**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Duquesne Light Company for Approval : M-2015-2515375

of its Act 129 Phase III Energy Efficiency and :

Conservation Plan :

**ORDER CERTIFYING THE RECORD**

The Commission’s Order in Docket No. M-2014-2424864, entered June 19, 2015, requires each electric distribution company to file a plan in Phase III of the Act 129 Energy Efficiency and Conservation Plan (EE&C) series. The *Energy Efficiency and Conservation Program,* Docket No. M-2014-2424864 (*Implementation Order*) entered June 19, 2015, sets up the litigation process Duquesne Light Company and other electric distribution companies (EDCs) must follow.

Accordingly, on November 25, 2015, Duquesne Light Company (Duquesne Light or Petitioner) filed with the Pennsylvania Public Utility Commission (Commission) its Petition of Duquesne Light Company (Petition) for approval of its Phase III Energy Efficiency and Conservation Plan (Phase III EE&C Plan or Phase III Plan), asking the Commission approve the Phase III EE&C Plan, which is designed to reduce energy consumption and demand in its service territory in accordance with the requirements of Act 129, 66 Pa.C.S.A.§ 2806.1, and the *Implementation Order*.

Specifically, Duquesne Light requested the Commission find the Phase III EE&C Plan satisfies the requirements of 66 Pa.C.S.A.§ 2806.1(b)(1)(i)(A)-(K), including the requirement to provide programs to achieve or exceed the energy savings and demand reductions mandated by Act 129, and is in the public interest. As explained in the Petition, the Phase III EE&C Plan is a comprehensive package of energy efficiency and demand response measures designed to meet Act 129’s mandated energy savings and peak demand reductions, in compliance with the schedule and cost limitations contained in Act 129.

Included with the Petition was the direct testimony of David Defide (Duquesne Light Statement No. 1); and the direct testimony of William Pfrommer (Duquesne Light Statement No. 2), including a pro forma cost recovery mechanism under 66 Pa.C.S.A. § 1307.

Duquesne Light served the Petition on each Commissioner, as well as on the Commission’s Bureau of Investigation and Enforcement (BIE), the Office of Consumer Advocate (OCA), the Office of Small Business Advocate (OSBA), and other interested entities. The Commission published notice of the filing in the December 12, 2015 *Pennsylvania Bulletin*, which was done at 45 Pa.B. 7078.

By Notice dated December 9, 2015, the Office of Administrative Law Judge scheduled a prehearing conference to be held via telephone on Wednesday, January 6, 2016, and the matter was assigned to me. I issued a Prehearing Conference Order on December 15, 2015, which directed the parties to comply with various procedural requirements, and provided that intervention would be limited to those persons or entities granted party status or with a statutory right of intervention.

On December 10, 2015, OCA filed a Notice of Intervention and Public Statement. OSBA filed a Notice of Intervention, Public Statement, and Notice of Appearance (for Elizabeth Rose Triscari, Esq.) on December 18, 2015, and filed an Answer on January 4, 2016.

Petitions to Intervene were filed by the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) on December 17, 2015; Wal-Mart Stores East, LP and Sam’s East, Inc. (collectively, Wal-Mart) on December 31, 2015; Citizen Power, Inc. (Citizen Power) on January 4, 2016; and Duquesne Industrial Intervenors (DII) on January 5, 2016.

Comments or Letters in lieu of Comments were filed by: Pennsylvania Utility Law Project (PULP) on December 30, 2015; Energy Efficiency for All (EEFA) on January 4, 2016; EnergyHub on January 4, 2016 (unsigned); OCA on January 4, 2016; and Citizens for Pennsylvania’s Future with Sierra Club, Environmental Defense Fund, and Clean Air Council (collectively, PennFuture) on January 4, 2016; and DII on January 5, 2016.

On January 6, 2016, I conducted a prehearing conference with Duquesne Light, OCA, OSBA, Citizen Power, CAUSE-PA, Wal-Mart, and DII present and represented by counsel. By Notice dated January 7, 2016, the Office of Administrative Law Judge scheduled an evidentiary hearing to be conducted in Pittsburgh, Pennsylvania, on Tuesday, January 26, 2016.

On January 7, 2016, I issued the Scheduling Order which, inter alia, granted the Petitions to Intervene listed above, developed the service list, established the litigation schedule and provided a common briefing outline to be used by all parties submitting briefs.

Subsequently, on January11, 2016, I issued the Prehearing Order which revised the litigation schedule, after consultation with the parties, to account for a change in the public meeting schedule. Specifically, the litigation schedule was revised to reflect Duquesne Light’s Revised Plan would be filed on February 10, 2016 and the presiding officer would certify the hearing record on February 12, 2016.

On January 13, 2016, OCA served the direct testimonies of Stacy L. Sherwood (OCA Statement No. 1); and Roger D. Colton (OCA Statement No. 2). On the same date (January 13, 2016), CAUSE-PA served the direct testimony of Mitchell Miller (CAUSE-PA Statement No. 1) and accompanying attachments (Attachment A through Attachment H).

On January 21, 2016, Duquesne Light served the rebuttal testimonies of James Karcher (Duquesne Light Statement No. 2-R) and William V. Pfrommer (Duquesne Light Statement 3-R). Also on January 21, 2016, the parties informed me, via electronic mail, an agreement in principle had been reached between the parties. The parties requested a suspension of the litigation schedule and indicated a Settlement Petition would be received, along with Duquesne Light’s Revised Plan, on or before February 10, 2016. In addition, the parties asserted they stipulated with each other that all written statements and exhibits would be admitted into the hearing record, without objection, provided the written statements and exhibits were filed with the Secretary’s Bureau with fully-executed affidavits on or before February 10, 2016. The parties requested the presiding officer cancel the evidentiary hearing scheduled for Tuesday, January 26, 2016.

Thereafter, I issued the Second Prehearing Order which suspended the litigation schedule and authorized the parties to submit evidence via stipulation and affidavit. Also on January 22, 2016, Duquesne Light filed a Motion for Protective Order. Accordingly, on the same date I issued the Protective Order, which was served on the parties.

On February 9, 2016, Duquesne Light, CAUSE-PA, OCA, OSBA, DII and Citizen Power filed a Joint Petition for Full Settlement (Joint Petition) asking the Commission approve the Phase III EE&C Plan. The Joint Petition included Statements of Support, as attached appendices, from Duquesne Light, CAUSE-PA, OCA, OSBA, DII, and Citizen Power. Also, a Letter of Non-Opposition from Wal-Mart was attached as an appendix. Also on February 9, 2016, the parties submitted a Joint Stipulation for the Admission of Testimony and Exhibits, which included a copy of every written testimony and exhibit which were to be admitted into the record. The parties requested the Commission consider the written statements and exhibits when rendering a decision in this proceeding.

On February 10, 2016, CAUSE-PA, OCA and Duquesne Light filed separate affidavits for each witness statement and exhibit filed with the Secretary’s Bureau which affidavits affirmed the truthfulness of the statements and exhibits.

Through this Certification Order, I will admit into the record Duquesne Light Company’s Act 129 filing, known as the Phase III EE&C Plan, including the Revised Plan, with testimony and exhibits. Therefore, the record will consist of those Plan documents, the transcript of the January 6, 2016 prehearing conference, and the statements and exhibits admitted into the record by stipulation of the parties.

THEREFORE,

IT IS ORDERED:

1. That the transcript at Docket No. M-2015-2515375 from the Prehearing Conference on January 6, 2016 is admitted into the record.

2. That the following Exhibits and Statements are admitted into the record:

* + 1. Duquesne Light Statement No. 1 (Direct Testimony of David Defide);
    2. Duquesne Light Statement No. 2 (Direct Testimony of William V. Pfrommer), and accompanying Exhibits WVP-1 through WVP-4;
    3. CAUSE-PA Statement 1 (Direct Testimony of Mitchell Miller) and accompanying Attachments A through H;
    4. OCA Statement No. 1 (Direct Testimony of Stacy L. Sherwood) and accompanying Attachment A; and
    5. OCA Statement No. 2 (Direct Testimony of Roger D. Colton) and accompanying Schedules RDC-1, RDC-2 and RDC-3.

3. That the Petition of Duquesne Light Company for Approval of its Act 129 Energy Efficiency and Conservation Plan and all attachments filed by Duquesne Light Company on November 25, 2015, in addition to Duquesne Light Company’s Revised Plan dated February 9, 2016, are admitted into the record.

4. That the record at Docket No. M-2015-2515375 is closed.

5. That the record at Docket No. M-2015-2515375 is certified to the Pennsylvania Public Utility Commission for its consideration.

Date: February 11, 2016 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Katrina L. Dunderdale

Administrative Law Judge

**M-2015-2515375 – PETITION OF DUQUESNE LIGHT COMPANY - FOR APPROVAL OF ITS ACT 129 PHASE III ENERGY EFFICIENCY AND CONSERVATION PLAN**

***(Revised 1/22/16)***

\*ROBERT HOAGLUND ESQUIRE

ADRIENNE KURTANICH ESQUIRE

DUQUESNE LIGHT COMPANY411 SEVENTH AVE 16TH FLOORPITTSBURGH PA 15228**412-393-1058**\****Accepts e-Service***

LINDA R EVERS ESQUIRESTEVENS & LEE PC111 N SIXTH STREETPO BOX 679READING PA 19603-0679**610-478-2175*Accepts e-Service***

MICHAEL A GRUIN ESQUIRESTEVENS & LEE PC

16TH FLOOR17 NORTH SECOND STREETHARRISBURG PA 17101**717-255-7365*Accepts e-Service***

LAUREN M BURGE ESQUIRE

**\***DARRYL A LAWRENCE ESQUIRE

OFFICE OF CONSUMER ADVOCATE

555 WALNUT STREET

5TH FLOOR FORUM PLACE

HARRISBURG PA 17101-1932

**\**Accepts e-Service***

ELIZABETH ROSE TRISCARI ESQUIRE

OFFICE OF SMALL BUSINESS ADVOCATE

300 NORTH 2ND STREET SUITE 202

HARRISBURG PA 17101

PATRICK CICERO ESQUIREJOLINE PRICE ESQUIRE

PA UTILITY LAW PROJECT118 LOCUST STREETHARRISBURG PA 17101**717-236-9486*Accepts e-Service***

THEODORE S ROBINSON ESQUIRECITIZEN POWER2121 MURRAY AVENUEPITTSBURGH PA 15217**412-421-7029*Accepts e-Service***

PAMELA C POLACEK ESQUIREALESSANDRA HYLANDER ESQUIREMCNEES WALLACE & NURICK100 PINE STREETPO BOX 1166HARRISBURG PA 17108-1166**717.237.5368*Accepts e-Service***

BARRY A NAUM ESQUIRE

SPILMAN THOMAS & BATTLE

1100 BENT CREEK BLVD

SUITE 101

MECHANICSBURG PA 17050

***Accepts e-Service***