**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Duquesne Light Company : M-2009-2123948

**PREHEARING CONFERENCE ORDER**

A prehearing conference in this case is scheduled for Wednesday, October 7, 2009, at 10:00 a.m. in an 11th Floor Hearing Room (PITTSBURGH PARTIES), Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222, and Hearing Room 5 (HARRISBURG PARTIES) Plaza Level, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17105-3265. Accordingly, the parties are directed to comply with the following requirements:

1. Any person or entity in receipt of this Prehearing Conference Order intending to participate in this case must be present at either the Pittsburgh or Harrisburg location for the prehearing conference. Any person or entity in receipt of this Prehearing Conference Order who does not intend to participate in this case need not attend the prehearing conference. All persons and entities in receipt of this Prehearing Conference Order not attending the prehearing conference will be removed from the attached service list with respect to the future service of documents in this case.

2. A request for a change of the scheduled prehearing conference date must be submitted in writing, and received by me no later than five (5) days prior to the prehearing conference. 52 Pa. Code §1.15(b). Requests for changes of initial hearings must be sent to the undersigned Administrative Law Judge, 1103 Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222. Only the undersigned Administrative Law Judge or OALJ Scheduling Staff may grant a request for a change of an initial hearing. Such changes are granted only in rare situations where sufficient cause exists. Requests for changes of subsequent prehearing conferences or hearings, if any, should also be served directly on me.

In accordance with the foregoing, absent receipt of a timely request for a continuance for good cause (i.e., no later than October 2, 2007), all parties must be prepared to participate in the scheduled prehearing conference.

3. Please review the regulation pertaining to prehearing conferences, 52 Pa. Code §5.222, and in particular, subsection (d) which provides:

(d) Parties and counsel will be expected to attend the conference fully prepared for a useful discussion of all problems involved in the proceeding, both procedural and substantive, and fully authorized to make commitments with respect thereto.

(1) The preparation must include submission of a prehearing memorandum and list:

(i) The presently identified issues.

(ii) The names and addresses of the witnesses.

(iii) The proposed area of testimony of each witness.

(2) The preparation may include:

(i) Development of a proposed procedural schedule.

(ii) Advance study of all relevant materials.

(iii) Advance informal communication between the parties, including requests for additional data and information, to the extent it appears feasible and desirable. (Emphasis added.)

4. PLEASE NOTE: That in the development of a proposed schedule, the parties intending to participate in this proceeding shall confer and select either: (a) Wednesday and Thursday, November 4 and 5, 2009; or (b) Tuesday and Wednesday, November 17 and 18, 2009, for the hearings in this case.

5. Please review the regulations relating to discovery, specifically 52 Pa. Code §5.331(b), which provides, inter alia, that “[p]articipants shall endeavor to initiate discovery as early in the proceedings as reasonably possible,” and 52 Pa. Code §5.322, which encourages participants to exchange information on an informal basis. I urge all parties to cooperate in discovery. Such cooperation is preferable to numerous or protracted discovery disagreements, which require the presiding officer’s participation for resolution. Please be aware that there are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa. Code §§5.361, 5.371‑5.372.

6. Pursuant to 52 Pa. Code §§1.21 & 1.22, you may represent yourself, if you are an individual, or you may have an attorney represent you. However, if you are a partnership, limited liability company, corporation, trust, association or governmental agency or subdivision, you must have an attorney represent you in this proceeding. Unless you are an attorney, you may not represent someone else.

7. Testimony and exhibits of the parties will be prepared, in writing, and served in advance of the hearing(s) in accordance with the schedule to be developed. At any hearing in this case, you are to have two copies of the testimony of each witness and two copies of each exhibit you intend to offer into evidence to be given to the court reporter.

Parties presenting exhibits at any hearing, which have not been previously served (such as those used for cross-examination) must have two copies of each such exhibit to be given to the court reporter, one copy to be given to me, one copy for the witness sponsoring or being questioned about the exhibit, and one copy of each such exhibit to be given to each of the other parties to this case.

8. Be sure that you serve me directly with a copy of any document that you file, or previously filed in this case. Do not presume that I will be in receipt of every document you file in this case by virtue of its filing. If you send me any correspondence or document, you must also send a copy of that correspondence or document to all other parties. For your convenience, a copy of the Commission’s current service list of all parties to this case is enclosed with this Prehearing Conference Order.

Date: August 19, 2009



**M-2009-2123948 - DUQUESNE LIGHT COMPANY FOR APPROVAL OF ITS SMART METER PROCUREMENT AND INSTALLATION PROGRAM**

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