



May 14, 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: Pennsylvania Public Utility Commission v. Duquesne Light Company; Docket Nos. R-2018-3000124, C-2018-3001152**

**MOTION TO DISMISS OBJECTIONS AND COMPEL ANSWERS TO INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS PROPOUNDED BY PEOPLES NATURAL GAS COMPANY LLC TO DUQUESNE LIGHT COMPANY – SET I, NOS. 20, 22 AND 23**

Dear Secretary Chiavetta:

Enclosed for filing with the Commission, please find the Motion to Dismiss Objections and Compel Answers to Interrogatories and Requests for Production of Documents Propounded by Peoples Natural Gas Company LLC to Duquesne Light Company – Set I, Nos. 20, 22 and 23 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: David P. Zambito  
Counsel for Peoples Natural Gas Company LLC

DPZ/kmg  
Enclosure

cc: Honorable Katrina L. Dunderdale (*including MS Word version*)  
William H. Roberts II, Esquire  
Per Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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Administrative Law Judge Katrina L. Dunderdale

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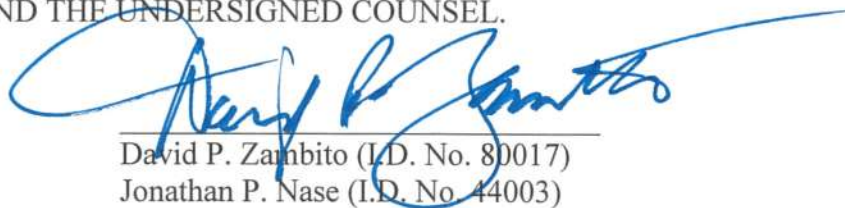
Pennsylvania Public Utility Commission	:	
	:	Docket Nos. R-2018-3000124
v.	:	C-2018-3001152
	:	
Duquesne Light Company	:	
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**NOTICE TO PLEAD**

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YOU ARE HEREBY ADVISED THAT, PURSUANT TO THE PREHEARING ORDER ISSUED MAY 8, 2018, IN THE ABOVE-CAPTIONED PROCEEDING, YOU MAY ANSWER THE ENCLOSED MOTION WITHIN THREE (3) DAYS AFTER THE DATE OF SERVICE. YOUR ANSWER SHOULD BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY OF ANY ANSWER SHOULD BE SERVED ON THE PRESIDING ADMINISTRATIVE LAW JUDGE AND THE UNDERSIGNED COUNSEL.



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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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Administrative Law Judge Katrina L. Dunderdale

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

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**MOTION TO DISMISS OBJECTIONS AND COMPEL ANSWERS  
TO INTERROGATORIES AND REQUESTS FOR PRODUCTION OF  
DOCUMENTS PROPOUNDED BY PEOPLES NATURAL  
GAS COMPANY LLC TO DUQUENT LIGHT COMPANY --  
SET I, NOS. 20, 22 AND 23**

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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) and the Prehearing Order issued May 8, 2018, and hereby files this Motion to Dismiss Objections and Compel Answers to Interrogatories and Requests for Production of Documents Propounded by Peoples Natural Gas Company LLC to Duquesne Light Company (“Motion”) – Set I, Nos. 20, 22 and 23. In support thereof, Peoples states as follows:

**I. BACKGROUND**

1. On March 28, 2018, Duquesne Light Company (“Duquesne”) filed Supplement No. 174 to Tariff – Electric Pa. P.U.C. No. 24 (“Supplement No. 174”). Among other things,

Supplement No. 174 proposed changes in Rider No. 16 (“Service to Non-Utility Generating Facilities”).

2. On April 10, 2018, Peoples filed a formal complaint (the “Complaint”) against Supplement No. 174, which was docketed at C-2018-3001152. Among other things, the Complaint stated:

8. Peoples opposes Duquesne Light’s proposed rate increase on the grounds that it may be unjust, unreasonable and in violation of the law, 66 Pa. C.S. § 1301 *et seq.* Peoples is also concerned that the proposed allocation of the revenue increase and proposed rate design may be unlawfully discriminatory, in violation of the Code, 66 Pa. C.S. §§ 1301 and 1304, and may otherwise be contrary to sound ratemaking principles and public policy.

9. Peoples has existing customers currently using distributed generation and is currently pursuing additional distributed generation projects throughout Duquesne Light’s certificated service territory -- including projects with universities, health care systems, manufacturing facilities, residential apartment complexes, and government buildings. Some of these distributed generation projects are combined heat and power (“CHP”) projects. In fact, CHP programs are an important part of Peoples’ voluntary energy efficiency and conservation plan. *See Petition of Peoples Natural Gas Company, LLC for Approval of its Energy Efficiency and Conservation Plan*, Docket No. M-2017-2640306. For the hospitals in Peoples’ service territory, the redundancy provided by CHP as an additional source to assure reliability is critical to the public safety and provision of critical medical services to the public.

10. Pursuant to Rider No. 16 – Service to Non-Utility Generating Facilities, Duquesne Light seeks to raise the rate for backup service for non-utility generating facilities from the current rate of \$2.50 per kW to \$8.00 per kW – an increase of 220%. In addition, Duquesne Light proposes to retain the existing language which provides that customers who exceed their capacity reservation will be charged twice the applicable charge per kilowatt – an increase from \$5.00 per kW to \$16.00 per kW. Such an increase in backup power rates would have a significant adverse economic impact on Peoples because those rates would negatively impact Peoples’ pursuit of distributed generation projects, including its CHP projects. Duquesne Light has previously acknowledged certain conflicts between it and Peoples with regard to CHP programs. *See Duquesne Light’s Motion Requesting Oral Argument* p. 2 (dated April 2, 2018), filed in *Petition of Peoples Natural Gas Company, LLC for Approval of its Energy Efficiency and Conservation Program*, Docket No. M-2017-2640306.

11. Backup service is used by CHP projects when their generation sources are off-line. On April 5, 2018, the Commission adopted a Final Policy

Statement seeking to advance the development of CHP in Pennsylvania. In the Order adopting the Final Policy Statement, the Commission noted that one barrier to CHP development in Pennsylvania is the cost of purchasing backup power during planned plant maintenance and unplanned downtime. *Final Policy Statement on Combined Heat and Power*, Docket No. M-2016-2530484 (Order entered April 5, 2018) p. 3. Although Duquesne Light claims that it does not oppose CHP in its service territory, *id.*, Duquesne Light's substantial proposed increase in backup service rates would certainly discourage the development of CHP projects in Duquesne Light's service territory.

12. In order to encourage electric distribution companies ("EDCs"), such as Duquesne Light, to establish standby rates that will not hinder the development of CHP, the Commission specifically requires EDCs to include information about standby rates in their biennial reports, required by the Final Policy Statement. 52 Pa. Code §§ 69.3202(b)(4) and 69.3202(b)(5). Duquesne Light's proposed increase in the backup service rate is clearly excessive and inconsistent with the Commission's policy of encouraging CHP projects, such as those that Peoples is trying to develop.

13. The Commission's Order adopting the Final Policy Statement also noted that interconnection fees and costs, as well as interconnection rules, can be a barrier to the development of CHP projects. *Id.* at 7. The interconnection rules contained in Section C of Rider No. 16 of Duquesne Light's tariff create an interconnection process that is so cumbersome and lengthy that it effectively discourages CHP and other distributed generation projects. As a result, they are against public policy and in contravention of the Commission's Final Policy Statement.

3. Peoples served its Set I Interrogatories and Request for Production of Documents ("Set I"), consisting of items numbered 1-40, on Duquesne before noon on Friday, May 4, 2018. In accordance with the discovery schedule established in this proceeding, objections were due to be communicated orally on or before Monday, May 7, 2018 and any unresolved objections were to be served on the ALJ on or before Wednesday, May 9, 2018.

4. At 2:00 p.m. on Monday, May 7, 2018, counsel for Duquesne orally communicated Duquesne's objections to certain Interrogatories and Requests for Production of Documents in Set I to counsel for Peoples. Counsel were unsuccessful in their attempt to resolve the objections.

5. On Friday, May 11, 2018, Duquesne served its formal “Objections of Duquesne Light Company to Peoples Natural Gas Company LLC’s Interrogatories and Requests for Production of Documents – Set I, Nos. 20, 22 and 23” (the “Objections”). The Objections are attached hereto as **Exhibit A**. A complete copy of Peoples’ Set I is attached thereto as Appendix A.

6. On Monday, May 14, 2018 at 10:00 am, counsel for Peoples spoke with counsel for Duquesne in an attempt to resolve the discovery dispute informally. No resolution was achieved.

## **II. Legal Standard**

7. Under the regulations of the Pennsylvania Public Utility Commission (“Commission”), a party may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action. 52 Pa. Code § 5.321(c). It is not ground for objection that the information sought will be inadmissible at hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence. *Id.* The Commission applies the relevancy test liberally. *See Pennsylvania Public Utility Commission v. The Peoples Natural Gas Company*, 62 Pa. PUC 56 (Aug. 26, 1986). Not only is the relevancy test liberally applied, but any doubts regarding the relevancy of subject matter should be resolved in favor of relevancy. *Koken v. One Beacon Ins. Co.*, 911 A.2d 1021, 1025 (Pa. Cmwlth. 2006). The burden of proof lies with the party challenging the relevance of discovery. *Id.*

### **III. MOTION TO COMPEL**

#### **A. GENERAL – DUQUESNE’S OBJECTIONS SHOULD BE DISMISSED ON THE GROUNDS THEY WERE FILED AFTER THE DEADLINE FOR OBJECTING TO SET I.**

8. All of Duquesne’s Objections should be summarily dismissed because they were not submitted timely. The parties to this proceeding have a limited time for discovery in order to meet the statutory deadline for this proceeding. Additionally, the non-Company parties must submit their direct testimony on June 25, 2018. Duquesne should not be permitted to inhibit Peoples’ ability to develop its case in chief by filing objections to discovery after the deadline has passed. Consequently, all of Duquesne’s objections should be overruled and Duquesne should be ordered to provide prompt and full responses to Set I Interrogatories Nos. 20, 22 and 23.

#### **B. DUQUESNE’S SPECIFIC OBJECTIONS SHOULD BE DISMISSED.**

9. Duquesne objects to three interrogatories/requests for production of documents.

Those discovery requests state:

20. A. Please explain how Duquesne supports CHP through its Act 129 energy efficiency and conservation (“EE&C”) plan.

B. Please describe the financial incentives that Duquesne offers to support CHP in its EE&C plan.

C. How much money did Duquesne provide to support CHP through its EE&C plan in 2015?

D. How much money did Duquesne provide to support CHP through its EE&C plan in 2016?

...

22. A. Please explain the process for applying for grants, loans, or other financial assistance from Duquesne for CHP projects.

B. Please describe all informational materials that Duquesne may provide to a party who asks about CHP development on the Duquesne system. For each document so described, please provide a copy or a reference to where the material can be obtained if it is something other than a printed item.

23. A. How many grants or loans were provided by Duquesne for CHP projects during 2015?

B. How many grants or loans were provided by Duquesne for CHP projects during 2016?

C. How many grants or loans were provided by Duquesne for CHP projects during 2017?

D. How much money did Duquesne provide to support CHP through its EE&C plan in 2017?

10. Duquesne primarily objects to these discovery requests on the grounds that all issues pertaining to Duquesne's Act 129 Plan are to be addressed in its Energy Efficiency and Conservation Plan proceeding at Docket No. M-2015-2515375 and all issues pertaining to CHP are to be considered in the Commission's proceeding concerning CHP at Docket No. M-2016-2530484. Objections ¶¶ 9-12.

11. Just because an issue is raised in one proceeding does not mean those issues are irrelevant to and necessarily excluded from another proceeding. The questions posed in Peoples' Interrogatories and Requests for Production of Documents are relevant to the issues that Peoples properly raised in the instant proceeding. Duquesne's Objections should therefore be dismissed.

12. Additionally, in this proceeding, Peoples has raised the issue that Rider 16 erects barriers to CHP and other forms of distributed generation. Peoples respectfully submits that Duquesne's Supplement No. 174 should not be considered in isolation; it should be considered in the context of whether Duquesne's overall pattern of conduct may tend to erect barriers to CHP and other forms of distributed generation. The financial incentives that Duquesne provides – or does not provide -- to CHP and other forms of distributed generation in other contexts, including Act 129, is relevant to determining and assessing that overall pattern of conduct.



13. Ratepayers such as Peoples should not pay higher rates through Act 129 riders to promote CHP and other forms of distributed generation, only to have Duquesne charge rates for Back-Up Service that discourage those same projects. In this proceeding, Peoples is not challenging the rates that it is charged pursuant to Act 129. It is, however, challenging Duquesne's decision to charge rates for Back-Up Service pursuant to Rider 16 that are apparently intended to discourage the very projects for which Peoples is being charged pursuant to Act 129. Just like historic test year revenue and expense information helps reviewers to assess the reasonableness of future test year projections, Duquesne's history in promoting or not promoting CHP will assist reviewers in assessing the reasonableness of Duquesne's proposed 220% increase in the Back-Up Service rate. Interrogatories 20, 22, and 23 are, without reasonable question, likely to lead to admissible evidence regarding the reasonableness of Duquesne's proposed increase of 220% to the Back-Up Service rate. In the event that arguments arise over whether the 220% increase is cost-based (as they likely will), Duquesne's history of promoting or not promoting CHP development will help inform that determination

14. Peoples questions whether there is an inherent conflict between what Duquesne is purporting to be doing with regard to its Act 129 Plan – promoting industrial class energy efficiency – and what it is attempting to do in the instant base rate proceeding – implementing Back-Up Service rates that will discourage distributed generation. Duquesne's argument suggests that the Commission can never examine whether Duquesne has inconsistent policies. In other words, Duquesne suggests that its Act 129 incentives are irrelevant to a general base rate proceeding, whereas Rider 16 rates would be irrelevant to an Act 129 proceeding. Inconsistent policies by Duquesne should not be an issue that evades review.

15. Interrogatories 22 and 23 request information regarding financial incentives that Duquesne provides, or has provided, for CHP projects. Significantly, these inquiries are not

limited to Duquesne's Act 129 incentives. To the extent that Duquesne offers financial incentives to CHP projects outside of the Act 129 context, Supplement No. 174 includes a request to recover those incentives from ratepayers, including Peoples. Interrogatories 22 and 23 are clearly directly related to costs that Duquesne seeks to recover in this proceeding. As such, the requested information is clearly relevant to and admissible in the instant proceeding.

16. In addition, in Paragraph 8 of its Complaint, Peoples challenges the justness and reasonableness of rates in Supplement No. 174 generally, not just the 220% rate increase proposed in Rider 16. Duquesne has submitted direct testimony stating that its Act 129 energy efficiency and conservation plan is relevant to the levels of electricity usage that were used to determine rates in this proceeding. For example, in his direct testimony at DLC Statement No. 3, page 4, lines 12-13 and 20-21, Duquesne witness Mr. Mobley states that the main data inputs used in the forecast models included (1) net metering requests by rate class, and (2) historical and projected Act 129 programs deemed savings for the industrial customer class. In addition, on page 5, line 15, Mr. Mobley states "For industrial rate classes, the projected Act 129 deemed savings are subtracted from the unadjusted forecasts." Finally, on page 5, line 19, Mr. Mobley testifies that growth in net metering connections is one of the major events for which adjustments to the regression analysis were made. Therefore, Duquesne's historical efforts with regard to energy efficiency and conservation, including CHP development, appear relevant to Duquesne's load and revenue forecasts. Duquesne has opened the door and cannot argue that Act 129 information is irrelevant to this proceeding. Peoples is simply requesting additional information. The information sought is reasonably calculated to lead to the discovery of admissible evidence. As a result, the interrogatories and requests for production of documents are permissible pursuant to 52 Pa. Code § 5.321(c).

**IV. CONCLUSION**

**WHEREFORE**, for the foregoing reasons, Peoples respectfully requests that the Presiding Officer (1) grant the instant Motion, (2) dismiss Duquesne's Objections to Interrogatories Nos. 20, 22 and 23, (3) order Duquesne to respond in writing to Interrogatories Nos. 20, 22 and 23 in a timely manner, and (4) in light of the limited time for Peoples and other parties to prepare Non-Company Direct Testimony in this proceeding, admonish Duquesne to refrain from future meritless objections.

Respectfully submitted,

COZEN O'CONNOR



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DATED: May 14, 2018

Counsel for *Peoples Natural Gas Company LLC*

**EXHIBIT A**

# Morgan Lewis

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May 11, 2018

## **VIA eFILING**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17105-3265


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

Dear Secretary Chiavetta:

Enclosed for filing in the above-captioned proceeding is the **Certificate of Service** evidencing service of the **Objections of Duquesne Light Company to Peoples Natural Gas Company LLC's Interrogatories and Requests for Production of Documents, Set I, Nos. 20, 22 and 23.**

Copies of the Objections are being served upon the persons and in the manner set forth on the enclosed Certificate of Service.

Very truly yours,



Anthony C. DeCusatis

ACD/ap  
Enclosures

c: Per Certificate of Service (w/encls.)

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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**PENNSYLVANIA PUBLIC UTILITY  
COMMISSION**

v.

**DUQUESNE LIGHT COMPANY**

:  
:  
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:

**Docket Nos. R-2018-3000124  
C-2018-3001152**

**CERTIFICATE OF SERVICE**

I hereby certify that true and correct copies of the foregoing **Objections of Duquesne Light Company to Peoples Natural Gas Company LLC's Interrogatories and Requests for Production of Documents, Set I, Nos. 20, 22 and 23** have been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54:

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Dated: May 11, 2018

*Counsel for Duquesne Light Company*



**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>PENNSYLVANIA PUBLIC UTILITY COMMISSION</b>	:	
	:	
	:	
v.	:	<b>Docket Nos. R-2018-3000124</b>
	:	<b>C-2018-3001152</b>
<b>DUQUESNE LIGHT COMPANY</b>	:	

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**OBJECTIONS OF DUQUESNE LIGHT COMPANY TO  
PEOPLES NATURAL GAS COMPANY LLC’S INTERROGATORIES  
AND REQUESTS FOR PRODUCTION OF DOCUMENTS – SET I, NOS. 20, 22 AND 23**

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**I. INTRODUCTION AND OVERVIEW**

Pursuant to 52 Pa. Code § 333(d), 52 Pa. Code § 5.342, and the modified discovery procedures adopted at the May 3, 2018 Prehearing Conference in this case, Duquesne Light Company (“DLC” or “Company”) objects to three interrelated interrogatories in the *Interrogatories and Requests for Production Documents Propounded by Peoples Natural Gas Company LLC to Duquesne Light Company – Set I (Nos. 1-40)* (“Peoples’ Interrogatories Set I”). A copy of Peoples’ Interrogatories Set I is attached to these Objections as Appendix A.

DLC objects to Peoples’ Interrogatories Set I, Nos. 20, 22 and 23, because they request detailed information about the terms and implementation of the Company’s current Phase III Energy Efficiency and Conservation (“EE&C”) Plan, which was approved by the Pennsylvania Public Utility Commission’s (“PUC” or “Commission”) Final Order entered on March 16, 2016 at Docket No. M-2015-251537. Accordingly, those interrogatories pertain to matters that are not properly within the scope of this general base rate case. In fact, and as previously indicated, there is a separate, pre-existing, Commission-initiated docket to encompass all issues pertaining

to DLC's current EE&C Plan. Moreover, because the costs of implementing mandatory EE&C plans established pursuant to Section 2806.1 of the Pennsylvania Public Utility Code<sup>1</sup> are recovered under a separate rate adjustment mechanism, as directed by Section 2806.1(k), all such costs have been removed from the Company's proposed electric distribution base rate revenue requirement in this case.

Furthermore, the Company's forecast of demand and energy used to develop the pro forma sales and revenues employed in its rate filing was not affected by combined heat and power ("CHP") development. In fact, the Company made no sales or revenue reductions tied to CHP deployment, nor was it necessary to do so. Rather, reductions in sales and attendant revenue adjustments were made to reflect the total Act 129-mandated demand and usage reduction targets that the Company is required to meet regardless of the measures employed to achieve that result. The Company must meet those targets or face significant penalties under Act 129.

Moreover, Peoples' interrogatories also attempt to interject issues pertaining to the implementation of the Commission's *Final Policy Statement on Combined Heat and Power* at Docket No. M-2016-2530484 ("Final Policy Statement"). The Final Policy Statement established reporting requirements for electric and gas utilities. Those reports will be used by the PUC's staff to make recommendations for future policy development relating to CHP. All such issues are properly addressed at the docket the Commission established for that purpose and should not be interjected into this base rate proceeding.

<sup>1</sup> 66 Pa.C.S. § 2806.1. Hereafter all references to a "Section" are to the Pennsylvania Public Utility Code unless stated, or the context clearly indicates, otherwise.

## II. RELEVANT BACKGROUND

1. On March 28, 2018, DLC filed Supplement No. 174 to Tariff – Electric Pa. P.U.C. No. 24 (“Supplement No. 174”), which proposes changes in its rates designed to produce an increase in electric distribution revenue of approximately \$133.8 million. Accompanying Supplement No. 174, DLC filed all of the supporting data required by the Commission’s regulations at 52 Pa. Code §§ 53.52 *et seq.* for a historic test year ended December 31, 2017, a future test year ending December 31, 2018, and a fully projected future test year ending December 31, 2019. DLC’s supporting information included the written direct testimony of fifteen witnesses and the exhibits sponsored by those witnesses.

2. On April 19, 2018, the Commission initiated an investigation of the Company’s rate filing and, therefore, pursuant to Section 1308(d), Supplement No. 174 was suspended until December 29, 2018.

3. On April 10, 2018, Peoples filed a Complaint against the Company’s proposed rates, which was assigned Docket No. C-2018-3001152. On May 1, 2018, DLC filed a Motion for Partial Judgment on the Pleadings with regard to averments in Peoples’ Complaint pertaining to proposed revisions to Rider No. 16 to DLC’s electric service tariff. DLC requested partial judgment on the pleadings on the grounds that Peoples does not have standing to address matters pertaining to Rider No. 16 in this case and was merely attempting to assert the interests of third-parties who are the real parties-in-interest and have the opportunity and right to participate in their own capacity to promote and protect their own interests.

4. A Prehearing Conference was held on May 3, 2018, in which Peoples participated. At the Prehearing Conference, the ALJ adopted modifications to the discovery procedures. In addition, DLC noted that it would not object to discovery issued by Peoples on the grounds that such discovery inquired into matters pertaining to Rider No. 16, but it did not

waive its right to object to discovery on other grounds as permitted under the Public Utility Code and the Commission's regulations.

5. On Friday, May 4, 2018, Peoples issued Peoples' Interrogatories Set I consisting of 40 interrogatories. As previously indicated, DLC objects to three interrelated interrogatories in that set on the grounds summarized above.

### **III. OBJECTIONS TO PEOPLES INTERROGATORIES**

6. Peoples' Interrogatories Set I, No. 20, states as follows:

20. A. Please explain how Duquesne supports CHP through its Act 129 energy efficiency and conservation ("EE&C") plan.

B. Please describe the financial incentives that Duquesne offers to support CHP in its EE&C plan.

C. How much money did Duquesne provide to support CHP through its EE&C plan in 2015?

D. How much money did Duquesne provide to support CHP through its EE&C plan in 2016?

E. How much money did Duquesne provide to support CHP through its EE&C plan in 2017?

7. Peoples' Interrogatories Set I, No. 22, states as follows:

22. A. Please explain the process for applying for grants, loans, or other financial assistance from Duquesne for CHP projects.

B. Please describe all informational materials that Duquesne may provide to a party who asks about CHP development on the Duquesne system. For each document so described, please provide a copy or a reference to where the material can be obtained if it is something other than a printed item.

8. Peoples' Interrogatories Set I, No. 23, states as follows:

23. A. How many grants or loans were provided by Duquesne for CHP projects during 2015?

B. How many grants or loans were provided by Duquesne for CHP projects during 2016?

C. How many grants or loans were provided by Duquesne for CHP projects during 2017?

9. As previously explained, the Company's current Phase III EE&C Plan was approved by the Commission's Final Order entered on March 16, 2016 at Docket No. M-2015-251537. Therefore, the Commission has established an existing docket to encompass all issues pertaining to the terms and implementation of DLC's current EE&C Plan.

10. The costs incurred by DLC to establish, implement and administer its mandatory EE&C Plan are recovered pursuant to a separate rate adjustment mechanism, as directed by Section 2806.1(k). Therefore, all such costs have been removed from the Company's proposed electric distribution base rate revenue requirement in this case. In short, costs related to DLC's EE&C Plan are not included in the costs used to develop the Company's existing or proposed rates and are not a part of this case.

11. Additionally, as previously discussed, the Company's forecast of demand and energy used to develop the pro forma sales and revenues employed in its rate filing was not affected by prospects for CHP development. The Company did not make any sales or revenue reductions tied to CHP deployment, and it was not necessary to do so. Rather, reductions in sales and attendant revenue adjustments were made to reflect the total Act 129-mandated demand and usage reduction targets that the Company is required to meet regardless of the measures employed to achieve that result. The Company must meet those targets or face substantial penalties under Act 129.

11. On April 5, 2018, the Commission entered the Final Policy Statement, which requires electric distribution companies and natural gas distribution companies to file reports “on their efforts to support the development of combined heat and power” at Docket No. M-2016-2530484. The first such reports are due to be filed on July 1, 2018. As stated in the Final Policy Statement, the reports will form the basis for biennial reports the Commission directed its Bureau of Technical Utility Services (“TUS”) to prepare to summarize the information collected and to make policy recommendations for the future. In short, there is another docket number that has already been established by the Commission to address issues regarding “support” for CHP projects and there is no reason to duplicate those efforts in this case.

12. Peoples’ Interrogatories Set I, Nos. 20, 22 and 23 are improper and objectionable because they seek to inquire into matters that are properly addressed at other dockets that were specifically established for that purpose. Those dockets are, therefore, the places to address the issues Peoples appears to be trying to interject here.

13. As a distribution base rate proceeding, the scope of this case encompasses principally revenue requirement, rate structure and rate design and is subject to the statutory timeline imposed by Section 1308(d). The challenges of creating a well-developed evidentiary record on issues properly within the scope of a base rate case should not be heightened by interjecting extraneous issues, particularly when the PUC has established other forums expressly designed to address those issues.

14. The scope of permissible discovery in a proceeding before the Commission is limited to subjects that are relevant to matters properly at issue in such proceeding, as provided in Section 333(d) and applicable Commission’s regulations. Accordingly, for the reasons set forth above, Peoples’ Interrogatories Set I, Nos. 20, 22 and 23, inquire into matters that are

outside the scope of the Company's distribution base rate proceeding and, therefore, are improper and should be stricken. See, e.g., *Re Structural Separation of Bell Atlantic-Pennsylvania, Inc. Retail and Wholesale Operations*, Docket No. M-00001353, 2000 Pa. PUC LEXIS 59 at \*7-9 (Order entered Sept. 28, 2000) (affirming the Administrative Law Judge's decision to reject evidence as "beyond the scope of the proceeding."); *Pa. P.U.C. v. Pennsylvania-American Water Co.*, Docket Nos. R-00932670, *et al.*, 1994 Pa. PUC LEXIS 120 at \*158 (Order entered July 26, 1994) ("The ALJ concluded as follows: 'I agree with OTS that the issues raised by OCA are outside the scope of this investigation. . . .'"); *Re Gas Cost Rate No. 5*, 57 Pa. P.U.C. 158, 160 (1983) ("The testimony stricken by the ALJ addresses, in part, matters broader than the scope of the instant proceeding.").

#### IV. CONCLUSION

WHEREFORE, the Objections of Duquesne Light Company should be granted and Peoples' Interrogatories Set I, Nos. 20, 22 and 23 should be stricken.

Respectfully submitted,



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Dated: May 11, 2018

Counsel for Duquesne Light Company



**APPENDIX A**  
**PEOPLES INTERROGATORIES SET I**



5. To “identify” a “document” means to provide all of the following information irrespective of whether the document is deemed privileged or subject to any claim of privilege:

- a. The title or other means of identification of each such document;
- b. The date of each such document;
- c. The author, preparer or signer of each such document; and
- d. A description of the subject matter of such document sufficient to permit an understanding of its contents and importance to the testimony or position being examined and the present or last known location of the document. The specific nature of the document should also be stated (e.g., letter, business record, memorandum, computer print-out, etc.).

In lieu of “identifying” any document, it shall be deemed a sufficient compliance with these interrogatories to attach a copy of each such document to the answers hereto and reference said document to the particular interrogatory to which the document is responsive.

6. “Document” means the original and all drafts of all written and graphic matter, however produced or reproduced, of any kind or description, whether or not sent or received, and all copies thereof which are different in any way from the original (whether by interlineation, date-stamp, notarization, indication of copies sent or received, or otherwise), including without limitation, any paper, book, account, photograph, blueprint, drawing, sketch, schematic, agreement, contract, memorandum, press release, circular, advertising material, correspondence, letter, telegram, telex, object, report, opinion, investigation, record, transcript, hearing, meeting, study, notation, working paper, summary, intra-office communication, diary, chart, minutes, index sheet, computer software, computer-generated records or files, however stored, check, check stub, delivery ticket, bill of lading, invoice, record or recording or summary of any telephone or other conversation, or of any interview or of any conference, or any other written, recorded, transcribed, punched, taped, filmed, or graphic matter of which the Responding Party has or has had possession, custody or control, or of which the Responding Party has knowledge.

7. "Communication" means any manner or form of information or message transmission, however produced or reproduced, whether as a document as herein defined, or orally or otherwise, which is made, distributed, or circulated between or among persons, or data storage or processing units.

8. "Date" means the exact day, month, and year, if ascertainable, or if not, the best approximation thereof.

9. "Person" refers to, without limiting the generality of its meaning, every natural person, agent, broker, consultant, corporation, partnership, association (whether formally organized or ad hoc), joint venture, unit operation, cooperative, municipality, commission, governmental body or agency, or any other group or organization.

10. "Peoples" means Peoples Natural Gas Company LLC.

11. "Duquesne" means Duquesne Light Company and its affiliates, and includes without limitation any of its staff, employees, counsel, consultants or agents.

#### **INSTRUCTIONS**

1. Items referred to in the singular include those in the plural, and items referred to in the plural include those in the singular.

2. Items referred to in the masculine include those in the feminine, and items referred to in the feminine include those in the masculine.

3. The answers provided should first restate the question asked and identify the person(s) supplying the information.

4. In answering the interrogatories, the Responding Party is requested to furnish all information that is available to the Responding Party, including information in the possession of the Responding Party's attorneys, agents, consultants, or investigators, and not merely such information of the Responding Party's own knowledge. If any of the interrogatories cannot be answered in full after exercising due diligence to secure the requested information, please so state and answer to the extent possible, specifying the Responding Party's inability to answer the remainder, and stating whatever information the Responding Party has concerning the unanswered

portions. If the Responding Party's answer is qualified in any particular, please set forth the details of such qualification.

5. If the Responding Party objects to providing any document requested on any ground, identify such document by describing it as set forth in these instructions and definitions and state the basis of the objection.

6. If the Responding Party objects to part of an interrogatory and refuses to answer that part, state the Responding Party's objection and answer the remaining portion of that interrogatory. If the Responding Party objects to the scope or time period of an interrogatory and refuses to answer for that scope or time period, state the Responding Party's objection and answer the interrogatory for the scope or time period that the Responding Party believes is appropriate.

7. If, in connection with an interrogatory, the Responding Party contends that any information, otherwise subject to discovery, is covered by either the attorney-client privilege, the so-called "attorneys' work product doctrine," or any other privilege or doctrine, then specify the general subject matter of the information and the basis to support each such objection.

8. If any information is withheld on grounds of privilege or other protection from disclosure, provide the following information: (a) every person to whom such information has been communicated and from whom such information was learned; (b) the nature and subject matter of the information; and, (c) the basis on which the privilege or other protection from disclosure is claimed.

9. The interrogatories are continuing and the Responding Party is obliged to change, supplement and correct all answers given to conform to new or changing information.

10. The Responding Party should include a verification in accordance with 52 Pa. Code § 1.36.

## INTERROGATORIES AND DOCUMENT REQUESTS

1. Does Duquesne agree that the cost of delivering back-up power during planned plant maintenance and unplanned downtime can be a barrier to the development of combined heat and power (“CHP”) projects?
2. Does Duquesne agree that interconnection procedures and fees can be barriers to the development of CHP projects?
3. Referring to Exhibit DBO-2, Sixth Revised Page No. 101, definition of “Supply Billing Determinants,” the definition concerns “customers not being served by an Electric Generation Supplier.” Please define “supply billing determinants” for customers being served by an Electric Generation Supplier.
4. When was Rider No. 16 introduced to the Duquesne Tariff? Please identify the docket number of that proceeding.
5.
  - A. How many customers receiving Back-Up Power did not exceed their back-up Contract Demand at any time during 2015?
  - B. How many customers receiving Back-Up Power did not exceed their back-up Contract Demand at any time during 2016?
  - C. How many customers receiving Back-Up Power did not exceed their back-up Contract Demand at any time during 2017?
6.
  - A. How many customers receiving Back-Up Power exceeded their back-up Contract Demand by at least 5% at any time during 2015?
  - B. How many customers receiving Back-Up Power exceeded their back-up Contract Demand by at least 5% at any time during 2016?
  - C. How many customers receiving Back-Up Power exceeded their back-up Contract Demand by at least 5% at any time during 2017?
7.
  - A. How many customers receiving Back-Up Service exceeded their back-up Contract Demand by at least 10% at any time during 2015?

B. How many customers receiving Back-Up Service exceeded their back-up Contract Demand by at least 10% at any time during 2016?

C. How many customers receiving Back-Up Service exceeded their back-up Contract Demand by at least 10% at any time during 2017?

8. Reference the penultimate sentence in Rider 16: "The monthly charge for transformation equipment for customers with contract demand under this rider of 5,000 kW or more will be determined by the Company on a case-by-case basis." Explain the Company's practices and procedures for determining the monthly charge for transformation equipment for a customer with a contract demand of 5,000 kW or more. If those Company practices and procedures are in writing, please provide a copy or a reference to where the material can be obtained if it is something other than a printed item. Provide an example of a calculation of a monthly transformation charge.

9. Reference the penultimate sentence of Rider 16: "The monthly charge for transformation equipment for customers with contract demand under this rider of 5,000 kW or more will be determined by the Company on a case-by-case basis." What is the monthly charge for transformation equipment for customers with a contract demand of less than 5,000 kW?

10. Does Duquesne agree that distributed generation, including CHP, benefits businesses by reducing energy costs and enhancing reliability for the user? If not, why not?

11. Please provide a copy of the Excel spreadsheet(s) with formulas and linked files intact that created the supporting exhibits (the Exhibit 6 series) for the Allocated Cost of Service Study (ACOS) submitted by Duquesne in this proceeding.

12. Please define the term "direct costs" as used by Mr. Gorman in deriving the costs included in Exhibit 6-4H, and describe the specific nature of such costs.

13. Referring to page 12, lines 5-13, of Mr. Gorman's direct testimony, please provide a complete explanation of why the costs the Company incurs to provide Back-up Service to customers under Rider No. 16 – Service to Non-Utility Generating Facilities, as presented in Exhibit 6-4H, should only include "direct costs."

14. For each cost component (i.e., Account) presented in Exhibits 6-7A, 6-7B and 6-7D that was excluded from the cost analysis presented in Exhibit 6-4H, please explain why the exclusion of such costs for the provision of Back-Up Service is appropriate.

15. Referring to page 26, lines 12-13, of Mr. Ogden's direct testimony, please confirm that there is currently only one customer served by the Company on Rider No. 16 – Service to Non-Utility Generating Facilities.

16. If the answer to Question 15 is in the affirmative:

A. Please indicate if that customer has used Back-Up Service from the Company under Rider No. 16 – Service to Non-Utility Generating Facilities during the past 5 years.

B. Please indicate at what voltage level and from which portion of the distribution system the customer takes service from the Company.

C. Please indicate the number of times the customer used Back-Up Service from the Company and provide the maximum electrical capacity in kilowatts required by that customer for Back-Up Service during the 5-year period.

D. Please indicate the number of times the customer exceeded its Contract Demand by 10% or more at any time.

E. Please provide an electronic file copy of the metered interval demand data for the customer during the 5-year period.

F. Does the customer also receive Supplementary Service from the Company under a separate rate schedule or tariff? If so, please indicate the rate schedule under which service is provided and the energy and capacity levels expected to be provided under that rate schedule during the Company's Fully Projected Future Test Year (i.e., the twelve months ended December 31, 2019).

17. Has the Company assumed that during its Fully Projected Future Test Year no new customers will request Back-Up Service under Rider No. 16? If so, please explain the basis for the Company's assumption.



18. Referring to page 5, lines 8-13 of Mr. Ogden's direct testimony, please explain in detail how, if at all, the Company recognized "concerns regarding customer bill impact" when setting the proposed rate level for Back-Up Service under Rider No. 16 – Service to Non-Utility Generating Facilities?

19. Referring to the Company's proposed tariff for Rider No. 16 – Service for Non-Utility Generating Facilities, please provide the cost basis to support the tariff provision under the Distribution section which states, "If a customer's actual Back-Up Service requirement at any time exceeds the customer's Back-Up Contract Demand by 10% or more, the customer will be assessed a fee equal to the difference between the actual Back-Up Service requirement at the time and the Back-Up Contract Demand multiplied by two times the applicable charge per kilowatt." The required "cost basis" should include both the quantified costs in dollars and a narrative explanation.

20. A. Please explain how Duquesne supports CHP through its Act 129 energy efficiency and conservation ("EE&C") plan.

B. Please describe the financial incentives that Duquesne offers to support CHP in its EE&C plan.

C. How much money did Duquesne provide to support CHP through its EE&C plan in 2015?

D. How much money did Duquesne provide to support CHP through its EE&C plan in 2016?

E. How much money did Duquesne provide to support CHP through its EE&C plan in 2017?

21. Explain what Duquesne is doing to support the Final Policy Statement on Combined Heat and Power that was recently adopted by the Pennsylvania Public Utility Commission?

22. A. Please explain the process for applying for grants, loans, or other financial assistance from Duquesne for CHP projects.

B. Please describe all informational materials that Duquesne may provide to a party who asks about CHP development on the Duquesne system. For each document so described, please provide a copy or a reference to where the material can be obtained if it is something other than a printed item.

23. A. How many grants or loans were provided by Duquesne for CHP projects during 2015?

B. How many grants or loans were provided by Duquesne for CHP projects during 2016?

C. How many grants or loans were provided by Duquesne for CHP projects during 2017?

24. How many CHP projects are served by Duquesne?

25. A. Do all CHP projects require either Supplementary Service or Back-Up Service pursuant to Rider No. 16?

B. If not, please explain why some CHP projects do not require either Supplementary Service or Back-Up Service pursuant to Rider No. 16.

C. For those CHP projects that do not require either Supplementary Service or Back-Up Service, please indicate the number of such projects and the kW of standby service provided to these projects.

26. Please describe the process for obtaining a net metering interconnect with Duquesne.

27. A. What is the process for Duquesne to review and approve a net metering application?

B. During 2017, what was the average time for approval of a net metering application, measured from the date an application was filed to the date it was approved?

28. A. How many net metering applications were approved in 2015?

B. How many net metering applications were approved in 2016?

C. How many net metering applications were approved in 2017?

29. A. Do all net metering applications require either Supplementary Service or Back-Up Service pursuant to Rider No. 16?

B. If not, please explain why some net metering applications do not require either Supplementary Service or Back-Up Service pursuant to Rider No. 16.

30. A. How many customer outages occurred in 2015?

B. How many of those outages occurred in Pittsburgh?

31. A. How many customer outages occurred in 2016?

B. How many of those outages occurred in Pittsburgh?

32. A. How many customer outages occurred in 2017?

B. How many of those outages occurred in Pittsburgh?

33. A. What was the average duration of the outages that occurred in 2015?

B. What was the average duration of the outages that occurred in 2016?

C. What was the average duration of the outages that occurred in 2017?

34. A. What investments were made by Duquesne during 2015 to prevent outages?

B. What investments were made by Duquesne during 2016 to prevent outages?

C. What investments were made by Duquesne during 2017 to prevent outages?

35. Please indicate the number of miles of distribution lines in service as of December 31, 2017, by year of installation.

36. Please describe how self-generation (including CHP, solar, and wind) and fuel cells installed at customer locations, impact Duquesne's operations.

37. Does Duquesne support the expansion of CHP in its service territory?

38. Please define a "spot network"?

39. Please provide a list of "spot networks" in Duquesne's service territory?

40. A. Please identify how many outages occurred in each spot network during 2015.

B. Please identify how many outages occurred in each spot network during 2016.

C. Please identify how many outages occurred in each spot network during 2017.

**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:

5/14/2018



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

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission

v.

Duquesne Light Company

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Docket No. R-2018-3000124

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing Motion to Dismiss Objections and Compel Answers to Interrogatories and Requests for Production of Documents 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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DATED: May 14, 2018



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