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May 27, 2021

VIA EMAIL

Deputy Chief Administrative Law Judge Joel H. Cheskis
John M. Coogan Administrative Law Judge
Pennsylvania Public Utility Commission
400 North Street
Commonwealth Keystone Building
Harrisburg, PA 17120
jcheskis@pa.gov
jcoogan@pa.gov

Re: Pennsylvania Public Utility Commission, Office of Consumer Advocate, Office of Small Business Advocate v. Duquesne Light Company;
Docket Nos. R-2021-3024750, C-2021-3025538, C-2021-3025462,
C-2021-3026057

Dear Judge Cheskis and Judge Coogan:

On Tuesday May 25, 2021, Nationwide Energy Partners, LLC (“NEP”) filed a formal complaint at Docket No. C-2021-3026057 against Duquesne Light Company’s (“Duquesne” or “Company”) above-captioned rate filing. A copy of the formal complaint is attached. As a courtesy, Duquesne advised NEP today that the Prehearing Conference in this proceeding was held this morning at 10:00 a.m. Due to the timing of the filing of its complaint, NEP understandably was not served the Notice of the Prehearing Conference or Your Honors’ Prehearing Order and was not represented at the Prehearing Conference.

NEP accepts any agreements reached by the Parties to this proceeding at the Prehearing Conference. NEP intends to actively participate in this proceeding and requests that, pending the filing of Duquesne’s Answer to its complaint, it be included on the list of Active Parties to the proceeding.

Should Your Honors desire the submission of a late-filed Prehearing Memorandum by NEP, one will be provided and served on all Parties.

May 27, 2021
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Thank you for your attention to this correspondence and please advise if you have any questions or concerns.

Very truly yours,

A handwritten signature in black ink, appearing to read "John F. Povilaitis". The signature is fluid and cursive, with a prominent "J" and "P".

John F. Povilaitis

Enclosure

cc: Rosemary Chiavetta, Secretary (*via eFiling*)
Certificate of Service

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May 25, 2021

VIA EFILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
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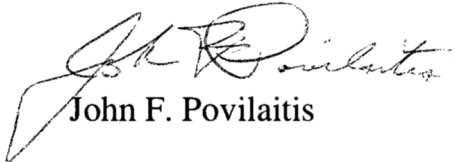
Re: Nationwide Energy Partners, LLC v. Duquesne Light Company;
Docket No. C-2021-
R-2021-3024750

Dear Secretary Chiavetta:

Enclosed please find the Formal Complaint of Nationwide Energy Partners, LLC to the Proposed General Rate Increase filed by Duquesne Light Company.

This document is being served as indicated in the Certificate of Service.

Very truly yours,



John F. Povilaitis

JFP/tlg
Enclosure
cc: Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Nationwide Energy Partners, LLC	:	
	:	
v.	:	Docket No. C-2021-
	:	R-2021-3024750
Duquesne Light Company	:	

**FORMAL COMPLAINT OF NATIONWIDE ENERGY PARTNERS, LLC
TO PROPOSED GENERAL RATE INCREASE**

Nationwide Energy Partners, LLC (“Nationwide” or “Complainant”), by and through its counsel, Buchanan Ingersoll & Rooney PC, pursuant to 52 Pa. Code §§ 5.21-5.23, hereby submits this Formal Complaint to Tariff Supplement No. 25 to Electric - Pa. P.U.C. No. 25, as filed by the Duquesne Light Company (“Duquesne Light” or “Company”) in the general rate proceeding at Docket No. R-2021- 3024750. In support thereof, Nationwide states as follows:

I. BACKGROUND

1. Complainant Nationwide is a provider of submetering and conservation/efficiency services, specializing in serving multi-tenant commercial buildings. Nationwide operates in several states and has provided its services in Pennsylvania for over sixteen years within the PECO Energy service territory. Nationwide has received requests from Duquesne Light customers to expand its services in Pennsylvania into Duquesne Light’s service territory. To provide Nationwide’s services, owners of multi-tenant commercial buildings must be able to use Duquesne-installed master meters and become commercial service customers of Duquesne Light. However, Duquesne Light’s current tariff contains a ban or severely limits the use of new master metering arrangements in tenant-occupied buildings. This Complaint seeks relief from this untenable, unreasonable and unlawful situation.

2. Counsel for Nationwide are:

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Alan M. Seltzer (PA I.D. #27890)
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3. Pursuant to 52 Pa. Code § 1.54(b)(3), the undersigned counsel consent to electronic service of all documents at the e-mail addresses shown above, to be followed up with one hard copy of the documents served.

4. Respondent Duquesne Light is a jurisdictional Pennsylvania public utility providing electric distribution service and provider of last resort service to approximately 588,676 customers in Allegheny and Beaver counties pursuant to certificates of public convenience from the Commission. Duquesne Light is a Pennsylvania corporation with its principal place of business at 411 Seventh Avenue, Pittsburgh, PA 15219.

5. On April 16, 2021, 2021, Duquesne Light filed with the Commission at Docket No. R-2021-3024750 Tariff Supplement No. 25 to the Company's Tariff Electric - Pa. P.U.C. No. 25 ("Tariff"), representing a request for a general increase in electric distribution rates of approximately \$115 million, with an effective date of June 15, 2021, and proposing various other changes to its Tariff. The data offered by Duquesne Light in support of the proposed rate increase is based on a fully projected test year. As proposed, Duquesne Light projects a bill increase of 7.2% for the average residential customer, an increase of 6.36% for the average commercial customer, and an increase of 4.23% for the average industrial default service customer. On May 20, 2021, the Commission suspended the effective date of the Tariff, for investigation and referred

the matter to the Commission's Office of Administrative Law Judge for hearing and a recommended decision.

6. In connection with the above filing, Duquesne Light advised the Commission of its election to use the alternative method of customer notification set forth at 52 Pa. Code § 53.45(b)(4) (allowing customer notification through bill inserts). Duquesne Light also agreed under that provision to extend from 60 to 90 days the minimum period in which the filing of a complaint places the burden of proof upon Duquesne Light with respect to proposed rates. Accordingly, this Formal Complaint is timely filed.

II. GENERAL BASIS FOR FORMAL COMPLAINT

7. Pennsylvania law provides that any interested person, including a corporation, may file a formal complaint with the Commission regarding acts and omissions of a jurisdictional utility that are in violation of the Public Utility Code. 66 Pa. C.S. § 70 I; *see also* 52 Pa. Code § 5.21(a).

8. The interest of a complainant must be direct, immediate and substantial. *Waddington v. Pa. Pub. VIII. Comm'n*, 670 A.2d 199, 202 (Pa. Cmwlth. 1995), *appeal denied*, 544 Pa. 679, 678 A.2d 368 (1996). To be "direct," a complainant must demonstrate "causation of the harm to his interest by the matter of which he complains." *Wm. Penn Parking Garage, Inc. v. City of Pittsburgh*, 464 Pa. 168, 195, 346 A.2d 269, 282 (1975) (plurality). To be "immediate," the harm must be more than a mere "remote consequence." *Id.* at 197, 346 A.2d at 283. Finally, to be "substantial," there must be some "discernible adverse effect" beyond the general duty to comply with the law. *Id.* at 195, 346 A.2d at 282.

9. Nationwide opposes Duquesne Light's proposed rate increase because, based on the terms and interpretation of its tariff provisions relating to master metering for commercial buildings, specifically Tariff Rule 18 and Rule 41, Duquesne Light is depriving certain of its

commercial customers of the opportunity to reduce their rates for service. Thus, these customers may be paying for electricity under rates that may be unjust, unreasonable, and in violation of the law and will or may produce an excessive return on investment in violation of the Public Utility Code, 66 Pa. C.S. § 1301, *el seq.* These proposed rates and charges for service may therefore be allocated and designed unlawfully and in a discriminatory manner, in violation of the Public Utility Code, 66 Pa. C.S. §§ 1301 and 1304 and may otherwise be contrary to sound ratemaking principles and public policy. Nationwide seeks to ensure that Duquesne Light's tariff with respect to master metering does not prohibit Nationwide's ability to provide cost-effective and energy efficient services to certain commercial customers in Duquesne Light's service territory.

10. Duquesne Light has specifically indicated in this proceeding that it is changing Tariff Rule 41. In concert, Rule 18 and Rule 41 do not set clear and reasonable standards for the use of master meters in commercial buildings for either commercial or residential landlords and tenants. Together these Rules afford Duquesne Light an unreasonable amount of discretion to deny the use of master meters, including under circumstances where their use would be in the public interest. Accordingly, Duquesne's Tariff rules 18 and 41 should be examined and revised to ensure that their terms and conditions are interpreted and applied in a lawful, just, reasonable, and non-discriminatory manner so as to provide enhanced value and services to customers.

11. Nationwide has a direct, immediate and substantial interest in this matter.

III. RELIEF SOUGHT

12. At this time, Nationwide continues to evaluate Duquesne Light's testimony, including the proposed commercial rates and Rules affecting the use of master meters, and will refine its position based on further study of the testimony, review of discovery and additional input

from other parties. Nationwide reserves its right to raise any pertinent issues as necessary based on the future filings and the positions taken by the other parties.

13. At a minimum, Nationwide respectfully requests that the Commission (1) modify Duquesne Light's existing and proposed Rules impacting the use of master meters and deny any charges or changes contained in Duquesne Light's proposal that cannot be fully justified, or which otherwise are contrary to the Public Utility Code, sound ratemaking principles, and public policy; (2) determine the justness and reasonableness of Duquesne Light's proposed rates; (3) ensure that Tariff Electric - Pa. P.U.C. No. 25 is just, reasonable and non-discriminatory; and (4) grant such other relief that the Commission may deem to be necessary and proper.

WHEREFORE, for the foregoing reasons, the Nationwide respectfully requests that the Commission deny certain tariff changes requested by Duquesne Light in its Supplement No. 25 to Electric - Pa. P.U.C. No. 25, and grant all other relief as specified in this Formal Complaint.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Dated: May 25, 2021

By: /s/ John F. Povilaitis

John F. Povilaitis (PA I.D. #28944)

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Counsel for Nationwide Energy Partners, LLC

VERIFICATION

I, Teresa Ringenbach, certify that I am Vice President of Business Development, for Nationwide Energy Partners, LLC, and that in this capacity I am authorized to, and do make this Verification on their behalf, that the facts set forth in the foregoing document are true and correct to the best of my knowledge, information and belief, and that Nationwide Energy Partners, LLC, expects to be able to prove the same at any hearing that may be held in this matter. I understand that false statements made therein are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsifications to authorities.



Teresa Ringenbach
Vice President, Business Development
Nationwide Energy Partners, LLC

DATED: May 15, 2021

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Nationwide Energy Partners, LLC	:	
	:	
v.	:	Docket No. C-2021-
	:	R-2021-3024750
Duquesne Light Company	:	

CERTIFICATE OF SERVICE

I hereby certify that this day I served a copy of the foregoing document upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code § 1.54.

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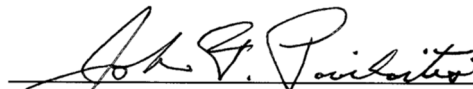
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Date: May 25, 2021



John F. Povilaitis

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Office of Consumer Advocate, Office of Small	:	Docket No. R-2021-3024750
Business Advocate	:	C-2021-3025538
	:	C-2021-3025462
v.	:	C-2021-3026057
	:	
Duquesne Light Company	:	

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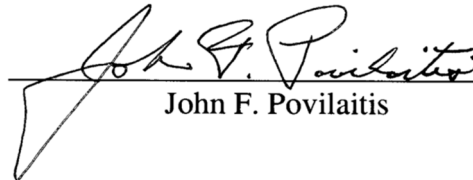
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Date: May 27, 2021


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