



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 4, 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 Petition to Intervene and Answer 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

A handwritten signature in black ink, appearing to read 'Pamela C. Polacek', written over a horizontal line.

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

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## 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)

Robert Hoaglund, Esq.  
Assistant General Counsel  
Duquesne Light Company  
411 Seventh Avenue  
Pittsburgh, PA 15219  
[rhoaglund@duqlight.com](mailto:rhoaglund@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*

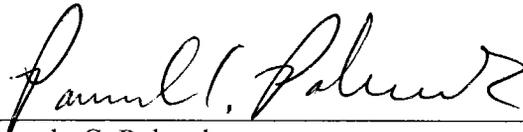
Joseph L. Vullo, Esq.  
1460 Wyoming Avenue  
Forty Fort, PA 18704  
[jlvullo@aol.com](mailto:jlvullo@aol.com)  
*Counsel to Commission on Economic Opportunity*

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*

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Docket No. M-2015-2515375  
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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

Counsel to the Duquesne Industrial Intervenor

Dated this 4th 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 :

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**PETITION TO INTERVENE AND ANSWER  
OF THE DUQUESNE INDUSTRIAL INTERVENORS**

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TO THE HONORABLE, THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to Sections 5.71 through 5.74 and Section 5.61(a) of the Pennsylvania Public Utility Commission's ("PUC" or "Commission") Regulations, 52 Pa. Code §§ 5.71-5.74 and 52 Pa. Code § 5.61(a), the Duquesne Industrial Intervenors ("DII") hereby files this Petition to Intervene and Answer in response to the above-captioned filing of Duquesne Light Company ("DLC" or "Company").

On November 25, 2015, DLC petitioned the Commission for approval of the Company's Phase III Energy Efficiency & Conservation ("EE&C") Plan ("Phase III Plan"). DLC's Petition for Approval of its Phase III Plan ("Petition") outlines DII's proposal to address the requirements of Act 129, the PUC's Phase III Implementation Order entered on June 19, 2015, at Docket No. M-2014-2424864 ("Implementation Order") and the PUC's Clarification Order entered on August 20, 2015, at Docket No. M-2014-2424864 ("Clarification Order").

DLC's Phase III Plan costs and program measures may impact the rates and services of DLC's largest customers. It is therefore imperative that DLC implement its Phase III EE&C Plan in a just and reasonable manner, consistent with Act 129, the Implementation Order, the Clarification Order, and all applicable statutes and regulations.

In support of its Petition to Intervene and Answer, DII asserts the following:

## I. PETITION TO INTERVENE

1. DII is an *ad hoc* association of energy-intensive commercial and industrial customers receiving electric service in DLC's service territory, primarily under Rate Schedule L.

Any modification to DII's electric rates may impact DII members' cost of operations.

2. The names and address of DII 's attorneys are:

Pamela C. Polacek (I.D. No. 78276)  
Alessandra 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

3. For purposes of this proceeding, DII includes the member listed in Appendix A hereto. Several additional DLC Large C&I customers are still evaluating whether to participate in DII for this proceeding. As necessary, DII will update Appendix A during the course of this proceeding to reflect any changes in its membership.

4. DII members are concerned with issues regarding the terms and conditions of their electricity service, and, as a result, have been involved in numerous DLC proceedings, including the adjudication of DII's Phase I and Phase II EE&C Plans. The Commission's final disposition of DLC's Phase III Plan may also directly affect the rates that the Company imposes on DII members for service.

5. DII members thus have an interest in this proceeding that is not represented by any other party of record; consequently, DII satisfies the standards for intervention under Section 5.72 of the Commission's Regulations, 52 Pa. Code § 5.72.

## II. ANSWER

6. Certain aspects of DLC's Phase III Plan require monitoring and further investigation. The cost of DLC's Phase III Plan and potential rate impact upon DLC's Large C&I customers concerns DII members. Additionally, the Large C&I program measures, may substantially affect DII members. Finally, various structural matters, including uncertainty regarding PJM Interconnection, L.L.C. ("PJM") DR programs and implementation of potential legislative changes to Act 129, concern DII members.

7. Key aspects of DLC's Phase III Plan warrant further investigation. First, DII stresses that if the U.S. Supreme Court issues a decision that results in the elimination of the PJM 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 EDCs have only one PJM Curtailment Services 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.

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<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.

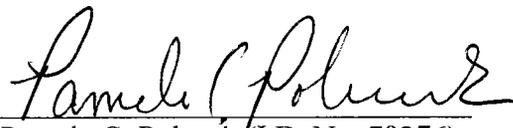
8. In addition to the issues identified above, DII reserves the right to raise and address additional issues of concern during the course of this proceeding based on further review of the Petition, issues identified via discovery, and issues raised by other parties.

### III. CONCLUSION

**WHEREFORE**, the Duquesne Industrial Intervenors respectfully requests that the Pennsylvania Public Utility Commission grant this Petition to Intervene and Answer, provide DII with full-party status in this proceeding, and grant such other relief as it deems necessary.

Respectfully submitted,

McNEES WALLACE & NURICK LLC

By 

Pamela C. Polacek (I.D. No. 78276)  
Allesandra 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

Counsel to the Duquesne Industrial Intervenors

Dated: January 4, 2016

**APPENDIX A**

**DUQUESNE INDUSTRIAL INTERVENORS**

WHEMCO Steel Castings, Inc.

