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June 9, 2020

Via Electronic Filing

Ms. Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building, 2nd Floor
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 for filing, please find a copy of the *Answer of Duquesne Light Company to the Petition to Intervene of Solar United Neighbors of Pennsylvania* in the above-captioned proceeding. Please feel free to contact me with any questions, comments, or concerns.

Best Regards,

A handwritten signature in blue ink that reads "Michael Zimmerman".

Michael Zimmerman

Enclosures

cc: Hon. Mark A. Hoyer
Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has 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):

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Date: June 9, 2020



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**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 of June 1, 2021	:	
Through May 31, 2025	:	

**ANSWER OF DUQUESNE LIGHT COMPANY
TO THE PETITION TO INTERVENE OF
SOLAR UNITED NEIGHBORS OF PENNSYLVANIA**

TO ADMINISTRATIVE LAW JUDGE MARK A. HOYER:

Duquesne Light Company (“Duquesne Light” or “Company”) hereby submits this Answer to the Petition to Intervene of Solar United Neighbors of Pennsylvania, filed June 5, 2020, in the above-captioned proceeding (“Petition to Intervene”).

I. INTRODUCTION AND BACKGROUND

1. On April 20, 2020, Duquesne Light filed the above-captioned petition with the Pennsylvania Public Utility Commission (“Commission”) requesting approval for a Default Service Plan for the period of June 1, 2021 through May 31, 2025 (“DSP IX” “Default Service Plan” or “Plan”).

2. On April 30, 2020, Administrative Law Judge (“ALJ”) Mark A. Hoyer issued a Prehearing Conference Order scheduling a Telephonic Initial Prehearing Conference on Friday, June 12, 2020 at 10:00 a.m.

3. On April 30, 2020, Calpine Retail Holdings, LLC filed a Petition to Intervene.

4. On April 30, 2020, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (“CAUSE-PA”), filed a Petition to Intervene through its counsel at the Pennsylvania Utility Law Project.

5. On May 1, 2020, Interstate Gas Supply, Inc., Shipley Choice LLC, NRG Energy, Inc., Vistra Energy Corp., Engie Resources LLC, WGL Energy, and Direct Energy Services, LLC (collectively, “EGS Parties”), filed a Petition to Intervene.

6. On May 19, 2020, EGS Parties filed a Prehearing Memorandum.

7. On May 20, 2020, the Office of Small Business Advocate (“OSBA”) filed a Notice of Intervention and Answer.

8. On May 22, 2020, the Office of Consumer Advocate (“OCA”) filed a Notice of Intervention and Answer.

9. On June 3, 2020, StateWise Energy Pennsylvania LLC and SFE Energy Pennsylvania, (collectively, “StateWise”) filed a Petition to Intervene.

10. On June 5, 2020, the following entities filed Petitions to Intervene: MAREC Action (“MAREC”); ChargePoint, Inc.; the Natural Resources Defense Council (“NRDC”);¹ and Solar United Neighbors of Pennsylvania (“SUN-PA”).

II. ANSWER TO PETITION TO INTERVENE

11. SUN-PA’s Petition to Intervene should be denied because (i) SUN-PA is not represented by counsel as required under 52 Pa. Code §§ 1.21, 1.22; and (ii) SUN-PA’s Petition to Intervene is procedurally deficient.

12. Pursuant to the Commission’s regulations at 52 Pa. Code §§ 1.21, 1.22, persons other than individuals must be represented by an attorney or certified legal intern in adversarial proceedings, such as this proceeding.

¹ NRDC also filed an Answer on June 5, 2020.

13. According to its Petition to Intervene, “[w]ith more than 4000 members and supports in Pennsylvania (and nearly 70,000 nationwide), SUN-PA is a nonprofit organization that advocates for the interests of residential and small commercial solar customer-generators across the Commonwealth of Pennsylvania.” Petition to Intervene ¶1. According to the online records of the Pennsylvania Department of State,² Solar United Neighbors is a Non-Profit Corporation. SUN-PA must therefore be represented by an attorney or certified legal intern to participate in this proceeding.

14. SUN-PA’s Petition to Intervene was signed by Henry McKay, Program Director. According to the online records of the Disciplinary Board of the Supreme Court of Pennsylvania,³ Mr. McKay is not an attorney licensed to practice law in the Commonwealth of Pennsylvania.

15. The SUN-PA Petition to Intervene does not identify legal counsel, nor has an attorney otherwise filed a Notice of Appearance on behalf of SUN-PA in this proceeding. *See* 52 Pa. Code § 1.22.

16. Because SUN-PA is not represented by counsel, its Petition to Intervene should be denied. *See* Docket No. P-2008-2060309, *Petition of PPL Electric Utilities Corporation (PPL) for Approval of a Default Service Program and Procurement Plan for the Period January 1, 2011 Through May 31, 2013*, Opinion and Order entered July 22, 2010, p.3 (denying the intervention of Community Energy, Inc. because it was not represented by counsel).

17. SUN-PA’s Petition to Intervene is also procedurally deficient. The Petition to Intervene lacks a Certificate of Service as required under 52 Pa. Code § 5.75(a). It appears that SUN-PA may have failed to serve the Petition to Intervene as required under 52 Pa. Code § 1.54.

² Business Entity Search tool, available at: <https://www.corporations.pa.gov/search/corpsearch>.

³ Attorney Search tool, available at: <https://www.padisiplinaryboard.org/for-the-public/find-attorney/>.

As of the date of this Answer, counsel for the Company have not received service of the Petition to Intervene.

18. Based on the foregoing, Duquesne Light Company respectfully requests that the ALJ deny SUN-PA's Petition to Intervene, or in the alternative, to direct SUN-PA to retain counsel and file a Notice of Appearance at this docket no later than June 15, 2020.

III. CONCLUSION

WHEREFORE, Duquesne Light Company respectfully requests that Administrative Law Judge Mark A. Hoyer deny Solar United Neighbors of Pennsylvania's Petition to Intervene, or in the alternative, to direct Solar United Neighbors of Pennsylvania to retain and enter the appearance of counsel no later than June 15, 2020.

Respectfully submitted,



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Date: June 9, 2020