



17 North Second Street
12th Floor
Harrisburg, PA 17101-1601
717-731-1970 Main
717-731-1985 Main Fax
www.postschell.com

Andrew S. Tubbs

atubbs@postschell.com
717-612-6057 Direct
717-731-1985 Direct Fax
File #: 149302

December 6, 2012

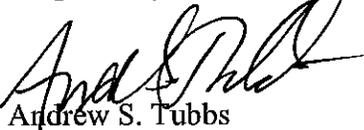
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

RE: Petition of Duquesne Light Company for Approval of an Energy Efficiency and Conservation Plan - Docket No. M-2012-2334399

Dear Secretary Chiavetta:

Enclosed for electronic filing is the Prehearing Conference Memorandum of Duquesne Light Company for the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully Submitted,



Andrew S. Tubbs

AST/jl

Enclosures

cc: Honorable Dennis J. Buckley (*via E-Mail & First Class Mail*)
Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

VIA HAND DELIVERY

Bureau of Investigation & Enforcement
PO Box 3265
Commonwealth Keystone Building
400 North Street, 2nd Floor West
Harrisburg, PA 17105-3265

Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101-1923

VIA E-MAIL & FIRST CLASS MAIL

Sharon E. Webb, Esquire
Office of Small Business Advocate
Commerce Building
300 North Second Street, Suite 1102
Harrisburg, PA 17101

Patrick M. Cicero, Esquire
Harry S. Geller, Esquire
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17102
For: CAUSE-PA

Date: December 6, 2012



Andrew S. Tubbs

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Duquesne Light Company for :
Approval of an Energy Efficiency and : Docket No. M-2012-2334399
Conservation Phase II Plan :

**PREHEARING CONFERENCE MEMORANDUM OF
DUQUESNE LIGHT COMPANY**

TO ADMINISTRATIVE LAW JUDGE DENNIS J. BUCKLEY:

Duquesne Light Company (“Duquesne Light” or “Company”) hereby submits this Prehearing Conference Memorandum in compliance with the Prehearing Conference Order issued by Administrative Law Judge Dennis J. Buckley (“the ALJ”) on November 28, 2012.

I. BACKGROUND

On November 15, 2012, pursuant to Act 129 of 2008 (“Act 129”), P.L. 1592, 66 Pa. C.S. §§ 2806.1 and 2806.2, Duquesne Light filed the above-captioned Petition with the Pennsylvania Public Utility Commission (“Commission”). Act 129, which became effective on October 15, 2008, created, *inter alia*, an energy efficiency and conservation (“EE&C”) program, codified in the Pennsylvania Public Utility Code, 66 Pa.C.S. §§ 2806.1, 2806.2. This program required each EDC with at least 100,000 customers to adopt and implement a Commission-approved EE&C Plan. EE&C plans are programs designed to achieve the Act 129 conservation and peak load reduction requirements, by specified dates, within the specified cost cap.

In its Petition, Duquesne Light requested Commission approval of Duquesne Light’s Phase II (June 1, 2013 – May 31, 2016) Energy Efficiency and Conservation Plan (“Phase II EE&C Plan”) filed pursuant to the Implementation Order the Commission issued in Docket Nos. M-2012-2289411, M-2008-2069887. *Energy Efficiency and Conservation Program*, Docket Nos. M-2012-2289411, M-2008-2069887, 2012 Pa. PUC LEXIS 1259 (Implementation Order

entered on August 3, 2012) (“2012 Implementation Order”). The Phase II Plan includes a range of energy efficiency programs that include every customer segment in Duquesne Light’s service territory. These programs are the key components of a comprehensive electric energy efficiency initiative designed to meet the goals established by Sections 2806.1 and 2806.2 of Act 129 and the Commission’s 2012 Implementation Order.

On November 28, 2012, a Prehearing Conference Order was issued which directed the parties to file prehearing conference memoranda on or before December 6, 2012. Pursuant to the Prehearing Conference Order, Duquesne Light hereby submits this Prehearing Conference Memorandum.

On December 1, 2012, a notice of Duquesne Light’s November 15, 2012 filing was published in the *Pennsylvania Bulletin* establishing that comments on the Phase II EE&C Plan are due December 21, 2012.

On December 5, 2012, the Office of Small Business Advocate filed a Notice of Intervention. The Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania filed a Petition to Intervene on December 6, 2012.

II. SERVICE OF DOCUMENTS

Duquesne Light’s counsel in this proceeding are Tishekia Williams, Esquire and Andrew S. Tubbs, Esquire. Duquesne Light requests that Tishekia Williams be listed as the recipient for service. Ms. Williams’ contact information is provided below:

Tishekia Williams (ID #208977)
Sr. Counsel, Regulatory
Duquesne Light Company
411 Seventh Avenue, 16th Fl.
Pittsburgh, PA 15219
Phone: 412-393-1541
E-Mail: twilliams@duqlight.com

Duquesne Light also requests that Andrew S. Tubbs be added to any informal e-mail distribution lists in this proceeding. Mr. Tubbs' e-mail address is atubbs@postschell.com. Duquesne Light agrees to receive service of documents electronically in this proceeding.

III. WITNESSES AND ISSUES

Below is a list of witnesses and the areas of their testimony comprising Duquesne Light's initial direct case in this proceeding. The subject matters listed below identify the issues that Duquesne Light can provide at this stage of the proceeding. Further definition of contested issues by the parties will develop within the scope of the subject matters listed below.

Duquesne Light presently intends to offer the following witnesses to testify in this proceeding on the following subject matters:

- David Defide, Manager of Customer Programs. 411 Seventh Avenue, Pittsburgh, Pennsylvania 15219. Mr. Defide's phone number is (412)-393-6107. Mr. Defide addresses Duquesne Light's Phase II energy efficiency plan requirements and the methodology employed to analyze, develop, and implement the Company's Phase II plan; and
- William V. Pfrommer, Manager, Rates & Tariff Services. 411 Seventh Avenue, Pittsburgh, Pennsylvania 15219. Mr. Pfrommer's phone number is (412)-393-3623. Mr. Pfrommer will address the Company's current Energy Efficiency and Conservation and Demand Response Surcharge and describe the proposed changes to the cost recovery mechanism for Phase II.

The testimony and exhibits fully support Duquesne Light's proposed Phase II EE&C Plan. Duquesne Light reserves the right to substitute witnesses or add witnesses, as appropriate, depending upon how the proceeding develops and what issues are raised by the other parties.

IV. PROCEDURAL SCHEDULE

The procedural schedule for this proceeding is set forth in the Prehearing Conference Order. The procedural schedule is as follows:

November 15, 2012	EE&C Plan Phase II filed
December 1, 2012	Publication in the <i>Pennsylvania Bulletin</i>
December 10, 2012	Prehearing Conference
December 21, 2012	Other Parties' Comments/Direct Testimony
January 8, 2013	Rebuttal Testimony
January 14, 2013	Surrebuttal Testimony
January 17, 2013	Hearing – Harrisburg, PA
January 28, 2013	Main Briefs Due
February 7, 2013	Reply Comments/Revised Plan
February 14, 2013	Certification of the Record
March 14, 2013	Commission Order

Duquesne Light does not object to the procedural schedule set by the Administrative Law Judge.

V. DISCOVERY

Duquesne Light proposes the following modifications to the Commission's procedural rules regarding discovery:

1. Answers to written interrogatories shall be served in-hand within ten (10) calendar days of service.
2. Objections to interrogatories shall be communicated orally within three (3) calendar days of service of the interrogatories; unresolved objections shall be served to the Administrative Law Judge in writing within five (5) days of service of the interrogatories.
3. 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.
4. Answers to motions to dismiss objections and/or answering of interrogatories shall be filed within three (3) calendar days of service of such motions.
5. Ruling over such motions shall be issued, if possible, within seven (7) calendar days of the filing of the motion.
6. Requests for admissions will be deemed admitted unless answered within ten (10) calendar days or objected to within five (5) calendar days of service.

7. Answers to on-the-record data requests shall be served in-hand within seven (7) calendar days of the requests.
8. Duquesne Light proposes that any discovery served after 12 Noon on a Friday will be deemed to have been served on the following business day for purposes of tracking due dates.
9. Duquesne Light proposes that all discovery due dates be "in-hand" and that electronic or fax service on the due date will satisfy the "in-hand" requirement, where such service is immediately followed by a hard copy sent by first-class mail.
10. Discovery-related pleadings, i.e., objections, motions, answers to same, served on a Friday or on any business day preceding a state holiday will be deemed served on the next business day.

In addition, Duquesne Light is willing to participate in informal discovery with the other parties.

VI. PUBLIC INPUT HEARINGS

Duquesne Light is not aware of any substantial consumer interest with respect to the proposed Phase II EE&C Plan. Duquesne Light does not propose that any public input hearings be held absent substantial public interest in the filing.

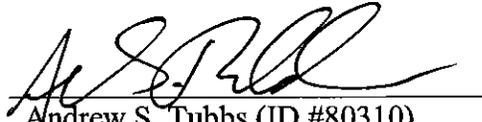
VII. PROTECTION OF CONFIDENTIAL INFORMATION

If necessary and should the case proceed to hearing, Duquesne Light will timely submit an appropriate Motion for Protective Order.

VIII. SETTLEMENT

To date no formal settlement discussions have been held. However, Duquesne Light will be working with the parties in an effort to resolve this proceeding through settlement.

Respectfully submitted,



Andrew S. Tubbs (ID #80310)
Post & Schell, P.C.
17 North Second Street
12th Floor
Harrisburg, PA 17101-1601
Phone: 717-731-1970
Fax: 717-731-1985
E-mail: atubbs@postschell.com

Tishekia Williams (ID #208977)
Sr. Counsel, Regulatory
Duquesne Light Company
411 Seventh Avenue, 16th Fl.
Pittsburgh, PA 15219
Phone: 412-393-1541
E-Mail: twilliams@duqlight.com

Of Counsel:

Post & Schell, P.C.

Date: December 6, 2012

Attorneys for Duquesne Light Company