**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Duquesne Light Company for approval :

of its smart meter technology procurement and : M-2009-2123948

installment plan :

**PREHEARING ORDER**

The Prehearing Conference in this case was held on October 7, 2009, at locations in Harrisburg and Pittsburgh. Those participating in the Conference were: Duquesne Light Company (DLC); the Commission’s Office of Trial Staff (OTS); the Office of Consumer Advocate (OCA); the Office of Small Business Advocate (OSBA); the Pennsylvania Department of Environmental Protection (DEP); the Duquesne Industrial Intervenors (DII); Citizen Power, Inc. (CPI); Constellation New Energy, Inc. and Constellation Energy Commodities Group, Inc. (collectively Constellation); and the Pennsylvania Association of Community Organizations for Reform Now (ACORN). Prior to the Conference petitions to intervene in this case had been filed by DEP, DII, CPI, Constellation, and ACORN. At the Conference, no party objected to any of these petitions to intervene.

In addition to the various petitions to intervene, the matters discussed at the conference concerned dates for the service of testimony, the dates for the hearings, and service of briefs. Also discussed were issues pertaining to modifications of the Commission’s discovery regulations, the use of electronic service of documents and determining the date of service of documents filed electronically, and other related procedural issues.

This Prehearing Order is being issued to confirm the rulings made and agreements reached at the Conference pertaining to the procedural schedule for this case.

THEREFORE,

IT IS ORDERED:

1. That the Petitions to Intervene filed in this case by the Pennsylvania Department of Environmental Protection, the Duquesne Industrial Intervenors, Citizen Power, Inc., Constellation New Energy, Inc., Constellation Energy Commodities Group, Inc., and Pennsylvania Association of Community Organizations for Reform Now, are granted.

2. That the parties shall serve all documents in this case electronically, subject to the following: any document electronically served after 12:00 p.m. (noon) on a Friday, or day preceding a holiday shall be deemed to have been served on the next regular business day. This applies to all documents served in this case whether discovery, testimony, or briefs, etc. Hard copies of documents served electronically should be placed in the United States mail, or deposited with an overnight delivery service on the date of electronic service.

3. That the parties shall serve documents among them, and electronically filed with the Commission, in searchable PDF format.

4. That documents served upon me by any of the parties shall be in Word format, unless the particular document cannot be created or imported into Word, such as spreadsheets, graphs, and the like. In serving copies of their respective testimony, exhibits, briefs, etc., upon me, the parties shall provide me with a hard copy and a copy, in Word format, on a CD or diskette.

5. That, for this proceeding, the Commission’s discovery regulations are modified as follows:

(a) answers to written interrogatories shall be served, in-hand receipt, within ten (10) calendar days of service of the interrogatories;

(b) objections to interrogatories shall be communicated orally within three (3) calendar days of service of the interrogatories; unresolved objections shall be served on the Administrative Law Judge, in writing, within five (5) calendar days of service of the interrogatories;

(c) motions to dismiss objections and/or direct the answering of interrogatories shall be filed within three (3) calendar days of service of the written objections; provided, however, that the parties must first attempt to resolve the discovery dispute informally, and any motion to compel, etc., must contain an affirmative statement that the parties made a good faith effort to resolve the dispute before the motion was filed;

(d) answers to motions to dismiss objections and/or to compel answering interrogatories shall be filed within three (3) calendar days of the service of such motions;

(e) responses to requests for document production, entry for inspection, or other purposes must be served, in-hand receipt, within ten (10) calendar days of service of the requests;

(f) requests for admissions will be deemed admitted unless answered within seven (7) calendar days or objected to within five (5) calendar days of service of the requests;

(g) nothing herein shall be construed to preclude the parties from entering into informal agreements modifying the above paragraphs, or modifying other provisions of the discovery regulations as permitted by 52 Pa. Code §5.322.

6. That the remaining procedural schedule for this case shall be as follows:

October 29 Service of other parties’ direct testimony

November 6 Service of all rebuttal testimony

November 12 Service of all surrebuttal testimony

November 16 Service of outlines of oral rejoinder

November 17 & 18 Hearings in Harrisburg

December 8 Service of Main Briefs

December 22 Service of Reply Briefs

7. That the hearing on November 17th shall commence at 10:00 a.m., and the hearing on November 18th shall commence at 9:00 a.m.

8. That the preceding dates for the service of testimony and briefs shall mean the in-hand receipt date of each document.

9. That parties’ desiring documents in this case to be served directly on their respective experts shall exchange, on an informal basis, the contact information of their respective experts.

10. That, except as the parties may agree in accordance with Paragraph 9 above, the service list for documents filed and served after this date shall be as attached to this Prehearing Order.

Date: October 7, 2009



M-2009-2123948; Petition of Duquesne Light…Smart Meter Technology…Plan

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