



May 29, 2018

**VIA E-FILING**

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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 and 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 II, NOS. 1-27, 32, 33 AND 42-44**

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 II, Nos. 1-27, 32, 33 and 42-44 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: Jonathan P. Nase  
Counsel for *Peoples Natural Gas Company LLC*

JPN:kmg

Enclosure

cc: Honorable Katrina L. Dunderdale  
William H. Roberts II, Esquire  
Per Certificate of Service

LEGAL\36353590\1

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission

v.

Duquesne Light Company

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Docket No. R-2018-3000124  
C-2018-3001152

**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 Propounded by Peoples Natural Gas Company LLC to Duquesne Light Company – Set II, Nos. 1-27, 32, 33 and 42-44, 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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**VIA MAIL ONLY**

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DATED: May 29, 2018

  
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Jonathan P. Nase, Esquire  
Counsel for Peoples Natural Gas Company LLC

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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Administrative Law Judge Katrina L. Dunderdale

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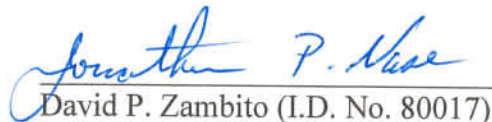
Pennsylvania Public Utility Commission	:	
	:	Docket Nos. R-2018-3000124
v.	:	C-2018-3001152
	:	
Duquesne Light Company	:	
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**NOTICE TO PLEAD**

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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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Date: May 29, 2018

**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 DUQUENSE LIGHT COMPANY --  
SET II, NOS. 1-27, 32, 33, and 42-44**

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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– Set II, Nos. 1-27, 32, 33, and 42-44 (“Motion”). 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 II Interrogatories and Request for Production of Documents ("Set II"), consisting of items numbered 1-44, on Duquesne on Wednesday, May 16, 2018. In accordance with the discovery schedule established in this proceeding, objections were due to be communicated orally within three calendar days (or by Monday, May 21, 2018 due to the weekend) and any unresolved objections were to be served on the ALJ within seven calendar days (or by Wednesday, May 23, 2018).

4. On Monday, May 21, 2018, counsel for Duquesne orally and by email (copy attached as **Appendix A**) communicated Duquesne's objections to Interrogatories and Requests for Production of Documents 12, 15, 21 and 24 in Set II to counsel for Peoples. Counsel were unsuccessful in their attempt to resolve the objections.



5. On May 22, 2018, Administrative Law Judge Katrina L. Dunderdale (the “ALJ”) issued her Interim Order Granting Duquesne’s Motion for Partial Judgment on the Pleadings and precluding Peoples from contesting Rider 16.

6. Also on May 22, 2018, Peoples filed a Petition for Interlocutory Review and Answer to Material Question on an Expedited Basis (“Petition for Interlocutory Review”), asking the Pennsylvania Public Utility Commission (“Commission”) to reverse the ALJ’s Interim Order. Due to the time constraints imposed by the on-going base rate proceeding, Peoples asked the Commission to (i) shorten the ten-day deadline for filing briefs, and (ii) grant the Petition for Interlocutory Review as expeditiously as possible. By Secretarial Letter dated May 24, 2018, the Commission required briefs to be filed on or before May 29, 2018.

7. On May 24, 2018, Duquesne served its “Objections of Duquesne Light Company to Various Interrogatories in Peoples Natural Gas Company LLC’s Interrogatories and Requests for Production of Documents – Set II” (the “Objections”). Although counsel for Peoples and Duquesne had, on May 21, 2018, orally discussed Duquesne’s Objections to four interrogatories and requests for production of documents, the Objections pertain to Interrogatories and Requests for Production of Documents 1-27, 32, 33, and 42-44 (the “Objected-to Interrogatories”). The Objections are attached hereto as **Appendix B**. A complete copy of Peoples’ Set II is attached thereto as Appendix A.

8. On May 29, 2018, counsel for Peoples spoke with counsel for Duquesne in an attempt to resolve the discovery dispute informally. No resolution was achieved.

9. On May 25, 2018, Peoples filed an Amended Formal Complaint of Peoples Natural Gas Company LLC to Proposed General Rate Increase (“Amended Complaint”) at Docket No. C-2018-3001152. In pertinent part, the Amended Complaint states:

11. Peoples is currently installing a 35 kW reciprocating engine combined heat and power (“CHP”) project to provide baseload electricity to its Etna field shop (“Peoples Etna CHP”). Peoples will require Back-Up Service from Duquesne pursuant to Rider No. 16 for electricity during maintenance and unplanned outages. The building is currently under construction and Peoples has applied for new electric service at this location. Duquesne is considering whether new transformers will be needed to service Peoples and a development across the street. Peoples expects to complete installation of the CHP unit, and occupy the building, by the end of 2018 (*i.e.*, before the end of the fully projected future test year (“FPFTY”) being used by Duquesne Light in its base rate filing). Attached hereto as Appendix A are photographs of the construction site for the Peoples Etna CHP.

12. Peoples has existing customers currently using distributed generation and is, on its own, currently pursuing and otherwise developing 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 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.

13. Pursuant to Rider No. 16 – Service to Non-Utility Generating Facilities, Duquesne Light seeks to raise the rate for Back-Up 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.

14. The proposed increase in rates for Back-Up Service would have a significant adverse economic impact on Peoples because Peoples will soon be a customer receiving service pursuant to Rider No. 16. Specifically, Peoples has a direct, immediate, and substantial interest in Rider No. 16 because its Peoples Etna CHP will be placed in service before the end of Duquesne Light’s FPFTY.<sup>1</sup> In addition, the proposed increase in rates for Back-Up Service will have a

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<sup>1</sup> It would be inequitable for the Commission to allow Duquesne Light to claim revenues and expenses occurring during the FPFTY and not allow Peoples to look forward to rates that it will have to pay during the same period and prospectively. Moreover, the mere fact that the Peoples Etna CHP will come on-line during the FPFTY may have an impact on Duquesne Light’s projected cost of service and revenue allocation for Back-Up Service. It is a relevant fact that the Commission should take into consideration -- along with any other CHP projects that are anticipated to come on-line during the FPFTY. All revenues and expenses anticipated during the FPFTY should be taken into account (not just those claimed by Duquesne Light as part of its original base rate filing).

significant adverse economic impact on Peoples because those rates will cause existing Peoples customers using gas-fired generators to reduce their gas usage for generating electricity and switch to electricity purchased from Duquesne. Finally, the proposed increase in rates for Back-Up Service will have a significant adverse economic impact on Peoples because it will serve as a barrier to distributed generation projects, including CHP projects. Such a barrier will harm Peoples in its capacity as a developer of CHP and other forms of distributed generation. 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.

15. Back-Up 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 back-up 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 Back-Up Service rates would certainly discourage the development of CHP projects in Duquesne Light's service territory.

16. In order to encourage electric distribution companies ("EDCs"), such as Duquesne Light, to establish back-up rates that will not hinder the development of CHP, the Commission specifically requires EDCs to include information about back-up 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 rates for Back-Up Service is clearly excessive and inconsistent with the Commission's policy of encouraging CHP projects, such as those that Peoples is currently developing.

17. 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.

## **II. Legal Standard**

10. Under the Commission's regulations, 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 II.**

11. All of Duquesne's Objections should be summarily dismissed because they were not submitted timely; written Objections were due on Wednesday, May 23, 2018 but were not served until Thursday, May 24, 2018.<sup>2</sup>

12. 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'

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<sup>2</sup> On May 21, 2018, Duquesne orally and by email communicated objections to only Interrogatories and Requests for Production of Documents 12, 15, 21 and 24. Due to the intervening Interim Order on May 22, 2018, Duquesne has vastly expanded its list of objected-to Interrogatories and Requests for Production of Documents to include anything arguably related to Rider 16. Duquesne never orally communicated to Peoples its intent to expand the number of objected-to Interrogatories and Requests for Production of Documents. In fact, Duquesne led Peoples to believe that it intended to move forward with discovery responses. See **Appendix C**.

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 all Interrogatories and Requests for Production of Documents in Set II.

**B. DUQUESNE'S SPECIFIC OBJECTIONS SHOULD BE DISMISSED.**

13. Duquesne objects to all of the Objected-to Interrogatories on the ground that they pertain to Rider 16. Based on the ALJ's Interim Order, Duquesne contends that Peoples is precluded from asking any questions pertaining to Rider 16.

14. Peoples submits that this Objection should be dismissed for the following reasons:

a. The ALJ's Interim Order did not dismiss Peoples as a party; it permitted Peoples to continue to pursue its claims pertaining to the proposed allocation of the revenue increase as well as its claims that the proposed rate design may be unlawfully discriminatory. Complaint ¶ 10. As a customer of Duquesne, Peoples must be permitted to inquire about cost of service, revenue allocation and rate design issues. Given the way utility rates are made, where revenues are projected by customer class and where costs are projected and aggregated and then functionalized, classified and allocated, it would not be possible for Peoples to inquire about revenues and costs related to its status as a customer without potentially touching on revenues and costs that may ultimately relate to Rider 16. Duquesne should not be able to deny Peoples access to potentially relevant information to its case as a Duquesne customer under the broad claim that the information may also relate to Rider 16. Rather, any objection by Duquesne that Peoples should not be able to inquire about information that may relate to Rider 16 should summarily be denied unless accompanied by a *prima facie* showing that the requested

information is not relevant to or is not likely to lead to information that is relevant to issues that Peoples is entitled to pursue as a Duquesne customer.

b. Moreover, Peoples has filed a Petition for Interlocutory Review with the Commission seeking review of the Interim Order. To avoid substantial prejudice, Peoples should be permitted to continue discovery regarding Rider 16 pending the Commission's decision on this Petition for Interlocutory Review. To rule otherwise would prevent Peoples from developing its case. If the Objections are sustained, and the Commission subsequently reverses the Interim Order, an extension of time would undoubtedly be necessary for Peoples to conduct discovery and submit its direct testimony.

c. Peoples has filed an Amended Complaint that clearly states its grounds for standing to contest Rider 16. Namely, Peoples will be a Rider 16 customer before the end of the fully projected future test year ("FPFTY") utilized by Duquesne. Duquesne has not yet challenged this Amended Complaint. Unless and until it is finally determined that Peoples lacks standing under its Amended Complaint to challenge Rider 16, Peoples should be considered a party with full rights to contest any issue in this proceeding.

d. Duquesne's efforts to promote or inhibit distributed generation projects in its service territory are a relevant inquiry with respect to Duquesne's claimed return on equity. If Duquesne is in fact attempting to discourage CHP projects in contravention of the Commission's *Final Policy Statement on Combined Heat and Power, supra*, Duquesne should receive a return on equity at the low end of the range. The ALJ's Interim Order does not preclude Peoples, as an existing general service customer, from challenging return on equity issues.

15. Duquesne objects to Peoples Interrogatories and Request for Production of Documents 12 and 15, which state:

12. Has Duquesne estimated the potential for additional CHP deployment in its service territory? If so, please provide that estimate and related documents.

\* \* \*

15. Please describe the efforts that Duquesne has taken to identify any potential CHP project hosts in its service territory.

16. Duquesne contends that these questions seek to obtain competitively sensitive information that would constitute Duquesne's intellectual property. Duquesne also contends that it need not answer these questions because it has not included any costs for CHP projects or any CHP-related costs for recovery as part of its base rate revenue requirement in this case. Objections ¶ 10.

17. Peoples respectfully submits that these Objections should be dismissed for the following reasons:

a. Peoples has argued that Duquesne's decision to increase rates for Back-Up Service in Rider 16 poses a significant barrier to CHP deployment. To place this decision in context, the Objected-to Interrogatories seek relevant, admissible information concerning Duquesne's treatment of customers wishing to explore CHP, as well as Duquesne's attitude regarding the overall potential for this technology in its territory. A relevant line of inquiry in this proceeding is whether the decision to increase rates in Rider 16 was driven by hostility to CHP instead of sound ratemaking principles.

b. The Objected-to Interrogatories were intended to determine whether Duquesne is hostile to CHP, in contravention of the Commission's *Final Policy Statement on Combined Heat and Power, supra*. If the evidence demonstrates a disconnect between CHP

potential and deployment, it will support Peoples' position that Rider 16 discourages CHP deployment.

c. Duquesne claims that it has not included CHP projects or costs in its rate case.<sup>3</sup> One issue in this case is whether Duquesne should have included such projects/costs in its rate case. Duquesne has prepared its rate case using a FPFTY. Consequently, anticipated projects and Duquesne's costs to promote CHP are relevant to this case. The revenues and expenses included in Duquesne's FPFTY calculations are relevant to cost of service/revenue allocation/rate design issues. As a customer, Peoples has the right to inquire into and advocate on these issues -- even if such advocacy includes arguing that general service customers should subsidize a portion of back-up service costs because distributed generation is in the public interest. In this respect, a blanket prohibition on contesting Rider 16 issues is clearly improper. Cost of service, revenue allocation, and rate design issues are inextricably intertwined in a base rate proceeding.

d. Duquesne's efforts to promote or inhibit distributed generation projects in its service territory are a relevant inquiry with respect to Duquesne's claimed return on equity. If Duquesne is in fact attempting to discourage CHP projects in contravention of the Commission's *Final Policy Statement on Combined Heat and Power, supra*, Duquesne should receive a return on equity at the low end of the range. The ALJ's Interim Order does not preclude Peoples, as an existing general service customer, from challenging return on equity issues.

18. Duquesne objects to Peoples' Interrogatories and Requests for Production of Documents 16 and 17, which state:

16. Please describe the outreach efforts that Duquesne has undertaken to educate potential hosts about CHP.

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<sup>3</sup> Peoples questions whether this generalized statement by Duquesne is accurate, as Duquesne has apparently based its cost of service analysis upon its existing CHP customer that takes service under Rider 16.



17. Please describe the outreach efforts that Duquesne has undertaken to educate ratepayers about any incentives available for CHP projects.

19. Duquesne objects to Peoples' Interrogatories and Requests for Production of Documents 16 and 17 on the grounds that, even apart from the Interim Order, they inquire into matters that are not legitimately within the scope of these proceedings. Duquesne also contends that it need not answer these questions because it has not included any costs for CHP projects or any CHP-related costs for recovery as part of its base rate revenue requirement in this case. Objections ¶ 12.

20. Peoples respectfully submits that these Objections should be dismissed for the following reasons:

a. Duquesne has provided no reason whatsoever for its contention that the questions inquire into matter that are not legitimately within the scope of these proceedings.

b. Peoples has argued that Duquesne's decision to increase rates for Back-Up Service in Rider 16 poses a significant barrier to CHP deployment. To place this decision in context, the Objected-to Interrogatories seek relevant, admissible information concerning Duquesne's treatment of customers wishing to explore CHP, as well as Duquesne's attitude regarding the overall potential for this technology in its territory. A relevant line of inquiry in this proceeding is whether the decision to increase rates in Rider 16 was driven by hostility to CHP instead of sound principles of rate design.

b. The Objected-to Interrogatories were intended to determine whether Duquesne is hostile to CHP, in contravention of the Commission's *Final Policy Statement on Combined Heat and Power, supra*. If the evidence demonstrates a disconnect between CHP potential and deployment, it will support People's position that Rider 16 discourages CHP deployment.

c. Duquesne claims that it has not included CHP projects or costs in its rate case. One issue in this case is whether Duquesne should have included such projects (and associated revenues and expenses) in its rate case. Duquesne has prepared its rate case using a FPFTY. Consequently, anticipated projects and Duquesne's costs to promote CHP are relevant to this case. The costs included in Duquesne's FPFTY calculations are relevant to cost of service/revenue allocation/rate design issues. As a customer, Peoples has the right to inquire into and advocate on these issues.

d. Duquesne's efforts to promote or inhibit distributed generation projects in its service territory are a relevant inquiry with respect to Duquesne's claimed return on equity. If Duquesne is in fact attempting to discourage CHP projects in contravention of the Commission's *Final Policy Statement on Combined Heat and Power, supra*, Duquesne should receive a return on equity at the low end of the range. The ALJ's Interim Order does not preclude Peoples, as an existing general service customer, from challenging return on equity issues.

21. Duquesne objects to Peoples' Interrogatories and Requests for Production of Documents 21 and 24. Those Objected-to Interrogatories state:

21. Without identifying the customer name(s), please provide the following information for each customer receiving service under Rider No. 16 for each month of the historic test year:

(a) The name of the Company's rate schedule(s) under which the customer is billed for Supplementary Power services;

(b) The delivery voltage level of service that the customer receives Back-Up Power and Supplementary Power services;

(c) All Supplementary Power Billing Determinants;

(d) All Back-Up Power Billing Determinants;

(e) The Contract Demand for Back-up Power;

(f) The Contract Demand for Supplementary Power;

- (g) The monthly energy delivered for Back-Up Power service;
- (h) The monthly energy delivered for Supplementary Power service;
- (i) The monthly energy generated by the customer's generating facilities;
- (j) The maximum amount of power (kW) provided by the customer's generating facilities;
- (k) The coincident peak (CP) demands for the Back-Up Power service at the time of the class non-coincident peak (NCP) demand;
- (l) The CP demands for the Supplementary Power related services at the time of the class NCP Demand;
- (m) The CP Demands for the power provided by the customer's generating facilities at the time of the class NCP demand;
- (n) Copies of invoices for Back-Up Power service under Rider No. 16;  
and,
- (o) Copies of invoices for Supplementary Power related services.

\* \* \*

24. Please provide the monthly Distribution Base Period Billing Determinants for each customer that was receiving service under Rider No. 16 during the 2017 historic test year.

22. Duquesne objects to these Interrogatories and Requests for Production of Documents on the ground that they request specific customer usage information, considering that there is only one customer in the category for which the information is requested.

23. Peoples respectfully submits that this Objection should be dismissed for the following reason: Confidential customer information can be disclosed with identifying information redacted and subject to a protective order. Duquesne's objection is disingenuous, considering that Duquesne has stated that it will answer Peoples' Interrogatory and Request for

Production of Document Set I No. 16 (which similarly inquired into the usage of the one customer currently receiving service pursuant to Rider 16) subject to the execution of a protective agreement or protective order. Duquesne correspondence dated May 21, 2018, a copy of which is attached here to as **Appendix D** (noting that customer consented to disclosure). Despite this offer, Duquesne has delayed in filing a motion for a protective order that would allow such information to be released to Peoples and other requesting parties. Moreover, it should be noted that Peoples, on May 15, 2018, conveyed to Duquesne that it agrees to treat the information as confidential pursuant to 52 Pa. Code § 5.365(c)(4) (requiring disclosure of information if party agrees to treat information as if it is subject to a protective order). See email attached hereto as **Appendix E**. Duquesne appears to have failed to file a motion for protective order within 14 days of Peoples' agreement to treat the information as being subject to a protective order.<sup>4</sup> *Cf.* 52 Pa. Code § 5.365(c)(4).

24. Duquesne is intentionally impeding People's ability to investigate fully Duquesne's base rate filing. Duquesne should be required to answer the Objected-to Interrogatories and Requests for Production of Documents immediately. In the alternative, this discovery dispute should be stayed until the Commission resolves the Petition for Interlocutory Review. At that time, Duquesne should be required to answer the Objected-to Interrogatories and Requests for Production of Documents and the procedural schedule should be extended to afford additional time for the submission of Non-Company Direct Testimony.

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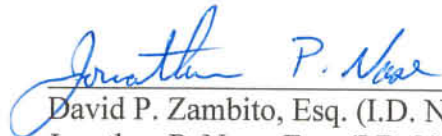
<sup>4</sup> Under 52 Pa. Code § 5.365(c)(4), Duquesne's motion for protective order is due on May 29, 2018 (*i.e.*, the same date as the instant filing). Peoples speculates that Duquesne may be operating under stipulated protective agreements with other parties in order to afford those parties with access to confidential information (to the detriment of the remaining parties with whom Duquesne has not entered into stipulated protective agreements) and, accordingly, Duquesne is intentionally delaying its filing of a motion for protective order. This circumvention of the Commission Rules of Process and Procedure is improper and denies an equal opportunity for the other parties to have timely access to confidential information necessary to prepare their testimony and exhibits. It is not a fair playing field. Such discovery games should not be tolerated by the Commission and Duquesne should be instructed immediately to file a motion for protective order -- or the Presiding Officer should *sua sponte* enter a standard protective order. These games are the precise reason that 52 Pa. Code § 5.365(c)(4) exists.

#### 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 and Requests for Production of Documents Set II -- 1-27, 32, 33 and 42-44; (3) order Duquesne to respond in writing to Interrogatories and Requests for Production of Documents Set II -- 1-27, 32, 33 and 42-44 immediately; (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; and, (5) immediately require Duquesne to file a motion for protective order or, *sua sponte*, enter a standard protective order.

Respectfully submitted,

COZEN O'CONNOR



David P. Zambito, Esq. (I.D. No. 80017)

Jonathan P. Nase, Esq. (I.D. No. 44003)

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E-mail: william.h.robertsii@peoples-gas.com

DATED: May 29, 2018

Counsel for *Peoples Natural Gas Company LLC*

## **APPENDIX A**

## Zambito, David

---

**From:** Williams, Tishekia E. <TWilliams@duqlight.com>  
**Sent:** Monday, May 21, 2018 2:26 PM  
**To:** Nase, Jonathan; Zambito, David  
**Cc:** 'DeCusatis, Anthony C.'  
**Subject:** RE: Peoples\_2018 DLC Rate Case - Peoples Interrogatories, Set II (Nos. 1-44) to Duquesne Light Co; Dkt R-2018-3000124 (5\_16\_18)

Dave and Jonathan,

This email is a follow up to the voicemail message I left for Jonathan today. Duquesne Light has concerns regarding 4 questions in People's Set II (specifically 12, 15, 21, 24). Please call me at your earliest convenience.

Thank you.

TW

Tishekia E. Williams  
Sr. Manager and Assistant General Counsel – Regulatory Legal  
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Pittsburgh, PA 15219  
Tel – 412-393-1541  
Fax- 412-393-5757  
[twilliams@duqlight.com](mailto:twilliams@duqlight.com)

---

**From:** Nase, Jonathan [mailto:JNase@cozen.com]  
**Sent:** Wednesday, May 16, 2018 6:48 PM  
**To:** Williams, Tishekia E. <TWilliams@duqlight.com>  
**Subject:** RE: Peoples\_2018 DLC Rate Case - Peoples Interrogatories, Set II (Nos. 1-44) to Duquesne Light Co; Dkt R-2018-3000124 (5\_16\_18)

**WARNING:** This email message did not originate from Duquesne Light and is from an external organization. DO NOT CLICK links or attachments unless you recognize the sender and are certain the content is safe.

Tishekia:

Sorry for the delay.

Jonathan



**Jonathan Nase**  
Of Counsel Attorney | Cozen O'Connor  
Utility, Environmental & Energy (UE2) Group

17 North Second Street Suite 1410 | Harrisburg, PA 17101  
P: 717-773-4191 F: 215-372-2340  
Email | Map | cozen.com

---

**From:** Williams, Tishekia E. [mailto:TWilliams@duqlight.com]  
**Sent:** Wednesday, May 16, 2018 6:42 PM  
**To:** Nase, Jonathan <JNase@cozen.com>  
**Subject:** RE: Peoples\_2018 DLC Rate Case - Peoples Interrogatories, Set II (Nos. 1-44) to Duquesne Light Co; Dkt R-2018-3000124 (5\_16\_18)

Jonathan-

Please provide a word version of this data request.

Thank you.

TW

---

**From:** Grant, Keeley [mailto:KGrant@cozen.com] **On Behalf Of** Nase, Jonathan  
**Sent:** Wednesday, May 16, 2018 4:18 PM  
**To:** Beatty, Aron J. <abeatty@paoca.org>; Coogan, John M. <jcoogan@pa.gov>; Zambito, David <DZambito@cozen.com>; DeCusatis, Anthony C. <Anthony.decusatis@morganlewis.com>; Demanchick, Phillip D. <pdemanchick@paoca.org>; Evans, John <jorevan@pa.gov>; Evrard, David T. <devrard@paoca.org>; Farah, Emily <EFarah@duqlight.com>; Fisfis, David T. <DFisfis@duqlight.com>; Gang, Michael W. <mgang@postschell.com>; Geller, Harry S. <pulp@palegalaid.net>; Kanagy, Anthony W. <akanagy@postschell.com>; Miller, Gina L. <ginmiller@pa.gov>; Nase, Jonathan <JNase@cozen.com>; Petrichevich, Lynda W. <lynda.w.petrichevich@peoples-gas.com>; Roberts, William H. <William.H.RobertsII@Peoples-Gas.com>; Rubin, Scott J. <Scott.j.rubin@gmail.com>; Vullo, Joseph L. <jlvullo@bvrrlaw.com>; Webb, Sharon E. <swebb@pa.gov>; Williams, Tishekia E. <TWilliams@duqlight.com>; Zimmerman, Michael <mzimmerman@duqlight.com>  
**Subject:** Peoples\_2018 DLC Rate Case - Peoples Interrogatories, Set II (Nos. 1-44) to Duquesne Light Co; Dkt R-2018-3000124 (5\_16\_18)

**WARNING:** This email message did not originate from Duquesne Light and is from an external organization. DO NOT CLICK links or attachments unless you recognize the sender and are certain the content is safe.

**Peoples Natural Gas Company v. Duquesne Light Company; Docket No. R-2018-3000124**

**Re: INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS PROPOUNDED BY PEOPLES NATURAL GAS COMPANY LLC DIRECTED TO DUQUESNE LIGHT COMPANY – SET II (Nos. 1-44)**

Dear Parties:

Attached is Peoples Natural Gas Company LLC's Interrogatories and Requests for Production of Documents to Duquesne Light Company – Set II. Should you have any questions or concerns, please contact David P. Zambito (at 717-703-5892 or [dzambito@cozen.com](mailto:dzambito@cozen.com)) or Jonathan P. Nase (at 717-773-4191 or [jnase@cozen.com](mailto:jnase@cozen.com)). Thank you.

cc: Rosemary Chiavetta, Secretary (*Letter and Certificate of Service only*)  
Per Certificate of Service  
William H. Roberts II, Esq.





Keeley Grant  
Legal Assistant | Cozen O'Connor  
17 North Second Street, Suite 1410 | Harrisburg, PA 17101  
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Email | Map | cozen.com

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## **APPENDIX B**

# Morgan Lewis

**Anthony C. DeCusatis**

Of Counsel

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anthony.decusatis@morganlewis.com

May 24, 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 Various Interrogatories in Peoples Natural Gas Company LLC's Interrogatories and Requests for Production of Documents – Set II** upon the persons and in the manner set forth therein.

Very truly yours,



Anthony C. DeCusatis

ACD/ap  
Enclosures

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

**Morgan, Lewis & Bockius LLP**

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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**CERTIFICATE OF SERVICE**

I hereby certify that true and correct copies of the foregoing **Objections of Duquesne Light Company to Various Interrogatories in Peoples Natural Gas Company LLC's Interrogatories and Requests for Production of Documents – Set II** 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**

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David T. Evrard  
Aron J. Beatty  
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[abeatty@paoca.org](mailto:abeatty@paoca.org)

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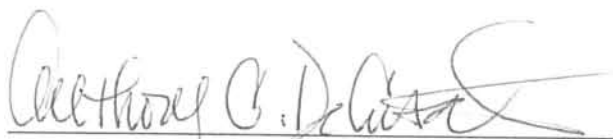
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VIA FIRST CLASS MAIL ONLY

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Anthony C. DeCusatis (Pa. I.D. 25700)  
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Tishekia E. Williams (Pa. I.D. 208997)  
Michael Zimmerman (Pa. I.D. 323715)  
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Dated: May 24, 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>	:	

---

**OBJECTIONS OF DUQUESNE LIGHT COMPANY TO VARIOUS  
INTERROGATORIES IN PEOPLES NATURAL GAS COMPANY LLC’s  
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF  
DOCUMENTS – SET II**

---

**I. INTRODUCTION AND OVERVIEW**

Pursuant to 66 Pa.C.S. § 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 the following interrogatories in the *Interrogatories and Requests for Production Documents Propounded by Peoples Natural Gas Company LLC to Duquesne Light Company – Set II (Nos. 1-44)* (“Peoples’ Interrogatories (Set II)”)<sup>1</sup>: Nos. 1-27, 32, 33, 42-44 (hereafter, collectively, “Objectionable Interrogatories”).

DLC objects to the Objectionable Interrogatories because they inquire into matters and issues that pertain to contesting Rider No. 16. The Interim Order of Administrative Law Judge Katrina L. Dunderdale (the “ALJ”) issued on May 22, 2018, granted DLC’s Motion for Partial Judgment on the Pleadings and, in so doing, found and determined, in relevant part: “The formal Complaint of Peoples Natural Gas Company LLC fails to raise a claim that, if proven, might

<sup>1</sup> A copy of Peoples’ Interrogatories Set II is attached to these Objections as Appendix A.

show Peoples Natural Gas Company LLC has standing to contest Tariff Rider No. 16.”

Therefore, interrogatories that are based on an effort to contest the terms of Rider No. 16 are improper and should not be allowed.

DLC objects to Peoples’ Interrogatories (Set II) Nos. 12 and 15-17 on the additional grounds that they request DLC to turn over information that does not pertain to any legitimate issue properly within the scope of this proceeding and, as to Nos. 12 and 15, is sought for an improper purpose, namely, to facilitate Peoples’ gas marketing efforts by exploiting the discovery process to obtain information, data and documents that, if they existed (and DLC specifically does not admit that such information, data or documents do, in fact, exist) would constitute intellectual property of DLC that should not be appropriated by a participant in this proceeding. Additionally, the Company has not included any costs for combined heat and power (“CHP”) projects or any CHP-related costs for recovery as part of its electric distribution base rate revenue requirement in this case.

DLC objects to Peoples’ Interrogatories (Set II) Nos. 21 and 24 on the additional grounds that they request specific customer usage information that, under the circumstances (i.e., there is a single customer in the category for which such information is requested), could readily be associated with an easily-identified customer of DLC. Therefore, DLC objects to such interrogatories on the additional grounds previously stated unless and until customer authorization is obtained to provide the requested information.

## **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, pending the ALJ's ruling on its Motion for Partial Summary Judgment on the Pleadings, 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. DLC submitted objections to only three interrelated interrogatories of the 40 interrogatories in that set on the grounds that they inquired into matters that are not relevant to any issue in this case. As such, DLC's objections were consistent with its commitment made at the Prehearing Conference because those objections were properly lodged even if Peoples had been determined to have standing to address issues relating to Rider No. 16. On May 14, 2018, Peoples filed a Motion to Dismiss Objections and Compel Answers ("Motion to Compel"). On May 21, 2018, DLC filed an Answer to Peoples' Motion to Compel.

6. On May 22, 2018, the ALJ issued an Interim Order granting DLC's Motion for Judgment on the Pleadings. The Interim Order (p. 6) found and determined that Peoples does not have standing to contest Rider No. 16. On May 24, 2018, the ALJ issued a Second Interim Order granting the Company's objection to Peoples' Interrogatory (Set I) No. 22 and denying its objections to Peoples' Interrogatory (Set I) Nos. 20 and 23.

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

7. The Objectionable Interrogatories (Peoples' Interrogatories (Set II), Nos. 1-27, 32, 33, 42-44), which are set forth in Appendix A to these Objections, are incorporated herein by reference as if set forth at length.

8. Each of the Objectionable Interrogatories inquires into matters related to Peoples' attempt to contest Rider No. 16 and, as such, is not permissible pursuant to the terms of the Interim Order.

9. Peoples' Interrogatories (Set II) Nos. 12 and 15 provide as follows:

12. Has Duquesne estimated the potential for additional CHP deployment in its service territory? If so, please provide that estimate and related documents.

15. Please describe the efforts that Duquesne has taken to identify any potential CHP project hosts in its service territory.

10. DLC objects to Peoples' Interrogatories (Set II) Nos. 12 and 15 on the additional grounds that, even apart from these questions having been rendered improper by the Interim Order, they inquire into matters that are not legitimately within the scope of this proceeding and do not seek information for a proper purpose. These interrogatories are, on their face, designed to elicit information in furtherance of Peoples' commercial interests and obtain competitively sensitive information, data and documents that that, if they existed (and DLC specifically does not admit that such information, data or documents do, in fact, exist) would constitute intellectual property of DLC that should not be appropriated by a participant in this proceeding. Additionally, the Company has not included any costs for CHP projects or any CHP-related costs for recovery as part of its electric distribution base rate revenue requirement in this case.

11. Peoples' Interrogatories (Set II) Nos. 16 and 17 provide as follows:

16. Please describe the outreach efforts that Duquesne has undertaken to educate potential hosts about CHP.

17. Please describe the outreach efforts that Duquesne has undertaken to educate ratepayers about any incentives available for CHP projects.

12. DLC objects to Peoples' Interrogatories (Set II) Nos. 16 and 17 on the additional grounds that, even apart from these questions having been rendered improper by the Interim Order, they inquire into matters that are not legitimately within the scope of this proceeding. Notwithstanding Peoples' attempts to convert this proceeding into a wide-ranging inquiry into the potential for gas-fired CHP deployment in DLC's service area, the areas of Peoples' inquiries are not legitimately within the scope of this proceeding and are, therefore, improper.

Additionally, the Company has not included any costs for CHP projects or any CHP-related costs for recovery as part of its electric distribution base rate revenue requirement this case.

13. Peoples' Interrogatories (Set II) Nos. 21 and 24 provide as follows:

21. Without identifying the customer name(s), please provide the following information for each customer receiving service under Rider No. 16 for each month of the historic test year:

- (a) The name of the Company's rate schedule(s) under which the customer is billed for Supplementary Power services;
- (b) The delivery voltage level of service that the customer receives Back-Up Power and Supplementary Power services;
- (c) All Supplementary Power Billing Determinants;
- (d) All Back-Up Power Billing Determinants;
- (e) The Contract Demand for Back-up Power;
- (f) The Contract Demand for Supplementary Power;
- (g) The monthly energy delivered for Back-Up Power service;
- (h) The monthly energy delivered for Supplementary Power service;
- (i) The monthly energy generated by the customer's generating facilities;
- (j) The maximum amount of power (kW) provided by the customer's generating facilities;
- (k) The coincident peak (CP) demands for the Back-Up Power service at the time of the class non-coincident peak (NCP) demand;
- (l) The CP demands for the Supplementary Power related services at the time of the class NCP Demand;
- (m) The CP Demands for the power provided by the customer's generating facilities at the time of the class NCP demand;

- (n) Copies of invoices for Back-Up Power service under Rider No. 16; and,
  - (o) Copies of invoices for Supplementary Power related services.
24. Please provide the monthly Distribution Base Period Billing Determinants for each customer that was receiving service under Rider No. 16 during the 2017 historic test year.

14. DLC objects to Peoples' Interrogatories (Set II) Nos. 21 and 24 on the additional grounds that, even apart from these questions having been rendered improper by the Interim Order, they request specific customer usage information that, under the circumstances (i.e., there is a single customer in the category for which such information is requested), could readily be associated with an easily identified customer of DLC. Therefore, DLC also objects to such interrogatories on the separate grounds stated above until customer authorization is obtained to provide the requested information.

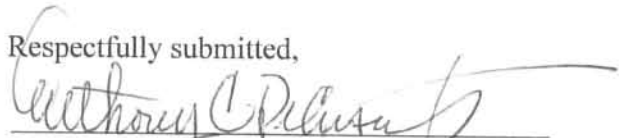
15. The scope of permissible discovery in a proceeding before the Commission is limited to subjects that are relevant to matters properly at issue in such proceeding, as provided in Section 333(d) of the Public Utility Code and applicable Commission's regulations. Accordingly, for the reasons set forth above, Peoples' Objectionable Interrogatories inquire into matters Peoples has been precluded from addressing by the Interim Order and, in addition, 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 II) Nos. 1-27, 32, 33, 42-44 should be stricken.

Respectfully submitted,



Tishekia E. Williams (Pa. ID. No. 208997)  
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anthony.decusatis@morganlewis.com

Dated: May 24, 2018

Counsel for Duquesne Light Company

**APPENDIX A**  
**PEOPLES' INTERROGATORIES SET II**

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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Administrative Law Judge Katrina L. Dunderdale

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Pennsylvania Public Utility Commission	:	
	:	
v.	:	Docket No. R-2018-3000124
	:	
Duquesne Light Company	:	

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**INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS  
PROPOUNDED BY PEOPLES NATURAL GAS COMPANY LLC  
TO DUQUESNE LIGHT COMPANY – SET II (Nos. 1-44)**

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Pursuant to 66 Pa. C.S. § 333 and 52 Pa. Code § 5.341 *et seq.*, Peoples Natural Gas Company LLC (“Peoples”), by and through the undersigned counsel, hereby propounds its Interrogatories and Requests for Production of Documents Directed to Duquesne Light Company (“Duquesne”) – Set II.

**DEFINITIONS**

1. The “Responding Party,” “you,” or “your” means the party to which these interrogatories and requests for production of documents are propounded and/or all agents, affiliates, employees, consultants, and representatives acting on behalf of the Responding Party.
2. “Commission” means the Pennsylvania Public Utility Commission.
3. To “identify” a natural person means to state that person’s full name, title or position, employer, last known address, and last known telephone number.
4. To “identify” a business entity means to state the full name of such business, the form of the business, and its location or address.



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.

**PEOPLES-TO-DUQUESNE SET II  
INTERROGATORIES AND DOCUMENT REQUESTS**

1. Please describe the differences in billing for Scheduled CHP outages under the proposed revisions to Rider No. 16 and under the version of Rider No. 16 currently in effect.
2. Please describe the difference in billing for Unscheduled CHP outages under the proposed revisions to Rider No. 16 and under the version of Rider No. 16 currently in effect.
3. Please describe the difference in billing for on-peak outages under the proposed revisions to Rider No. 16 and under the version of Rider No. 16 currently in effect.
4. Please describe the difference in billing for off-peak outages under the proposed revisions to Rider No. 16 and under the version of Rider No. 16 currently in effect.
5. Please describe the procedure for a customer to schedule a maintenance outage in advance under the proposed revisions to Rider No. 16 and under the version of Rider No. 16 currently in effect.
6. Please describe how the Company takes into account the outage rate of a CHP system in calculating the customer's minimum charges under the proposed revisions to Rider No. 16 and under the version of Rider No. 16 currently in effect.
7. Please provide an explanation of how a non-utility generating facility receiving Back-Up Power Service pursuant to Rider No. 16 is billed when the customer reduces its Supplementary Power load in order to completely offset the generating capacity lost due to the CHP outage. If the billing is different for a full CHP outage as compared to a partial CHP outage, please explain the difference.
8. Using the Company's proposed revisions to Rider No. 16, please provide estimates for generation charges, distribution charges and transmission charges that a customer with a 2,000 kW CHP system would experience in a "no outage" month.
9. Using the Company's proposed revisions to Rider No. 16, please provide estimates for generation charges, distribution charges and transmission charges that a customer with a 2,000

kW CHP system would experience in a month in which the customer experienced a 16-hour outage during off-peak times.

10. Using the Company's proposed revisions to Rider No. 16, please provide estimates for generation charges, distribution charges and transmission charges that a customer with a 2,000 kW CHP system would experience in a month in which the customer experienced a 16-hour outage during on-peak times.

11. Please provide a description of the methodology and assumptions used in providing the above-requested responses (II-6 through II-8) to estimates for generation charges, distribution charges, and transmission charges.

12. Has Duquesne estimated the potential for additional CHP deployment in its service territory? If so, please provide that estimate and related documents.

13. Has Duquesne included in its future test year projections the effect of any additional CHP deployment in its service territory during that period? If yes, please quantify the effect and identify the exhibits where the effect is shown.

14. Has Duquesne included in its fully projected future test year projections the effect of any additional CHP deployment in its service territory during that period? If yes, please quantify the effect and identify the exhibits where the effect is shown.

15. Please describe the efforts that Duquesne has taken to identify any potential CHP project hosts in its service territory.

16. Please describe the outreach efforts that Duquesne has undertaken to educate potential hosts about CHP.

17. Please describe the outreach efforts that Duquesne has undertaken to educate ratepayers about any incentives available for CHP projects.

18. Has Duquesne previously prepared a customer class allocated cost of service study ("ACOS") that treated the Company's Back-Up Power service to non-utility generating facilities as a separate customer class? If yes, please provide a copy (including a working electronic file copy) of each such ACOS study. If not, please explain why not.

19. Would Duquesne have prepared and/or presented its rate increase filing and testimony differently had the Commission's Final Policy Statement on Combined Heat and Power (CHP) been finalized prior to when the Company began preparing its filing? If yes, please identify and describe the differences.

20. Please provide a revised Exhibit 6, including a working copy of the Excel spreadsheet with formulas intact, that treats the Company's Back-Up Power service to non-utility generating facilities as a separate customer class (i.e., column) in the Class ACOS Studies.

21. Without identifying the customer name(s), please provide the following information for each customer receiving service under Rider No. 16 for each month of the historic test year:

- (a) The name of the Company's rate schedule(s) under which the customer is billed for Supplementary Power services;
- (b) The delivery voltage level of service that the customer receives Back-Up Power and Supplementary Power services;
- (c) All Supplementary Power Billing Determinants;
- (d) All Back-Up Power Billing Determinants;
- (e) The Contract Demand for Back-up Power;
- (f) The Contract Demand for Supplementary Power;
- (g) The monthly energy delivered for Back-Up Power service;
- (h) The monthly energy delivered for Supplementary Power service;
- (i) The monthly energy generated by the customer's generating facilities;
- (j) The maximum amount of power (kW) provided by the customer's generating facilities;
- (k) The coincident peak (CP) demands for the Back-Up Power service at the time of the class non-coincident peak (NCP) demand;
- (l) The CP demands for the Supplementary Power related services at the time of the class NCP Demand;

- (m) The CP Demands for the power provided by the customer's generating facilities at the time of the class NCP demand;
  - (n) Copies of invoices for Back-Up Power service under Rider No. 16; and,
  - (o) Copies of invoices for Supplementary Power related services.
22. Provide the information requested in II-17 projected or estimated for each month of the future test year.
23. Provide the information requested in II-17 projected or estimated for each month in the fully projected future test year.
24. Please provide the monthly Distribution Base Period Billing Determinants for each customer that was receiving service under Rider No. 16 during the 2017 historic test year.
25. Please provide a working electronic file copy of the Minimum System Study referred to on pages 21 and 22 of the direct testimony of Duquesne witness Howard Gorman.
26. Please explain how revenues received for service under Rider No. 16 are treated in the ACOS studies provided in Duquesne's rate filing. In addition, provide the amount of the revenues and the page number, line number and column heading as to where the revenues are included in the ACOS studies.
27. Refer to Duquesne's Exhibit 6-4H. Please explain the basis for recovering secondary distribution plant related costs in the proposed Rider No. 16 rates. Also, provide a copy of any documents supporting this proposed secondary cost recovery.
28. Refer to page 6, lines 12 through 16, of the direct testimony of Duquesne witness David Ogden. Please explain the basis for the 1.30 multiplier used to develop the initial revenue increase for certain customer classes (i.e., how was the 1.30 level determined).
29. Refer to page 6, line 16, of the direct testimony of Duquesne witness David Ogden. Please explain the purpose of applying a percent increase cap of 20.96% to certain customer classes.
30. Please provide the Company's definition and/or understanding of the gradualism principle in the ratemaking process. Did the Company apply the gradualism principle in preparing

this rate filing? If so, please explain how the gradualism principle was applied for purposes of allocating the Company's total revenue increase among the rate classes. If gradualism was not applied, please explain how the Company's total revenue increase was allocated among the rate classes.

31. Refer to page 23, lines 5 through 6, of the direct testimony of Duquesne witness Howard Gorman. Provide a detailed explanation of the basis for using a class NCP demand allocation methodology for allocating demand-related distribution plant costs to rate classes.

32. Please provide a copy of the Company's testimony and exhibits in its previous two rate cases that addresses rates and/or service terms for providing Back-Up Power service to non-utility generating facilities.

33. Please provide a copy of all cost studies and/or ACOS studies used by Duquesne in its previous two rate cases to support the proposed rates for Back-Up Power service to non-utility generating facilities.

34. Please describe Duquesne's proposed generation project at Duquesne Light Woods Run Facility (Woods Run).

35. What is the purpose of the Woods Run Facility Project?

36. How much energy does Duquesne anticipate generating at Woods Run? Please provide daily, monthly and annual estimates.

37. Please describe the type, size and hours of operation for each type of generation planned for Woods Run.

38. How will the capital costs, operations costs and maintenance costs for the Woods Run project be recovered?

39. Please provide the economic model that shows the cost/benefit analysis for the Woods Run project.

40. Please describe the process used to solicit bids for the Woods Run project.

41. Please describe the process used to select the generation assets used for the Woods Run project.



42. Reference Duquesne's responses to Peoples' Interrogatories I-2 and I-37. Please define the term "Good Utility Practices."

43. Reference Duquesne's responses to Peoples' Interrogatory I-8.

(a) Does Duquesne expect to develop written practices or procedures related to this calculation? If so, when?

(b) If Duquesne does not expect to develop written practices or procedures related to this calculation, explain how Duquesne would calculate the carrying charge to reflect the company's cost of capital.

(d) If Duquesne does not expect to develop written practices or procedures related to this calculation, explain how Duquesne would calculate the applicable incremental operations and maintenance costs for transformation equipment.

(e) If Duquesne does not expect to develop written practices or procedures related to this calculation, explain how Duquesne would determine the applicable amortization period.

44. Reference Duquesne's responses to Peoples' Interrogatory I-12.

(a) Is Duquesne planning on adjusting its proposed rate for Back-Up Service pursuant to Rider 16?

(b) Is Duquesne planning a corresponding adjustment in other rates and riders in Supplement No. 174?

(c) Please explain where the referenced taxes other than income and gross receipts are shown in Duquesne's filing.

(d) Please identify in Duquesne's filing where the allocation of these taxes among the several rate classes is shown.

## **APPENDIX C**

## Zambito, David

---

**From:** Williams, Tishekia E. <TWilliams@duqlight.com>  
**Sent:** Tuesday, May 22, 2018 8:02 PM  
**To:** Zambito, David; Nase, Jonathan  
**Cc:** 'DeCusatis, Anthony C.'  
**Subject:** RE: Peoples\_2018 DLC Rate Case - Peoples Interrogatories, Set II (Nos. 1-44) to Duquesne Light Co; Dkt R-2018-3000124 (5\_16\_18)

Please note that Duquesne Light intends to serve discovery on Peoples Natural Gas tomorrow.

As a courtesy, DLCs is prepared to respond to those questions that are not otherwise objectionable (as noted below) while the appeal process continues if Peoples is prepared to do the same with respect to our interrogatories and requests for production.

Thoughts?

TW

Tishekia E. Williams  
Sr. Manager and Assistant General Counsel – Regulatory Legal  
Duquesne Light Company  
411 Seventh Avenue  
Pittsburgh, PA 15219  
Tel – 412-393-1541  
Fax- 412-393-5757  
[twilliams@duqlight.com](mailto:twilliams@duqlight.com)

---

**From:** Zambito, David [mailto:DZambito@cozen.com]  
**Sent:** Tuesday, May 22, 2018 7:50 PM  
**To:** Williams, Tishekia E. <TWilliams@duqlight.com>; Nase, Jonathan <JNase@cozen.com>  
**Cc:** 'DeCusatis, Anthony C.' <anthony.decusatis@morganlewis.com>  
**Subject:** RE: Peoples\_2018 DLC Rate Case - Peoples Interrogatories, Set II (Nos. 1-44) to Duquesne Light Co; Dkt R-2018-3000124 (5\_16\_18)

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Tishekia,

Please advise on how DLC intends to handle Peoples' discovery requests in light of ALJ Dunderdale's Interim Order on Peoples' standing to challenge Rider 16 and Peoples' Petition for Interlocutory Review. Thank you.

Best regards,

Dave



**David P. Zambito**  
Co-Chair, Utility, Environmental & Energy (UE2) Group  
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P: 717-703-5892 F: 215-989-4216  
[Email](#) | [Bio](#) | [LinkedIn](#) | [Map](#) | [cozen.com](#)

---

**From:** Williams, Tishekia E. [mailto:TWilliams@duqlight.com]  
**Sent:** Monday, May 21, 2018 2:26 PM  
**To:** Nase, Jonathan <JNase@cozen.com>; Zambito, David <DZambito@cozen.com>  
**Cc:** 'DeCusatis, Anthony C.' <anthony.decusatis@morganlewis.com>  
**Subject:** RE: Peoples\_2018 DLC Rate Case - Peoples Interrogatories, Set II (Nos. 1-44) to Duquesne Light Co; Dkt R-2018-3000124 (5\_16\_18)

Dave and Jonathan,

This email is a follow up to the voicemail message I left for Jonathan today. Duquesne Light has concerns regarding 4 questions in People's Set II (specifically 12, 15, 21, 24). Please call me at your earliest convenience.

Thank you.

TW

Tishekia E. Williams  
Sr. Manager and Assistant General Counsel – Regulatory Legal  
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411 Seventh Avenue  
Pittsburgh, PA 15219  
Tel – 412-393-1541  
Fax- 412-393-5757  
[twilliams@duqlight.com](mailto:twilliams@duqlight.com)

---

**From:** Nase, Jonathan [mailto:JNase@cozen.com]  
**Sent:** Wednesday, May 16, 2018 6:48 PM  
**To:** Williams, Tishekia E. <TWilliams@duqlight.com>  
**Subject:** RE: Peoples\_2018 DLC Rate Case - Peoples Interrogatories, Set II (Nos. 1-44) to Duquesne Light Co; Dkt R-2018-3000124 (5\_16\_18)

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Tishekia:

Sorry for the delay.

Jonathan



**Jonathan Nase**  
**Of Counsel Attorney | Cozen O'Connor**  
**Utility, Environmental & Energy (UE2) Group**

17 North Second Street Suite 1410 | Harrisburg, PA 17101  
P: 717-773-4191 F: 215-372-2340  
Email | Map | cozen.com

**From:** Williams, Tishekia E. [mailto:TWilliams@duqlight.com]  
**Sent:** Wednesday, May 16, 2018 6:42 PM  
**To:** Nase, Jonathan <JNase@cozen.com>  
**Subject:** RE: Peoples\_2018 DLC Rate Case - Peoples Interrogatories, Set II (Nos. 1-44) to Duquesne Light Co; Dkt R-2018-3000124 (5\_16\_18)

Jonathan-

Please provide a word version of this data request.

Thank you.

TW

---

**From:** Grant, Keeley [mailto:KGrant@cozen.com] **On Behalf Of** Nase, Jonathan  
**Sent:** Wednesday, May 16, 2018 4:18 PM  
**To:** Beatty, Aron J. <abeatty@paoca.org>; Coogan, John M. <jcoogan@pa.gov>; Zambito, David <DZambito@cozen.com>; DeCusatis, Anthony C. <Anthony.decusatis@morganlewis.com>; Demanchick, Phillip D. <pdemanchick@paoca.org>; Evans, John <jorevan@pa.gov>; Evrard, David T. <devrard@paoca.org>; Farah, Emily <EFarah@duqlight.com>; Fisfis, David T. <DFisfis@duqlight.com>; Gang, Michael W. <mgang@postschell.com>; Geller, Harry S. <pulp@palegalaid.net>; Kanagy, Anthony W. <akanagy@postschell.com>; Miller, Gina L. <ginmiller@pa.gov>; Nase, Jonathan <JNase@cozen.com>; Petrichevich, Lynda W. <lynda.w.petrichevich@peoples-gas.com>; Roberts, William H. <William.H.RobertsII@Peoples-Gas.com>; Rubin, Scott J. <Scott.j.rubin@gmail.com>; Vullo, Joseph L. <jlvullo@bvrrlaw.com>; Webb, Sharon E. <swebb@pa.gov>; Williams, Tishekia E. <TWilliams@duqlight.com>; Zimmerman, Michael <mzimmerman@duqlight.com>  
**Subject:** Peoples\_2018 DLC Rate Case - Peoples Interrogatories, Set II (Nos. 1-44) to Duquesne Light Co; Dkt R-2018-3000124 (5\_16\_18)

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**Peoples Natural Gas Company v. Duquesne Light Company; Docket No. R-2018-3000124**

**Re: INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS PROPOUNDED BY PEOPLES NATURAL GAS COMPANY LLC DIRECTED TO DUQUESNE LIGHT COMPANY – SET II (Nos. 1-44)**

Dear Parties:

Attached is Peoples Natural Gas Company LLC's Interrogatories and Requests for Production of Documents to Duquesne Light Company – Set II. Should you have any questions or concerns, please contact David P. Zambito (at 717-703-5892 or [dzambito@cozen.com](mailto:dzambito@cozen.com)) or Jonathan P. Nase (at 717-773-4191 or [jnase@cozen.com](mailto:jnase@cozen.com)). Thank you.

cc: Rosemary Chiavetta, Secretary (*Letter and Certificate of Service only*)  
Per Certificate of Service  
William H. Roberts II, Esq.



**Keeley Grant**  
**Legal Assistant | Cozen O'Connor**  
17 North Second Street, Suite 1410 | Harrisburg, PA 17101

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## **APPENDIX D**



**Tishekia E. Williams**  
Assistant General Counsel, Regulatory

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

Tel: 412-393-1541  
twilliams@duqlight.com

May 21, 2018

**Via Email and First Class Mail**

David P. Zambito  
Cozen O'Connor  
17 North Second Street, Suite 1410  
Harrisburg, PA 17101

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

Dear Mr. Zambito:

Enclosed please find two (2) copies of Duquesne Light Company's CONFIDENTIAL response to Interrogatories and Requests for Production of Documents Propounded by Peoples Natural Gas Company LLC, Peoples-I-16, in the above-captioned matter. The documents comprising this response to interrogatory number 16 contain a customer's confidential detailed billing information, and are provided with the consent of that customer on a confidential basis. These documents will be provided to parties upon the execution of a protective agreement or protective order, or pursuant to other agreement pending submission of a protective agreement or order.

Please feel free to contact me with any questions, comments, or concerns.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Tishekia E. Williams", is written over a large, stylized flourish that extends to the right.

Tishekia E. Williams

Enclosures

cc: Certificate of Service

RECEIVED MAY 24 2018



**CERTIFICATE OF SERVICE**  
**(Docket No. R-2018-3000124)**

I hereby certify that true and correct copies of the foregoing have been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

**VIA E-MAIL AND FIRST CLASS MAIL**

Gina L. Miller, Esquire  
John M. Coogan, Esquire  
Bureau of Investigation & Enforcement  
Commonwealth Keystone Building  
400 North Street, 2nd Floor West  
PO Box 3265  
Harrisburg, PA 17105-3265

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

Sharon Webb, Esquire  
Office of Small Business Advocate  
300 North Second Street, Suite 1102  
Harrisburg, PA 17101

Scott J. Rubin, Esquire  
Public Utility Consulting  
333 Oak Lane  
Bloomsburg, PA 17815  
*Counsel for International Brotherhood  
Of Electrical Workers, Local 29*

Patrick Cicero, Esquire  
Kadeem G. Morris, Esquire  
Elizabeth R. Marx, Esquire  
Pennsylvania Utility Law Project  
118 Locust Street  
Harrisburg, PA 17101-1414  
*Counsel for Coalition for Affordable Utility  
Services and Energy Efficiency in PA  
(CAUSE-PA)*

Joseph L. Vullo, Esquire  
Burke Vullo Reilly Roberts  
1460 Wyoming Avenue  
Forty Fort, PA 18704  
*Counsel for Community Action  
Association of PA (CAAP)*

David P. Zambito Esquire  
Jonathan P. Nase, Esquire  
Cozen O'Connor  
17 North 2nd Street, 14th Floor  
Harrisburg, PA 17101  
*Counsel for Peoples Natural Gas  
Company, LLC*

William H. Roberts, II, Esquire  
PNG Companies, LLC  
375 North Shore Drive  
Pittsburgh, PA 15212  
*Counsel for Peoples Natural Ga  
Company, LLC*

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Mark C. Szybist, Esquire  
1152 15th Street NW, Suite 300  
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Anthony C. DeCusatis, Esquire  
Morgan, Lewis & Bockius  
1701 Market Street  
Philadelphia, PA 19103-2921  
*Counsel for Duquesne Light Company*

**VIA E-MAIL ONLY:**

Joseph Otis Minott, Esquire  
Logan Welde, Esquire  
Clean Air Council  
135 S. 19th Street, Suite 300  
Philadelphia, PA 19103  
*Counsel for Clean Air Council*

**BY FIRST CLASS MAIL:**

James Fedell  
2009 Forge Drive  
Aliquippa, PA 15001

Jason Dolby  
409 Anawanda Avenue  
Pittsburgh, PA 15228

Date: May 21, 2018



Tishekia Williams  
Duquesne Light Company  
411 Seventh Avenue, 15-7  
Pittsburgh, PA 15219  
412-393-1541  
twilliams@duqlight.com

## **APPENDIX E**

## Zambito, David

---

**From:** "Zambito, David"  
**Sent:** Tuesday, May 15, 2018 6:48 PM  
**To:** Demanchick, Phillip D.; Lent, Garrett P.; Anthony C. DeCusatis Esquire (Anthony.decusatis@morganlewis.com); Beatty, Aron J.; Coogan, John (jcoogan@pa.gov); Evrard, David T.; Marx, Elizabeth R; Welde, Ernest Logan; Miller, Gina; Jason Dolby (jayjay890@gmail.com); Nase, Jonathan; Vullo, Joseph; Minott, Joe; Kadeem Morris (pulp@palegalaid.net); Szybist, Mark; Patrick M. Cicero (pulp@palegalaid.net); Rubin, Scott; Webb, Sharon; William H. Roberts II (WILLIAM.H.ROBERTSII@peoples-gas.com)  
**Cc:** Gang, Michael; Kanagy, Anthony; Williams, Tishekia E.; Zimmerman, Michael; Farah, Emily; lynda.w.petrichevich@peoples-gas.com  
**Subject:** RE: Duquesne Light 2018 Base Rate Case - Motion for Protective Order

All,

Please be advised that, while Peoples generally does not oppose the language of the protective order, Peoples cannot support the motion and the adoption of the protective order because of concerns that have arisen regarding how DLC will interpret "Restricted Persons" under Paragraph 7 of the protective order. Peoples will file an answer to the motion to bring its concerns to the attention of ALJ Dunderdale so that she may address them.

In the meantime, please be advised that Peoples agrees, pursuant to 52 Pa. Code § 5.365(c)(4), to treat confidential information as if it is subject to a protective order and, therefore, requests that confidential information be provided to Peoples on that basis.

Best regards,  
Dave



**David P. Zambito**  
Co-Chair, Utility, Environmental & Energy (UE2) Group  
Office Managing Partner | Cozen O'Connor  
17 North Second Street, Suite 1410 | Harrisburg, PA 17101  
P: 717-703-5892 F: 215-989-4216  
Email | Bio | LinkedIn | Map | cozen.com

---

**From:** Demanchick, Phillip D. [mailto:PDemanchick@paoca.org]  
**Sent:** Tuesday, May 15, 2018 10:15 AM  
**To:** Lent, Garrett P. <glent@postschell.com>; Anthony C. DeCusatis Esquire (Anthony.decusatis@morganlewis.com) <Anthony.decusatis@morganlewis.com>; Beatty, Aron J. <ABeatty@paoca.org>; Coogan, John (jcoogan@pa.gov) <jcoogan@pa.gov>; Evrard, David T. <DEvrard@paoca.org>; Zambito, David <DZambito@cozen.com>; Marx, Elizabeth R <emarxpulp@palegalaid.net>; Welde, Ernest Logan <lwelde@cleanair.org>; Miller, Gina <ginmiller@pa.gov>; Jason Dolby (jayjay890@gmail.com) <jayjay890@gmail.com>; Nase, Jonathan <JNase@cozen.com>; Vullo, Joseph <JLVullo@aol.com>; Minott, Joe <Joe\_Minott@cleanair.org>; Kadeem Morris (pulp@palegalaid.net) <pulp@palegalaid.net>; Szybist, Mark <mszybist@nrdc.org>; Patrick M. Cicero (pulp@palegalaid.net) <pulp@palegalaid.net>; Rubin, Scott <scott.j.rubin@gmail.com>; Webb, Sharon <swebb@pa.gov>; William H. Roberts II (WILLIAM.H.ROBERTSII@peoples-gas.com) <WILLIAM.H.ROBERTSII@peoples-gas.com>  
**Cc:** Gang, Michael <mgang@postschell.com>; Kanagy, Anthony <akanagy@postschell.com>; Williams, Tishekia E. <twilliams@duqlight.com>; Zimmerman, Michael <mzimmerman@duqlight.com>; Farah, Emily <EFarah@duqlight.com>  
**Subject:** RE: Duquesne Light 2018 Base Rate Case - Motion for Protective Order

Garrett,

The OCA does not object to the proposed Protective Order.

Respectfully,

Phillip D. Demanchick Jr.  
Assistant Consumer Advocate  
Office of Consumer Advocate  
555 Walnut Street  
5<sup>th</sup> Floor, Forum Place  
Harrisburg, PA 17101  
(P) 717-780-4529  
(F) 717-783-7152



---

**From:** Lent, Garrett [<mailto:GLent@PostSchell.com>]

**Sent:** Friday, May 11, 2018 4:11 PM

**To:** Anthony C. DeCusatis Esquire ([Anthony.decusatis@morganlewis.com](mailto:Anthony.decusatis@morganlewis.com)) <[Anthony.decusatis@morganlewis.com](mailto:Anthony.decusatis@morganlewis.com)>; Beatty, Aron J. <[ABeatty@paoca.org](mailto:ABeatty@paoca.org)>; Coogan, John ([jcoogan@pa.gov](mailto:jcoogan@pa.gov)) <[jcoogan@pa.gov](mailto:jcoogan@pa.gov)>; Evrard, David T. <[DEvrard@paoca.org](mailto:DEvrard@paoca.org)>; Zambito, David P. <[dzambito@cozen.com](mailto:dzambito@cozen.com)>; Marx, Elizabeth R <[emarxpulp@palegalaid.net](mailto:emarxpulp@palegalaid.net)>; Welde, Ernest Logan <[lwelde@cleanair.org](mailto:lwelde@cleanair.org)>; Miller, Gina <[ginmiller@pa.gov](mailto:ginmiller@pa.gov)>; Jason Dolby ([jayjay890@gmail.com](mailto:jayjay890@gmail.com)) <[jayjay890@gmail.com](mailto:jayjay890@gmail.com)>; Jonathan P. Nase ([jnase@cozen.com](mailto:jnase@cozen.com)) <[jnase@cozen.com](mailto:jnase@cozen.com)>; Vullo, Joseph <[JLVullo@aol.com](mailto:JLVullo@aol.com)>; Minott, Joe <[Joe\\_Minott@cleanair.org](mailto:Joe_Minott@cleanair.org)>; Kadeem Morris ([pulp@palegalaid.net](mailto:pulp@palegalaid.net)) <[pulp@palegalaid.net](mailto:pulp@palegalaid.net)>; Szybist, Mark <[mszybist@nrdc.org](mailto:mszybist@nrdc.org)>; Patrick M. Cicero ([pulp@palegalaid.net](mailto:pulp@palegalaid.net)) <[pulp@palegalaid.net](mailto:pulp@palegalaid.net)>; Demanchick, Phillip D. <[PDemanchick@paoca.org](mailto:PDemanchick@paoca.org)>; Rubin, Scott <[scott.j.rubin@gmail.com](mailto:scott.j.rubin@gmail.com)>; Webb, Sharon <[swebb@pa.gov](mailto:swebb@pa.gov)>; William H. Roberts II ([WILLIAM.H.ROBERTSII@peoples-gas.com](mailto:WILLIAM.H.ROBERTSII@peoples-gas.com)) <[WILLIAM.H.ROBERTSII@peoples-gas.com](mailto:WILLIAM.H.ROBERTSII@peoples-gas.com)>

**Cc:** Gang, Michael <[mgang@postschell.com](mailto:mgang@postschell.com)>; Kanagy, Anthony <[akanagy@postschell.com](mailto:akanagy@postschell.com)>; Williams, Tishekia E. <[twilliams@duqlight.com](mailto:twilliams@duqlight.com)>; Zimmerman, Michael <[mzimmerman@duqlight.com](mailto:mzimmerman@duqlight.com)>; Farah, Emily <[EFarah@duqlight.com](mailto:EFarah@duqlight.com)>

**Subject:** Duquesne Light 2018 Base Rate Case - Motion for Protective Order

Good afternoon, counsel:

Attached is the Company's proposed Motion for Protective Order. We would prefer to indicate in the proposed Motion that no party objects to its terms. To that end, we kindly request that the parties provide any comments on the attached by **close of business on Tuesday, May 15, 2018**, or alternatively indicate that they have no objection to the proposed Motion by that time. It is our intent to submit the motion to the ALJ next week. If you have any questions or comments, please let us know.

With best regards,

**Garrett P. Lent**  
**Associate**  
**Post & Schell, P.C.**  
17 North Second Street  
12th Floor  
Harrisburg, PA 17101

717-612-6032 (Phone)  
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