



COMMONWEALTH OF PENNSYLVANIA

May 20, 2020

E-FILED

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

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

Dear Secretary Chiavetta:

Enclosed please find the Answer, Notice of Intervention, Public Statement and Verification, on behalf of the Office of Small Business Advocate (“OSBA”), in the above-captioned proceedings.

Copies will be served on all known parties in these proceedings, as indicated on the attached Certificate of Service.

If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Sharon E. Webb

Sharon E. Webb
Assistant Small Business Advocate
Attorney ID No. 73995

Enclosures

cc: Brian Kalcic
Parties of Record

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**ANSWER OF THE
OFFICE OF SMALL BUSINESS ADVOCATE**

Pursuant to 52 Pa. Code §5.61(a), the Office of Small Business Advocate (“OSBA”) files this Answer to the Petition of Duquesne Light Company (“Duquesne” or “Company”) for Approval of Default Service Plan for the Period June 1, 2021 through May 31, 2025 (“Petition”) that was filed with the Pennsylvania Public Utility Commission (“Commission”) on April 20, 2020, and avers the following in support thereof:

1. The OSBA is an agency of the Commonwealth of Pennsylvania authorized by the Small Business Advocate Act (Act 181 of 1988, 73 P.S. §§ 399.41 - 399.50) to represent the interest of small business consumers as a party in proceedings before the Commission.

2. Duquesne proposes to acquire electricity for customers in the Residential and Lighting classes through a mix of 12 and 24 month fixed price full requirements contracts. *See* Petition, para. 8. Duquesne would acquire electricity to serve non-residential default service customers with maximum peak demands of less than 25 kW using the same fixed price full-requirements procurement strategy as employ for Residential and Lighting customers. *See* Petition, para. 16. Duquesne would acquire electricity to serve non-residential default service customers with monthly metered

demands equal or greater to 25 kW and less than 200 kW with full-requirements, load-following contracts of three-month terms. *See* Petition, para. 22. Duquesne would continue serving default customers with maximum peak demands equal to or greater than 200 kW through hourly pricing. *See* Petition, para. 29.

4. Duquesne also would impose no supplier load cap for Medium C&I solicitations. *See* Petition, para. 26.

5. In its DSP IX DSP plan, Duquesne is proposing to implement an Electric Vehicle Time-of-Use (“EV-TOU”) Pilot Program that would be available to Residential, Small C&I and Medium C&I customers who own or lease an EV, or who operate EV charging infrastructure. *See* Petition, para. 49. Customers electing the EV-TOU Pilot would be charged Peak, Shoulder and Off-Peak rates, depending on time of use. *See* Petition, para. 50. Duquesne proposes to obtain default service supply for EV-TOU customers through the same procurements used for their respective customer classes. Likewise, any mismatches between EV-TOU revenues and supply costs would be included within Duquesne’s existing reconciliation process, by customer class. The OSBA will examine Duquesne’s proposed EV-TOU Pilot to ensure there is no cost shifting between procurement classes.

6. The OSBA agrees that Duquesne should acquire default service electricity for Small and Medium C&I customers through fixed price full-requirements contracts. The OSBA also agrees that Duquesne should impose a load cap on Small C&I suppliers. The OSBA reserves the right to comment on the details of these, and other, provisions of Duquesne’s Petition after the OSBA has had the opportunity to engage in discovery.

WHEREFORE, the Office of Small Business Advocate respectfully requests the Commission to direct the Office of Administrative Law Judge to hold hearings on Duquesne's default service plan and prepare a Recommended Decision.

Respectfully submitted,

/s/ Sharon E. Webb

Sharon E. Webb
Attorney I.D. No. 73995
Assistant Small Business Advocate

For: John R. Evans
Small Business Advocate

Office of Small Business Advocate
Forum Building
555 Walnut Street, 1st Floor
Harrisburg, PA 17101
(717) 783-2525

Date: May 20, 2020

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**NOTICE OF INTERVENTION
OF THE SMALL BUSINESS ADVOCATE**

1. The Intervenor is:

John R. Evans
Small Business Advocate
555 Walnut Street, 1st Floor
Harrisburg, PA 17101
(717) 783-2525
(717) 783-2831 (fax)

2. The name and address of the Intervenor's attorney is:

Sharon E. Webb
Assistant Small Business Advocate
Office of Small Business Advocate
555 Walnut Street, 1st Floor
Harrisburg, PA 17101
(717) 783-2525
(717) 783-2831 (fax)
swebb@pa.gov

3. The respondent utility is:

Duquesne Light Company
411 Seventh Avenue, 16th Floor
Pittsburgh, PA 15219

4. The Intervenor is authorized and directed by the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 - 399.50, to represent the interests of small business consumers of utility services in matters before the Pennsylvania Public Utility Commission ("Commission").

5. This Intervention is filed regarding the Petition of Duquesne Light Company for Approval of its Default Service Plan for the Period June 1, 2021, through May 31, 2025 (“Petition”) that was filed with the Commission on April 20, 2020.

6. In view of the foregoing, the Small Business Advocate respectfully requests that the Pennsylvania Public Utility Commission:

- A. Direct the Office of Administrative Law Judge to holding hearings on the *Petition* and prepare an initial decision; and
- B. Grant such other relief as may be necessary or appropriate.

Respectfully submitted,

/s/ Sharon E. Webb

Sharon E. Webb
Assistant Small Business Advocate
Attorney ID No. 73995

Office of Small Business Advocate
555 Walnut Street, 1st Floor
Harrisburg, PA 17101
(717) 783-2525
(717) 783-2831 (fax)

Dated: May 20, 2020

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**PUBLIC STATEMENT OF
THE OFFICE OF SMALL BUSINESS ADVOCATE**

The Small Business Advocate is authorized and directed to represent the interest of small business consumers of utility services in Pennsylvania under the provisions of the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 - 399.50 (“Act”). The Act further provides that the Small Business Advocate is to issue publicly a written statement stating concisely the specific interest of small business consumers to be protected by his initiation of or intervention in any proceeding involving those interests before the Public Utility Commission (“Commission”) or any other agency or court. This public statement relates to the filing today by the Small Business Advocate of a Notice of Intervention in the above-captioned proceeding and an Answer to the Petition of Duquesne Light Company (“Duquesne” or “Company”) for Approval of a Default Service Plan for the Period June 1, 2021 through May 31, 2025 (“Petition”) that was filed with the Commission on April 20, 2020. The Commission published the Petition in the Pennsylvania Bulletin on May 9, 2020, and therein established a deadline of June 5, 2020 for formal protests, petitions to intervene and answers.

The Small Business Advocate is intervening in this case in order to protect the interests of the Company’s small business customers. A thorough inquiry by the Commission into all of the elements of the Company’s proposed default service program is necessary to ensure that

Duquesne properly acquires electric generation supplies for the Company's small and medium commercial and industrial customers.

In view of the foregoing, the Small Business Advocate will participate in proceedings before the Commission to investigate the proposed default service program set forth in the **Petition.**

Dated: May 20, 2020

VERIFICATION

I, John R. Evans, hereby state that the facts set forth herein above are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Date: 05/20/20

John R. Evans
(Signature)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

CERTIFICATE OF SERVICE

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

Honorable Mark A. Hoyer
Deputy Chief Administrative Law Judge
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120
mhoyer@pa.gov

Michael Zimmerman
Tishekia E. Williams
Emily Farah
Duquesne Light Company
411 Seventh Avenue
Pittsburgh, PA 15219
mzimmerman@duqlight.com
twilliams@duqlight.com
efarah@duqlight.com

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

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

Richard Kanaskie, Esq.
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
P.O. Box 3265
Harrisburg, PA 17105-3265
rkanaskie@pa.gov

Elizabeth R. Marx, Esquire
John Sweet, Esquire
Ria Pereira, Esquire
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101
pulp@palegalaid.net
Counsel for CAUSE-PA

Todd S. Stewart
Hawke McKeon & Sniscak, LLP
100 North Tenth Street
Harrisburg, PA 17101
tsstewart@hmslegal.com

John F. Lushis, Jr.
Norris McLaughlin, P.A.
515 Hamilton Street, Suite 502
Allentown, PA 18101
jlushis@norris-law.com

/s/ Sharon E. Webb

Sharon E. Webb
Assistant Small Business Advocate
Attorney ID No. 73995

DATE: May 20, 2020