



Andrew Karas, Esq.
Staff Attorney
akaras@fairshake-els.org

647 E Market Street
Akron, OH 44304

June 10, 2020

Via Electronic Filing
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Docket No. P-2020-3019522, Petition of Duquesne Light Company for Approval of Default Service Plan for the Period June 1, 2021 Through May 31, 2025

Dear Secretary Chiavetta:

Please find enclosed the Prehearing Conference Memorandum of the Natural Resources Defense Council (NRDC) for filing in the above-referenced proceeding. Parties are being served as indicated in the attached certificate of service.

Please contact me if you have any questions concerning this matter.

Thank you very much.

Sincerely,

Andrew J. Karas
Andrew J. Karas, Esq.
Counsel for NRDC

cc: Hon. Mark L Hoyer, Deputy Chief ALJ (via email)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Duquesne Light Company for :
Approval of Default Service Plan for the : Docket No. P-2020-3019522
Period June 1, 2021 Through May 31, 2025 :
:

**PREHEARING CONFERENCE MEMORANDUM OF
NATURAL RESOURCES DEFENSE COUNCIL**

Mark C. Szybist
Pennsylvania Bar ID # 94112
Natural Resources Defense Council
1152 15th Street NW, Suite 300
Washington, DC 20005
Phone: (570) 447-4019
Email: mszybist@nrdc.org

Andrew J. Karas
Pennsylvania Bar ID # 321231
Emily A. Collins
Pennsylvania Bar ID # 208990
Fair Shake Environmental Legal Services
647 E. Market Street
Akron, OH 44304
Phone: (234) 334-0997
akaras@fairshake-els.org
ecollins@fairshake-els.org

DATE: June 10, 2020

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Duquesne Light Company for :
Approval of Default Service Plan for the : Docket No. P-2020-3019522
Period June 1, 2021 Through May 31, :
2025 :

**PREHEARING CONFERENCE MEMORANDUM OF
NATURAL RESOURCES DEFENSE COUNCIL**

Pursuant to 52 Pa. Code § 5.221 - § 5.223 and the April 30, 2020 Prehearing Conference Order (“Order”) of Deputy Chief Administrative Law Judge Hoyer, the Natural Resources Defense Council (“NRDC”) submits this Prehearing Conference Memorandum.

I. Procedural Background

On April 20, 2020, Duquesne Light Company (“the Company”) filed a Petition for Approval of its Default Service Programs of the period commencing June 1, 2021 through May 31, 2025 (“Petition”).

On April 28, 2020, the Commission issued a Notice scheduling a pre-hearing conference for Friday, June 12, 2020 before Judge Hoyer.

On April 30, 2020 Judge Hoyer issued a Prehearing Conference Order requiring parties to serve Prehearing Conference Memoranda on or before Wednesday, June 10, 2020.

NRDC filed a Petition to Intervene on June 5, 2020 and submits this Memorandum pursuant to Judge Hoyer’s April 30 Order.

II. Issues to be Addressed

While NRDC is still reviewing the Company’s Petition, NRDC intends to focus on the Company’s proposed electric vehicle (“EV”) time-of-use (“TOU”) pilot program. Specifically, NRDC anticipates addressing (1) whether “EV only” TOU approaches should be considered in addition to the Company’s proposed “whole house” approach; (2) how the Company’s plan will operate for Commercial and Industrial customers, (3) the appropriate scale of a TOU program, (4) whether the proposed pilot effectively takes into account the charging use load of all customer’s EV chargers, and (5) what outreach and education initiatives the program should feature.

NRDC also reserves the right to address other issues of concern both related to the TOU pilot program and other aspects of the Company’s Petition, including but not limited to rate design and cost recovery; power procurement, especially concerning solar resources; and CAP shopping.

III. Witnesses

NRDC intends to present the following witness to testify in this matter, but reserves the right to call such additional witnesses as may be warranted upon proper notice to the Presiding Officer and the parties:

Kathleen Harris
Clean Vehicles and Fuels Advocate
Natural Resources Defense Council
40 W. 20th Street, #11
New York, NY 10011
kharris@nrdc.org

Ms. Harris’s testimony will concern electric vehicle issues and the Company’s TOU pilot proposal.

IV. Discovery

NRDC supports a 10-day timeframe for discovery responses to discovery in this proceeding and other standard discovery modifications that we understand will be proposed by the Company and the Office of Consumer Advocate in their respective Prehearing Conference Memoranda.

V. Settlement

NRDC commits to working with the Company and the other parties to this matter in the interest of reaching a full or partial settlement of the litigated issues.

VI. Service on NRDC

Service on NRDC may be made as follows:

Mark C. Szybist, Esq.
Natural Resources Defense Council
1152 15th Street, Suite 300
Washington, DC 20005
570-447-4019
mszybist@nrdc.org

Andrew Karas, Esq.
Emily Collins, Esq.
Fair Shake Environmental Legal Services
647 E. Market Street
Akron, OH 44304
akaras@fairshake-els.org
ecollins@fairshake-els.org

Both NRDC and its outside counsel, Fair Shake Environmental Legal Services (FSELS), have e-filing accounts, and both NRDC and FSELS accept electronic service from the Commission. NRDC will also accept exclusively electronic service from the Company and the other parties.

VII. Litigation Schedule

NRDC is working with the Company and the other parties in this matter to reach a mutually agreeable litigation schedule.

VIII. Public Input Hearing

NRDC strongly supports the conduct of one or more public input hearings in this proceeding to help inform the Commission's decision.

IX. Representation at Prehearing Conference

NRDC will be represented at the telephonic Prehearing Conference by Andrew Karas, Esq. of Fair Shake Environmental Legal Services.

X. Conclusion

NRDC appreciates the opportunity to submit this Prehearing Conference Memorandum and looks forward to further discussion to resolve the issues discussed herein.

Respectfully submitted this 10th day of June, 2020.

/s/ Andrew J. Karas

Andrew J. Karas
Pennsylvania Bar ID # 321231
Emily A. Collins
Pennsylvania Bar ID # 208990
Fair Shake Environmental Legal Services
647 E. Market Street
Akron, OH 44304
Phone: (234) 334-0997
akaras@fairshake-els.org
ecollins@fairshake-els.org

Mark C. Szybist
Pennsylvania Bar # 94112
Natural Resources Defense Council
1152 15th Street NW, Suite 300
Washington, DC 20005
Phone: (570) 447-4019
Email: mszybist@nrdc.org

CERTIFICATE OF SERVICE

Petition of Duquesne Light Company for :
Approval of Default Service Plan for the : Docket No. P-2020-3019522
Period June 1, 2021 Through May 31, :
2025 :

I hereby certify that this day I served a copy of NRDC’s Prehearing Memorandum upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code § 1.54.

Via Electronic Mail

Richard A. Kanaskie, Esquire Scott B. Granger, Esquire Bureau of Investigation & Enforcement Pennsylvania Public Utility Commission Commonwealth Keystone Building 400 North Street, 2nd Floor Harrisburg, PA 17120	Sharon E. Webb, Esquire Office of Small Business Advocate 555 Walnut Street 1st Floor, Forum Place Harrisburg, PA 17120
Tishekia E. Williams, Esquire Michael Zimmerman, Esquire Emily Farah, Esquire Duquesne Light Company 411 Seventh Avenue Pittsburgh, PA 15219	Michael W. Gang, Esquire Anthony D. Kanagy, Esquire Post & Schell, P.C. 17 North Second Street Harrisburg, PA 17101-1601
Aron J. Beatty, Esquire David T. Evrard, Esquire Office of Consumer Advocate 555 Walnut Street 5 th Floor Forum Place Harrisburg, PA 17101	Elizabeth R. Marx, Esquire John W. Sweet, Esquire Ria Pereira, Esquire Pennsylvania Utility Law Project 118 Locust Street Harrisburg, PA 17101
John F. Lushis, Jr., Esquire Norris McLaughlin, P.A. 515 West Hamilton Street Suite 502 Allentown, PA 18101	Todd S. Stewart, Esquire Hawke McKeon & Sniscak, LLP 100 North Tenth Street Harrisburg, PA 17101

<p>Brian Kalcic Excel Consulting 225 S. Meramec Avenue, Suite 720 T St. Louis, MO 63105</p>	<p>James H. Laskey, Esquire Norris McLaughlin, P.A. 400 Crossing Blvd, 8th Floor Bridgewater Township, NJ 08807</p>
<p>Gregory L. Peterson, Esquire Thomas F. Puchner, Esquire Kevin C. Blake, Esquire Phillips Lytle, LLC 201 West Third Street, Suite 205 Jamestown, NY 14701-4907</p>	<p>James M. Van Nostrand, Esquire Keyes & Fox, LLP 275 Orchard Drive Pittsburgh, PA 15228</p>
<p>Charles E. Thomas, Jr. Esquire Thomas, Niesen & Thomas, LLC 212 Locust Street, Suite 302 Harrisburg, PA 17101</p>	<p>Bruce Burcat, Esquire P.O. Box 385 Camden, DE 19934</p>
<p>Henry McKay Solar United Neighbors 327 Whipple Street Pittsburgh, PA 15128</p>	

Date: June 10, 2020

/s/ Andrew J. Karas
Andrew J. Karas, Esquire