Morgan Lewis

Anthony C. DeCusatis
Of Counsel
+1.215.963.5034
anthony.decusatis@morganlewis.com

May 21, 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 **Answer of Duquesne Light Company to Peoples Natural Gas Company's Motion to Dismiss Objections and Compel Answers to Interrogatories**.

Copies of the Answer 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.)

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY COMMISSION	:	
	:	
	:	**Docket Nos. R-2018-3000124**
v.	:	**C-2018-3001152**
	:	
DUQUESNE LIGHT COMPANY		

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing **Answer of Duquesne Light Company to Peoples Natural Gas Company's Motion to Dismiss Objections and Compel Answers to Interrogatories** have been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54:

VIA ELECTRONIC MAIL AND FIRST CLASS MAIL

The Honorable Katrina L. Dunderdale
Administrative Law Judge
Office of Administrative Law Judge
Pennsylvania Public Utility Commission
Piatt Place, Suite 220
301 5th Avenue
Pittsburgh, PA 15222
kdunderdal@pa.gov

Phillip D. Demanchick
David T. Evrard
Aron J. Beatty
Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101-1923
pdemanchick@paoca.org
devrard@paoca.org
abeatty@paoca.org

Sharon E. Webb
Assistant Small Business Advocate
Office of Small Business Advocate
Commerce Tower, Suite 202
300 North Second Street
Harrisburg, PA 17101-1923
swebb@pa.gov

Gina L. Miller
John M. Coogan
Pennsylvania Public Utility Commission
Bureau of Investigation & Enforcement
400 North Street, 2nd Floor
Harrisburg, PA 17120
ginmiller@pa.gov
jcoogan@pa.gov

William H. Roberts, II
Peoples Natural Gas Company, LLC
375 North Shore Drive
Pittsburgh, PA 15212
William.H.RobertsII@peoples-gas.com
Counsel for Peoples Natural Gas Company LLC

David P. Zambito
Jonathan P. Nase
Cozen & O'Connor
17 North Second Street, Suite 1410
Harrisburg, PA 17101
dzambito@cozen.com
jnase@cozen.com
Counsel for Peoples Natural Gas Company LLC

Joseph Otis Minott
Logan Welde
Clean Air Council
135 South 19th Street, Suite 300
Philadelphia, PA 19103
joe_minott@cleanair.org
Counsel for Clean Air Council

Scott J. Rubin
333 Oak Lane
Bloomsburg, PA 17815-2036
scott.j.rubin@gmail.com
Counsel for IBEW

Joseph L. Vullo
Burke Vullo Reilly Roberts
1460 Wyoming Avenue
Forty Fort, PA 18704
jlvullo@aol.com
Counsel for CAAP

Patrick M. Cicero
Kadeem G. Morris
Elizabeth R. Marx
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101
pulp@palegalaid.net
Counsel for CAUSE-PA

Michael W. Gang
Anthony D. Kanagy
Post & Schell, P.C.
17 North Second Street, 12th Floor
Harrisburg, PA 17101-1601
mgang@postschell.com
akanagy@postschell.com
Counsel for Duquesne Light Company

Mark C. Szybist
1152 15th Street, N.W., Suite 300
Washington, DC 20005
mszybist@nrdc.org
Counsel for NRDC

VIA FIRST CLASS MAIL ONLY

Jason Dolby
409 Anawanda Avenue
Pittsburgh, PA 15228

James Fedell
2009 Forge Drive
Aliquippa, PA 15001

Anthony C. DeCusatis (Pa. I.D. 25700)
Morgan, Lewis & Bockius LLP
1701 Market Street
Philadelphia, PA 19103-2921
215.963.5034 (bus)
215.963.5001 (fax)
anthony.decusatis@morganlewis.com

Tishekia E. Williams (Pa. I.D. 208997)
Michael Zimmerman (Pa. I.D. 323715)
Duquesne Light Company
411 Seventh Avenue, 15-7
Pittsburgh, PA 15219
412.393.6268 (bus)
412.393.5897 (fax)
twilliams@duqlight.com
mzimmerman@duqlight.com

Counsel for Duquesne Light Company

Dated: May 21, 2018

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

DUQUESNE LIGHT COMPANY'S ANSWER TO PEOPLES NATURAL GAS COMPANY LLC'S MOTION TO DISMISS OBJECTIONS AND COMPEL ANSWERS TO INTERROGATORIES

Pursuant to 52 Pa. Code § 5.342(g)(1) and the discovery procedures adopted at the Prehearing Conference in this proceeding, the Duquesne Light Company ("DLC" or "Company") files this Answer to the Motion to Dismiss Objections and Compel Answers to Interrogatories filed by Peoples Natural Gas Company LLC ("Peoples") on May 14, 2018 ("Motion to Compel"). Exhibit A to the Motion to Compel is a copy DLC's Objections to Peoples' Interrogatory (Set I) Nos. 20, 22 and 23, to which DLC had appended the entirety of Peoples' Set I. For the reasons set forth in DLC's Objections and in its Answer, below, the Motion to Compel should be denied and the Company's Objections granted.

I. INTRODUCTION AND OVERVIEW

Now that Peoples' has served its first set of interrogatories, it is abundantly clear that Peoples' goal is to convert this proceeding from a base rate case into a wholly inappropriate vehicle for fostering and pursuing its gas marketing efforts, with a specific focus on promoting combined heat and power ("CHP") projects that will increase its sales, revenues and bottom-line. And, to that end, it is exploiting the discovery process to engage in a far-ranging fishing

expedition to probe matters so remote from the legitimate issues in this case that its attempt to provide a possible nexus between its objectionable interrogatories and the rate rider it purports to challenge devolves into mere conjecture and speculation. One wonders, for example, how the cost-basis for DLC's Back-Up Service rate will be illuminated by Peoples' inquiry into the "process" customers would use "for applying for grants, loans or other financial assistance from Duquesne for CHP projects" under the Company's Act 129 Energy Efficiency and Conservation ("EEC") Plan.[1]

The foundation of Peoples' contrived arguments is the startling proposition that in order to determine if DLC's proposal to revise Rider 16 might "discourage" the development of CHP projects, Peoples' needs to delve into various measures, including details of the Company's EEC Plan, to ascertain how the Company is *encouraging* CHP.[2] The logic linking the two halves of that equation is less than elusive – it is non-existent. Peoples' inquiry becomes understandable, but no less objectionable, only if seen for what it really is – an attempt to use its participation in this case to churn up information that, while irrelevant to anything within the proper scope of this proceeding, is extremely useful to Peoples' gas marketing initiatives.

The real purpose behind People's discovery becomes even more transparent when one considers that Rider 16 applies to many more forms of non-utility generation than just CHP projects. Indeed, given the extensive consumer interest and public policy goals driving renewable and non-renewable behind-the-meter generation, it is not reasonable to assume that CHP projects would be the only beneficiary of the favorable Back-Up Service rate that Rider 16 offers. Yet, Peoples' Set I Interrogatories have a laser-like focus on CHP – a focus

---

1 Peoples' Interrogatory (Set I), No. 22.A.

2 Motion to Compel ¶ 13.

unquestionably explained by the fact that CHP projects are overwhelmingly, if not entirely, fueled by natural gas.

As the effort to follow Peoples' convoluted argument makes apparent, Peoples cannot explain in straight-forward, commonsense terms how the information it seeks could be relevant to what it grudgingly concedes is the real issue – i.e., whether the Company's proposed increase in the Rider 16 rate is "cost-based."[3] As a result, Peoples seeks refuge in headnote-level generalities: the "relevancy test" should be applied "liberally;" information, to be discoverable, need only be "reasonably calculated" to lead to "admissible evidence;" "doubts" should be "resolved in favor of relevancy."[4] However, those broadly-stated rules are judicial guidance meant to govern questions that are otherwise too close to call – i.e., who gets the benefit of the doubt if the merits on either side of a discovery dispute are near equipoise. That is not the case here. High-level guidelines cannot be invoked to transform a baseless fishing expedition into permissible discovery.

As other Administrative Law Judges aptly explained under similar circumstances: "[T]he standard for discovery is relevance, not curiosity."[5] If interrogatories seek information that does not bear a *reasonable* relationship to the substance of a case or controversy, they are improper, and judicial rules-of-thumb designed to be "tie-breakers" simply do not apply. The word "reasonable" merits the emphasis provided above. The Motion to Compel tacitly assumes that, if any purported relatedness can be cobbled together between a discovery inquiry and a putative

---

3 *See* Motion to Compel ¶ 13.

4 See Motion to Compel ¶ 7.

5 *Pa. P.U.C. v. Pennsylvania-American Water Co.*, Docket No. R-2011-2232243 (Order on Motion to Compel of Administrative Law Judges Angela T. Jones and Eranda Vero, July 21, 2011), p. 22).

issue in a case, no matter how attenuated and lacking in substance that relationship may be when judged by a rule of reason, a party should be free to propound any interrogatories it wishes.

As should be apparent, the standard Peoples is promoting is, in reality, no standard at all. Under Peoples' approach, the only limit on the scope of discovery is the imagination of an advocate, who could justify virtually any inquiry by constructing ever-more elaborate daisy-chains of purported connections that, like those Peoples pieced together in its Motion to Compel, may be entirely rhetorical and utterly devoid of substance. Peoples has tried to do that by, in effect, changing the subject to deflect attention from the real issue – whether there is a valid cost-basis for proposed changes to Rider 16. And, in so doing, Peoples attempts to articulate the purported issue at a level of generality so high that virtually any topic could be swept into the ambit of permissible discovery.

Peoples' daisy-chain proceeds as follows: Rider 16 (the principal purported basis for Peoples' complaint) sets forth the rates, terms and conditions for Back-Up Service that may be chosen by customers that use non-utility generation to meet a portion of their electric demand;[6] CHP is a form of non-utility generation; the Commission has stated that CHP projects that are economically viable and promote energy conservation should be "encouraged"; therefore, this proceeding may be transformed into a forum where Peoples can explore the merits of CHP in DLC's service area and delve into the information arguably designed to determine whether –

---

[6] Rider 16 is elective, not mandatory. A customer with non-utility generation can chose Rider 16 or not based on whether it determines it will benefit from taking the service offered by Rider 16. If a customer does not choose Rider 16, it remains a general service customer of DLC, like every other general service customer. Thus Peoples' oft repeated claims that it seeks to explore whether Rider 16 may "discourage" CHP projects is based on a flawed assumption. Rider 16 exists to provide a potentially beneficial alternative to customers with non-utility generation. Thus, if anything, it is an "encouragement" to non-utility generation. That fundamental aspect of Rider 16 has been totally misconstrued and misstated by Peoples.

totally apart from anything related to Rider 16 – DLC has been doing enough to "encourage" CHP. The tenuousness of those connections is apparent.

Furthermore, the Commission has already opened a separate docket to obtain information from electric distribution companies and natural gas distribution companies that the Commission intends to use to formulate "recommendations regarding the development of combined heat and power in this Commonwealth"[7] and directed the formation of a working group to help define the nature of the information to be reported.[8] In its comments to the Commission on its *Proposed Policy Statement on Combined Heat and Power*, Peoples specifically requested that the Final Policy Statement "require descriptions of . . . *historical* . . . strategies, programs and initiatives in the initial and biennial reports."[9] The Commission rejected Peoples' position, stating: "The Commission *sees little value in focusing on historical efforts* as the intent is to move beyond where CHP development is."[10] Thus, the Commission already determined that there is no real probative value in exploring an historical "overall pattern of conduct" as Peoples admits it is trying to do with its Interrogatories.[11] In short, Peoples is taking another run at something the Commission has already rejected.

In like fashion, there is also an entirely separate docket where issues about DLC's EEC Plan and its implementation, including whether DLC's EEC measures have done enough to "encourage" CHP, could be addressed.[12]

---

7 *Final Policy Statement on Combined Heat and Power*, Docket No. M-2016-2530484 (Apr. 5, 2018), Annex A, Section 69.3203.

8 *Final Policy Statement on Combined Heat and Power, supra,* at 22 (Ordering Paragraph No. 6)

9 *Final Policy Statement on Combined Heat and Power, supra,* at 19 (emphasis added).

10 *Id.* (emphasis added).

11 *See* Motion to Compel ¶ 13 and Paragraph No. 13 of this Answer, *infra.*

12 *See* DLC's Objection, pp. 1 and 5.

Incredibly, Peoples also argues that its discovery should be permitted because it must get inside the mind of DLC. For Peoples, it is not enough to assess a proposed rate change based on the objective facts (e.g., was a well-accepted cost-of-service allocation method employed; does the rate reasonably reflect principles of cost-causation; would the rate create or ameliorate improper intra-class and inter-class subsidization). To the contrary, Peoples makes the facially invalid claim that objective facts need to be assessed by reference to a party's motivation in making a proposal supported by those facts.[13] Stated another way, Peoples' Motion to Compel assumes that the Commission may reject a proposal to increase DLC's Back-Up Service rate, even if that proposal properly reflects the costs of providing Back-Up service, if the PUC surmises that DLC had the wrong state of mind when the proposal was made. In short, regardless of what the objective facts may show, the Commission should be able to ignore them if – in some unexplained fashion – the Commission determines that the proponent of a rate or rule had an improper motivation. That has never been the standard the Commission has applied (or appellate courts would permit) to decide fundamental ratemaking issues, and it certainly should not be adopted here. It is, rather, another example of the lengths Peoples must go to try to justify asking interrogatories for which there is no valid justification. If Peoples' approach were adopted as the standard for relevance, it is difficult to discern if anything could be outside the scope of allowable discovery. That, of course, is why Peoples' position should be rejected.

In Paragraph No. 16 of its Motion to Compel, Peoples argues that the interrogatories challenged by DLC are permissible because DLC's pro forma sales and revenues reflect reductions that must be achieved to hit the demand and usage reduction targets imposed by the

---

[13] *See* Motion to Compel ¶ 13: "In the event that arguments arise over whether the 220% increase is cost-based (as they will), Duquesne's history of promoting or not promoting CHP development will help inform that determination."

Commission pursuant to applicable provisions of Act 129. That claim was preemptively addressed and refuted in DLC's Objection (pp. 2 and 5), where DLC explained that its sales revenue reductions are not tied to CHP deployment.

Additionally, while Peoples claims that the validity of DLC's total pro forma demand and revenue reductions is the object of its concern, it has posed interrogatories that are almost entirely focused on CHP. However, DLC's Act 129 EEC Plan relies upon specifically-identified measures other than CHP to generate the bulk of the demand and usage reductions needed to hit the Commission's mandated targets. Yet, Peoples has expressed no interest in those measures. This, of course, demonstrates that Peoples' claims are entirely pretextual; its goal is to generate information to promote is own gas marketing efforts, not to test the assumptions underlying DLC's sales forecast. If Peoples' objective were, in fact, as stated in its Motion to Compel, one would expect much different questions from those it asked. Peoples' argument should be seen for what it is – an after-the-fact exercise to try to connect the dots between something or anything in DLC's rate case presentation and the wholly unrelated information Peoples' is seeking in its objectionable interrogatories.

Finally, DLC has filed a Motion for Partial Judgment on the Pleadings on the grounds that Peoples' does not have standing to address issues related to Rider 16 because it is merely asserting the rights of sophisticated, business-savvy third parties that have the right and opportunity to promote and defend their own interests. At the Prehearing Conference, DLC agreed that, while its Motion is pending, it would not object to Peoples' discovery on the grounds that Peoples did not have standing to address Rider 16. DLC has fulfilled that commitment, and its Objections are not based on, or related to, its challenge to Peoples' standing to address Rider 16. That said, it is not inconsistent with DLC's commitment to point out that a number of the

interrogatories in Peoples' Set I underscore the extent to which Peoples is, in fact, basing its participation in this case on an assertion of the interests of third-parties.[14]

II. ANSWER TO AVERMENTS IN THE NUMBERED PARAGRAPHS OF THE MOTION TO COMPEL

1. Admitted.

2. It is admitted that Peoples filed a Complaint on April 10, 2018, and that Peoples' Complaint contained Paragraphs numbered 8 – 13, which appear to a have been accurately quoted by Peoples. In further answer, and to avoid any misunderstanding, the quoted portions of Peoples' Complaint contain averments that are not admitted by DLC. However, given the context in which they appear, the averments quoted from Peoples' Complaint do not require DLC to specifically admit or deny them in this pleading.

3. Admitted in part and denied in part. It is specifically denied that written objections had to be served by May 9, 2018. As the Prehearing Conference transcript (p. 31) shows, the Administrative Law Judge imposed revisions to the discovery rules in the Commission's regulations that provide seven days for the service of objections to interrogatories. DLC served its Objections on May 11, 2018, and, therefore, they are timely. Also, contrary to Peoples' averment, objections are not to be served on an Administrative Law Judge. Objections are brought to the attention of an Administrative Law Judge by a Motion to Compel.[15]

4. Admitted.

5. Admitted.

---

[14] *See* Peoples' Interrogatories (Set I), Nos. 5, 6, 7 and 16

[15] 52 Pa. Code § 5.342(e) and (g).

6. Admitted.

7. The averments of Paragraph 7 are statements of law to which no response is needed.

8. Denied. DLC's written Objections were filed on May 11, 2018, which is seven days from the electronic service of Peoples' Interrogatories (Set), which occurred at 11:25 AM on Friday, May 4, 2018. *See* Tr. at 31.

9. Admitted.

10. Denied as stated. DLC's Objections, which are attached to the Motion to Compel, speak for themselves.

11. Denied. DLC's Objections do not aver "just because an issue is raise in one proceeding" it is "irrelevant to and necessarily excluded from another proceeding." DLC's Objections, which are attached to the Motion to Compel, speak for themselves. As a review of DLC's Objections demonstrates, Peoples' attempted characterization of those Objections is both erroneous and incomplete. The balance of the averments of Paragraph No. 11 of the Motion to Compel are denied for the reasons set forth in DLC's Objections and for the further reasons set forth in this Answer.

12. Denied. The portions of Peoples' Complaint quoted in its Motion to Compel, and upon which it relies, do not contain any specific averment by Peoples that "Rider 16 erects barriers to CHP and other forms of distributed generation." Paragraph No. 11 of Peoples' Complaint avers that, in its *Final Policy Statement on Combined Heat and Power*, "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"

(emphasis added). It should be noted that Rider 16 only pertains to the terms and conditions for *delivery* of electric power, not the sale of electric power itself – a distinction that does not appear in Peoples' reference to the *Final Policy Statement*. The balance of the averments in Paragraph No. 12 are denied. Those averments are another iteration of Peoples' illogical contention that, to ascertain if the proposed increase in Rider 16 might "discourage" the development of CHP, it should be permitted detailed, far-reaching discovery about whether, and to what extent, DLC may be offering "incentives" to *encourage* CHP and how DLC's "overall pattern of conduct" (*apart* from Rider 16) may affect CHP development. Whether Rider 16 (which is only a small part of the costs that bear on the viability of CHP for a particular customer) would create a "barrier" to CHP development does not turn on DLC's "overall pattern of conduct" or alleged "financial incentives" that may (or may not) be provided under its EEC Plan. Even assuming that proposed changes to Rider 16 should be assessed based on whether they might create "barriers" to CHP development,[16] the focus of that inquiry is the economics of CHP for a specific customer – not a broad-based fishing expedition into DLC's alleged "incentives" and "overall patterns of conduct."

13. Denied. Paragraph No. 13 consists of a web of suppositions that Peoples tries to spin into an argument that the facts necessary to determine whether Rider 16 is cost-based and supported by sound cost-of-service principles somehow requires a far-ranging inquiry into matters completely unrelated to Rider 16, its cost-basis or the customer-class cost of service

---

[16] While the Commission has stated that economically-viable CHP projects that increase the efficient use of all forms of energy are to be encouraged, the Commission did not state that such "encouragement" may include establishing electric distribution rates that force non-CHP customers to bear costs that, under well-established cost of service principles, should be borne by customers with non-utility generation. Consequently, the analysis of the justness and reasonableness of proposed revisions to Rider 16 must be based on the costs of providing Back-Up service. The "incentives" and "overall pattern or conduct" that Peoples' tries to use to justify its disputed interrogatories are not relevant to the fundamental issue of the cost-basis of proposed changes to Rider 16.

allocation study that supports it. The emptiness of Peoples' claims can only be appreciated if its torturous argument is parsed and then restated in plain English.

Peoples begins by suggesting that it is concerned about EEC Plan implementation costs that DLC may be recovering under its Act 129 surcharge. Then, recognizing that those costs are not recovered in base rates and, therefore, are not part of this case, it concedes that its reference to Act 129 cost-recovery was a red-herring and tries to reverse course and focus on something that might touch on base rates. To pull off that feat, it asserts that *if* DLC were recovering costs in its Act 129 surcharge to "encourage" CHP, there may be a "conflict" between DLC's EEC Plan and proposed revisions to Rider 16. The alleged conflict arises, however, only *if* Peoples can attribute the proposed revisions to Rider 16 to DLC's improper *motivation* in proposing those revisions in the first place, namely, an alleged desire to "discourage" the very thing that, to support its argument, Peoples previously assumed DLC is *encouraging* in its EEC Plan. On the basis of this imagined "conflict," Peoples tries to sell the proposition that any and all discovery that it claims could uncover DLC's motivation for proposing revisions to Rider 16 (an alleged "overall pattern of conduct") should be permitted. This contrived argument is an edifice built on air. If Peoples' contentions were accepted, this proceeding would leave the realm of a base rate case and become Peoples' free ticket to take discovery on anything that touches upon "CHP" – with a particular emphasis on projects that would be fueled by natural gas delivered by Peoples. Peoples should not be permitted to change the fundamental character of this proceeding from a base rate case to an exploration of the potential for gas-fueled CHP development in DLC's service territory. Peoples should pursue its gas market-development initiatives on its own time and not burden the real parties-in-interest and the ALJ in this case with matters outside the scope of this proceeding.

14. Denied for the reasons set forth in Section I, *supra*, and in DLC's answer to Paragraph No. 13 of the Motion to Compel.

15. Denied for the reasons set forth in Section I, *supra*, and in DLC's answer to Paragraph No. 13 of the Motion to Compel. In further answer, Peoples' references to possible "financial incentives to CHP projects outside of the Act 129 context" exhibits a misunderstanding of fundamental principles of public utility law. DLC could not offer such "financial incentives" to customers outside the context of its EEC Plan unless it had first sought approval to do so from the PUC and set forth those measures in its tariff[17] -- neither of which has happened, as Peoples would know if it had looked at DLC's tariff.

16. Denied in part and admitted in part. It is admitted that DLC's pro forma sales and revenues reflect the reductions that DLC must achieve to hit the demand and usage reduction targets imposed by the Commission pursuant to applicable provisions of Act 129. In its Objections (pp. 2 and 5), DLC has already explained that its sales and revenue reductions are not tied to CHP deployment. Moreover, as DLC also explained in its Objections, it must achieve the demand and usage reduction targets mandated by the Commission pursuant to Act 129 or pay significant penalties, regardless of the measures it uses to achieve those targets.

Additionally, Peoples' claim that its interrogatories are intended to test the support underlying DLC's pro forma demand and revenue reductions is belied by the nature of the interrogatories Peoples posed. Notably, those questions focus on CHP even though DLC's Act 129 EEC Plan relies upon specifically-identified measures other than CHP to generate the

---

[17] 66 Pa.C.S. § 1303: "No public utility shall, *directly or indirectly, by any device whatsoever, or in anywise,* demand or receive from any person, corporation, or municipal corporation a greater or less rate for any service rendered or to be rendered by such public utility than that specified in the tariffs of such public utility applicable thereto" (emphasis added).

bulk of the demand and usage reductions needs to hit the Commission's mandated targets. Peoples has not inquired about those measures – undoubtedly because those other measures do not require customers to increase their gas usage. This, of course, demonstrates that Peoples' claims are a pretext to generate information useful to its own gas marketing efforts, not to test the support underlying DLC's sales forecast. If Peoples' real objective was the one stated in its Motion to Compel, it would have asked questions much different from those in Interrogatory Nos. 20, 22 and 23. For example, how are the "informational materials that Duquesne may provide to a party that asks about CHP development on the Duquesne system"[18] reasonably related to the demand and usage reduction targets DLC must meet? In the same vein, why is the information requested in Interrogatory No. 20.A. ("Please explain how Duquesne supports CHP through its Act 129 energy efficiency and conservation ('EE&C') plan?") relevant to Peoples' alleged goal of testing the support for DLC's sales projections? Paragraph No. 16 of the Motion to Compel is an after-the-fact attempt to try to impart "relevance" to subjects Peoples wants to explore even though those subjects do not have any reasonable relationship to "Duquesne's load and revenue forecasts." Peoples' strained attempt to connect the dots between DLC's sales and revenue forecast and the far-afield interrogatories Peoples has posed is totally lacking in credibility, fails the commonsense test, and should be rejected.

[18] Peoples' Interrogatory (Set I), No. 22.B.

III. CONCLUSION

WHEREFORE, for the reasons set forth above and in DLC's Objections, Peoples' Motion to Compel should be denied and Duquesne's Objections to Peoples Natural Gas Company LLC's Interrogatory (Set I) Nos. 20, 22 and 23 should be granted.

Respectfully submitted,

Tishekia E. Williams (Pa. ID. No. 208997)
Michael Zimmerman (Pa. ID. No. 323715)
Duquesne Light Company
411 Seventh Avenue
Pittsburgh, PA 15219
412.393. 1514 (bus.)
412.393.6268 (bus)
412.393.5897 (fax)
twillliams@duqlight.om
mzimmerman@duqlight.com

Anthony C. DeCusatis (Pa. I.D. 25700)
Morgan, Lewis & Bockius LLP
1701 Market Street
Philadelphia, PA 19103-2921
215.963.5034 (bus)
215.963.5001 (fax)
anthony.decusatis@morganlewis.com

Counsel for Duquesne Light Company

Dated: May 21, 2018

DB1/ 97605126.2