**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission : R-2018-3000124

: R-2018-3000829

:

Office of Consumer Advocate : C-2018-3001029

Jason Dolby : C-2018-3001074

Peoples Natural Gas Company LLC : C-2018-3001152

Office of Small Business Advocate : C-2018-3001566

Duquesne Industrial Intervenors : C-2018-3001713

Leonard Coyer : C-2018-3002424

NRG Energy Center Pittsburgh LLC : C-2018-3002755

:

v. :

:

Duquesne Light Company :

1308(d) Proceeding :

**ELEVENTH INTERIM ORDER**

Correction of Transcript from Evidentiary

Hearing on August 16, 2018

On March 28, 2018, Duquesne Light Company (Duquesne), filed Supplement No. 174 to Tariff Electric Pa. P.U.C. No. 24 to become effective May 29, 2018, containing a proposed general increase in electric distribution rates of approximately $133.8 million.

On August 16, 2018, the presiding officer conducted an evidentiary hearing that produced a transcript which was received by the presiding officer on August 23, 2018. The transcript from August 16, 2018 consists of Pages 389 through 639. On August 29, 2018, counsel for Duquesne Industrial Intervenors (DII) filed a Proposed Corrections to Hearing Transcript. The proposed corrections consist of the following seven (7) items:

Page 569, Line 12 AER should be AEI

Page 572, Line 15 9.5 should be 95

Page 573, Line 14 adverse should be averse

Page 573, Line 17 adverse should be averse

Page 574, Line 13 adverse should be averse

Page 578, Line 15 adverse should be averse

Page 578, Line 19 $2.56 should be $2.50

No party has indicated it objects to the corrections requested by DII.

DISCUSSION

In a rate proceeding, a party may request a correction be made to the official transcript only if the correction would make the transcript accurately reflect the evidence presented at the hearing and to speak the truth.[[1]](#footnote-1) Such a written request must come from at least one of the parties who were present at the time the transcription was taken.

In formal complaint proceedings held before the Commission, the presiding officer has various powers to preside over the taking of evidence and to regulate the course of proceedings, including the receipt of evidence. Specifically, the presiding officer’s authority “includes, but is not limited to, the power to exclude irrelevant, immaterial or unduly repetitive evidence, to present excessive examination of witnesses, to schedule and impose reasonable limitations on discovery and to otherwise regulate the course of the proceeding.”[[2]](#footnote-2)

The Commission’s regulations specifically require that Commission hearings must be recorded by the Commission’s official reporter and reduced to a written transcript format. The hearing transcript becomes a part of the record and is the sole official transcript from the proceeding. The hearing transcript must include a verbatim reporting of the hearing and nothing must be omitted unless directed by the presiding officer.[[3]](#footnote-3)

When an error occurs in a transcript, the transcript can be corrected but the correction “may be made only to make it accurately reflect the evidence presented at the hearing and to speak the truth.” Any request to correct the transcript must be filed within ten days after the transcript was filed with the Commission or upon permission of the presiding officer prior to the close of the record.[[4]](#footnote-4) The correction, if it is to be made, must be made prior to the close of the hearing record.[[5]](#footnote-5)

Objections or other comments to the proposed corrections must be filed within ten days of the service of the proposed corrections.[[6]](#footnote-6) The presiding officer should rule upon a proposed correction of a transcript within twenty days of the date the proposed corrections are received.[[7]](#footnote-7)

No objection to the request of DII has been received to date.

Having reviewed the list of proposed corrections and compared the list with the transcript pages at issue, it is clear the transcript should be corrected. As averred by DII, the transcript, as rendered, contains a few places where the testimony provided is different than the information provided in the transcript which was filed on August 18, 2018. The corrections will be noted in the Ordering Paragraphs below.

THEREFORE,

IT IS ORDERED:

1. That the proposed corrections to the hearing transcript in the above-captioned matters are granted.

2. That the transcript of the hearing held on August 16, 2018, at Docket No. R-2018-3000124 is corrected to reflect the following corrections:

Page 569, Line 12 AER should be AEI

Page 572, Line 15 9.5 should be 95

Page 573, Line 14 adverse should be averse

Page 573, Line 17 adverse should be averse

Page 574, Line 13 adverse should be averse

Page 578, Line 15 adverse should be averse

Page 578, Line 19 $2.56 should be $2.50

Date: September 12, 2018 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Katrina L. Dunderdale

Administrative Law Judge

**R-2018-3000124 – PENNSYLVANIA PUBLIC UTILITY COMMISSION V. DUQUESNE LIGHT COMPANY 1308(D)**

*(Revised 8/29/18)*

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1. See 52 Pa.Code § 5.253(a). [↑](#footnote-ref-1)
2. See 52 Pa.Code § 5.483(a). See also 66 Pa.C.S.A. § 331(d) relating to the authority of presiding officers; and 66 Pa.C.S.A. § 332(d) relating to the inclusion of the transcript of testimony and exhibits as part of the official hearing record. [↑](#footnote-ref-2)
3. See 52 Pa.Code § 5.251(a)-(c). [↑](#footnote-ref-3)
4. See 52 Pa.Code § 5.253(c). [↑](#footnote-ref-4)
5. See 52 Pa.Code § 5.253. [↑](#footnote-ref-5)
6. See 52 Pa.Code § 5.253(d). [↑](#footnote-ref-6)
7. See 52 Pa.Code § 5.253(f). [↑](#footnote-ref-7)