



COMMONWEALTH OF PENNSYLVANIA

May 5, 2016

**E-FILED**

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

**Re: Petition of Duquesne Light Company for Approval of its  
Long-Term Infrastructure Improvement Plan  
Docket No. P-2016-2540046**

Dear Secretary Chiavetta:

I am delivering for filing today the original of the Notice of Intervention, Public Statement, Verification, and Answer, on behalf of the Office of Small Business Advocate, in the above-captioned proceeding.

Copies have been served today on all known parties in this proceeding as indicated by the enclosed Certificate of Service.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sharon E. Webb'.

Sharon E. Webb  
Assistant Small Business Advocate  
Attorney ID No. 73995

Enclosures

cc: The Honorable Charles E. Rainey, Jr.  
Brian Kalcic  
Parties of Record

**BEFORE THE PENNSYLVANIA  
PUBLIC UTILITY COMMISSION**

**Petition of Duquesne Light Company** :  
**for Approval of its Long-Term** : **Docket No. P-2016-2540046**  
**Infrastructure Improvement Plan** :

**NOTICE OF INTERVENTION  
OF THE SMALL BUSINESS ADVOCATE**

1. The Intervenor is:

John R. Evans  
Small Business Advocate  
300 North Second Street, Suite 202  
Harrisburg, PA 17101  
(717) 783-2525  
(717) 783-2831 (fax)

2. The name and address of the Intervenor's attorney is:

Sharon E. Webb  
Assistant Small Business Advocate  
Office of Small Business Advocate  
300 North Second Street, Suite 202  
Harrisburg, PA 17101  
(717) 783-2525  
(717) 783-2831 (fax)  
[swebb@pa.gov](mailto:swebb@pa.gov)

3. The respondent utility is:

Duquesne Light Company  
411 Seventh Avenue, 16<sup>th</sup> Floor  
Pittsburgh, PA 15219

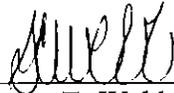
4. The Intervenor is authorized and directed by the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 - 399.50, to represent the interests of small business consumers of utility services in matters before the Pennsylvania Public Utility Commission ("Commission").

5. This Intervention is filed regarding the Petition of Duquesne Light Company for Approval of its Long-Term Infrastructure Improvement Plan ("Petition") that was filed with the Commission on April 15, 2016.

6. In view of the foregoing, the Small Business Advocate respectfully requests that the Pennsylvania Public Utility Commission:

- A. Direct the Office of Administrative Law Judge to holding hearings on the *Petition* and prepare an initial decision; and
- B. Grant such other relief as may be necessary or appropriate.

Respectfully submitted,



---

Sharon E. Webb  
Assistant Small Business Advocate  
Attorney ID No. 73995

Office of Small Business Advocate  
300 North Second Street, Suite 202  
Harrisburg, PA 17101  
(717) 783-2525  
(717) 783-2831 (fax)

Dated: May 5, 2016

**BEFORE THE PENNSYLVANIA  
PUBLIC UTILITY COMMISSION**

**Petition of Duquesne Light Company** :  
**for Approval of its Long-Term** : **Docket No. P-2016-2540046**  
**Infrastructure Improvement Plan** :

**ANSWER OF THE OFFICE OF SMALL BUSINESS ADVOCATE  
TO THE PETITION OF DUQUESNE LIGHT COMPANY  
FOR APPROVAL OF ITS LONG-TERM INFRASTRUCTURE  
IMPROVEMENT PLAN**

**Procedural History**

On or about April 15, 2016, Duquesne Light Company (“Duquesne” or “the Company”) filed a Petition for Approval of its Long-Term Infrastructure Improvement Plan (“Petition”) with the Pennsylvania Public Utility Commission (“Commission”) pursuant to the Final Implementation Order of the Public Utility Commission entered at Docket No. M-2012-2293611 on August 2, 2012<sup>1</sup> and the Commission’s LTIP regulations at Pa. Code §§ 121.1 *et seq.*

The Office of Small Business Advocate filed a Notice of Intervention and Public Statement on May 5, 2016.

The Office of Small Business Advocate files the following Answer in response to the corresponding numbered averments in the Company’s Petition.

**ANSWER**

The averments in the first two unnumbered paragraphs at the beginning of the Petition constitute a prayer for relief. Therefore, no response to these averments is required.

---

<sup>1</sup> *Implementation of Act 11 of 2012*, Docket No. M-2012-2293611 , entered on August 2, 2012 (“Implementation Order”).

## **I. INTRODUCTION**

1. Admitted.

2. Admitted.

3. Admitted. By way of further answer, Act 11, which amends Chapter 3, 13 and 33 of Title 66 of the Public Utility Code, being a writing, speaks for itself and no response is required.

4. Admitted. Act 11, the citations to Sections 1352 (referencing long-term infrastructure improvement plans (“LTIIPs”)) and 1353 (referencing distribution system improvement charges (“DSICs”)) of the Code, being writings, speak for themselves, and no further answer is required.

5. It is admitted that on May 10, 2012, the Commission issued its Tentative Implementation Order with respect to Act 11. By way of further answer, the Tentative Implementation Order, being a writing, speaks for itself, and no further answer is required.

6. It is admitted that on August 2, 2012, the Commission issued its Final Implementation Order with respect to Act 11. By way of further answer, the Final Implementation Order, being a writing, speaks for itself, and no further answer is required.

7. It is admitted that Section 121.3 of the LTIIP regulations lists the elements which must be included in an LTIIP for a utility seeking to implement a DSIC mechanism or continue a previously approved DSIC mechanism. By way of further answer, Section 121.3, being a writing, speaks for itself, and no further answer is required.

8. The OSBA is without information or knowledge sufficient to form a belief as to the truth of the averments of this paragraph, and therefore, they are denied.

## **II. DUQUESNE LIGHT'S LTIP**

### **A. PROPERTY TO BE IMPROVED, REPAIRED AND REPLACED**

9. The OSBA is without information or knowledge sufficient to form a belief as to the truth of the averments of this paragraph, and therefore, they are denied.

10. The OSBA is without information or knowledge sufficient to form a belief as to the truth of the averments of this paragraph, and therefore, they are denied.

11. The averments of this paragraph constitute a prayer for relief to which no response is required.

12. The averments of this paragraph constitute a prayer for relief to which, no response is required.

13. The averments of this paragraph constitute a prayer for relief to which, no response is required.

### **B. PROPERTY TO BE IMPROVED, REPAIRED AND REPLACED**

14. The averments of this paragraph constitute a prayer for relief to which, no response is required.

15. The averments of this paragraph constitute a prayer for relief to which, no response is required.

### **C. LOCATION OF ELIGIBLE PROPERTY**

16. The averments of this paragraph constitute a prayer for relief to which, no response is required.

### **D. QUANTITY OF PROPERTY TO BE IMPROVED**

17. The averments of this paragraph constitute a prayer for relief to which, no response is required.

**E. PROJECTED ANNUAL EXPENDITURES AND MEANS TO FINANCE THE EXPENDITURES**

18. The averments of this paragraph constitute a prayer for relief to which, no response is required.

19. The averments of this paragraph constitute a prayer for relief to which, no response is required.

20. The averments of this paragraph constitute a prayer for relief to which, no response is required.

**F. ACCELERATION OF INFRASTRUCTURE IMPROVEMENT**

21. The averments of this paragraph constitute a prayer for relief to which, no response is required.

22. The averments of this paragraph constitute a prayer for relief to which, no response is required.

**G. WORKFORCE MANAGEMENT AND TRAINING PROGRAM**

23. The averments of this paragraph constitute a prayer for relief to which, no response is required.

24. The averments of this paragraph constitute a prayer for relief to which, no response is required.

25. The averments of this paragraph constitute a prayer for relief to which, no response is required.

26. The averments of this paragraph constitute a prayer for relief to which, no response is required.

27. The averments of this paragraph constitute a prayer for relief to which, no response is required.

## H. OUTREACH AND COORDINATION ACTIVITIES

28. The averments of this paragraph constitute a prayer for relief to which, no response is required.

## III. EVIDENTIARY HEARINGS AND SERVICE

29. The averments of this paragraph are conclusions of law to which no response is required.

30. The OSBA is without information or knowledge sufficient to form a belief as to the truth of the averments of this paragraph, and therefore, they are denied.

31. It is admitted that the OSBA received a copy of Duquesne's April 15, 2016 LTIP filing.

## IV. CONCLUSION

32. The averments of this paragraph constitute a prayer for relief to which no response is required.

WHEREFORE, the OSBA respectfully requests that the Commission refer the Companies' Petition to the Office of Administrative Law Judge for hearings and the preparation of an initial decision.



Sharon E. Webb  
Assistant Small Business Advocate  
Attorney ID No. 73995

For:

John R. Evans.  
Small Business Advocate

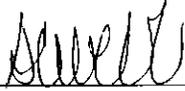
Office of Small Business Advocate  
300 North Third Street, Suite 202  
Harrisburg, PA 17101  
717-783-2525  
717-783-2831 (fax)

May 5, 2016

**VERIFICATION**

I, Sharon E. Webb, hereby state that the facts set forth herein above are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. §4904 (relating to unsworn falsification to authorities).

Date: May 5, 2016



\_\_\_\_\_  
(Signature)

**BEFORE THE PENNSYLVANIA  
PUBLIC UTILITY COMMISSION**

**Petition of Duquesne Light Company** :  
**for Approval of its Long-Term** : **Docket No. P-2016-2540046**  
**Infrastructure Improvement Plan** :

**PUBLIC STATEMENT  
OF THE SMALL BUSINESS ADVOCATE**

The Small Business Advocate is authorized and directed to represent the interests of small business consumers of utility services in Pennsylvania under the provisions of the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 - 399.50 (“Act”). The Act further provides that the Small Business Advocate is to issue publicly a written statement setting forth concisely the specific interest of small business consumers to be protected by his initiation of or intervention in any proceeding involving those interests before the Pennsylvania Public Utility Commission (“Commission”) or any other agency or court. This public statement relates to the Small Business Advocate’s intervention in the above-captioned Commission proceedings.

On April 15, 2016 Duquesne Light Company (“Duquesne”), filed a Petition for approval of its long-term infrastructure improvement plan, initiating the above-captioned proceeding.

The Small Business Advocate is intervening in the above-captioned proceeding in order to protect the interests of Duquesne’s small business customers. A thorough inquiry by the Commission into all of the elements of Duquesne’s Petition is necessary to ensure that Duquesne’s proposals for making and paying for distribution system improvements are in accord with the Public Utility Code and with the Commission’s regulations and policies.

In view of the foregoing, the Small Business Advocate is requesting that the petition be subject to investigation and evidentiary hearings before the Commission. The Small Business Advocate will ask the Commission to deny or modify any aspect of the Duquesne's proposal that is not proven by the Company to be in accord with the Public Utility Code and with the Commission's regulations and policies.

Dated: May 5, 2016

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition of Duquesne Light Company** :  
**for Approval of its Long-Term** : **Docket No. P-2016-2540046**  
**Infrastructure Improvement Plan** :

**CERTIFICATE OF SERVICE**

I hereby certify that true and correct copies of the foregoing have been served via email and/or First-Class mail (unless other noted below) upon the following persons, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

The Honorable Charles E. Rainey, Jr.  
Chief Administrative Law Judge  
PA Public Utility Commission  
PO Box 3265  
Harrisburg, PA 17105-3265  
[crainey@pa.gov](mailto:crainey@pa.gov)  
**(Email and Hand delivery)**

Tanya J. McCloskey, Esquire  
Office of Consumer Advocate  
555 Walnut Street - 5<sup>th</sup> Floor  
Harrisburg, PA 17101-1923  
[tmccloskey@paoca.org](mailto:tmccloskey@paoca.org)  
**(Email and Hand delivery)**

Johnnie E. Simms, Director  
Bureau of Investigation & Enforcement  
Commonwealth Keystone Building  
400 North Street, 2nd Floor West  
Harrisburg, PA 17105-3265  
[josimms@pa.gov](mailto:josimms@pa.gov)  
**(Email and Hand delivery)**

Anthony D. Kanagy, Esquire  
Post & Schell  
17 North Second Street, 12<sup>th</sup> Floor  
Harrisburg, PA 17101-1601  
[akanagy@postschell.com](mailto:akanagy@postschell.com)  
**(Email and US Mail)**

Scott J. Rubin, Esquire  
333 Oak Lane  
Bloomsburg, PA 17815  
[scott.j.rubin@gmail.com](mailto:scott.j.rubin@gmail.com)  
**(Email and US mail)**

Patrick Cicero, Esquire  
Elizabeth R. Marx, Esquire  
Pennsylvania Utility Law Project  
118 Locust Street  
Harrisburg, PA 17101  
[pulp@palegalaid.net](mailto:pulp@palegalaid.net)  
**(Email and US mail)**

David P. Zambito, Esquire  
Cozen O'Connor  
17 N. 2<sup>nd</sup> Street, Suite 1410  
Harrisburg, PA 17101  
[dzambito@cozen.com](mailto:dzambito@cozen.com)  
**(Email and US mail)**

George Jugovic, Jr. Esquire  
Citizens for Pennsylvania's Future  
200 First Avenue, Suite 200  
Pittsburgh, PA 15222  
[gjugovic@pennfuture.org](mailto:gjugovic@pennfuture.org)  
**(Email and US mail)**

Pamela Polacek, Esquire  
Teresa K. Schmittberger, Esquire  
McNees Wallace & Nurick LLC  
100 Pine Street  
Harrisburg, PA 17101  
[ppolacek@mwn.com](mailto:ppolacek@mwn.com)  
[tschmittberger@mwn.com](mailto:tschmittberger@mwn.com)  
**(Email and US mail)**

Todd S. Stewart, Esquire  
Hawke, McKeon & Sniscak, LLP  
100 North 10<sup>th</sup> Street  
Harrisburg, PA 17101  
[tsstewart@hmslegal.com](mailto:tsstewart@hmslegal.com)  
**(Email and US mail)**

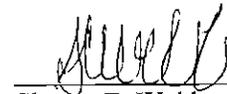
Theodore S. Robinson, Esquire  
Citizen Power, Inc.  
2121 Murray Avenue  
Pittsburgh, PA 15217  
[robinson@citizenpower.com](mailto:robinson@citizenpower.com)  
**(Email and US mail)**

Joseph L. Vullo, Esquire  
Burke Vullo Reilly Roberts  
1460 Wyoming Avenue  
Forty Fort, PA 18704  
[jlvullo@aol.com](mailto:jlvullo@aol.com)  
**(Email and US mail)**

John F. Povilaitis, Esquire  
Alan Seltzer, Esquire  
Buchanan Ingersoll  
409 North 2<sup>nd</sup> Street, Suite 500  
Harrisburg, PA 17101-1357  
[john.povilaitis@bipc.com](mailto:john.povilaitis@bipc.com)  
[alan.seltzer@bipc.com](mailto:alan.seltzer@bipc.com)  
**(Email and US mail)**

Derrick P. Williamson, Esquire  
Barry A. Naum, Esquire  
Spilman Thomas & Battle  
1100 Bent Creek Boulevard, Suite 101  
Mechanicsburg, PA 17050  
[dwilliamson@spilmanlaw.com](mailto:dwilliamson@spilmanlaw.com)  
[bnaum@spilmanlaw.com](mailto:bnaum@spilmanlaw.com)  
**(Email and US mail)**

DATE: May 5, 2016



---

Sharon E. Webb  
Assistant Small Business Advocate  
Attorney I.D. No. 73995