



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
COMMONWEALTH KEYSTONE BUILDING  
400 NORTH STREET, HARRISBURG, PA 17120

BUREAU OF  
INVESTIGATION  
&  
ENFORCEMENT

June 9, 2020

***Via Electronic Filing***

Secretary Rosemary Chiavetta  
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 of June 1, 2021 through May 31, 2025  
Docket No. P-2020-3019522  
**I&E Prehearing Memorandum**

Dear Secretary Chiavetta:

Enclosed for filing please find the Bureau of Investigation and Enforcement's (I&E)  
**Prehearing Memorandum** for the above-captioned proceeding.

Copies are being served on parties of record per the attached Certificate of Service.  
*Due to the temporary closing of the PUC's offices, I&E is only providing electronic Service.*  
Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Scott B. Granger".

Scott B. Granger  
Prosecutor  
Bureau of Investigation and Enforcement  
PA Attorney ID No. 63641  
(717) 425-7593  
[sgranger@pa.gov](mailto:sgranger@pa.gov)

SBG/ac  
Enclosures

cc: Hon. Mark A Hoyer, OALJ Pittsburgh (*via email only*)  
Per Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

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**PREHEARING MEMORANDUM  
OF THE  
BUREAU OF INVESTIGATION AND ENFORCEMENT**

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**TO: DEPUTY CHIEF ADMINISTRATIVE LAW JUDGE MARK A. HOYER:**

The Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”) respectfully submits the following Prehearing Memorandum in the above-captioned consolidated proceedings.

The Bureau of Investigation and Enforcement Prosecutor in these proceedings will be Scott B. Granger. Contact information is as follows:

By mail: Scott B. Granger  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

By e-mail: [sgranger@pa.gov](mailto:sgranger@pa.gov)  
By telephone: (717) 425-7593

**I&E will be participating in the telephonic pre-hearing conference.**

## **I. INTRODUCTION**

On April 20, 2020, Duquesne Light Company (“Duquesne”) filed a Petition for Approval of Default Service Plan (“Petition”) at Docket No. P-2020-3019522. The Petition was filed pursuant to Section 2807(e) of the Public Utility Code.

On April 27, 2020 Deputy Chief Administrative Law Judge Mark A. Hoyer (“ALJ Hoyer”) issued a Pre-Hearing Conference Notice setting the time for a telephonic Pre-Hearing Conference as Friday, June 12, 2020 at 10:00 am.

On April 30, 2020, ALJ Hoyer issued a Pre-Hearing Conference Order.

Also on April 30, 2020, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (“CAUSE PA”) filed a Petition to Intervene in this proceeding.

Also on April 30, 2020, Calpine Retail Holdings, LLC (“Calpine”) filed a Petition to Intervene.

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 (“EGS Parties”) filed a Petition to Intervene.

On May 20, 2020, the Office of Small Business Advocate (“OSBA”) filed its Notice of Appearance and Public Statement.

On May 22, 2020, the Office of Consumer Advocate (“OCA”) filed a Public Statement and Notice of Appearance.

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

Finally, I&E filed its Notice of Appearance regarding this proceeding on June 9, 2020.

## **II. ISSUES**

The following list represents I&E's preliminary determination of the potential issues in these proceedings. The listing is as complete as can be made at this time. I&E specifically reserves the right to address other issues, as it deems appropriate if any such relevant issues arise. The issues are as follows:

- Compliance with 66 Pa. C.S. Section 2807 Duties of electric distribution companies, (e) Obligation to serve.
- Provision of electric generation supply service to default service customers pursuant to a Commission-approved competitive procurement plan.
- Electric power procurement schedule.
- Review of bilateral agreements.
- Rate Design – Net Metering.
- Solar RFPs and Solar RECs.
- Standard Offer Plan.
- CAP Shopping.
- Time of Use Plan.
- Electric Vehicles Plan.
- Default service cost recovery.

## **III. WITNESSES**

It is currently expected that I&E may call the following expert witnesses without being limited thereto:

Holly Gilliland, Fixed Utility Valuation Engineer  
Esyang Sakaya, Fixed Utility Valuation Engineer  
Joseph Kubas, Fixed Utility Valuation Engineer Supervisor

The I&E witnesses may be contacted through the information listed above for Prosecutor Granger. The witness list is provided without the benefit of complete discovery or analysis of the positions of potential other parties to this proceeding.

Accordingly, I&E reserves the right to call additional witnesses or withdraw the name of the witnesses listed above.

#### **IV. EVIDENCE**

I&E expects to present all written direct, rebuttal and surrebuttal testimony and accompanying exhibits at the evidentiary hearing. Moreover, I&E intends to rely on the Company's filing, supplemental testimony, answers to data requests and interrogatories, annual reports and other documents submitted to the Commission, other relevant Commission filings, any other relevant Commonwealth agency letters or reports, general financial market information sources and other public documents and reports.

#### **V. DISCOVERY**

Discovery in these proceedings will be conducted according to 52 Pa. Code §§5.321 et. seq. No modifications to the rules of discovery have been proposed by I&E. However, I&E will give due consideration to any discovery modifications proposed by any other party. Also, pursuant to 52 Pa. Code §§5.322 and 5.331(b), discovery has begun and is ongoing.

#### **VI. SCHEDULE**

I&E is working with the parties to develop a schedule in this proceeding. As of this date, the parties have not yet agreed on a schedule.

#### **VII. PUBLIC INPUT HEARINGS**

I&E is not aware of any requests at this time with respect to public input hearings. I&E does not propose that any public input hearings be held absent substantial public interest in the Company filing. Nevertheless, I&E does not oppose public input hearings if requested by another party. Should public input hearings be deemed necessary, I&E

recommends the Commission consider the use of “smart hearings” to encourage increased participation by the ratepayers.

### **VIII. SERVICE OF DOCUMENTS**

For purposes of satisfying in-hand requirements for discovery responses, prepared testimony and briefs, I&E will accept electronic delivery of documents with a follow-up hard copy provided by regular first-class mail.

However, *due to the temporary closing of the PUC's offices, I&E is only providing electronic Service* and the provision of a follow-up hard copy by regular first-class mail has been temporarily suspended.

### **IX. SETTLEMENT**

I&E will maintain an open dialogue and is willing to make good faith efforts to successfully resolve this matter through settlement. In the event settlement discussions fail to result in a full and complete resolution of the matter, I&E is prepared to fully or partially litigate this proceeding.

Respectfully Submitted,



Scott B. Granger  
Prosecutor  
PA Attorney ID No. 63641

Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, Pennsylvania 17120  
(717) 425-7593

Dated: June 9, 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 of June 1, 2021 through May 31, 2025 :

**CERTIFICATE OF SERVICE**

I hereby certify that I am serving the foregoing **Prehearing Memorandum** dated June 9, 2020, in the manner and upon the persons listed below.

**Served via Electronic Mail Only**

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