



May 10, 2019

VIA E-FILE

**David P. Zambito**

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Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor North  
Harrisburg, PA 17120

**Re: Pennsylvania Public Utility Commission v. Peoples Natural Gas Company LLC;  
Docket No. R-2018-3006818 (2019 Base Rate Case Filing)**

**MOTION OF PEOPLES NATURAL GAS COMPANY LLC TO DISMISS OBJECTIONS  
AND COMPEL ANSWERS TO DISCOVERY**

Dear Secretary Chiavetta:

Enclosed for filing with the Commission is the **Motion of Peoples Natural Gas Company LLC to Dismiss Objections and Compel Answers to Discovery to Duquesne Light Company**. Copies of the Answer are being served on the Presiding Officer, Deputy Chief Administrative Law Judge Joel H. Cheskis, and on all parties, as indicated on the enclosed Certificate of Service.

If you have any questions regarding this filing, please direct them to me. Thank you for your attention to this matter.

Sincerely,

COZEN O'CONNOR

By: David P. Zambito  
Counsel for Peoples Natural Gas Company LLC

DPZ:kmg  
Enclosure

cc: Honorable Joel H. Cheskis  
Per Certificate of Service  
Andrew Wachter, Esquire  
William H. Roberts, II, Esquire

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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DEPUTY CHIEF ADMINISTRATIVE LAW JUDGE  
JOEL H. CHESKIS

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Pennsylvania Public Utility Commission	:	
	:	
v.	:	Docket No. R-2018-3006818
	:	
Peoples Natural Gas Company LLC	:	

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**NOTICE TO PLEAD**

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TO: Parties at Docket No. R-2018-3006818

Pursuant to 52 Pa. Code § 5.342 and the Scheduling Order issued by Deputy Chief Administrative Law Judge Joel H. Cheskis (the "DCALJ") on March 19, 2019, you are hereby notified that Peoples Natural Gas Company LLC ("Peoples") has filed a Motion to Dismiss Objections and Compel Answers to Discovery at the above-referenced docket to which you may file an answer within three (3) days. Your failure to answer will allow the DCALJ to rule on the Motion without a response from you, thereby requiring no other proof. All pleadings such as an Answer to this Motion must be filed with the Secretary of the Pennsylvania Public Utility Commission at P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the undersigned counsel for Peoples.



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Dated: May 10, 2019

Counsel for *Peoples Natural Gas Company LLC*

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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DEPUTY CHIEF ADMINISTRATIVE LAW JUDGE  
JOEL H. CHESKIS

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Pennsylvania Public Utility Commission	:	
	:	
v.	:	Docket No. R-2018-3006818
	:	
Peoples Natural Gas Company LLC	:	

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**MOTION OF PEOPLES NATURAL GAS COMPANY LLC  
TO DISMISS OBJECTIONS AND  
COMPEL ANSWERS TO DISCOVERY**

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AND NOW COMES Peoples Natural Gas Company LLC (“Peoples” or the “Company”), by and through its attorneys, Cozen O’Connor, pursuant to 52 Pa. Code § 5.342 and the Scheduling Order issued by Deputy Chief Administrative Law Judge Joel H. Cheskis (the “DCALJ”) on March 19, 2019, to file this Motion (“Motion”) to dismiss the objections of Duquesne Light Company (“Duquesne”) and compel Duquesne to answer the “Interrogatories and Requests for Production of Documents Propounded by Peoples Natural Gas Company LLC and Directed to Duquesne Light Company – Set I” (“Set I”). Duquesne objects to each of the fifteen interrogatories propounded by Peoples, but states that it will nevertheless answer Interrogatories 8-12 and 14-15. Peoples respectfully requests that the DCALJ dismiss Duquesne’s objections and compel Duquesne to answer Interrogatories 1-7 and 13.

In support whereof, Peoples states as follows:

## **I. BACKGROUND**

1. On January 28, 2019, Peoples filed with the Pennsylvania Public Utility Commission (“Commission”) its 2019 Base Rate Case Filing (“Filing”), which consisted of Retail Tariff Gas – PA PUC No. 47, Supplier Tariff Gas – PA PUC No. S-3, responses to filing requirements and standard data requests, and supporting direct testimony and exhibits. In Retail Tariff Gas – PA PUC No. 47, Peoples proposes to combine the retail rates and tariffs of its Peoples and Equitable Divisions and proposes an overall net distribution rate increase of \$94.9 million per year. In Supplier Tariff Gas – PA PUC No. S-3, Peoples proposes to combine the supplier tariff provisions of its Peoples and Equitable Divisions.

2. On May 2, 2019, Peoples served Duquesne with Set I. A true and correct copy of this discovery is attached as **Appendix A**.

3. As required by the Scheduling Order entered March 19, 2019, on Monday, May 6, 2019, counsel for Duquesne contacted counsel for Peoples to orally object to Set I. Counsel were unable to resolve the dispute.

4. On Tuesday, May 7, 2019, Duquesne served its written objections to Set I. A true and correct copy is attached as **Appendix B**.

## **II. LEGAL STANDARD**

5. Under the Commission’s regulations, a party may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action. 52 Pa. Code § 5.321(c). It is not ground for objection that the information sought will be inadmissible at hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence. *Id.* The Commission applies the relevancy test liberally. *See*

*Pennsylvania Public Utility Commission v. The Peoples Natural Gas Company*, 62 Pa. PUC 56 (Aug. 26, 1986). Not only is the relevancy test liberally applied, but any doubts regarding the relevancy of subject matter should be resolved in favor of relevancy. *Koken v. One Beacon Ins. Co.*, 911 A.2d 1021, 1025 (Pa. Cmwlth. 2006). The burden of proof lies with the party challenging the relevance of discovery. *Id.*

### **III. THE DCALJ SHOULD DISMISS THE OBJECTIONS AND COMPEL ANSWERS**

6. Duquesne objects to Interrogatory 1, which states:

1. Please identify:

a. All expenses of DLC associated with the Duquesne Light Home & Garden Show for the years 2014-2019.

b. All amounts claimed in DLC's last base rate case for the Duquesne Light Home & Garden Show. Provide supporting workpapers for any such claims and any discovery responses related to such claims.

7. Duquesne claims that this interrogatory is not reasonably calculated to lead to the discovery of admissible evidence and is outside the scope of this proceeding. Duquesne's Objections p. 1. The DCALJ should overrule this objection.

8. In his Direct Testimony on behalf of Duquesne, C. James Davis discusses Peoples' advertising expenses, especially the expenses associated with Peoples' sports team sponsorships. Duquesne Light Statement No. 1, pp. 8-10. Mr. Davis argues that the costs of these sponsorships should not be included in rates. Similarly, Duquesne witness Cynthia A. Menhorn testifies regarding Peoples' advertising expenses, and concludes "Peoples should not be allowed to recover those expenses from customers." Duquesne Light Statement No. 2, p. 7.

9. The information requested in Interrogatory 1 is directly relevant to this proceeding because it impeaches the credibility of Mr. Davis and Ms. Menhorn. The information Duquesne produces in response to this interrogatory will demonstrate that Duquesne



has included in rates advertising expenses that are virtually identical to the expenses its witnesses oppose in their direct testimony. Duquesne's witnesses' credibility will be undermined by evidence proving that they are criticizing Peoples for doing the exact same thing that Duquesne did in its most recent base rate case. Discovery to obtain evidence with which to impeach a witness will produce admissible evidence and so is permissible under 52 Pa. Code § 5.321(c).

10. Duquesne objects to Interrogatory 2, which states:

2. Please identify:

a. All expenses of DLC associated with sponsorship of or advertising with the Pittsburgh Pirates for the years 2014-2019.

b. All amounts claimed in DLC's last base rate case for sponsorship of or advertising with the Pittsburgh Pirates. Provide supporting workpapers for any such claims and any discovery responses related to such claims.

11. Duquesne claims that this interrogatory is not reasonably calculated to lead to the discovery of admissible evidence and is outside the scope of this proceeding. Duquesne's Objections p. 2. The DCALJ should overrule this objection.

12. In his Direct Testimony on behalf of Duquesne, C. James Davis discusses Peoples' advertising expenses, especially the expenses associated with Peoples' sports team sponsorships. Duquesne Light Statement No. 1, pp. 8-10. Mr. Davis argues that the costs of these sponsorships should not be included in rates. Similarly, Duquesne witness Cynthia A. Menhorn testifies regarding Peoples' advertising expenses, and concludes "Peoples should not be allowed to recover those expenses from customers." Duquesne Light Statement No. 2, p. 7.

13. The information requested in Interrogatory 2 is directly relevant to this proceeding because it impeaches the credibility of Mr. Davis and Ms. Menhorn. The information Duquesne produces in response to this interrogatory will demonstrate that Duquesne has included in rates advertising expenses that are virtually identical to the expenses its witnesses oppose in their direct testimony. Duquesne's witnesses' credibility will be undermined by

evidence proving that they are criticizing Peoples for doing the exact same thing that Duquesne did in its last base rate case. Discovery intended to obtain evidence with which to impeach a witness will produce admissible evidence and so is permissible under 52 Pa. Code § 5.321(c).

14. Duquesne objects to Interrogatory 3, which states:

3. Please identify:

a. All expenses of DLC associated with sponsorship of or advertising with the University of Pittsburgh or an affiliated entity of the University of Pittsburgh.

b. All amounts claimed in DLC's last base rate case for sponsorship of or advertising with the University of Pittsburgh or an affiliated entity of the University of Pittsburgh. Provide supporting workpapers for any such claims and any discovery responses related to such claims.

15. Duquesne claims that this interrogatory is not reasonably calculated to lead to the discovery of admissible evidence and is outside the scope of this proceeding. Duquesne's Objections p. 3. The DCALJ should overrule this objection.

16. In his Direct Testimony on behalf of Duquesne, C. James Davis discusses Peoples' advertising expenses. Duquesne Light Statement No. 1, pp. 8-10. Mr. Davis argues that the costs of this advertising should not be included in rates. Similarly, Duquesne witness Cynthia A. Menhorn testifies regarding Peoples' advertising expenses, and concludes "Peoples should not be allowed to recover those expenses from customers." Duquesne Light Statement No. 2, p. 7.

17. The information requested in Interrogatory 3 is directly relevant to this proceeding because it impeaches the credibility of Mr. Davis and Ms. Menhorn. The information Duquesne produces in response to this interrogatory will demonstrate that Duquesne has included in rates advertising expenses that are virtually identical to the expenses its witnesses oppose in their direct testimony. Duquesne's witnesses' credibility will be undermined by evidence proving that they are criticizing Peoples for doing the exact same thing that Duquesne

did in its last base rate case. Discovery intended to obtain evidence with which to impeach a witness will produce admissible evidence and so is permissible under 52 Pa. Code § 5.321(c).

18. Duquesne objects to Interrogatory 4, which states:

4. Please identify:

a. All expenses of DLC associated with DLC's television and radio advertisements.

b. All amounts claimed in DLC's last base rate case for television and radio advertisements. Provide supporting workpapers for any such claims and any discovery responses related to such claims.

19. Duquesne claims that this interrogatory is not reasonably calculated to lead to the discovery of admissible evidence and is outside the scope of this proceeding. Duquesne's Objections p. 4. The DCALJ should overrule this objection.

20. In his Direct Testimony on behalf of Duquesne, C. James Davis discusses Peoples' advertising expenses. Duquesne Light Statement No. 1, pp. 8-10. Mr. Davis argues that these advertising costs should not be included in rates. Similarly, Duquesne witness Cynthia A. Menhorn testifies regarding Peoples' advertising expenses, and concludes "Peoples should not be allowed to recover those expenses from customers." Duquesne Light Statement No. 2, p. 7.

21. The information requested in Interrogatory 4 is directly relevant to this proceeding because it impeaches the credibility of Mr. Davis and Ms. Menhorn. The information Duquesne produces in response to this interrogatory will demonstrate that Duquesne has included in rates advertising expenses that are virtually identical to the expenses its witnesses oppose in their direct testimony. Duquesne's witnesses' credibility will be undermined by evidence proving that they are criticizing Peoples for doing the exact same thing that Duquesne did in its last base rate case. Discovery intended to obtain evidence with which to impeach a witness will produce admissible evidence and so is permissible under 52 Pa. Code § 5.321(c).



22. Duquesne objects to Interrogatory 5, which states:

5. Please identify:

a. Any advertising and sponsorship expenses (other than those identified in responses to interrogatories 1 through 4 above) incurred by DLC for the years 2014-2019.

b. All advertising and sponsorship expenses (other than those identified in responses to interrogatories 1 through 4 above) claimed in DLC's last base rate case. Provide supporting workpapers, any testimony, and any discovery responses related to such claims.

23. Duquesne claims that this interrogatory is not reasonably calculated to lead to the discovery of admissible evidence and is outside the scope of this proceeding. Duquesne's Objections p. 5. The DCALJ should overrule this objection.

24. In his Direct Testimony on behalf of Duquesne, C. James Davis discusses Peoples' advertising expenses. Duquesne Light Statement No. 1, pp. 8-10. Mr. Davis argues that these advertising costs should not be included in rates. Similarly, Duquesne witness Cynthia A. Menhorn testifies regarding Peoples' advertising expenses, and concludes "Peoples should not be allowed to recover those expenses from customers." Duquesne Light Statement No. 2, p. 7.

25. The information requested in Interrogatory 5 is directly relevant to this proceeding because it impeaches the credibility of Mr. Davis and Ms. Menhorn. The information Duquesne produces in response to this interrogatory will demonstrate that Duquesne has included in rates advertising expenses that are virtually identical to the expenses its witnesses oppose in their direct testimony. Duquesne's witnesses' credibility will be undermined by evidence proving that they are criticizing Peoples for doing the exact same thing that Duquesne did in its last base rate case. Discovery intended to obtain evidence with which to impeach a witness will produce admissible evidence and so is permissible under 52 Pa. Code § 5.321(c).

26. Duquesne objects to Interrogatory 6, which states:

6. Please identify:

a. Any community educational expenses incurred by DLC for the years 2015-2019.

b. All community educational expenses claimed in DLC's last base rate case. Provide supporting workpapers, any testimony, and any discovery responses related to such claims.

27. Duquesne claims that this interrogatory is not reasonably calculated to lead to the discovery of admissible evidence and is outside the scope of this proceeding. Duquesne's Objections p. 6. The DCALJ should overrule this objection.

28. In his Direct Testimony on behalf of Duquesne, C. James Davis discusses Peoples' advertising expenses. Duquesne Light Statement No. 1, pp. 8-10. Mr. Davis argues that these advertising costs should not be included in rates. Similarly, Duquesne witness Cynthia A. Menhorn testifies regarding Peoples' advertising expenses, and concludes "Peoples should not be allowed to recover those expenses from customers." Duquesne Light Statement No. 2, p. 7.

29. The information requested in Interrogatory 6 is directly relevant to this proceeding because it impeaches the credibility of Mr. Davis and Ms. Menhorn. The difference between "advertising" expenses and "community educational expenses" is unclear. This interrogatory is intended to obtain information about all activities and expenses of Duquesne that could be construed as "advertising." The information Duquesne produces in response to this interrogatory will demonstrate that Duquesne has included in rates expenses that are very similar to the expenses its witnesses oppose in their direct testimony. Duquesne's witnesses' credibility will be undermined by evidence proving that they are criticizing Peoples for the same thing that Duquesne did in its most recent base rate case. Discovery intended to obtain evidence with

which to impeach a witness will produce admissible evidence and so is permissible under 52 Pa. Code § 5.321(c).

30. Duquesne objects to Interrogatory 7, which states:

7. a. Please identify each current owner of DLC and its parents, regardless of tier, and the percentage of each owner's voting interest as such term is used in the Commission's policy statement at 52 Pa. C.S. § 69.901 ("Utility Stock Transfer Under 66 Pa. C.S. § 1102(a)(3)").

b. For each owner identified in response to interrogatory 7.a., please state the date on which each owner acquired its voting interests. Also, identify any increases or decreases in the percentage of voting interest of each owner, and the date of the change.

c. Please state every Commission Docket Number since January 1, 2000 approving a transfer in control of DLC.

d. For each transfer of control identified in response to interrogatory 7.c., please identify the synergies that were realized from each transfer of control. Calculate the savings to DLC resulting from those synergies. Provide supporting workpapers.

e. Explain how the savings calculated in response to interrogatory 7.d. were passed on to ratepayers through base rate proceedings. Identify the relevant base rate proceeding and provide supporting workpapers.

f. For any change in voting interest percentages in DLC and its parents, regardless of tier, for which Commission approval was not sought or otherwise obtained under the Commission's statement of policy at 52 Pa. C.S. § 69.901, please identify the synergies that were realized from each change. Explain why Commission approval was not requested for the change in voting interests. Calculate the savings to DLC resulting from the synergies resulting from the change in voting interests. Provide supporting workpapers.

31. Duquesne claims that this interrogatory is not reasonably calculated to lead to the discovery of admissible evidence and is outside the scope of this proceeding. Duquesne's Objections p. 7. The DCALJ should overrule this objection.

32. In his Direct Testimony on behalf of Duquesne, C. James Davis projected synergy savings associated with Aqua America, Inc.'s proposed acquisition of Peoples Natural Gas. Duquesne Light Statement No. 1, p. 11. Mr. Davis argues "I understand that Peoples' rate claim does not account for cost savings that may result from the Aqua merger. Peoples should

therefore be required, contingent on its acquisition by Aqua, to separately track any acquisition synergies as a regulatory liability to be dispositioned in its next rate case.” *Id.*

33. The information requested in Interrogatory 7 is directly relevant to this proceeding because it impeaches the credibility of Mr. Davis. The information Duquesne produces in response to this interrogatory will demonstrate that Duquesne has not accounted for synergy savings from transfers of control in its recent base rate cases consistent with the treatment it proposes for Peoples in this proceeding. Duquesne’s witnesses’ credibility will be undermined by evidence proving that they are demanding that Peoples do something that Duquesne has not done in its recent base rate cases. Discovery intended to obtain evidence with which to impeach a witness will produce admissible evidence and so is permissible under 52 Pa. Code § 5.321(c).

34. Finally, Duquesne objects to Interrogatory 13, which states:

13. Please produce any documents or workpapers related to DLC’s attempt to acquire or otherwise enter into a public-private partnership with the Pittsburgh Water & Sewer Authority.

35. Duquesne claims that this interrogatory is not reasonably calculated to lead to the discovery of admissible evidence and is outside the scope of this proceeding. Duquesne’s Objections p. 13. The DCALJ should overrule this objection.

36. During oral argument before the DCALJ regarding the Motion for Protective Order, Duquesne took the position that it is not a competitor of Peoples. Peoples maintains that Duquesne is a competitor of Peoples, in part, because both entities have sought to purchase, or to enter into a public-private partnership with, the Pittsburgh Water and Sewer Authority. Answer of Peoples Natural Gas Company LLC to the Motion of Peoples Natural Gas Company LLC for Protective Order, p. 4.

37. The requested information would be admissible for resolving a disputed issue in this proceeding – whether Duquesne is a competitor of Peoples. As such, the discovery is permissible under 52 Pa. Code § 5.321(c).

#### **IV. CERTIFICATION**

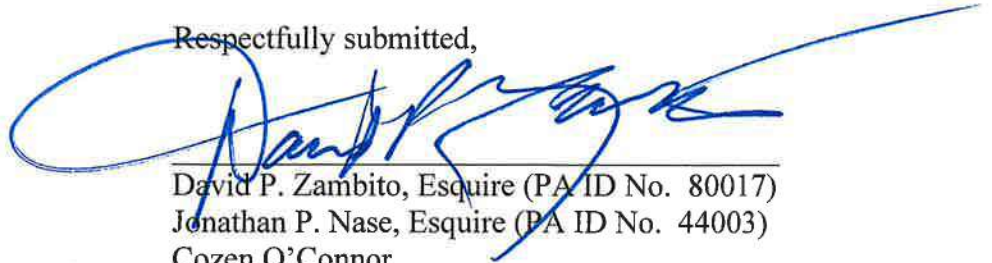
38. The undersigned counsel for Peoples hereby certifies that, on May 10, 2019, he contacted Duquesne’s counsel in a further attempt to resolve Duquesne’s objections. Such attempt was unsuccessful.

#### **V. CONCLUSION**

39. Peoples’ Set I discovery is reasonably calculated to lead to admissible evidence that would impeach the credibility of Duquesne’s witnesses on issues that have been raised by Duquesne in this proceeding.

WHEREFORE, for all the foregoing reasons, the Honorable Deputy Chief Administrative Law Judge Joel H. Cheskis should overrule Duquesne's objections to Interrogatories 1-7 and 13, and should compel Duquesne to expeditiously answer those Interrogatories.

Respectfully submitted,



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Dated May 10, 2019

Counsel for *Peoples Natural Gas Company LLC*



# **APPENDIX A**



May 2, 2019

**VIA E-MAIL AND FIRST CLASS MAIL**

**David P. Zambito**

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**Re: Pennsylvania Public Utility Commission v. Peoples Natural Gas Company LLC;  
Docket No. R-2018-3006818 (2019 Base Rate Case Filing)**

**INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS  
PROPOUNDED BY PEOPLES NATURAL GAS COMPANY LLC AND DIRECTED TO  
DUQUESNE LIGHT COMPANY - SET I**

Dear Mr. Guin:

Enclosed please find the above-referenced Interrogatories and Requests for Production of Documents of Peoples Natural Gas Company LLC directed to Duquesne Light Company. Copies have been served in accordance with the enclosed certificate of service.

Please feel free to contact me should you have any questions concerning the enclosed.

Sincerely,

COZEN O'CONNOR

By:  David P. Zambito

DPZ/kmg  
Enclosure

cc: Rosemary Chiavetta, Secretary (*Letter and Certificate of Service only*)  
Per Certificate of Service  
Andrew Wachter  
William H. Roberts, II, Esquire

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
	:	
v.	:	Docket No. R-2018-3006818
	:	
Peoples Natural Gas Company LLC	:	

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**CERTIFICATE OF SERVICE**

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I hereby certify that I have this day served a true copy of the foregoing **Interrogatories and Requests for Production of Documents Propounded by Peoples Natural Gas Company LLC and Directed to Duquesne Light Company - Set I**, upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

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James Boudreau  
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Edward A. and Ann D. Bugosh  
1165 Rosedale Drive  
Greensburg, PA 15601



David P. Zambito, Esquire  
Counsel for Peoples Natural Gas Company LLC

Date: May 2, 2019



**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

---

Deputy Chief Administrative Law Judge Joel H. Cheskis

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Pennsylvania Public Utility Commission	:	
	:	
v.	:	Docket No. R-2018-3006818
	:	
Peoples Natural Gas Company LLC	:	
	:	

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**INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS  
PROPOUNDED BY PEOPLES NATURAL GAS COMPANY LLC AND DIRECTED TO  
DUQUESNE LIGHT COMPANY – SET I**

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Pursuant to 66 Pa. C.S. § 333 and 52 Pa. Code § 5.341 *et seq.*, Peoples Natural Gas Company LLC (“Peoples”), by and through the undersigned counsel, hereby propounds its Interrogatories and Requests for Production of Documents upon Duquesne Light Company (“DLC”) – Set I.

**DEFINITIONS**

1. The “Responding Party,” “you,” or “your” means the party to which these interrogatories and requests for production of documents are propounded and/or all agents, affiliates, employees, consultants, and representatives acting on behalf of the Responding Party.
2. “Commission” means the Pennsylvania Public Utility Commission.
3. To “identify” a natural person means to state that person’s full name, title or position, employer, last known address, and last known telephone number.
4. To “identify” a business entity means to state the full name of such business, the form of the business, and its location or address.

5. To “identify” a “document” means to provide all of the following information irrespective of whether the document is deemed privileged or subject to any claim of privilege:

- a. The title or other means of identification of each such document;
- b. The date of each such document;
- c. The author, preparer or signer of each such document; and
- d. A description of the subject matter of such document sufficient to permit an understanding of its contents and importance to the testimony or position being examined and the present or last known location of the document. The specific nature of the document should also be stated (e.g., letter, business record, memorandum, computer print-out, etc.).

In lieu of “identifying” any document, it shall be deemed a sufficient compliance with these interrogatories to attach a copy of each such document to the answers hereto and reference said document to the particular interrogatory to which the document is responsive.

6. “Document” means the original and all drafts of all written and graphic matter, however produced or reproduced, of any kind or description, whether or not sent or received, and all copies thereof which are different in any way from the original (whether by interlineation, date-stamp, notarization, indication of copies sent or received, or otherwise), including without limitation, any paper, book, account, photograph, blueprint, drawing, sketch, schematic, agreement, contract, memorandum, press release, circular, advertising material, correspondence, letter, telegram, telex, object, report, opinion, investigation, record, transcript, hearing, meeting, study, notation, working paper, summary, intra-office communication, diary, chart, minutes, index sheet, computer software, computer-generated records or files, however stored, check, check stub, delivery ticket, bill of lading, invoice, record or recording or summary of any telephone or other conversation, or of any interview or of any conference, or any other written, recorded, transcribed, punched, taped, filmed, or graphic matter of which the Responding Party has or has had possession, custody or control, or of which the Responding Party has knowledge.

7. "Communication" means any manner or form of information or message transmission, however produced or reproduced, whether as a document as herein defined, or orally or otherwise, which is made, distributed, or circulated between or among persons, or data storage or processing units.

8. "Date" means the exact day, month, and year, if ascertainable, or if not, the best approximation thereof.

9. "Person" refers to, without limiting the generality of its meaning, every natural person, agent, broker, consultant, corporation, partnership, association (whether formally organized or ad hoc), joint venture, unit operation, cooperative, municipality, commission, governmental body or agency, or any other group or organization.

10. "Peoples" means Peoples Natural Gas Company LLC and Peoples Gas Company LLC.

11. "DLC" means Duquesne Light Company and its affiliates, and includes without limitation any of its staff, employees, counsel, consultants or agents.

### **INSTRUCTIONS**

1. Items referred to in the singular include those in the plural, and items referred to in the plural include those in the singular.

2. Items referred to in the masculine include those in the feminine, and items referred to in the feminine include those in the masculine.

3. The answers provided should first restate the question asked and identify the person(s) supplying the information.

4. In answering the interrogatories, the Responding Party is requested to furnish all information that is available to the Responding Party, including information in the possession of the Responding Party's attorneys, agents, consultants, or investigators, and not merely such information of the Responding Party's own knowledge. If any of the interrogatories cannot be answered in full after exercising due diligence to secure the requested information, please so state

and answer to the extent possible, specifying the Responding Party's inability to answer the remainder, and stating whatever information the Responding Party has concerning the unanswered portions. If the Responding Party's answer is qualified in any particular, please set forth the details of such qualification.

5. If the Responding Party objects to providing any document requested on any ground, identify such document by describing it as set forth in these instructions and definitions and state the basis of the objection.

6. If the Responding Party objects to part of an interrogatory and refuses to answer that part, state the Responding Party's objection and answer the remaining portion of that interrogatory. If the Responding Party objects to the scope or time period of an interrogatory and refuses to answer for that scope or time period, state the Responding Party's objection and answer the interrogatory for the scope or time period that the Responding Party believes is appropriate.

7. If, in connection with an interrogatory, the Responding Party contends that any information, otherwise subject to discovery, is covered by either the attorney-client privilege, the so-called "attorneys' work product doctrine," or any other privilege or doctrine, then specify the general subject matter of the information and the basis to support each such objection.

8. If any information is withheld on grounds of privilege or other protection from disclosure, provide the following information: (a) every person to whom such information has been communicated and from whom such information was learned; (b) the nature and subject matter of the information; and, (c) the basis on which the privilege or other protection from disclosure is claimed.

9. The interrogatories are continuing and the Responding Party is obliged to change, supplement and correct all answers given to conform to new or changing information.

10. The Responding Party should include a verification in accordance with 52 Pa. Code § 1.36.

**PEOPLES INTERROGATORIES AND DOCUMENT REQUESTS  
PROPOUNDED ON DUQUESNE LIGHT COMPANY – SET I**

1. Please identify:
  - a. All expenses of DLC associated with the Duquesne Light Home & Garden Show for the years 2014-2019.
  - b. All amounts claimed in DLC's last base rate case for the Duquesne Light Home & Garden Show. Provide supporting workpapers for any such claims and any discovery responses related to such claims.
  
2. Please identify:
  - a. All expenses of DLC associated with sponsorship of or advertising with the Pittsburgh Pirates for the years 2014-2019.
  - b. All amounts claimed in DLC's last base rate case for sponsorship of or advertising with the Pittsburgh Pirates. Provide supporting workpapers for any such claims and any discovery responses related to such claims.
  
3. Please identify:
  - a. All expenses of DLC associated with sponsorship of or advertising with the University of Pittsburgh or an affiliated entity of the University of Pittsburgh.
  - b. All amounts claimed in DLC's last base rate case for sponsorship of or advertising with the University of Pittsburgh or an affiliated entity of the University of Pittsburgh. Provide supporting workpapers for any such claims and any discovery responses related to such claims.
  
4. Please identify:
  - a. All expenses of DLC associated with DLC's television and radio advertisements.
  - b. All amounts claimed in DLC's last base rate case for television and radio advertisements. Provide supporting workpapers for any such claims and any discovery responses related to such claims.
  
5. Please identify:
  - a. Any advertising and sponsorship expenses (other than those identified in responses to interrogatories 1 through 4 above) incurred by DLC for the years 2014-2019.

b. All advertising and sponsorship expenses (other than those identified in responses to interrogatories 1 through 4 above) claimed in DLC's last base rate case. Provide supporting workpapers, any testimony, and any discovery responses related to such claims.

6. Please identify:

a. Any community educational expenses incurred by DLC for the years 2015-2019.

b. All community educational expenses claimed in DLC's last base rate case. Provide supporting workpapers, any testimony, and any discovery responses related to such claims.

7. a. Please identify each current owner of DLC and its parents, regardless of tier, and the percentage of each owner's voting interest as such term is used in the Commission's policy statement at 52 Pa. C.S. § 69.901 ("Utility Stock Transfer Under 66 Pa. C.S. § 1102(a)(3)").

b. For each owner identified in response to interrogatory 7.a., please state the date on which each owner acquired its voting interests. Also, identify any increases or decreases in the percentage of voting interest of each owner, and the date of the change.

c. Please state every Commission Docket Number since January 1, 2000 approving a transfer in control of DLC.

d. For each transfer of control identified in response to interrogatory 7.c., please identify the synergies that were realized from each transfer of control. Calculate the savings to DLC resulting from those synergies. Provide supporting workpapers.

e. Explain how the savings calculated in response to interrogatory 7.d. were passed on to ratepayers through base rate proceedings. Identify the relevant base rate proceeding and provide supporting workpapers.

f. For any change in voting interest percentages in DLC and its parents, regardless of tier, for which Commission approval was not sought or otherwise obtained under the Commission's statement of policy at 52 Pa. C.S. § 69.901, please identify the synergies that were realized from each change. Explain why Commission approval was not requested for the change in voting interests. Calculate the savings to DLC resulting from the synergies resulting from the change in voting interests. Provide supporting workpapers.

8. Please identify any DLC tariff provisions or policies that provide priority in curtailment situations to other public utilities.

9. Please identify any DLC tariff provisions or policies that provide priority in restoration situations to other public utilities.

10. Please identify any DLC tariff provisions or policies that allow DLC to flex its distribution rates.



11. Please identify any basis upon which DLC is permitted to flex its distribution rates?
12. Please identify any claims by DLC in its last base rate case for recovery of discounts associated with DLC's flexing of distribution rates.
13. Please produce any documents or workpapers related to DLC's attempt to acquire or otherwise enter into a public-private partnership with the Pittsburgh Water & Sewer Authority.
14. Please identify the Fully Projected Future Test Year utilized by DLC in its last base rate proceeding.
15. Please identify any claims of declining consuming in DLC's last base rate case associated with combined heat & power projects, whether developed by Peoples or another entity.

# **APPENDIX B**

**STEVENS & LEE**  
**LAWYERS & CONSULTANTS**

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Email: mag@stevenslee.com  
Direct Fax: (610) 988-0852

May 7, 2019

**VIA ELECTRONIC MAIL AND FIRST CLASS MAIL**

David Zambito, Esquire  
Cozen O'Connor  
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Harrisburg, PA 17101

**RE: Pennsylvania Public Utility Commission v. Peoples Natural Gas Company, LLC**  
**Docket No. R-2018-3006818**  
**Duquesne Light Company's Objections to Peoples Set Interrogatories and Requests for Production**

Dear David:

Enclosed please find Duquesne Light Company's Objections to the Set I Interrogatories and Requests for Production of Documents propounded by Peoples Natural Gas Company, LLC in the above-referenced matter.

In accordance with the Procedural Order issued in this matter, copies are being served on Administrative Law Judge Cheskis and the parties on the service list. If you should you have any questions, please feel free to contact me.

Best Regards,

STEVENS & LEE



Michael A. Gruin

Enclosure

cc: Administrative Law Judge Joel Cheskis  
Secretary Chiavetta (Certificate of Service only)  
Certificate of Service

Allentown • Bala Cynwyd • Charleston • Cleveland • Fort Lauderdale • Harrisburg • Lancaster  
New York • Philadelphia • Princeton • Reading • Rochester • Scranton • Valley Forge • Wilkes-Barre • Wilmington  
A PROFESSIONAL CORPORATION

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Appendix B

RECEIVED MAY - 9 2019



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Harrisburg, PA 17101  
(*Counsel for Peoples*)



---

Michael A. Gruin

DATE: May 7, 2019

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission

v.

Docket No. R-2018-3006818

Peoples Natural Gas Company, LLC

**DUQUESNE LIGHT COMPANY'S OBJECTIONS TO INTERROGATORIES AND  
REQUESTS FOR PRODUCTION OF DOCUMENTS PROPOUNDED BY PEOPLES  
NATURAL GAS COMPANY, LLC, SET I**

Pursuant to 52 Pa. Code §5.342, Duquesne Light Company, ("Duquesne Light"), by its attorneys Stevens & Lee, hereby objects to the Set I Interrogatories and Requests for Production of Documents of Peoples Natural Gas Company, LLC ("Peoples") as follows.

1. Please identify:

- a. All expenses of DLC associated with the Duquesne Light Home & Garden Show for the years 2014-2019.
- b. All amounts claimed in DLC's last base rate case for the Duquesne Light Home & Garden Show. Provide supporting workpapers for any such claims and any discovery responses related to such claims.

**Objection.** Duquesne Light objects to Interrogatory No. 1 because it is not reasonably calculated to lead to the discovery of admissible evidence and it is outside the scope of this proceeding. The subject of this proceeding is Peoples' proposed rates and tariffs, not Duquesne Light's expenses. Information related to Duquesne Light's expenses associated with the Home & Garden Show, and whether they were claimed in Duquesne Light's last rate case, are not relevant to the disposition of this proceeding. Furthermore, Peoples actively participated as a party to Duquesne Light's last rate case in 2018. To the extent that Peoples was interested in examining the issues raised by this Interrogatory, Peoples had the full ability to seek such information in that case. There is no justification for seeking discovery on those same items in this matter.



2. Please identify:

a. All expenses of DLC associated with sponsorship of or advertising with the Pittsburgh Pirates for the years 2014-2019.

b. All amounts claimed in DLC's last base rate case for sponsorship of or advertising with the Pittsburgh Pirates. Provide supporting workpapers for any such claims and any discovery responses related to such claims.

**Objection.** Duquesne Light objects to Interrogatory No. 2 because it is not reasonably calculated to lead to the discovery of admissible evidence and it is outside the scope of this proceeding. The subject of this proceeding is Peoples' proposed rates and tariffs, not Duquesne Light's expenses. Information related to Duquesne Light's advertising expenses, and whether they were claimed in Duquesne Light's last rate case, are not relevant to the disposition of this proceeding. Furthermore, Peoples actively participated as a party to Duquesne Light's last rate case in 2018. To the extent that Peoples was interested in examining the issues raised by this Interrogatory, Peoples had the full ability to seek such information in that case. There is no justification for seeking discovery on those same items in this matter.

3. Please identify:

- a. All expenses of DLC associated with sponsorship of or advertising with the University of Pittsburgh or an affiliated entity of the University of Pittsburgh.
- b. All amounts claimed in DLC's last base rate case for sponsorship of or advertising with the University of Pittsburgh or an affiliated entity of the University of Pittsburgh. Provide supporting workpapers for any such claims and any discovery responses related to such claims.

**Objection.** Duquesne Light objects to Interrogatory No. 3 because it is not reasonably calculated to lead to the discovery of admissible evidence and it is outside the scope of this proceeding. The subject of this proceeding is Peoples' proposed rates and tariffs, not Duquesne Light's expenses. Information related to Duquesne Light's advertising expenses, and whether they were claimed in Duquesne Light's last rate case, are not relevant to the disposition of this proceeding, which is solely about the reasonableness and appropriateness of Peoples' proposed rates and tariffs. Furthermore, Peoples actively participated as a party to Duquesne Light's last rate case in 2018. To the extent that Peoples was interested in examining the issues raised by this Interrogatory, Peoples had the full ability to seek such information in that case. There is no justification for seeking discovery on those same items in this matter.

4. Please identify:

- a. All expenses of DLC associated with DLC's television and radio advertisements.
- b. All amounts claimed in DLC's last base rate case for television and radio advertisements. Provide supporting workpapers for any such claims and any discovery responses related to such claims.

**Objection.** Duquesne Light objects to Interrogatory No. 4 because it is not reasonably calculated to lead to the discovery of admissible evidence and it is outside the scope of this proceeding. The subject of this proceeding is Peoples' proposed rates and tariffs, not Duquesne Light's expenses. Information related to Duquesne Light's advertising expenses, and whether they were claimed in Duquesne Light's last rate case, are not relevant to the disposition of this proceeding, which is solely about the reasonableness and appropriateness of Peoples' proposed rates and tariffs. Furthermore, Peoples actively participated as a party to Duquesne Light's last rate case in 2018. To the extent that Peoples was interested in examining the issues raised by this Interrogatory, Peoples had the full ability to seek such information in that case. There is no justification for seeking discovery on those same items in this matter.

5. Please identify:

a. Any advertising and sponsorship expenses (other than those identified in responses to interrogatories 1 through 4 above) incurred by DLC for the years 2014-2019.

b. All advertising and sponsorship expenses (other than those identified in responses to interrogatories 1 through 4 above) claimed in DLC's last base rate case. Provide supporting workpapers, any testimony, and any discovery responses related to such claims.

**Objection.** Duquesne Light objects to Interrogatory No. 5 because it is not reasonably calculated to lead to the discovery of admissible evidence, and it is outside the scope of this proceeding. The subject of this proceeding is Peoples' proposed rates and tariff changes, not Duquesne Light's expenses. Information related to Duquesne Light's advertising expenses and whether they were claimed in Duquesne Light's last rate case, are not relevant to the disposition of this proceeding, which is solely about the reasonableness and appropriateness of Peoples' proposed rates and tariffs. Furthermore, Peoples actively participated as a party to Duquesne Light's last rate case in 2018. To the extent that Peoples was interested in examining the issues raised by this Interrogatory, Peoples had the full ability to seek such information in that case. There is no justification for seeking discovery on those same items in this matter.

6. Please identify:

a. Any community educational expenses incurred by DLC for the years 2015-2019.

b. All community educational expenses claimed in DLC's last base rate case. Provide supporting workpapers, any testimony, and any discovery responses related to such claims.

**Objection.** Duquesne Light objects to Interrogatory No. 6 because it is not reasonably calculated to lead to the discovery of admissible evidence, and it is outside the scope of this proceeding. The subject of this proceeding is Peoples' proposed rates and tariff changes, not Duquesne Light's expenses. Information related to Duquesne Light's advertising expenses, and whether they were claimed in Duquesne Light's last rate case, are not relevant to the disposition of this proceeding, which is solely about the reasonableness and appropriateness of Peoples' proposed rates and tariffs. Furthermore, Peoples actively participated as a party to Duquesne Light's last rate case in 2018. To the extent that Peoples was interested in examining the issues raised by this Interrogatory, Peoples had the full ability to seek such information in that case. There is no justification for seeking discovery on those same items in this matter.

7. a. Please identify each current owner of DLC and its parents, regardless of tier, and the percentage of each owner's voting interest as such term is used in the Commission's policy statement at 52 Pa. C.S. § 69.901 ("Utility Stock Transfer Under 66 Pa. C.S. § 1102(a)(3)").

b. For each owner identified in response to interrogatory 7.a., please state the date on which each owner acquired its voting interests. Also, identify any increases or decreases in the percentage of voting interest of each owner, and the date of the change.

c. Please state every Commission Docket Number since January 1, 2000 approving a transfer in control of DLC.

d. For each transfer of control identified in response to interrogatory I.e., please identify the synergies that were realized from each transfer of control. Calculate the savings to DLC resulting from those synergies. Provide supporting workpapers.

e. Explain how the savings calculated in response to interrogatory 7.d. were passed on to ratepayers through base rate proceedings. Identify the relevant base rate proceeding and provide supporting workpapers.

f. For any change in voting interest percentages in DLC and its parents, regardless of tier, for which Commission approval was not sought or otherwise obtained under the Commission's statement of policy at 52 Pa. C.S. § 69.901, please identify the synergies that were realized from each change. Explain why Commission approval was not requested for the change in voting interests. Calculate the savings to DLC resulting from the synergies resulting from the change in voting interests. Provide supporting workpapers.

**Objection.** Duquesne Light objects to Interrogatory No. 7 because it is not reasonably calculated to lead to the discovery of admissible evidence and it is outside the scope of this proceeding. The subject of this proceeding is Peoples' proposed rates and tariffs, not Duquesne Light's corporate ownership structure. Information related to Duquesne Light's ownership, historical changes of control or changes in voting interests, and synergies related to past changes in control and whether they were claimed in Duquesne Light's rate cases, are not relevant to the disposition of this proceeding, which is solely about the reasonableness and appropriateness of Peoples' proposed rates and tariff changes. Furthermore, Peoples actively participated as a party to Duquesne Light's last rate case in 2018. To the extent that Peoples was interested in examining the issues raised by this Interrogatory, Peoples had the full ability to seek such information in that case. There is no justification for seeking discovery on those items in this matter.

8. Please identify any DLC tariff provisions or policies that provide priority in curtailment situations to other public utilities.

**Objection.** Duquesne Light objects to Interrogatory No. 8 because it is not reasonably calculated to lead to the discovery of admissible evidence and it is outside the scope of this proceeding. Duquesne Light's rates, tariffs, and procedures are not the subject of this proceeding, which is solely about the reasonableness and appropriateness of Peoples' proposed rates and tariffs. Furthermore, Peoples actively participated as a party to Duquesne Light's last rate case in 2018. To the extent that Peoples was interested in examining the issues raised by this Interrogatory, Peoples had the full ability to seek such information in that case. There is no justification for seeking discovery on those items in this matter.

Notwithstanding the foregoing objection, Duquesne Light will provide a response.



9. Please identify any DLC tariff provisions or policies that provide priority in restoration situations to other public utilities.

**Objection.** Duquesne Light objects to Interrogatory No. 9 because it is not reasonably calculated to lead to the discovery of admissible evidence and it is outside the scope of this proceeding. Duquesne Light's rates, tariffs, and procedures are not the subject of this proceeding, which is solely about the reasonableness and appropriateness of Peoples' proposed rates and tariffs. Furthermore, Peoples actively participated as a party to Duquesne Light's last rate case in 2018. To the extent that Peoples was interested in examining the issues raised by this Interrogatory, Peoples had the full ability to seek such information in that case. There is no justification for seeking discovery on those items in this matter.

Notwithstanding the foregoing objection, Duquesne Light will provide a response.

10. Please identify any DLC tariff provisions or policies that allow DLC to flex its distribution rates.

**Objection.** Duquesne Light objects to Interrogatory No. 10 because it is not reasonably calculated to lead to the discovery of admissible evidence and it is outside the scope of this proceeding. Duquesne Light's rates, tariffs, and procedures are not the subject of this proceeding, which is solely about the reasonableness and appropriateness of Peoples' proposed rates and tariffs. Furthermore, Peoples actively participated as a party to Duquesne Light's last rate case in 2018. To the extent that Peoples was interested in examining the issues raised by this Interrogatory, Peoples had the full ability to seek such information in that case. There is no justification for seeking discovery on those items in this matter.

Notwithstanding the foregoing objection, Duquesne Light will provide a response.

11. Please identify any basis upon which DLC is permitted to flex its distribution rates?

**Objection.** Duquesne Light objects to Interrogatory No. 11 because it is not reasonably calculated to lead to the discovery of admissible evidence and it is outside the scope of this proceeding. Duquesne Light's rates, tariffs, and procedures are not the subject of this proceeding, which is solely about the reasonableness and appropriateness of Peoples' proposed rates and tariffs. Furthermore, Peoples actively participated as a party to Duquesne Light's last rate case in 2018. To the extent that Peoples was interested in examining the issues raised by this Interrogatory, Peoples had the full ability to seek such information in that case. There is no justification for seeking discovery on those items in this matter.

Notwithstanding the foregoing objection, Duquesne Light will provide a response.

12. Please identify any claims by DLC in its last base rate case for recovery of discounts associated with DLC's flexing of distribution rates.

**Objection.** Duquesne Light objects to Interrogatory No. 12 because it is not reasonably calculated to lead to the discovery of admissible evidence and it is outside the scope of this proceeding. Duquesne Light's rates, tariffs, and procedures are not the subject of this proceeding, which is solely about the reasonableness and appropriateness of Peoples' proposed rates and tariffs. Furthermore, Peoples actively participated as a party to Duquesne Light's last rate case in 2018. To the extent that Peoples was interested in examining the issues raised by this Interrogatory, Peoples had the full ability to seek such information in that case. There is no justification for seeking discovery on those items in this matter.

Notwithstanding the foregoing objection, Duquesne Light will provide a response.

13. Please produce any documents or workpapers related to DLC's attempt to acquire or otherwise enter into a public-private partnership with the Pittsburgh Water & Sewer Authority.

**Objection.** Duquesne Light objects to Interrogatory No. 13 because it is not reasonably calculated to lead to the discovery of admissible evidence and it is outside the scope of this proceeding, which is solely about the reasonableness and appropriateness of Peoples' proposed rates and tariffs.

14. Please identify the Fully Projected Future Test Year utilized by DLC in its last base rate proceeding.

**Objection.** Duquesne Light objects to Interrogatory No.14 because it is not reasonably calculated to lead to the discovery of admissible evidence and it is outside the scope of this proceeding. Duquesne Light's rates, tariffs, and procedures are not the subject of this proceeding, which is solely about the reasonableness and appropriateness of Peoples' proposed rates and tariffs. Furthermore, Peoples actively participated as a party to Duquesne Light's last rate case in 2018. To the extent that Peoples was interested in examining the issues raised by this Interrogatory, Peoples had the full ability to seek such information in that case. There is no justification for seeking discovery on those items in this matter.

Notwithstanding the foregoing objection, Duquesne Light will provide a response.

15. Please identify any claims of declining consuming in DLC's last base rate case associated with combined heat & power projects, whether developed by Peoples or another entity.

**Objection.** Duquesne Light objects to Interrogatory No. 15 because it is not reasonably calculated to lead to the discovery of admissible evidence and it is outside the scope of this proceeding. Duquesne Light's rates, tariffs, and procedures are not the subject of this proceeding, which is solely about the reasonableness and appropriateness of Peoples' proposed rates and tariffs. Furthermore, Peoples actively participated as a party to Duquesne Light's last rate case in 2018. To the extent that Peoples was interested in examining the issues raised by this Interrogatory, Peoples had the full ability to seek such information in that case. There is no justification for seeking discovery on those items in this matter.

Notwithstanding the foregoing objection, Duquesne Light will provide a response.

Respectfully submitted,



May 7, 2019

---

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Michael A. Gruin (PA ID No. 78625)  
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[mag@stevenslee.com](mailto:mag@stevenslee.com)



**VERIFICATION**

I, Andrew P. Wachter hereby state that the facts set forth 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:

5/9/19



Andrew P. Wachter  
Director, Finance and Regulation  
PNG Companies LLC

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission

v.

Peoples Natural Gas Company LLC

:  
:  
:  
:  
:

Docket No. R-2018-3006818

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**CERTIFICATE OF SERVICE**

---

I hereby certify that I have this day served a true copy of the foregoing **Motion of Peoples Natural Gas Company LLC to Dismiss Objections and Compel Answers to Discovery (Set I to Duquesne Light Company)**, upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

**VIA E-MAIL AND FIRST CLASS MAIL**

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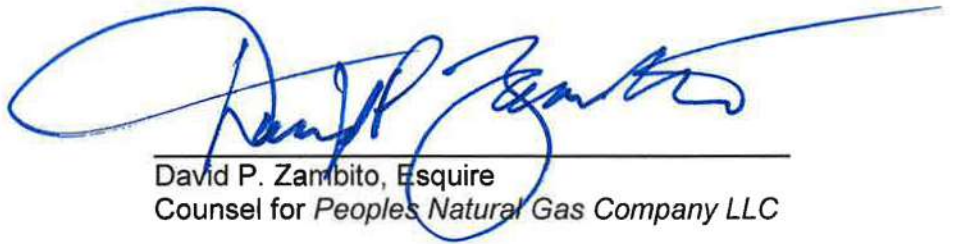
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