

*Via electronic service only due to Emergency Order at Docket No. M-2020-3019262*

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Duquesne Light Company for	:	M-2020-3020818
Approval of its Act 129 Energy Efficiency and	:	
Conservation Plan	:	

**INTERIM ORDER  
ADOPTING JOINT STIPULATION FOR ADMISSION OF EVIDENCE AND  
ADMITTING EVIDENCE INTO THE RECORD**

By Notice issued January 19, 2021, an evidentiary hearing in this matter was scheduled for February 8, 2021.

On February 5, 2021, Duquesne Light Company (DLC or Company), the Office of Consumer Advocate (OCA), the Coalition for Affordability Utility Services and Efficiency in Pennsylvania (CAUSE-PA), Peoples Natural Gas Company, LLC, and the Community Action Association of Pennsylvania (CAAP), all parties in the above-captioned proceeding (hereinafter collectively referred to as the Stipulating Parties), filed a “Joint Stipulation for Admission of Testimony and Exhibits into the Evidentiary Record (Joint Stipulation) in the above-captioned proceeding.”<sup>1</sup> The Joint Stipulation is attached to this Order as Attachment A.

Also on February 5, 2021, the Company’s counsel emailed the undersigned advising that all parties agreed to waive cross-examination and had reached a Settlement in this matter.<sup>2</sup> Counsel also requested that the evidentiary hearing be cancelled.

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<sup>1</sup> The Office of Small Business Advocate (OSBA) is also a party in this proceeding. In his February 5, 2021 email to the undersigned, the Company’s counsel advised that, although OSBA is not a party to the Joint Petition, it had no objection to it.

<sup>2</sup> The Company’s counsel advised that, although OSBA was not joining the Settlement, it had no objection to it.

By Notice dated February 5, 2021, the evidentiary hearing was cancelled.

Each of the Stipulating Parties stipulated to the authenticity of the statements and exhibits listed in the Joint Stipulation and requested that they be admitted into the record of this proceeding on the terms and conditions set forth in the Joint Stipulation.

As this request is reasonable, it will be granted.

THEREFORE,

IT IS ORDERED:

1. That the Joint Stipulation, filed on February 5, 2020, is hereby adopted.
2. That the testimonies and exhibits listed in the Joint Stipulation attached to this Order as Attachment A are admitted into the record of this proceeding on the terms and conditions set forth in the Joint Stipulation as if the same were fully set forth in this ordering paragraph.
3. That, by **4:00 p.m. on February 12, 2021**, the parties shall file the admitted evidence, with appropriate verifications, with the Commission's Secretary's Bureau pursuant to 52 Pa.Code § 5.412a.
4. That the parties shall, when filing their evidence pursuant to Ordering Paragraph 3, include in each filing: (a) a copy of this Order, and (b) a cover letter referencing the caption and Docket Number of this proceeding, the specific evidence included in the filing, and the fact that the evidence included in the filing is "admitted evidence."

5. That the parties shall, by **noon on Tuesday, February 9, 2021**, advise the presiding officers by email of their plan for the filing of their Settlement and Statements in Support.

Date: February 8, 2020

\_\_\_\_\_/s/\_\_\_\_\_  
Emily I. DeVoe  
Mark A. Hoyer  
Administrative Law Judges

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

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**JOINT STIPULATION FOR ADMISSION  
OF TESTIMONY AND EXHIBITS INTO THE EVIDENTIARY RECORD**

TO THE HONORABLE MARK HOYER AND HONORABLE EMILY DEVOE,  
ADMINISTRATIVE LAW JUDGES:

**I. INTRODUCTION**

This Joint Stipulation for Admission of Testimony and Exhibits into the Evidentiary Record (“Joint Stipulation”) is entered into by Duquesne Light Company (“Duquesne Light”), the Office of Consumer Advocate (“OCA”), the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (“CAUSE-PA”), Peoples Natural Gas Company, LLC, and the Community Action Association of Pennsylvania (“CAAP”), parties to the above-captioned proceeding (hereinafter collectively referred to as the “Joint Petitioners”), by their respective counsel. The Joint Petitioners respectfully request that Administrative Law Judges Mark Hoyer and Emily DeVoe admit into the evidentiary record of this proceeding the previously distributed written testimony and exhibits prepared by the witnesses of Duquesne Light, the OCA, CAUSE-PA, and CAAP, as identified below. In support of this request, the Joint Petitioners aver and state as follows:

## II. BACKGROUND

1. Duquesne Light is a public utility as the term is defined under Section 102 of the Public Utility Code, 66 Pa.C.S. § 102, certificated by the Commission to provide electric service in the City of Pittsburgh and in Allegheny and Beaver Counties in Pennsylvania. Duquesne Light is also an electric distribution company (“EDC”) and a default service provider as those terms are defined under Section 2803 of the Public Utility Code. 66 Pa.C.S. § 2803.

2. 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, Duquesne Light filed the above-captioned Petition with the Commission. 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.

3. In conjunction with the filing of its Phase IV EE&C Plan, Duquesne Light filed the Direct Testimony of David Defide (Duquesne Light Statement No. 1) explaining the methodology employed to analyze, develop, and implement Duquesne Light’s Phase IV plan; and the Direct Testimony of David Ogden (Duquesne Light Statement No. 2) detailing Duquesne Light’s proposed cost recovery mechanism.

4. 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.

5. On December 11, 2020, CAUSE-PA filed its Petition to Intervene and Answer in this proceeding.

6. On December 21, 2020, OSBA filed its Notice of Intervention and Public Statement in this proceeding.

7. Also on December 21, 2020, CAAP filed its Petition to Intervene in this proceeding.

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

9. On December 31, 2020, the OCA filed its Notice of Intervention and Public Statement in this proceeding.

10. 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.

11. On January 7, 2021, a Prehearing Order was issued, which established a litigation schedule for the proceeding.

12. On January 8, 2021, CAUSE-PA, CAAP, OCA, OSBA, the Commission on Economic Opportunity, the National Resources Defense Council, the Sustainable Energy Fund

of Central Pennsylvania, and the Tenant Union Representative Network filed a Joint Expedited Motion for Extension of Procedural Schedule (“Joint Expedited Motion”).

13. On January 14, 2021, ALJs Hoyer and DeVoe issued an Order denying the Joint Expedited Motion.

14. On January 14, 2021, OCA served OCA Statement No. 1, the Direct Testimony of Stacy L. Sherwood.

15. On January 14, 2021, CAUSE-PA served CAUSE-PA Statement No. 1, the Direct Testimony of Jim Grevatt.

16. On January 20, 2021, Peoples Natural Gas Company LLC (“Peoples”) filed a Petition to Intervene in the Proceeding.

17. On January 22, 2021, Comments on Duquesne Light’s Phase IV EE&C Plan were filed by the Energy Efficiency for All Pennsylvania Coalition, Daikin U.S. Corporation, Ceres, and Keystone Energy Efficiency Alliance.

18. On January 25, 2021, Duquesne Light served Duquesne Light Statement No. 1-R, the Rebuttal Testimony of David Defide and Duquesne Light Statement No. 2-R, the Rebuttal Testimony of David Ogden.

19. On January 25, 2021, CAAP served CAAP Statement No. 1-R, the Rebuttal Testimony of Susan Moore.

20. On February 5, 2021, the parties informed ALJs Hoyer and DeVoe of the achievement of a settlement, and requested cancellation of the evidentiary hearing.

21. In support of the Settlement, each Joint Petitioner will submit, as an appendix to the Joint Petition, individual Statements in Support of the Settlement.

22. The parties hereby stipulate to the admission into the evidentiary record of the following Testimony and Exhibits, and waive cross examination of the below witnesses:

- a. Duquesne Light Statement No. 1 (Direct Testimony of David Defide).
- b. Duquesne Light Statement No. 2 (Direct Testimony of David Ogden), and accompanying Exhibits DBO-1 through DBO-5.
- c. Duquesne Light Statement No. 1-R (Rebuttal Testimony of David Defide)
- d. Duquesne Light Statement No. 2-R (Rebuttal Testimony of David Ogden), and accompanying Exhibits DBO-1R through DBO-5R.
- e. CAUSE-PA Statement 1 (Direct Testimony of Jim Grevatt) and accompanying Appendices A and B.
- f. OCA Statement No. 1 (Direct Testimony of Stacy L. Sherwood) and accompanying Attachment A and Exhibit SLS-1.
- g. CAAP Statement No. 1-R (Rebuttal Testimony of Susan Moore).

23. Full copies of each of the aforementioned Statements are attached hereto for filing with the Commission, accompanied by signed Verifications.

24. This Joint Stipulation may be executed in any number of counterparts, all of which taken together shall constitute one and the same instrument.

NOW, THEREFORE, desiring to enter into this Joint Stipulation and intending to be bound hereby, the Joint Petitioners agree and stipulate to the following with respect to this proceeding:

That, the testimony and exhibits set forth in paragraph 22 shall be deemed to be made a part of the official evidentiary record of this proceeding and may be used for all proper and



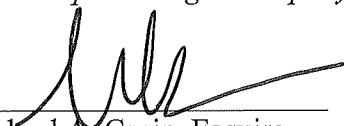
legal purposes in support of the Settlement and Joint Petition as if hearings had been conducted in this matter; and

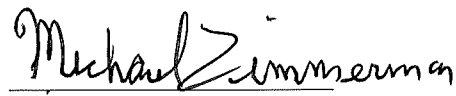
By entering into this Joint Stipulation, no Joint Petitioner makes any precedential concession or admission as to the sufficiency of the law, facts, positions or assumptions upon which the other Joint Petitioners' testimony statements or exhibits in this matter may be based. In addition, the Joint Petitioners agree that this Joint Stipulation may not be cited as precedent in any future proceeding, except to the extent required to implement and enforce the Joint Stipulation.

By their signatures below, the Joint Petitioners agree to the terms of this Joint Stipulation and represent that they are authorized to execute this Joint Stipulation on behalf of their respective clients/offices.

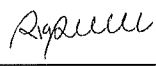
Respectfully submitted,

*For: Duquesne Light Company*

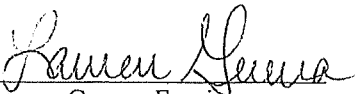
  
Michael A. Gruin, Esquire  
Timothy McHugh, Esquire  
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17 North Second Street, 16th Floor  
Harrisburg, PA 17101  
Date: 2/5/21

  
Michael Zimmerman, Esq.  
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411 7<sup>th</sup> Ave.  
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*For: CAUSE-PA*

  
Ria M. Pereira, Esquire  
Elizabeth Marx, Esquire  
John Sweet, Esquire  
CAUSE-PA  
118 Locust Street  
Harrisburg, PA 17101  
Date: February 5, 2021

*For: Office of Consumer Advocate*

  
\_\_\_\_\_  
Lauren Guerra, Esquire  
Aron Beatty, Esquire  
Office of Consumer Advocate  
555 Walnut Street  
5<sup>th</sup> Floor, Forum Place  
Harrisburg, PA 17101  
Date: 2/5/21

*For: Community Action Association of  
Pennsylvania*

\_\_\_\_\_  
Joseph L. Vullo, Esq.  
Burke, Vullo, Reilly, Roberts  
1460 Wyoming Ave.  
Forty Fort, PA 18704  
Date: \_\_\_\_\_

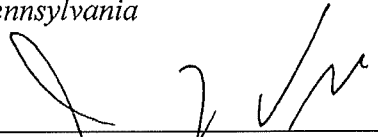
*For: Peoples Natural Gas Company, LLC*

\_\_\_\_\_  
William H. Roberts II, Esquire  
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375 North Shore Dr.  
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Date: \_\_\_\_\_

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Date: \_\_\_\_\_

*For: Office of Consumer Advocate*

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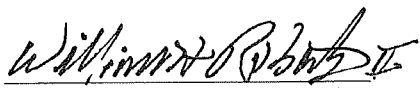
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*For: Peoples Natural Gas Company, LLC*



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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**CERTIFICATE OF SERVICE**

I hereby certify that true and correct copies of the enclosed Joint Stipulation 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**

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February 5, 2021

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Michael A. Gruin

**M-2020-3020818 - PETITION OF DUQUESNE LIGHT COMPANY FOR APPROVAL OF ITS ACT 129 PHASE IV ENERGY EFFICIENCY AND CONSERVATION PLAN**

*Revised 1/21/21*

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