*Via electronic service only due to Emergency Order at Docket No. M-2020-3019262*

**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Duquesne Light Company : M-2020-3020818

for Approval of its Act 129 Phase IV :

Energy Efficiency and Conservation Plan :

**ORDER CERTIFYING RECORD TO THE COMMISSION**

HISTORY OF THE PROCEEDING

On June 18, 2020, the Commission entered an Implementation Order with respect to the Energy Efficiency and Conservation Program at Docket No. M-2020-3015228 (Implementation Order). In the Implementation Order, the Commission adopted a timeline for Phase IV of the Program which called for, *inter alia*, Electric Distribution Companies (EDCs) to file Energy Efficiency and Conservation (EE&C) Phase IV Plans by November 30, 2020, and a Commission ruling on the EE&C Plans in March 2021.

On November 30, 2020, Duquesne Light Company (DLC or Company) filed the above-captioned Petition with the Pennsylvania Public Utility Commission pursuant to Act 129 of 2008 (Act 129), 66 Pa.C.S. §§ 2806.1 and 2806.2 and the Commission’s Implementation Order. Notice of the filing was published in the *Pennsylvania Bulletin* on January 2, 2021, 51 Pa.B. 116 and on January 9, 2021, 51 Pa.B. 252.[[1]](#footnote-1)

On December 11, 2020, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) filed a Petition to Intervene.

On December 21, 2020, the Office of Small Business Advocate (OSBA) filed a Notice of Intervention, Public Statement, and Verification, as well as a Notice of Appearance.

On December 21, 2020, Community Action Associates of Pennsylvania (CAAP) filed a Petition to Intervene.

On December 30, 2020, a Call-In Telephonic Prehearing Conference Notice was served on the parties scheduling a prehearing conference for Wednesday, January 6, 2021. Also on December 30, 2020, a Prehearing Conference Order was issued.

On December 31, 2020, the Office of Consumer Advocate (OCA) filed a Notice of Intervention, Public Statement, and Verification, as well as a Notice of Appearance.

On January 6, 2021, a Judge Addition Notice was issued adding Administrative Law Judge (ALJ) Emily I. DeVoe as an additional ALJ in this proceeding.

A prehearing conference was held as scheduled on January 6, 2021. Duquesne Light, OCA, OSBA, CAUSE-PA and CAAP were represented at the conference.

No party objected to the Petitions to Intervene of CAUSE-PA and CAAP, and the Petitions were granted during the prehearing conference.

A Prehearing Order was entered on January 7, 2021, setting a litigation schedule and discovery rule modifications and detailing other matters. Also on January 7, 2021, the Commission issued a Hearing Notice scheduling an evidentiary hearing for January 22, 2021.

On January 8, 2021, CAUSE-PA, CAAP, OCA, and OSBA (Joint Movants) filed a Joint Expedited Motion for Extension of Procedural Schedule (Motion).[[2]](#footnote-2)

On January 11, 2021, the undersigned issued an Interim Order directing the parties to: 1) file responses, if any, to the Motion by Wednesday, January 13, 2021, and 2) file responses, if any, to the OALJ’s Proposed Revised Schedule detailed in the January 11, 2021 Order by Wednesday, January 13, 2021.

DLC, CAUSE-PA, OCA, and OSBA timely filed responses to the January 11, 2021 Order.

On January 14, 2021, Chief Administrative Law Judge Charles Rainey (CALJ Rainey) issued an Order Denying the Joint Expedited Motion for Extension of Procedural Schedule. CALJ Rainey’s Order provided that: evidentiary hearings occur on or before February 8, 2021, briefs are to be filed on or before February 18, 2021, reply comments/revised plans are to be filed by March 1, 2021, and the record is to be certified by March 2, 2021.

On January 15, 2021, the undersigned emailed the parties advising that, in light of Chief Rainey’s Order, they were suspending the litigation schedule and cancelling the evidentiary hearing scheduled for January 22, 2021. The email directed the parties to confer regarding a litigation schedule and that the undersigned would meet with the parties at 8:00 a.m. on January 19, 2021 to set a new litigation schedule and hearing date.

A conference was convened on January 19, 2021 at 8:00 a.m.[[3]](#footnote-3) Both the undersigned and all the parties except for OSBA were present. The parties presented an agreed upon litigation schedule and later confirmed by email that OSBA was in agreement with the schedule as well. The revised schedule was adopted via an Interim Order entered January 26, 2021.

On January 19, 2021, the Commission issued a Notice rescheduling the evidentiary hearing for February 8, 2021 at 10:00 a.m.

On January 20, 2021, Peoples Natural Gas Company LLC (Peoples) filed a Petition to Intervene. On January 25, 2021, DLC advised the undersigned by email that it had no objection to the Petition to Intervene.

On January 22, 2021, comments to the Company’s Phase IV Plan were filed by Daikin Industries Ltd., Energy Efficiency for All Pennsylvania Coalition of Pennsylvania (PA-EEFA), Keystone Energy Efficiency Alliance (KEEA), and Ceres.

On January 26, 2021, an Interim Order was entered adopting the litigation schedule discussed at the January 19, 2021 prehearing conference and granting Peoples’ Petition to Intervene.

On February 5, 2021, DLC, OCA, CAUSE-PA, Peoples, and CAAP (Stipulating Parties), filed a Joint Stipulation for Admission of Testimony and Exhibits into the Evidentiary Record (Joint Stipulation).[[4]](#footnote-4) Each of the Stipulating Parties stipulated to the authenticity of the statements and exhibits listed in the Joint Stipulation and requested that they be admitted into the record of this proceeding on the terms and conditions set forth in the Joint Stipulation.

Also on February 5, 2021, the Company’s counsel emailed the undersigned advising that all parties agreed to waive cross-examination and had reached a settlement in this matter. Counsel also requested that the evidentiary hearing be cancelled.

By Notice dated February 5, 2021, the evidentiary hearing was cancelled.

An Interim Order was entered on February 8, 2021, adopting the Joint Stipulation and admitting the testimonies and exhibits listed in the Joint Stipulation into the record.

On February 18, 2021, DLC, CAUSE-PA, CAAP, and OCA (Settling Parties) filed a Joint Petition for Full Settlement (Settlement). The Settlement indicates that the Settlement has been agreed to or not opposed by all active parties to this proceeding. Also on February 18, 2021, OSBA filed a Letter of Non-Opposition to the Joint Petition for Settlement.

On March 1, 2021, DLC served the undersigned with a Revised Phase IV Energy Efficiency & Conservation Plan (Revised Plan).[[5]](#footnote-5)

THEREFORE:

IT IS ORDERED THAT THE FOLLOWING DOCUMENTS COMPRISE THE EVIDENTIARY RECORD IN THIS CASE:

1. Duquesne Light Company’s Phase IV Energy Efficiency and Conservation Plan filed November 30, 2020, at Docket No. M-2012-2333992.

2. The Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania’s Petition to Intervene filed December 11, 2020.

3. The Community Action Association of Pennsylvania’s Petition to Intervene filed December 21, 2020.

4. The Office of Small Business Advocate’s Notice of Intervention, Public Statement, and Verification filed December 21, 2020.

5. The Hearing Notice issued December 30, 2020.

6. The Prehearing Conference Order issued December 30, 2020.

7. The Office of Consumer Advocate’s Notice of Intervention and Public Statement filed December 31, 2020.

8. The Judge Addition Notice issued January 6, 2021.

9. The Call-In Telephonic Evidentiary Hearing Notice issued January 7, 2021.

10. The Prehearing Order issued January 7, 2021 .

11. The transcript of the Prehearing Conference held January 6, 2021, consisting of pages 1-22.

12. Joint Expedited Motion for Extension of Procedural Schedule filed by CAUSE-PA, CAAP, OCA, and OSBA on January 8, 2021.

13. The Interim Order Directing Parties to Respond to Joint Expedited Motion and OALJ’s Proposed Revised Schedule issued January 11, 2021.

14. The Order Denying the Joint Expedited Motion for Extension of Procedural Schedule issued January 14, 2021.

15. The Telephonic Evidentiary Hearing Cancellation/Reschedule Notice issued January 19, 2021.

16. Peoples Natural Gas Company LLC’s Petition to Intervene filed January 20, 2021.

17. Daikin Industries Ltd.’s comments on the Phase IV Energy Efficiency and Conservation Program Plan filed on January 22, 2021.

18. Energy Efficiency for All Coalition of Pennsylvania’s comments on the Phase IV Energy Efficiency and Conservation Program Plan filed on January 22, 2021.

19. Keystone Energy Efficiency Alliance’s comments on the Phase IV Energy Efficiency and Conservation Program Plan filed on January 22, 2021.

20. Ceres’s comments on the Phase IV Energy Efficiency and Conservation Program Plan filed on January 22, 2021.

21. Duquesne Light Company’s filing on January 25, 2021 in response to the Petition to Intervene filed by Peoples Natural Gas Company, LLC.

22. The Interim Order Revising Litigation Schedule, Rescheduling Evidentiary Hearing, and Granting Petition to Intervene issued January 26, 2021.

23. The Joint Stipulation for Admission of Testimony and Exhibits into the Evidentiary Record filed by Duquesne Light Company, the Office of Consumer Advocate, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania, Peoples Natural Gas Company, LLC, and the Community Action Association of Pennsylvania on February 5, 2021.

24. The Hearing Cancellation Notice issued February 5, 2021.

25. The Interim Order Adopting Joint Stipulation for Admission of Evidence and Admitting Evidence into the Record issued February 8, 2021.[[6]](#footnote-6)

26. The Joint Petition for Full Settlement filed by Duquesne Light Company, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania, the Community Action Association of Pennsylvania, and the Office of Consumer Advocate on February 18, 2021.

27. The Office of Small Business Advocate’s Letter of Non-Opposition to the Joint Petition for Settlement filed February 18, 2021.

28. Duquesne Light Company’s Revised Phase IV Energy Efficiency & Conservation Plan served upon the undersigned and submitted for filing with the Commission’s Secretary’s Bureau on March 1, 2021.

29. The submissions of Duquesne Light Company, entitled as follows:

1. Duquesne Light Statement No. 1 Direct Testimony of David Defide
2. Duquesne Light Statement No. 2 Direct Testimony of David Ogden
3. Duquesne Light Statement No. 1-R Rebuttal Testimony of David Defide
4. Duquesne Light Statement No. 2-R Rebuttal Testimony of David Ogden
5. Duquesne Light Exhibits DBO-1 through DBO-5
6. Duquesne Light Exhibits DBO-1R through DBO-5R

30. The submission of the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania, entitled as CAUSE-PA Statement No. 1 Direct Testimony of Jim Grevatt and accompanying Appendices A and B.

31. The submissions of the Office of Consumer Advocate, entitled as:

1. OCA Statement No. 1 Direct Testimony of Stacey L. Sherwood and accompanying Attachment A
2. OCA Exhibit SLS-1

32. The submission of the Community Action Association of Pennsylvania, entitled as CAAP Statement No. 1-R Rebuttal Testimony of Susan Moore.

Dated: March 2, 2021 /s/

Emily I. DeVoe

Administrative Law Judge

/s/

Mark A. Hoyer

Deputy Chief Administrative Law Judge

**M-2020-3020818 - PETITION OF DUQUESNE LIGHT COMPANY FOR APPROVAL OF ITS ACT 129 PHASE IV ENERGY EFFICIENCY AND CONSERVATION PLAN**

*Revised 1/21/21*

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1. It is unclear as to why the notice was republished on January 9, 2021. The notice as published on January 9, 2021, provides that comments and recommendations are to be filed within 20 days, which is January 29, 2021. [↑](#footnote-ref-1)
2. This Motion was also filed at Docket No. M-2020-3020824 (Petition of PPL Electric Utilities Corporation for Approval of its Act 129 Phase IV Energy Efficiency and Conservation Plan), Docket No. M-2020-3020830 (Petition of PECO Energy Company for Approval of its Act 129 Phase IV Energy Efficiency and Conservation Plan), and Docket Nos. M-2020-3020820, M-2020-3020821, M-2020-3020822, and M-2020-3020823 (Consolidated Petitions of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company for Approval of Act 129 Phase IV Energy Efficiency and Conservation Plans). [↑](#footnote-ref-2)
3. Due to the short period of time between the scheduling of the conference and the conference itself, a court reporter was not scheduled and the conference was held off the record. The undersigned discussed only procedural matters with the parties. [↑](#footnote-ref-3)
4. In his February 5, 2021 email to the undersigned, the Company’s counsel advised that, although OSBA is not a party to the Joint Petition, it had no objection to it. [↑](#footnote-ref-4)
5. As of the time of the issuance of this Order, the Revised Plan does not appear in the Commission’s online docketing system. In his email serving the undersigned with the Revised Plan, DLC’s counsel advised the Revised Plan had in fact been filed with the Commission’s Secretary’s Bureau. [↑](#footnote-ref-5)
6. The date on this Order contains a typo and mistakenly reads February 8, 2020. [↑](#footnote-ref-6)