’s Testimony addresses the methodology employed to analyze, develop, and implement the Company’s Phase IV EE&C plan.
2. David Ogden, Duquesne Light’s Manager of Rate & Tariff Services, 411 Seventh Avenue, Pittsburgh, PA 15219. Mr. Ogden’s Testimony details the Company’s proposed cost recovery mechanism for the Phase IV EE&C Plan.

The Direct Testimony and accompanying Exhibits submitted with the Company’s Petition fully support the approval of the Company’s Phase IV EE&C Plan. Duquesne Light reserves the right to identify and present the testimony of additional witnesses, as necessary, depending on the additional issues raised by other parties to the proceeding.

### III. SERVICE OF DOCUMENTS

Duquesne Light's attorneys in this proceeding are:

Michael Zimmerman, Esq.  
Senior Counsel, Regulatory  
Duquesne Light Company  
411 Seventh Avenue  
Pittsburgh, PA 15219  
Phone: 412-393-6268  
[mzimmerman@duqlight.com](mailto:mzimmerman@duqlight.com)

Michael A. Gruin, Esq,  
Stevens & Lee, P.C.  
17 North Second Street, 16<sup>th</sup> Floor  
Harrisburg, PA 17101  
Phone: 717-255-7365  
Fax: 610-988-0852  
Email: [mag@stevenslee.com](mailto:mag@stevenslee.com)

Timothy K. McHugh, Esq.  
Stevens & Lee, P.C.  
17 N. Second Street, 16<sup>th</sup> Floor  
Harrisburg, PA 17101  
Phone: 717-255-3-7366  
Fax: 610-236-4177  
[tkm@stevenslee.com](mailto:tkm@stevenslee.com)

Duquesne Light's attorneys are authorized to receive all notices and communications regarding this proceeding.

### IV. PROPOSED PROCEDURAL SCHEDULE

Duquesne Light proposes the following schedule for this proceeding:

Prehearing Conference	January 6, 2021
Other Parties' Direct Testimony Served	January 14, 2021
Rebuttal Testimony Served	January 20, 2021
Evidentiary Hearing	January 22, 2021
Comments on EE&C Plan filed	January 22, 2021

Briefs	January 29, 2021
Filing of Revised Plan (if necessary)	February 10, 2021
Certification of Record to the Commission	February 11, 2021

## **V. DISCOVERY**

Duquesne has been served with discovery requests by multiple parties since the proceeding was initiated. Duquesne will also make its witnesses available for informal discovery, and in order to expedite the conduct of this proceeding, Duquesne Light proposes the following modifications to the Commission’s procedural rules regarding discovery:

1. Answers to written interrogatories and Responses to requests for production of documents must be served in-hand within 10 calendar days of service.
2. Objections to interrogatories must be communicated orally within 3 calendar days of service of the interrogatories. Unresolved objections must be served within 5 calendar days of service of the interrogatories.
3. Motions to dismiss objections to interrogatories must be filed within 3 calendar days of service of the objections.
4. Answers to motions to dismiss objections must be filed within 3 calendar days of service of the motion.
5. Rulings on motions to dismiss objections will be issued, to the extent possible, within 7 calendar days of the filing of the motion.
6. Any discovery requests served after 12:00 noon on a Friday or a state holiday will be deemed served on the following business day for purposes of calculating due dates.
7. All discovery due dates require “in-hand” service. Electronic service on the due date will satisfy the “in-hand” requirement.

8. Discovery-related pleadings, such as objections, motions, and answers to same, served on a Friday or any business day preceding a state holiday will be deemed served on the next business day.

## **VI. PROTECTIVE ORDER**

Duquesne will confer with the parties regarding the submission of a Motion for Protective Order to address the handling of confidential information in the proceeding.

## **VII. SETTLEMENT**

Settlement negotiations between the parties are expected to begin shortly after the Prehearing Conference in this matter. Duquesne Light will make every effort to resolve this proceeding through a settlement. Furthermore, if full settlement cannot be achieved, Duquesne intends to work with the other parties to reach agreement on as many factual and legal issues as possible, to limit the number of issues in dispute and to streamline this proceeding to the greatest extent possible.

Respectfully submitted,



Michael A. Gruin, Esquire  
Attorney ID 78625  
17 North Second Street, 16<sup>th</sup> Floor  
Harrisburg, PA 17101  
Tel: 717.255.7365  
Fax: 610.988.0852  
[mag@stevenslee.com](mailto:mag@stevenslee.com)  
Counsel for Duquesne Light Company

DATED: January 5, 2021

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

---

Petition of Duquesne Light Company  
for Approval of its Act 129 Phase IV Energy  
Efficiency and Conservation Plan

:  
:  
:  
:  
:

Docket No. M-2020-3020818

---

**CERTIFICATE OF SERVICE**

I hereby certify that true and correct copies of the enclosed Prehearing Conference Memorandum have been served upon the following persons, in the manner indicated, in accordance with the requirements of § 1.54 (relating to service by a participant):

**VIA ELECTRONIC MAIL ONLY**

Elizabeth Marx, Esq.  
Ria Pereira, Esq.  
CAUSE-PA  
118 Locust Street  
Harrisburg, PA 17101  
[Pulp@palegalaid.net](mailto:Pulp@palegalaid.net)

Sharon E. Webb, Esq.  
Office of Small Business Advocate  
Forum Place  
555 Walnut Street, 1st Floor  
Harrisburg, PA 17101  
[swebb@pa.gov](mailto:swebb@pa.gov)

Aron Beatty, Esquire  
Lauren E. Guerra, Esquire  
Office of Consumer Advocate  
555 Walnut Street  
5<sup>th</sup> Floor, Forum Place  
Harrisburg, PA 17101  
[ABeatty@paoca.org](mailto:ABeatty@paoca.org)  
[LGuerra@paoca.org](mailto:LGuerra@paoca.org)

Joseph L. Vullo, Esq.  
Burke Vullo Reilly Roberts  
1460 Wyoming Ave.  
Forty Fort, PA 18704  
[jlvullo@aol.com](mailto:jlvullo@aol.com)



---

Michael A. Gruin

January 5, 2021