



100 Pine Street • PO Box 1166 • Harrisburg, PA 17108-1166  
Tel: 717.232.8000 • Fax: 717.237.5300

Pamela C. Polacek  
Direct Dial: 717.237.5368  
Direct Fax: 717.260.1712  
ppolacek@mwn.com

January 5, 2016

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor  
Harrisburg, PA 17120

**VIA ELECTRONIC FILING**

**RE: Petition of Duquesne Light Company for Approval of its Act 129 Phase III Energy Efficiency and Conservation Plan; Docket No. M-2015-2515375**

Dear Secretary Chiavetta:

Please find enclosed for filing with the Pennsylvania Public Utility Commission the Prehearing Memorandum of the Duquesne Industrial Intervenors in the above-referenced proceeding.

As evidenced by the attached Certificate of Service, all parties to the proceeding are being duly served with a copy of this document. Thank you.

Very truly yours,

McNEES WALLACE & NURICK LLC

By   
Pamela C. Polacek

Counsel to the Duquesne Industrial Intervenors

/bgr

Enclosures

c: Administrative Law Judge Katrina L. Dunderdale (via E-mail and First Class Mail)  
Certificate of Service

**www.mwn.com**

HARRISBURG, PA • LANCASTER, PA • SCRANTON, PA • STATE COLLEGE, PA • COLUMBUS, OH • WASHINGTON, DC

## CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a true copy of the foregoing document upon the participants listed below in accordance with the requirements of 52 Pa. Code Section 1.54 (relating to service by a participant).

### VIA E-MAIL AND FIRST-CLASS MAIL

Michael A. Gruin, Esq.  
Stevens & Lee, P.C.  
17 North Second Street, 16<sup>th</sup> Floor  
Harrisburg, PA 17101  
[mag@stevenslee.com](mailto:mag@stevenslee.com)

Linda R. Evers, Esq.  
Stevens & Lee, P.C.  
111 N. Sixth Street  
P.O. Box 679  
Reading, PA 19601  
[lre@stevenslee.com](mailto:lre@stevenslee.com)

Krysia Kubiak, Esq.  
Duquesne Light Company  
411 Seventh Avenue  
Pittsburgh, PA 15219  
[kkubiak@duqlight.com](mailto:kkubiak@duqlight.com)

Lauren M. Burge, Esq.  
Darryl Lawrence, Esq.  
Office of Consumer Advocate  
555 Walnut Street  
5<sup>th</sup> Floor, Forum Place  
Harrisburg, PA 17101  
[lburge@paoca.org](mailto:lburge@paoca.org)  
[dlawrence@paoca.org](mailto:dlawrence@paoca.org)

Elizabeth Rose Triscari, Esq.  
Office of Small Business Advocate  
300 North Second Street, Suite 202  
Harrisburg, PA 17101  
[etriscari@pa.gov](mailto:etriscari@pa.gov)

Johnnie Simms, Esq.  
Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor West  
Harrisburg, PA 17120  
[josimms@pa.gov](mailto:josimms@pa.gov)

Joline Price, Esq.  
Patrick M. Cicero, Esq.  
Elizabeth R. Marx, Esq.  
Pennsylvania Utility Law Project  
118 Locust Street  
Harrisburg, PA 17101  
[pulp@palegalaid.net](mailto:pulp@palegalaid.net)  
[jpricepulp@palegalaid.net](mailto:jpricepulp@palegalaid.net)  
[emarxpulp@palegalaid.net](mailto:emarxpulp@palegalaid.net)  
*Counsel for CAUSE-PA*

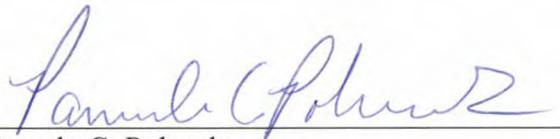
Joseph L. Vullo, Esq.  
1460 Wyoming Avenue  
Forty Fort, PA 18704  
[jlvullo@aol.com](mailto:jlvullo@aol.com)  
*Counsel to Commission on Economic Opportunity*

Daniel Clearfield, Esq.  
Deanne M. O'Dell, Esq.  
Sarah C. Stoner, Esq.  
Eckert Seamans Cherin & Mellott LLC  
213 Market Street, 8<sup>th</sup> Floor  
Harrisburg, PA 17101  
[dclearfield@eckertseamans.com](mailto:dclearfield@eckertseamans.com)  
[dodell@eckertseamans.com](mailto:dodell@eckertseamans.com)  
[sstoner@eckertseamans.com](mailto:sstoner@eckertseamans.com)  
*Counsel to RESA*

Certificate of Service  
Docket No. M-2015-2515375  
Page 2

Theodore S. Robinson, Esq.  
Citizen Power  
2121 Murray Avenue  
Pittsburgh, PA 15217  
[robinson@citizenpower.com](mailto:robinson@citizenpower.com)

Derrick Price Williamson, Esq.  
Barry A. Naum, Esq.  
Spilman, Thomas & Battle, PLLC  
11200 Bent Creek Blvd., Suite 101  
Mechanicsburg, PA 17050  
[dwilliamson@spilmanlaw.com](mailto:dwilliamson@spilmanlaw.com)  
[bnaum@spilmanlaw.com](mailto:bnaum@spilmanlaw.com)  
*Counsel to Wal-Mart Stores  
East, LP and Sam's East, Inc.*



Pamela C. Polacek  
Pamela C. Polacek

Counsel to the Duquesne Industrial Intervenor

Dated this 5<sup>th</sup> day of January, 2016, at Harrisburg, Pennsylvania

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Duquesne Light Company :  
For Approval of its Act 129 Phase III Energy : Docket No. M-2015-2515375  
Efficiency and Conservation Plan :

---

**PREHEARING MEMORANDUM  
OF THE DUQUESNE INDUSTRIAL INTERVENORS**

---

The Duquesne Industrial Intervenors ("DII") hereby submits this Prehearing Memorandum in the above-captioned proceeding.

**I. HISTORY OF THE PROCEEDING**

On November 25, 2015, Duquesne Light Company ("DLC" or "Company") petitioned the Pennsylvania Public Utility Commission ("PUC" or "Commission") for approval of the Company's Phase III Energy Efficiency & Conservation ("EE&C") Plan ("Phase III Plan"). On January 4, 2016, DII filed Comments, as well as a Petition to Intervene and Answer to DLC's Phase III Plan.

A Prehearing Conference has been scheduled in this proceeding for January 6, 2016.

**II. ANTICIPATED ISSUES AND SUBISSUES**

DII is concerned with issues regarding the terms and conditions of its members' electricity service. Specifically, DII is concerned with the cost of DLC's Phase III Plan and potential rate impact upon DLC's Large C&I customers.

DII is also concerned with key aspects of Phase III that warrant further investigation. First, DII stresses that if the U.S. Supreme Court issues a decision that results in the elimination of the PJM Interconnection, L.L.C. ("PJM") Demand Response ("DR") Programs, then the Commission must hold an expeditious and comprehensive stakeholder process to ensure that the

Commonwealth can effectively and efficiently replace PJM's programs. In addition, if Senate Bill 805 ("S.B. 805") passes in the Pennsylvania General Assembly, then DLC must be able to adjust its Phase III Plan to permit Large C&I customers to opt-out of the Company's Plan. Furthermore, the Company must structure its Phase III Plan to recognize and comply with PJM market rules. Specifically, as Phase III of Act 129 now requires all Electric Distribution Companies ("EDCs") to rebid all Conservation Service Provider ("CSP") contracts, the Company must comply with the PJM Tariff's requirement that Customers have only one PJM Curtailment Service Provider to manage economic load response events.<sup>1</sup> Finally, the Company must ensure that its ratemaking process is transparent, prompt and uniform in order to guarantee that costs are allocated fairly among customers with little uncertainty as to what the customer charges will be.

DII anticipates pursuing these issues during this proceeding and reserves the right to raise further issues as necessary and appropriate during the course of this proceeding and to respond to all matters raised by other parties.

### **III. PROPOSED WITNESSES**

DII is evaluating whether it will sponsor testimony in this matter. In the event that DII decides to modify or supplement its witness list, DII will inform the parties and the ALJ, as soon as possible, of any additional intended witnesses.

### **IV. PROPOSED SCHEDULE AND DISCOVERY RULES**

DII will work with the ALJ and the parties to formulate a reasonable procedural schedule and discovery rules.

---

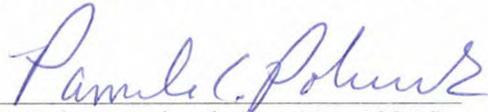
<sup>1</sup> The PJM Curtailment Service Provider designation is distinct from the Act 129 "CSP" designation. Many PJM Curtailment Service Providers are not Act 129 CSPs.

**V. POSSIBILITY OF SETTLEMENT**

DII is willing to participate in discussions with the other parties to amicably resolve the issues in this proceeding.

Respectfully submitted,

McNEES WALLACE & NURICK LLC

By 

Pamela C. Polacek (I.D. No. 78276)  
Alessandra L. Hylander (I.D. No. 320967)  
McNEES WALLACE & NURICK LLC  
100 Pine Street  
P.O. Box 1166  
Harrisburg, PA 17108-1166  
Phone: (717) 232-8000  
Fax: (717) 237-5300  
ppolacek@mwn.com  
ahylander@mwn.com

Counsel to the Duquesne Industrial Intervenors

Dated: January 5, 2016