

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	R-2013-2372129
Office of Consumer Advocate	:	C-2013-2379084
Office of Small Business Advocate	:	C-2013-2380474
Jacquelyn and Robert Miller	:	C-2013-2383835
Gwendolyn L. LeVert	:	C-2013-2383980
Duquesne Industrial Intervenors	:	C-2013-2385292
Aimee-Marie Dorsten	:	C-2013-2386037
Connie Schiavo	:	C-2013-2386284
NRG Midwest, NRG Energy Center	:	C-2013-2390562
Pittsburgh LLC, and Reliant Energy	:	
Northeast, LLC	:	
	:	
	:	
v.	:	
	:	
	:	
Duquesne Light Company	:	

**BRIEF OF
THE BUREAU OF INVESTIGATION AND ENFORCEMENT
REGARDING BURDEN OF PROOF AS REQUESTED BY
ADMINISTRATIVE LAW JUDGE CONRAD A. JOHNSON**

Scott B. Granger
Prosecutor
PA Attorney I.D. No. 63641

Charles Daniel Shields
Senior Prosecutor
PA Attorney I.D. No. 29363

Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, Pennsylvania 17105-3265
(717) 787-1976

Dated: January 6, 2014

TABLE OF CONTENTS

TABLE OF AUTHORITIES iv

I. INTRODUCTION 1

 A. History of the Proceeding 1

 B. I&E Testimony and Exhibits Admitted to the Record..... 5

II. ARGUMENT 6

 A. Burden of Proof..... 6

III. CONCLUSION..... 13

TABLE OF AUTHORITIES

Cases

<i>Allegheny Center Assocs. v. Pennsylvania Public Utility Commission,</i> 131 Pa. Cmwlth. 352, 359, 570 A.2d 149, 153 (1990).....	9, 13
<i>Berner v. Pennsylvania Public Utility Commission,</i> 382 Pa. 622, 631, 116 A.2d 738, 744 (1955).....	10
<i>Brockway Glass Company v. Pennsylvania Public Utility Commission,</i> 63 Pa. Cmwlth. 238, 437 A.2d 1067 (1981).....	8, 10, 11, 12
<i>Burleson v. Pennsylvania Public Utility Commission,</i> 501 Pa. 433, 461 A.2d 1234 (1983).....	8, 9
<i>City of Johnstown v. Pennsylvania Public Utility Commission,</i> 184 Pa. Super. 56, 133 A.2d 246 (1957).....	10, 11
<i>Dutchland Tours, Inc. v. Pennsylvania Public Utility Commission,</i> 19 Pa. Cmwlth. 1, 337 A.2d 922 (1975).....	9
<i>Lower Frederick Twp. v. Pennsylvania Public Utility Commission,</i> 48 Pa. Cmwlth. 222, 226-227, 409 A.2d 505, 507 (1980).....	8
<i>Norfolk & Western Railway Co. v. Pennsylvania Public Utility Commission,</i> 489 Pa. 109, 128 (1980).....	9
<i>Pennsylvania Public Utility Commission v. Breezewood Telephone Company,</i> 74 Pa. PUC 431 (1991).....	9, 13
<i>Pennsylvania Public Utility Commission v. Equitable Gas Co.,</i> 57 Pa. PUC 423, 444 (fn. 37) (1983).....	10
<i>Pennsylvania Public Utility Commission v. Equitable Gas Co.,</i> 73 Pa. P.U.C. 310, 359-360 (1990).....	9
<i>Zucker v. Pennsylvania Public Utility Commission,</i> 43 Pa. Cmwlth. 207, 401 A.2d 1377 (1979).....	11

Statutes

66 Pa. C.S.A. § 315(a)..... 6, 7, 12, 13
66 Pa. C.S.A. § 1301..... 6

I. INTRODUCTION

A. History of the Proceeding

On August 2, 2013, the Duquesne Light Company (“Company” or “Duquesne” or “DLC”) filed with the Public Utility Commission Supplement No. 81 to Duquesne Light's Tariff - Electric Pa. P.U.C. No. 24 ("Supplement 81"). Supplement 81, issued to be effective October 1, 2013, proposed changes to Duquesne's base distribution rates designed to produce an increase in revenues of approximately \$76.3 million, based upon data for a fully projected future test year ending April 30, 2015. For informational purposes, Duquesne Light provides electric utility service to approximately 588,000 customers in the Greater Pittsburgh region of Allegheny and Beaver Counties.

Before continuing with the history of the proceeding, the Commission’s Bureau of Investigation and Enforcement (“I&E”) notes that I&E, among other parties, has reached a “black box” settlement with Duquesne regarding the overall increase in base distribution rates revenues. The settled upon increase in base distribution rate revenue is \$48,000,000. Nevertheless, I&E submits this brief regarding burden of proof and will continue with the history of this proceeding generally.

On August 9, 2013, I&E filed a Notice of Appearance at this docket. The Office of Consumer Advocate (“OCA”) and the Office of Small Business Advocate (“OSBA”) each filed a Formal Complaint against the rate hike request and also actively participated in the litigation and settlement negotiations.

By Order entered September 26, 2013, the Commission suspended the filing and instituted an investigation to determine the lawfulness, justness and reasonableness of the

proposed rates, rules and regulations. Pursuant to 66 Pa. C.S.A. § 1308(d), the filing was suspended by operation of law until May 1, 2014, unless permitted by Commission Order to become effective at an earlier date. Said Order also specifically provided that the investigation include consideration of the lawfulness, justness, and reasonableness of the Company's existing rates, rules, and regulations.

The case was assigned to the Office of Administrative Law Judge ("OALJ") for the prompt scheduling of hearings and the subsequent issuance of a Recommended Decision. Also on September 26, 2013, the OALJ issued a Notice setting the Initial Prehearing Conference (telephonic) for October 4, 2013. On the same date, Administrative Law Judge Conrad A. Johnson ("ALJ" or "ALJ Johnson") issued a Prehearing Conference Order advising the parties of the applicable procedural rules for the conference and directing each party to submit a Prehearing Conference Memorandum by October 2, 2013.

The telephonic Prehearing Conference convened as scheduled on October 4, 2013. I&E, the Company, OCA, OSBA, the Duquesne Industrial Intervenors, the International Brotherhood of Electric Workers, United States Steel Corporation, Citizen Power, Community Action Association of Pennsylvania, Coalition for Affordable Utility Service and Energy Efficiency in Pennsylvania, and Interstate Gas Supply also participated at the Prehearing Conference.

By separate Orders issued October 10, 2013 the OALJ scheduled a Public Input Hearing for October 28, 2013 in the Borough of Green Tree building in Pittsburgh, PA;

and, scheduled the evidentiary hearings for December 16, 17 and 20, 2013 in Harrisburg, PA.

On October 22, 2013, ALJ Johnson issued his Second Prehearing Order that memorialized the litigation schedule, revised the Commission's discovery rules to expedite procedural time frames, listed counsel on the service list and also identified December 16, 17 and 20, 2013, as the dates for the conduct of the evidentiary hearings.

During the course of the proceeding, I&E sent numerous written data requests and then interrogatories directed to the Company.

A public input hearing was conducted by ALJ Johnson on October 28, 2013, at the Borough of Green Tree building in Pittsburgh, PA. I&E Senior Prosecutor Shields, and I&E Prosecutor Granger participated in the public input hearing, along with counsel for OCA, OSBA, CAUSE-PA and the Company. Approximately twenty customers attended the hearing and two (2) customers provided their off-the-record comments and concerns about the rate hike request.

On October 31, 2013, NRG Midwest, NRG Energy Center Pittsburgh LLC, and Reliant Energy Northeast LLC (collectively "NRG") filed a Formal Complaint ("NRG Complaint") at Docket No. C-2013-2390562.¹ In their Complaint, NRG generally averred that they collectively oppose Duquesne's proposed rate increase. NRG also averred that Duquesne's Tariff Rider No. 18 - Rate for Purchase of Electric Energy from Customer-Owned Renewable Resources Generating Facilities ("Rider 18") may present

¹ Note that as per ALJ Johnson's Second Prehearing Conference Order, the written Direct Testimony of all parties other than the Company was due the following day, November 1, 2013.

an indirect form of rate discrimination benefitting certain customer-generators. In the prayer for relief, as confirmed by their direct testimony, NRG requested that the Commission ensure that Rider 18 is just, reasonable, and non-discriminatory. And finally, NRG requested, as confirmed by NRG's direct and surrebuttal testimony, that the Commission either modify the wholesale PURPA rates set forth in Rider 18 or eliminate Rider 18 entirely.

On November 12, 2013, in response to NRG's Complaint, Duquesne filed Preliminary Objections to NRG's Complaint seeking to dismiss certain portions of NRG's Complaint. ALJ Johnson denied Duquesne's Preliminary Objections on December 12, 2013. On December 13, 2013 Duquesne filed a separate Motion to Sever the Rider 18 portion of NRG's Complaint from this base rate proceeding. And lastly, also on December 13, 2013, Duquesne filed a Petition for Interlocutory Review and Answer to Material Questions in response to ALJ Johnson's denial of Duquesne's Preliminary Objections. The Petition for Interlocutory Review is pending.

ALJ Johnson conducted an evidentiary hearing in the Commonwealth Keystone Building in Harrisburg on Monday, December 16, 2013; Tuesday, December 17, 2013; and, Friday, December 20, 2013. ALJ Johnson denied Duquesne's Motion to Sever on the record at the evidentiary hearing on December 17, 2013. *See* Tr. p. 191, lns. 14-19.

As mentioned earlier, there is a Joint Settlement in the base rate proceeding among Duquesne and all other parties with the exception of NRG. The Joint Settlement is scheduled to be filed with ALJ Johnson on January 17, 2014. The Joint Settlement resolves all issues raised by the other parties in the base rate proceeding, except those

raised by NRG. NRG has advised the parties and ALJ Johnson that it intends to oppose the Joint Settlement. Because all the base rate issues had been settled by all parties other than NRG, the sole purpose of the evidentiary hearings was to address the issues raised by NRG.

B. I&E Testimony and Exhibits Admitted into the Record

The testimonies and exhibits of I&E Witnesses Emily Sears, Jeremy Hubert, and Susan Daub were offered and admitted into the record by stipulation presented at the evidentiary hearing. I&E Witness Christine Wilson took the stand and authenticated her previously distributed prepared testimony and exhibits prior to their admission into the record. Ms. Wilson also responded to a number of cross examination questions posed by NRG Counsel. *See* Tr. pp. 203-215.

The evidentiary hearing contributed 404 pages to the 459 page transcript of this proceeding. *See* Tr. pp. 56-459.

As to the specific I&E testimony and exhibits entered into the record in this proceeding, for I&E Witness Emily Sears, Fixed Utility Financial Analyst, the Direct Testimony of Emily Sears was admitted as I&E Statement No. 1; the Exhibit to Accompany the Direct Testimony of Emily Sears was admitted as I&E Exhibit No. 1; the Surrebuttal Testimony of Emily Sears was admitted as I&E Statement No. 1-SR: and the Exhibit to Accompany the Surrebuttal Testimony of Emily Sears was admitted as I&E Exhibit No. 1-SR. *See* Tr. p. 74.

For I&E Witness Jeremy Hubert, Fixed Utility Valuation Engineer, the Direct Testimony of Jeremy Hubert was admitted as I&E Statement No. 4; the Exhibit to

Accompany the Direct Testimony of Jeremy Hubert was admitted as I&E Exhibit No. 4; the Surrebuttal Testimony of Jeremy Hubert was admitted as I&E Statement No. 4-SR; and the Exhibit to Accompany the Surrebuttal Testimony of Jeremy Hubert was admitted as I&E Exhibit No. 4-SR. *See* Tr. p. 75.

For I&E Witness Susan Daub, Fixed Utility Financial Analyst, the Rebuttal Testimony of Susan Daub was admitted as I&E Statement No. 5-R. *See* Tr. p. 76.

For I&E Witness Christine Wilson, Fixed Utility Financial Analyst - the Direct Testimony of Christine Wilson was admitted as I&E Statement No. 2; the Exhibits to Accompany the Direct Testimony of Christine Wilson were admitted as I&E Exhibit No. 2; the Surrebuttal Testimony of Christine Wilson was admitted as I&E Statement No. 2-SR; and the Exhibits to Accompany the Surrebuttal Testimony of Christine Wilson were admitted as I&E Exhibit No. 2-SR. *See* Tr. p. 205. Note that I&E stated its original litigation position of \$47,976,000 in Ms. Wilson's Direct Testimony. *See* I&E Statement No. 2, p. 23, ln. 8.

The record in this proceeding is scheduled to close on January 17, 2014, the due date for Reply Briefs and the Joint Settlement Petition. I&E now submits this Brief of the Bureau of Investigation and Enforcement Regarding Burden of Proof as Requested by Administrative Law Judge Conrad A. Johnson.

II. ARGUMENT

A. Burden of Proof

As stated earlier, the Company and all of the parties, other than NRG, have reached a "black box" Settlement to increase rates to levels that will increase the

Company's distribution revenues by \$48.0 million annually.² As requested by ALJ Johnson, I&E will now submit its Brief regarding burden of proof as it relates to this matter.

In this base rate proceeding, as in all base rate proceedings, Duquesne has the burden of proving the reasonableness of each and every element of its claim. Section 1301 of the Public Utility Code, states that "[e]very rate made, demanded, or received by any public utility..... shall be just and reasonable, and in conformity with regulations or orders of the [c]ommission....."³ The Public Utility Code also provides that the burden of establishing the justness and reasonableness of rates is clearly on the public utility.⁴

But for the Settlement, the purpose of this proceeding would be to assure that just and reasonable rates are established for Duquesne's customers. The standard to be met by any company seeking a rate increase is set forth at Section 315(a) of the Public Utility Code, and is summarized as follows:

[R]easonableness of rates. In any proceeding upon the motion of the Commission, involving any proposed or existing rate of any public utility, or in any proceeding upon complaint involving any proposed increase in rates, the burden of proof to show that the rate involved is just and reasonable shall be upon the public utility.⁵

2 The total increase in the base distribution rates revenue as set forth in the Joint Settlement is in complete agreement with I&E's first stated litigation position of \$47,976,000 as stated in I&E Statement No. 2, p. 23, ln. 8.

3 66 Pa. C.S.A. § 1301.

4 66 Pa. C.S.A. § 315(a).

5 66 Pa. C.S.A. § 315(a).

The language of this relevant statutory provision demonstrates a clear legislative intent that the public utility carry the burden of proving the justness and reasonableness of proposed and existing rates. The Commonwealth Court in reviewing Section 315(a), 66 Pa. C.S.A. § 315(a), interpreted the utility's burden of proof in rate proceedings as follows:

Section 315(a) of the Public Utility Code, 66 Pa. C.S. §315(a), places the burden of proving the justness and reasonableness of a proposed rate hike squarely on the public utility. It is well-established that the evidence adduced by a utility to meet this burden must be substantial.⁶

This delineated Legislative intent regarding the extent of a utility's burden of proof is further supported by the Pennsylvania Supreme Court in *Burleson v. Pennsylvania Public Utility Commission* that clearly defined the depth and scope of this obligation.⁷

While the *Burleson* case involved a billing dispute, obliging the customer complainant to carry the burden of proof, the same rationale applies to a utility's obligation in a proceeding arising out of its general rate filing. Submission of the proposed tariff and supporting data may establish a prima facie case. However, data composing a prima facie case does not meet the utility's burden of proving the elements of its proposed tariff with substantial evidence. As noted by the Supreme Court in *Burleson* "there is clear distinction between the weight of evidence required to support a

6 *Lower Frederick Twp. v. Pennsylvania Public Utility Commission*, 48 Pa. Cmwlth. 222, 226-227, 409 A.2d 505, 507 (1980). See also, *Brockway Glass Company v. Pennsylvania Public Utility Commission*, 63 Pa. Cmwlth. 238, 437 A.2d 1067 (1981).

7 *Burleson v. Pennsylvania Public Utility Commission*, 501 Pa. 433, 461 A.2d 1234 (1983).

prima facie case and the weight necessary to meet a complainant's burden of proof." The Court in *Burleson* further opined that:

... the elements of that cause of action are proven with substantial evidence that enables the party asserting the cause of action to prevail, precluding all reasonable inferences to the contrary.⁸

Substantial evidence has been defined as "... that quantum of evidence which a reasonable mind might accept as adequate to support a conclusion."⁹

The Commission has continued to affirm the utilities' burden of proof in base rate proceedings.¹⁰ In *Pennsylvania Public Utility Commission v. Breezewood Telephone Company*, the Commission declared as follows:

[t]hus, where a party has raised a question concerning an element at issue, the affirmative burden of proving justness and reasonableness of its claim is upon BTC.¹¹

The opposing parties to this or any other rate hike request are under no such burden. As stated by the Pennsylvania Supreme Court in *Berner v. Pa. P.U.C.*:

8 Id. at 437.

9 *Dutchland Tours, Inc. v. Pennsylvania Public Utility Commission*, 19 Pa. Cmwlth. 1, 337 A.2d 922 (1975), as quoted in *Norfolk & Western Railway Co. v. Pennsylvania Public Utility Commission*, 489 Pa. 109, 128 (1980).

10 In fairness, it can be acknowledged that a public utility does not need to affirmatively defend every claim it has made in its filing, even those which no other party has questioned, in proving that its proposed rates are just and reasonable. On the subject, Commonwealth Court has stated that:

While it is axiomatic that a utility has the burden of proving the justness and reasonableness of its proposed rates, it cannot be called upon to account for every action absent prior notice that such action is to be challenged.

Allegheny Center Assocs. v. Pennsylvania Public Utility Commission, 131 Pa. Cmwlth. 352, 359, 570 A.2d 149, 153 (1990) (citation omitted). See e.g. *Pennsylvania Public Utility Commission v. Equitable Gas Co.*, 73 Pa. P.U.C. 310, 359-360 (1990).

11 *Pennsylvania Public Utility Commission v. Breezewood Telephone Company*, 74 Pa. PUC 431 (1991).

[t]he appellants did not have the burden of proving that the plant additions were improper, unnecessary or too costly; on the contrary, that burden is, by statute, on the utility to demonstrate the reasonable necessity and cost of the installations¹²

On this subject, the Commission has determined that:

[t]here is no presumption of reasonableness which attached to a utility's claim, at least none which survives the raising of credible issues regarding a utility's claims. A utility's burden is to affirmatively establish the reasonableness of its claim. It is not the burden of another party to disprove the reasonableness of a utility's claims.¹³

I&E thus respectfully submits that in this base rate proceeding the burden of finally and convincingly establishing the justness and reasonableness of every component of a requested rate increase remains on the public utility – here, the Duquesne Light Company.

In addition to the Public Utility Code and the relevant case law discussed above, the parties were directed to discuss two specific Pennsylvania decisions. The first is *City of Johnstown v. Pennsylvania Public Utility Commission*, 184 Pa. Super 56, 133, A2d 246 (1957); and the second is *Brockway Glass Company v. Pennsylvania Public Utility Commission*, 63 Pa. Cmwlth. 238, 437 A.2d 1067 (1981).

In the 1957 *City of Johnstown* case, the Superior Court stated:

The purpose of a rate proceeding is to determine whether the rates proposed or existing, conform to the statutory mandate that they be just and reasonable. And, where the rate proceeding is the result of a voluntary change in rates to

12 *Berner v. Pennsylvania Public Utility Commission*, 382 Pa. 622, 631, 116 A.2d 738, 744 (1955).

13 *Pennsylvania Public Utility Commission v. Equitable Gas Co.*, 57 Pa. PUC 423, 444 (fn. 37) (1983).

which a complaint is filed or a result of an investigation ordered by the Commission on its own motion, the utility is required to substantiate the proposed rates.

City of Johnstown at 59, A2d at 250. As evidenced by the quote above, the *City of Johnstown* court, like the current Public Utility Code and appellate courts, placed the burden of proof in rate proceedings regarding proposed rates squarely on the Company.

In the more recent 1981 *Brockway Glass Company* case, the Commonwealth Court supports placing the burden of proof on the public utility in the context of a base rate case. The *Brockway* court stated:

Public utility rates, of course, are required to be just and reasonable, and, where a customer is heard to complain concerning a *proposed* change in rate, the burden of proof is upon the public utility to show that the proposed rate is just and reasonable.

Brockway Glass Company at 41, A2d at 1070 (*emphasis added*) (citing *Zucker v. Pennsylvania Public Utility Commission*, 43 Pa. Cmwlth. 207, 401 A2d 1377 (1979)).

The *Brockway* court also addresses proceedings where a complainant files a Complaint against a public utility's existing and approved rates or Tariff provisions outside the confines and in the absence of a base rate case. In that instance, the *Brockway* court states that the complainant has the burden of proving that the existing charge is no longer just and reasonable. The *Brockway* court stated:

Where the complaint involves an *existing* rate, however, the burden then falls upon the customer to prove that the charge is no longer reasonable.

Brockway Glass Company at 41, A2d at 1070 (*emphasis added*) (citing *Zucker v. Pennsylvania Public Utility Commission*, 43 Pa. Cmwlth. 207, 401 A2d 1377 (1979)).

But that portion of the *Brockway* decision does not apply in instances where, as here, a base rate case has been filed and a subsequent complaint is filed by a complainant regarding an existing rate or Tariff provision.

Finally, and upon further consideration of all of the above, including the *City of Johnstown* and *Brockway Glass Company*, I&E reaffirms that it is incumbent upon the public utility, Duquesne in this instance, to affirmatively prove the reasonableness of each and every element of its claim. Section 315 of the Public Utility Code clearly applies “in any proceeding upon motion of the Commission”. *See*, 66 Pa. C.S.A. § 315(a). Therefore, by virtue of the Commission’s acceptance of its Bureau of Technical Utility Services recommendation and the Commission’s Order¹⁴ to suspend and investigate the public utility’s base rate filing, Section 315 of the Public Utility Code places the burden of proof squarely upon the public utility.

14 The Commission’s Order to suspend and investigate states:

IT IS ORDERED:

1. That an investigation on Commission motion be, and hereby is, instituted to determine the lawfulness, justness, and reasonableness of the rates, rules, and regulations contained in the proposed Supplement No. 81 to Electric-PA. P.U.C. No. 24.

...

4. That this investigation shall include consideration of the lawfulness, justness, and reasonableness of the Respondent’s existing rates, rules, and regulations.

See, PUC v. Duquesne Light Company, ORDER (September 26, 2013), Docket No. R-2013-2372129.

III. CONCLUSION

In conclusion and based on all of the above, by virtue of the Company's filing of the proposed base distribution rate revenue increase; the Commission's own motion and entry of the Order to suspend and investigate; and, the Public Utility Code, the Bureau of Investigation and Enforcement hereby respectfully submits that in this base rate proceeding, the public utility, Duquesne, has the burden of proving the reasonableness of each and every element of its claim. The standard to be met by the Duquesne is set forth at Section 315(a) of the Public Utility Code. Section 315(a) clearly states that "in any proceeding ... involving any proposed increase in rates, the burden of proof to show that the rate involved is just and reasonable shall be upon the public utility." See 66 Pa. C.S.A. § 315(a).

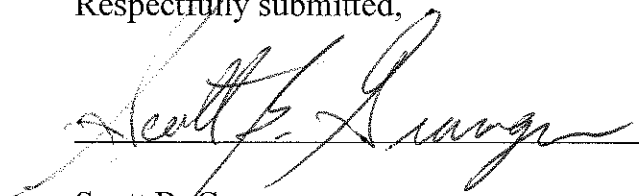
I&E also recognizes that it is not enough for NRG to simply file a Complaint in response to the Company's base rate filing. NRG must then present some evidence or analysis on the record supporting the reasonableness of its proposed change to the existing Rider 18. The Commonwealth Court, in *Allegheny Center Assocs.* explained: "While it is axiomatic that a utility has the burden of proving the justness and reasonableness of its proposed rates, it cannot be called upon to account for every action absent prior notice that such action is to be challenged."¹⁵ Therefore, while the ultimate burden of proof does not shift from the public utility, a party proposing an adjustment to a ratemaking claim or a change to an existing Tariff provision bears the burden of

¹⁵ *Allegheny Center Assocs. v. Pennsylvania Public Utility Commission*, 131 Pa. Cmwlth. 352, 570 A.2d 149 (1990).

presenting some evidence or analysis tending to demonstrate the reasonableness of the adjustment or proposed change.¹⁶

To summarize, this court must first determine if NRG has presented enough evidence or analysis to show that its requested change to existing Rider 18 is reasonable. If this court finds that NRG has presented said evidence or analysis, then this court must determine whether Duquesne has presented sufficient evidence to show that its existing and approved Rider 18 is still just and reasonable.

Respectfully submitted,



Scott B. Granger
Prosecutor
PA Attorney I.D. No. 63641

Charles Daniel Shields
Senior Prosecutor
PA Attorney I.D. No. 29363

Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, Pennsylvania 17105-3265
(717) 787-1976

Dated: January 6, 2014

16 *See, e.g., Pennsylvania Public Utility Commission v. Breezewood Telephone Company*, 74 Pa. PUC 431 (1991).