

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Duquesne Light Company :  
for a Certificate of Public Convenience under :  
Section 1102(a)(3) of the Public Utility Code : A-110150F0035  
approving the acquisition of Duquesne Light :  
Holding, Inc. by Merger :

And :

Application of DQE Communications Network :  
Services, LLC, for a Certificate of Public :  
Convenience under Section 1101(a)(3) of the : A-311233F0002  
Public Utility Code approving the acquisition of :  
Duquesne Light Holding, Inc. by Merger :

**DOCUMENT  
FOLDER**

**PREHEARING ORDER**

The above-captioned applications were filed with the Commission on September 6, 2006. Notice of the filing of the applications was published in the *Pennsylvania Bulletin* on September 16, 2006, 36 Pa. B. at 5854. The notice specified that protests to the applications or petitions to intervene in the application proceeding were to be filed with the Commission on or before October 2, 2006.

Timely protests and notices of intervention were filed by the Office of Consumer Advocate (OCA) and the Office of Small Business Advocate (OSBA). In addition, timely petitions to intervene were filed by: Citizen Power, Inc. (Citizen); the International Brotherhood of Electrical Workers, Local 29 (IBEW 29); Community Action Association of Pennsylvania (CAAP); Dominion Retail, Inc. (Dominion); the Duquesne Industrial Intervenors (DII); the Retail Energy Supply Association (RESA); Strategic Energy, LLC (Strategic); and the Pennsylvania Large Energy Users Coalition (PALEUC). Also, a timely motion was filed for the admission, *Pro Hac Vice*, of John E. McCaffrey, Esq., and Harvey L. Reiter, Esq. They have

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been no pleadings filed in this case opposing either the several petitions to intervene or the motion for the admission of counsel *Pro Hac Vice*.

By Notices dated October 18 and 24, 2006, the Commission scheduled the Prehearing Conference in this application proceeding for November 28, 2006. Those participating in the Conference were to assemble either at an 11<sup>th</sup> Floor Hearing Room in the State Office Building in Pittsburgh or Hearing Room 2 in the Commonwealth Keystone Building in Harrisburg. All of the previously identified parties participated in the Prehearing Conference. No objections were raised during the Prehearing Conference to the several petitions to intervene or the motion for the admission of counsel *Pro Hac Vice*.

This Prehearing Order is being issued to confirm the decisions made during the Conference.

THEREFORE,

IT IS ORDERED:

1. That the Petitions to Intervene in this proceeding filed by: Citizen Power, Inc.; the International Brotherhood of Electrical Workers, Local 29; Community Action Association of Pennsylvania; Dominion Retail, Inc.; the Duquesne Industrial Intervenors; the Retail Energy Supply Association; Strategic Energy, LLC; and the Pennsylvania Large Energy Users Coalition are granted.
2. That the motion for the admission, *Pro Hac Vice*, of John E. McCaffrey, Esq., and Harvey L. Reiter, Esq., is granted.
3. That all documents requiring to be served in this proceeding shall be served electronically, to be followed by a hard copy of the document by overnight delivery service.

4. That the date of service of any document shall be the date of its electronic transmission; Provided, however, that any document served after Noon on any Friday shall be deemed to have been served on the next following regular business day.

5. That the so-called "mail box rule" pertaining to the date of service of documents, 52 Pa. Code §1.56(b), shall not be applicable to this proceeding.

6. That the dates specified for service of objections to discovery, motions to compel, testimony, briefs, etc. shall mean the "in-hand" electronic receipt date of the document.

7. That, from and after November 28, 2006, the Commission's discovery regulations, 52 Pa. Code §§5.321, *et seq.*, are, for the purposes of this proceeding, modified as follows:

a. Objections, if any, to interrogatories, requests for production of documents, or other discovery requests, shall be communicated orally by the objecting party to the propounding party within three (3) days of service of the discovery request.

b. If the parties are not able to resolve the discovery dispute, written objections must be filed by the objecting party within five (5) days of service of the discovery requests.

c. Motions to compel the objecting party to answer the objected to discovery request may be filed within five (5) days of service of the written objection; Provided, that, before filing such a motion, the moving party makes a good faith effort to resolve the dispute with the objecting party and shall so certify that such a good faith effort was made in any motion to compel.

d. Responses to any motion to compel may be filed within three (3) days of service of the motion.

e. No further filing will be permitted with respect to such motions, and rulings on motions to compel shall be made as quickly as possible thereafter.

8. That, from and after December 21, 2006, the Commission's discovery regulations are, for the purposes of this proceeding, further modified as follows:

a. Answers to written interrogatories propounded after December 21, 2006, shall be served, in-hand, within seven (7) calendar days and no less than five (5) business days of service of the interrogatories.

b. Interrogatories served after Noon on a Friday shall be deemed to have been served on the next following business day.

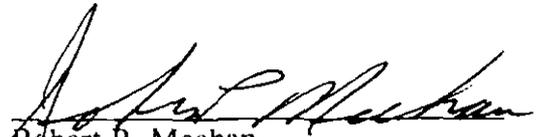
9. That, by agreement of the parties, the procedural schedule for this proceeding, after November 28, 2006, is as follows:

December 21, 2006	Protestant/Intervenor Testimony Due
January 10, 2007	Applicants' Rebuttal Testimony Due
January 23, 2007	Protestant/Intervenor Surrebuttal Testimony Due
Jan. 30-Feb. 1, 2007	Hearings in Harrisburg
February 20, 2007	Main Briefs Due
March 2, 2007	Reply Briefs Due
April 2, 2007	Projected issue date for Initial Decision <sup>1</sup>

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<sup>1</sup> The dates for the filing of Exceptions and Reply Exceptions are set by the Commission's Office of Special Assistants. Accordingly, this Prehearing Order does not adopt the parties' agreement of April 12 and April 19, 2007, as the dates for the filing of Exceptions and Reply Exceptions, respectively.

10. That the hearing on Tuesday, January 30, 2007, shall commence at 10:00 a.m., and the hearings on Wednesday and Thursday, January 31 and February 1, 2007, shall commence at 9:00 a.m.

  
Robert P. Meehan  
Administrative Law Judge

Date: November 29, 2006

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