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File #: 152193

November 21, 2013

David P. Zambito, Esquire
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Re: Pennsylvania Public Utility Commission v. Duquesne Light Company, Docket Nos. R-2013-2372129, et al. - Response to the Objections of NRG Power Midwest LP, NRG Energy Center Pittsburgh LLC, and Reliant Energy Northeast LLC to Duquesne Light Company's Interrogatories, Set I, Questions 1 and 3

Dear Counsel:

This letter is in response to the Objections of NRG Power Midwest LP, NRG Energy Center Pittsburgh LLC ("NRG Pittsburgh"), and Reliant Energy Northeast LLC (hereinafter, collectively the "NRG Companies") to the Interrogatories and Requests for Production of Documents Set I propounded by Duquesne Light Company ("Duquesne Light"). Please be advised that for the reasons explained below, Duquesne Light is hereby filing this letter in lieu of a motion to compel the NRG Companies to answer Duquesne Light Company's Interrogatories, Set 1, Questions 1 and 3.

On October 31, 2013, Duquesne Light was served by the Pennsylvania Public Utility Commission ("Commission") with the Formal Complaint jointly filed by the NRG Companies. On November 1, 2013, the NRG Companies served their direct testimony. On November 12, 2013, Duquesne Light served Duquesne Light Company's Interrogatories, Set 1 on the NRG Companies, which were subsequently modified on November 18, 2013, through discussions between Duquesne Light and the NRG Companies. However, Duquesne Light and the NRG Companies were unable to fully resolve their discovery dispute regarding Duquesne Light Company's Interrogatories, Set 1.

On November 18, 2013, the NRG Companies served Objections to Duquesne Light Company's Interrogatories, Set 1, Questions 1 and 3. Question 1 provides as follows:

1. Re: NRG Pittsburgh St. No. 1, p. 4: Since January of 2010:

- (a) Identify every communication from NRG Pittsburgh to Duquesne Light, including telephone calls, e-mail, voice-messages, letters or other forms of communication. Provide a copy of the actual communications to the extent available. If a copy is not available, provide a description of the communication made by NRG Pittsburgh to Duquesne Light.
- (b) For every communication identified in (a) above, identify both the NRG representative that contacted Duquesne Light and the Duquesne Light representative that was contacted.
- (c) For every communication identified in (a) above, provide the time and date of the communication.
- (d) For every communication identified in (a) above, provide the time and date of Duquesne Light's response.
- (f) For every communication identified in (a) above, identify which ones NRG Pittsburgh believes took Duquesne Light too long to respond to and why NRG Pittsburgh thinks it took too long for the response.

According to the NRG Companies' Objections, Question 1 would cause unreasonable annoyance, oppression, burden, and expense because all of the communications between NRG Pittsburgh and Duquesne Light should be in the possession of Duquesne Light.

NRG Pittsburgh has raised the issue that Duquesne Light has taken several days to respond to several inquiries. NRG Pittsburgh St. No. 1, p. 4. In order to determine whether Duquesne Light's service was reasonable, it is appropriate to review all communications from NRG Pittsburgh to Duquesne Light from NRG Pittsburgh's perspective as well as Duquesne Light's perspective. Without such information from NRG Pittsburgh, Duquesne Light is without all necessary information to respond to the allegation made by NRG Pittsburgh regarding Duquesne Light's service.

Notwithstanding its Objection to Question 1, the NRG Companies have agreed to provide any such communications that may readily be obtained without undue burden. Therefore, Duquesne Light is not filing a motion to compel with respect to Question 1 based on the NRG Companies representation.

Duquesne Light Company's Interrogatories, Set 1, Question 3, as modified, provides as follows:

3. When and how did NRG Pittsburgh first become aware of the rate case filing?

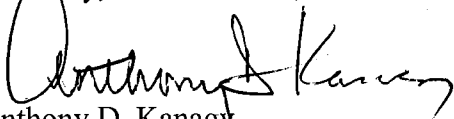
According to the NRG Companies' Objections, Question 3 is not relevant to the subject matter of the pending action. As explained below, the information sought in Question 3 is directly related to statements made in NRG Pittsburgh's direct testimony.

In direct testimony, NRG Pittsburgh indicates that it has not had an opportunity to fully review the changes to Duquesne Light's tariff and that it is continuing to review the changes proposed by Duquesne Light in this proceeding. In the same paragraph, NRG Pittsburgh noted that "...the time period for the filing of customer complaints in this proceeding ended on October 31, 2013, and direct testimony was required to be served by Noon on November 1, 2013." NRG Pittsburgh St. No. 1, p. 6. By these statements, NRG Pittsburgh implies that it did not have sufficient time to prepare its direct testimony in this proceeding. Therefore, Duquesne Light submits that the information requested in Question 3 is relevant to and would be admissible to refute an argument by the NRG Companies that they are entitled to raise new issues or supplement the issues beyond what is already presented in the NRG Companies' direct testimony because of their late entrance into this case.

Notwithstanding the foregoing, in an effort to avoid a protracted discovery dispute and because the NRG Companies have indicated in their objections that they are not alleging that Duquesne Light's notice was defective, Duquesne Light will forego seeking to compel the NRG Companies to answer Question 3. Notwithstanding, and without waiver of any objection, to the extent that the NRG Companies attempt to raise new issues or supplement the issues beyond what is already presented in their direct testimony, Duquesne Light reserves the right to file a motion in limine and/or motion to strike as appropriate.

Based on the foregoing, and subject to the reservation of rights set forth herein, Duquesne Light will not be filing a motion to compel the NRG Companies to answer Duquesne Light Company's Interrogatories, Set 1, Questions 1 and 3.

Sincerely,


Anthony D. Kanagy

ADK/skr

cc: Honorable Conrad A. Johnson
Rosemary Chiavetta, Secretary
Certificate of Service

CERTIFICATE OF SERVICE

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

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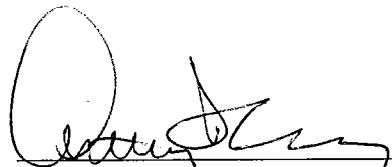
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Date: November 21, 2013



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