



COMMONWEALTH OF PENNSYLVANIA

June 6, 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
Default Service Plan for the Period June 1, 2017 through May 31, 2021
Docket No. P-2016-2543140**

Dear Secretary Chiavetta:

I am delivering for filing today the Notice of Intervention, Answer, Public Statement, and Verification, 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 Conrad A. Johnson
Mr. Brian Kalcic
Parties of Record

**BEFORE THE PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Duquesne Light Company :
For Approval of Default Service Plan : **Docket No. P-2016-2543140**
for the Period June 1, 2017 through :
May 31, 2021 :

**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

3. The respondent utility is:

Duquesne Light Company
411 Seventh Avenue, 16th Floor
Pittsburgh, PA 15219

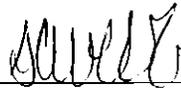
4. The Intervenor is authorized and directed by the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 - 399.50, to represent the interests of small business consumers of utility services in matters before the Pennsylvania Public Utility Commission ("Commission").

5. This Intervention is filed regarding the Petition of Duquesne Light Company for Approval of its Default Service Plan for the Period June 1, 2017, through May 31, 2021 (“Petition”) that was filed with the Commission on May 2, 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: June 6, 2016

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Duquesne Light Company :
For Approval of Default Service Plan :
For the Period June 1, 2017 through : **Docket No. P-2016-2543140**
May 31, 2021 :

**ANSWER OF THE
OFFICE OF SMALL BUSINESS ADVOCATE**

Pursuant to 52 Pa. Code §5.61(a), the Office of Small Business Advocate (“OSBA”) files this Answer to the Petition of Duquesne Light Company (“Duquesne” or “Company”) for Approval of Default Service Plan for the Period June 1, 2017 through May 31, 2021 (“Petition”) that was filed with the Pennsylvania Public Utility Commission (“Commission”) on May 2, 2016, and avers the following in support thereof:

1. The OSBA is an agency of the Commonwealth of Pennsylvania authorized by the Small Business Advocate Act (Act 181 of 1988, 73 P.S. §§ 399.41 - 399.50) to represent the interest of small business consumers as a party in proceedings before the Commission.

2. Duquesne proposes to acquire electricity for customers in the Residential and Lighting classes through a mix of 12 and 24 month full requirements, load-following contracts. *See* Petition, para. 8. Except for Lighting customers, Duquesne would acquire electricity to serve non-residential default service customers with maximum peak demands of less than 25 kW with the same procurement strategy, full-requirements, load-following contracts as residential customers. *See* Petition, para. 16. Duquesne would acquire electricity to serve non-residential default service customers with maximum peak

full-requirements, load-following contracts. *See* Petition, para. 23. Duquesne would continue serving default customers with maximum peak demands of 300 kW or higher through hourly pricing. *See* Petition, para. 32.

3. Duquesne would conduct separate procurements for Small Commercial and Industrial (“C&I”) customers and Medium C&I customers. Small C&I customers have maximum peak demands of less than 25 kW while Medium C&I customers have maximum peak demands of at least 25 kW but less than 300 kW. *See* Petition, para. 16, 23.

4. Duquesne also would impose no supplier load cap for Medium C&I solicitations by a wholesale supplier. *See* Petition, para. 26.

5. Duquesne is proposing to serve Large C&I customers, currently identified with a monthly metered demand of 300 kW or greater, to be served by hourly day-ahead PJM energy market prices. *See* Petition, para. 29.

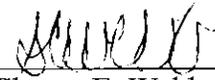
6. Duquesne is proposing several significant changes to the Large C&I procurement plan from what is currently approved in DSP VII. Of particular concern to the OSBA, two years into the proposed plan, Duquesne proposes to lower the kW threshold for Large C&I customers that receive hourly pricing from greater than or equal to 300 kW to greater than or equal to 200 kW beginning 2019.

8. The OSBA agrees that Duquesne should acquire default service electricity for Small and Medium C&I customers through full-requirements, load-following contracts. The OSBA also agrees that Duquesne should impose a load cap. Additionally, the OSBA has concerns about the proposed mid-plan changes for Large C&I customers. Therefore, the OSBA reserves the right to comment on the details of these, and other,

provisions of Duquesne's Petition after the OSBA has had the opportunity to engage in discovery.

WHEREFORE, the Office of Small Business Advocate respectfully requests the Commission to direct the Office of Administrative Law Judge to hold hearings on Duquesne's default service plan and prepare a Recommended Decision.

Respectfully submitted,



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

For: John R. Evans
Small Business Advocate

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

Date: June 6, 2016

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Duquesne Light Company	:	
For Approval of Default Service Plan	:	
For the Period June 1, 2017 through	:	Docket No. P-2016-2543140
May 31, 2021	:	

**PUBLIC STATEMENT OF
THE OFFICE OF SMALL BUSINESS ADVOCATE**

The Small Business Advocate is authorized and directed to represent the interest 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 stating 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 Public Utility Commission (“Commission”) or any other agency or court. This public statement relates to the filing today by the Small Business Advocate of a Notice of Intervention in the above-captioned proceeding and an Answer to the Petition of Duquesne Light Company (“Duquesne” or “Company”) for Approval of a Default Service Plan for the Period June 1, 2017 through May 31, 2021 (“Petition”) that was filed with the Commission on May 2, 2016. The Commission published the Petition in the Pennsylvania Bulletin on May 21, 2016, and therein established a deadline of June 6, 2016 for formal protests, petitions to intervene and answers.

The Small Business Advocate is intervening in this case in order to protect the interests of the Company’s small business customers. A thorough inquiry by the Commission into all of the elements of the Company’s proposed default service program is necessary to ensure that

Duquesne properly acquires electric generation supplies for the Company's small and medium commercial and industrial customers.

In view of the foregoing, the Small Business Advocate will participate in proceedings before the Commission to investigate the proposed default service program set forth in the Petition.

Dated: June 6, 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: June 6, 2016

A handwritten signature in cursive script, appearing to read "Sharon E. Webb", is written above a horizontal line.

(Signature)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Duquesne Light Company :
For Approval of Default Service Plan : **Docket No. P-2016-2543140**
for the Period June 1, 2017 through :
May 31, 2021 :

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 Conrad A. Johnson
Administrative Law Judge
PA Public Utility Commission
301 5th Avenue, Suite 220
Piatt Place
Pittsburgh, PA 15222
cojohnson@pa.gov
(Email and US Mail)

David T. Evrard, Esquire
Kristine E. Robinson, Esquire
Aaron J. Beatty, Esquire
Office of Consumer Advocate
555 Walnut Street - 5th Floor
Harrisburg, PA 17101-1923
devrard@paoca.org
krobinson@paoca.org
abeatty@paoca.org
(Email and Hand delivery)

Richard A. Kanaskie, Esquire
Scott B. Granger, Esquire
Bureau of Investigation & Enforcement
Commonwealth Keystone Building
400 North Street, 2nd Floor West
Harrisburg, PA 17105-3265
rkanaskie@pa.gov
sgranger@pa.gov
(Email and Hand delivery)

Michael W. Gang, Esquire
Anthony D. Kanagy, Esquire
Post & Schell
17 North Second Street, 12th Floor
Harrisburg, PA 17101-1601
akanagy@postschell.com
mgang@postschell.com
(Email and US Mail)

Tishekia E. Williams, Esquire
Duquesne Light Company
411 Seventh Avenue
Pittsburgh, PA 15219
twilliams@duqlight.com
(Email and US mail)

Charles E. Thomas, III, Esquire
Thomas, Niesen & Thomas
212 Locust Street, Suite 600
Harrisburg, PA 17101
cet3@tntlawfirm.com
(Email and US mail)

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

David P. Zambito, Esquire
Cozen O'Connor
17 N. 2nd Street, Suite 1410
Harrisburg, PA 17101
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
(Email and US mail)

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

Thomas J. Sniscak, Esquire
Todd S. Stewart, Esquire
Hawke, McKeon & Sniscak, LLP
100 North 10th Street
Harrisburg, PA 17101
tjsniscak@hmslegal.com
tsstewart@hmslegal.com
(Email and US mail)

DATE: June 6, 2016



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