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March 26, 2014

VIA E-FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120


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

Dear Secretary Chiavetta:

On behalf of Beaver Falls Municipal Authority, I have enclosed for electronic filing the Answer of Beaver Falls Municipal Authority to Motion of Duquesne Light Company to Sever Rider No. 18 Issues in the above-captioned consolidated matters.

Copies have been served on all parties as indicated in the attached certificate of service.

Very truly yours,



John F. Povilaitis

JFP/kra

Enclosure

cc: Administrative Law Judge Conrad A. Johnson (via email and first class mail)

**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 Pittsburgh LLC, and Reliant Energy Northeast LLC	:	C-2013-2390562
v.	:	
Duquesne Light Company	:	

**ANSWER OF BEAVER FALLS MUNICIPAL AUTHORITY TO MOTION OF
DUQUESNE LIGHT COMPANY TO SEVER RIDER NO. 18 ISSUES**

TO: ADMINISTRATIVE LAW JUDGE CONRAD A. JOHNSON:

AND NOW, the Beaver Falls Municipal Authority (“Authority”), by and through its counsel, John F. Povilaitis, Alan Michael Seltzer, and Buchanan Ingersoll & Rooney PC, answers the above-captioned Motion of Duquesne Light Company (“Duquesne” or “Company”) to Sever (“Motion”) pursuant to Section 5.61 of Pennsylvania Public Utility Commission (“Commission”) regulations at 52 Pa. Code § 5.61, as follows:

1. The pending issues in this proceeding, both settled and litigated, have been addressed by evidence admitted into the record, hearings, cross examination and full briefing. All issues with the exception of the Duquesne Rider No. 18 issues raised by the NRG Companies have been addressed in the form of a settlement. The Rider No. 18 issues were fully litigated. Both the settlement issues and the litigated Rider No. 18 issues are pending before the Administrative Law Judge (“ALJ”) for disposition. By email of Thursday, March 20, 2014, the presiding ALJ requested that Duquesne voluntarily agree to file a tariff supplement, extending the effective date of the Company’s pending base rate increase to June 6, 2014. In making this

request of the Company, the ALJ cited the need to give all issues thorough treatment and “to provide sufficient time for the exceptions period, the reply exceptions period and Commission review...”.

2. Duquesne responded to the ALJ’s request on March 21, 2014 and indicated it could not agree to the requested tariff effective date extension for several reasons. However, the Company respectfully suggested that the Rider No. 18 issues raised by the NRG Companies be severed for separate and later disposition as an alternative to extending the effective date of the pending rate increase request.

3. The ALJ set the due date of noon, March 25, 2014 for the filing of any motions to sever. Answers and objections to a motion to sever were due to be filed by noon, March 26, 2014. Duquesne filed a timely motion to sever on March 25, 2014. In its Motion, the Company requested that the Rider No. 18 portion of the NRG Companies’ Complaint at Docket No. C-2013-2390562 be severed from the pending Company base rate case at Docket No. R-2013-2372129. Duquesne noted in the Motion that the Rider No. 18 issues can be decided based on the existing record, and indicated its amenability to a conference with the ALJ and Parties, if necessary, to address any procedural schedule issues.¹

4. The Authority does not object to the ALJ granting Duquesne’s Motion in order to provide sufficient time for the ALJ to address the settled issues within time remaining in the existing tariff suspension period. However, should the ALJ grant the Motion, the Authority respectfully requests that he maintain to the extent possible the procedural schedule implied by his previously suggested tariff extension request, which envisioned Commission action on this case by the Commission Public Meeting of June 5, 2014, with reasonable time periods made


¹ Motion, p. 10.

available for any necessary exceptions or replies to exceptions. The Authority is a non-profit entity that has been required by the NRG Companies' Complaint to unexpectedly expend significant resources on the litigation of the Rider No. 18 issues. Although the pending Rider No. 18 issues may be complex, they have been fully litigated and are positioned for adjudication by the ALJ. Indeed, in declining to answer the material questions presented on the Rider No. 18 issue in its February 6, 2014 Order at this Docket, the Commission noted that "the Parties **have already expended resources in fully vetting** the factual and legal positions related to the Rider No. 18 issues."² Accordingly the Authority entreats the ALJ to resolve the pending Rider No. 18 issues without the need for additional litigation expenditures by the Parties. The Authority will work cooperatively with the ALJ and Parties on any further procedural issues that may arise.

WHEREFORE, the Authority does not object to Duquesne's Motion being granted and further supports the Company's request that the pending Rider No. 18 issues be adjudicated on the basis of the existing record and briefs.

Respectfully submitted,

Dated: March 26, 2014



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² February 6, 2014 Order at 14 (emphasis added).

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VIA FIRST CLASS MAIL ONLY

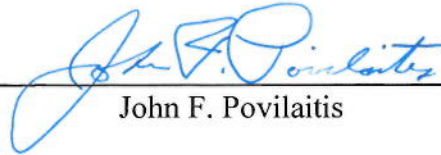
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