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File #: 126931

November 7, 2016

***VIA ELECTRONIC FILING***

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor North  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**Re: Application of NRG Energy Center Pittsburgh LLC for a Certificate of Public Convenience under Section 1102(a)(1) of the Pennsylvania Public Utility Code to expand its service territory for steam, hot water, and chilled water service into a certain portion of the Uptown Corridor of the City of Pittsburgh, Pennsylvania  
Docket No. A-2016-2570927**

Dear Secretary Chiavetta:

Enclosed please find the Protest of Duquesne Light Company to the Application of NRG Energy Center Pittsburgh LLC. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,



Anthony D. Kanagy

ADK/skr  
Enclosure

cc: Certificate of Service  
Paul T. Diskin

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

**VIA E-MAIL and FIRST CLASS MAIL**

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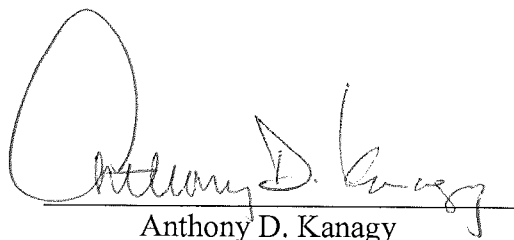
**VIA FIRST CLASS MAIL:**

City of Pittsburgh  
Attn: Department of Law  
313 City-County Building  
414 Grant Street  
Pittsburgh, PA 15219

UPMC Mercy  
Attn: Mark Kinney  
1400 Locust Street  
Pittsburgh, PA 15212

City of Pittsburgh Planning commission  
Attn: Department of City Planning  
200 Ross Street, Fourth Floor  
Pittsburgh, PA 15219

Date: November 7, 2016



Anthony D. Kanagy

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of NRG Energy Center Pittsburgh :  
LLC for a Certificate of Public Convenience :  
under Section 1102(a)(1) of the Pennsylvania :  
Public Utility Code to expand its service territory : Docket No. A-2016-2570927  
for steam, hot water, and chilled water service :  
into a portion of the Uptown Corridor of the City :  
of Pittsburgh, Pennsylvania :

**PROTEST OF DUQUESNE LIGHT COMPANY TO THE  
APPLICATION OF NRG ENERGY CENTER PITTSBURGH LLC**

**TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:**

Duquesne Light Company (“Duquesne Light” or the “Company”) hereby protests the Application of NRG Energy Center Pittsburgh LLC (“NRGP”) for a Certificate of Public Convenience under Section 1102(a)(1) of the Pennsylvania Public Utility Code to expand its service territory for steam, hot water, and chilled water service into a portion of the Uptown Corridor of the City of Pittsburgh, Pennsylvania (“Application”). In support of this protest, Duquesne Light states as follows:

1. Protestant, Duquesne Light, is a public utility as that term is defined under Section 102 of the Public Utility Code, 66 Pa. C.S. § 102, certificated by the Commission to provide electric service in the City of Pittsburgh and in Allegheny and Beaver Counties in Pennsylvania. Duquesne Light is also an electric distribution company (“EDC”) and a default service provider (“DSP”) as those terms are defined under Section 2803 of the Public Utility Code. 66 Pa. C.S. § 2803. Duquesne Light provides electric distribution service to

approximately 590,000 customers and is currently the DSP for approximately 380,000 of those customers.

2. Duquesne Light has been working with NRGP and other key stakeholders in a collaborative way to support the uptown corridor project. As discussed below, the instant filing is presently focused on one issue: whether NRG is seeking to expand its service territory to provide back-up electric service to one customer, or broader electric service to all customers in the uptown corridor.

3. On October 6, 2016, NRGP filed the above-captioned Application requesting a Certificate of Public Convenience and Commission authority to provide steam, hot water and chilled water in additional service territory in the City of Pittsburgh.<sup>1</sup> NRGP states that it will initially provide steam, hot water and chilled water to UPMC Mercy, the main hospital of the University of Pittsburgh Medical Center (“UPMC”).

4. In its Application, NRGP states that it will initially provide service to UPMC, but may provide service to UPMC’s neighbors and future tenants in a 28-acre site that is currently being developed.

5. NRGP also states that it, or an affiliate, will provide emergency power service, or electric service, to UPMC, and in the future, could provide this service to other customers. (Application, ¶¶ 21, 36.)

6. NRGP further states that it does not believe that a Certificate of Public Convenience is necessary to provide emergency power (or electric) service to UPMC because service is only being provided to UPMC and, according to NRGP, is not being provided to or for the public.

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<sup>1</sup> Despite Duquesne Light Company’s early involvement and status as a public utility and electric distribution company in the City of Pittsburgh, Duquesne Light was not served directly with NRGP’s Application.

7. NRGP's Application is unclear as to the extent of electric service that will be provided to UPMC, including under what circumstances it will be provided and how often it will be provided. It is also unclear to what extent backup or other electric service will be offered to other potential customers either now or in the future.

8. It is also uncertain based upon the Application whether a Certificate of Public Convenience is required for NRGP to provide electric service to UPMC. It is also uncertain whether NRGP believes that a Certificate of Public Convenience is required to provide additional "back-up" or other electric service in the future.

9. Additionally, the Application raises novel questions concerning the provision of electric service by third parties within the certificated service territory of an electric distribution company. These issues should be reviewed and carefully considered.

10. Duquesne Light is the EDC for the City of Pittsburgh and has extensive facilities in place to provide service to customers in the service territory requested by NRGP. The Commission has historically pursued a policy of rejecting unnecessary competition within the same territory by non-carrier public utilities. This policy is based on the fact that unnecessary competition between utilities often results in duplication of facilities. *Mendez v. Metropolitan Edison Company*, 58 Pa. PUC 487, 488, 1984 Pa. PUC LEXIS 34, at \*2-3 (1984) (citing *Perry Cnty. Teleph. & Teleg. Co. v. Pa. Pub. Serv. Comm'n*, 69 Pa. Super. 529, 531-32 (Pa. Super. 1918), *aff'd*, 265 Pa. 274, 108 A. 659 (1919)).

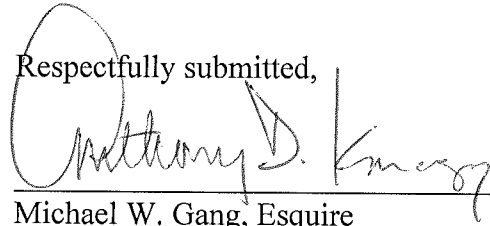
11. It is reasonable and appropriate for Duquesne Light to have a full and complete understanding of NRGP's proposed project and its purposes.

12. For these reasons, Duquesne Light protests the above-captioned Application.

13. Duquesne Light reserves the right to raise additional issues as this case proceeds further and additional information is obtained from NRG.

WHEREFORE, for the foregoing reasons, Duquesne Light Company respectfully requests to be granted "Protestant" status, and that the above-captioned Application of NRG Energy Center Pittsburgh LLC be directed to the Office of Administrative Law Judge for hearings and disposition.

Respectfully submitted,



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Date: November 7, 2016