**BEFORE THE**

 **PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Duquesne Light Company :

For Approval of Its Energy Efficiency : M-2009-2093217

and Conservation and Demand :

Response Plan :

 **ORDER CERTIFYING RECORD REGARDING**

**JOINT PETTION FOR PARTIAL SETTLEMENT**

On June 29, 2009, Duquesne Light Company (Duquesne) filed with the Pennsylvania Public Utility Commission (Commission) its “Petition of Duquesne Light Company for Approval of its Energy Efficiency and Conservation Program” requesting Commission approval of Duquesne’s Energy Efficiency and Conservation and Demand Response Plan (the EE&C Plan or Plan) to reduce energy consumption and demand in its service territory in accordance with the requirements of Act 129, 66 Pa. C.S.A. §2806.1 (Act 129 or the Act), and the Implementation Orders entered January 16, 2009 and May 28, 2009 by the Commission at Docket No. M-2008-2069887.

Specifically, Duquesne requested in its application that the Commission approve, among other things, an early launch of Duquesne’s proposed Residential School Energy Pledge Program, the Commercial Healthcare Program, and the Public Agency Program in order that Duquesne may meet and fulfill its customers’ requests to begin immediately implementing programs and to achieve customer energy savings as early as possible.

Included with the Petition were the direct testimony of Michele Sandoe, Thomas Crooks, Larry Barrett and William Pfrommer. There was a volume captioned “Template and Contents for Pennsylvania EDC Energy Efficiency and Conservation Plans for Docket No. M‑2009-2093217.” There was also a volume captioned “Energy Efficiency and Conservation and Demand Side Response Initiatives Final Report.” Finally, the petition was accompanied with a CD captioned “Section 13 Master Excel Spreadsheet M-2009-2093217.”

By Notice dated July 2, 2009 a Prehearing Conference was scheduled to be held in Harrisburg on July 28, 2009 before the undersigned presiding telephonically from Pittsburgh. On July 18, 2009, notice of Duquesne’s filing and the July 28, 2009 Prehearing Conference were published in the Pennsylvania Bulletin.

Numerous parties intervened including the Office of Trial Staff (OTS); the Office of Consumer Advocate (OCA); the Office of Small Business Advocate (OSBA); the Commonwealth of Pennsylvania, Department of Environmental Protection (DEP); Duquesne Industrial Intervenors (DII); Pennsylvania Association of Community Organizations for Reform Now (ACORN); Field Diagnostic Services, Inc. (FDSI); Direct Energy Business, LLC (Direct Energy); Equitable Gas Company, LLC (Equitable); ClearChoice Energy (ClearChoice); Columbia Gas of Pennsylvania (Columbia); the Peoples Natural Gas Company d/b/a Dominion Peoples (Dominion Peoples); EnerNOC, Inc. (EnerNOC); and Natural Gas Distribution Companies (NGDC).

A prehearing conference was held on July 28, 2009, and the procedural issues addressed were contained in a Prehearing Order dated July 30, 2009. Two public input hearings were held in Pittsburgh on August 5, 2009. An evidentiary hearing was held in Harrisburg on August 19, 2009.

On September 1, 2009, I received a copy of a Joint Petition for Partial Settlement which was filed with the Commission’s Secretary. The Joint Petition is filed on behalf of Duquesne, OCA, OTS, DII, ClearChoice, Direct Energy, Equitable, Columbia and Dominion Peoples (collectively, the “Joint Petitioners”). The Joint Petition requests the Commission’s expeditious consideration of the Joint Petition and specifically requests that the Settlement be placed on the Commission’s agenda for consideration at the Commission’s next public meeting.

The briefing schedule, as directed in my Prehearing Order dated July 30, 2009, provides for the parties to file Main Briefs by August 31, 2009, and Reply Briefs by September 10, 2009 concerning issues not addressed in the Joint Petition for Partial Settlement.

Through this Certification Order, I will admit into the record Duquesne’s Act 129 filing, including the supplemental volumes and CD which accompanied the Petition of Duquesne for approval of its EE&C Plan. The record therefore will consist of those documents, the transcripts of the July 28, 2009 prehearing conference, the transcripts of the two public input hearings held in Pittsburgh on August 5, 2009, and the transcript of the evidentiary hearing held in Harrisburg on August 19, 2009 along with all statements and exhibits entered into the record at that evidentiary hearing.

THEREFORE,

IT IS ORDERED:

1. That the transcripts of the prehearing conference held on July 28, 2009 and the two public input hearings held in Pittsburgh on August 5, 2009, and the evidentiary hearing held in Harrisburg at Docket No. M-2009-2093217 be admitted into the record.
2. That the Petition of Duquesne Light Company For Approval of its Energy Efficiency and Conservation and Demand Response Plan and all attachments consisting of a volume labeled “Template and Contents for Pennsylvania EDC Energy Efficiency and Conservation Plans for Docket No. M-2009-2093217”; a volume entitled “Energy Efficiency and Conservation and Demand Side Response Initiatives Final Report”; and a CD labeled “Section 13 Master Excel Spreadsheet M-2009-2093217” be admitted into the record.
3. That the following statements and exhibits which were moved into evidence at the Evidentiary Hearing on August 19, 2009, and are identified here by description and caption are admitted into the record:

Duquesne Light Company

* DLC Statement No. 1 (Direct Testimony of Michele Sandoe)
* DLC Statement No. 2 (Direct Testimony of Thomas Crooks)
* DLC Statement No. 3 (Direct Testimony of Larry Barrett)
* DLC Statement No. 4 (Direct Testimony of William Pfrommer)
* DLC Exhibit No. 1 (Energy Efficiency and Conservation and Demand Response Plan)

PA Department of Environmental Protection

* DEP Statement No. 1 (Direct Testimony of Maureen Guttman)

Equitable Gas Company

* EGC Exhibit No. 1 (Interrogatory Response, DEP Set 1, number 6)

Office of Consumer Advocate

* OCA Statement No. 1 (Direct Testimony of David Hill)
* OCA Cross-Examination Exhibit No. 1 (Interrogatory Response, OCA Set 1, number 1)

Natural Gas Distribution Companies

* NGDC Statement No. 1 (Direct Testimony of Paul Raab, with Exhibits 1-3)

Office of Trial Staff

* OTS Statement No. 1 (Direct Testimony of Emily Sears)
* OTS Exhibit No. 1 (Exhibit to accompany the Direct Testimony of Emily Sears)

PA Association of Community Organizations for Reform Now

* ACORN Statement No. 1 (Direct Testimony of Ian Phillips)

Office of Small Business Advocate

* OSBA Statement No. 1 (Direct Testimony of Robert Knecht)

ClearChoice Energy

* ClearChoice Statement No. 1 (Direct Testimony of Carolyn Pengidore)
1. That the Joint Petition for Partial Settlement, filed on August 31, 2009 by Duquesne Light Company, the Office of Consumer Advocate, the Office of Trial Staff, Duquesne Industrial Intervenors, ClearChoice Energy, Direct Energy Business, LLC, Equitable Gas Company, Columbia Gas of Pennsylvania, and the Peoples Natural Gas Company d/b/a Dominion Peoples be admitted into the record.
2. That the record at Docket No. M-2009-2093217 is certified to the Pennsylvania Public Utility Commission for its consideration.

Date: September 2, 2009 Fred R. Nene

Administrative Law Judge

**M-2009-2093217 - Petition of Duquesne Light Company For Approval of Its**

**Energy Efficiency and Conservation and Demand side Response Plan**

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