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**Tishekia E. Williams**  
Senior Counsel, Regulatory

May 4, 2015

*Via Electronic Filing*

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

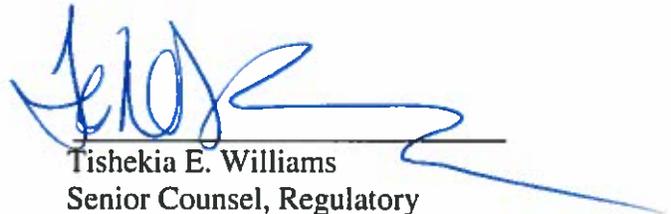
**RE: Whemco-Steel Castings, Inc. v. Duquesne Light Company**  
**Docket No. C-2014-2459527**

Dear Secretary Chiavetta:

Duquesne Light Company hereby submits the enclosed Prehearing Conference Memorandum in compliance with the Prehearing Conference Order issued by Administrative Law Judge Jeffery A. Watson on April 21, 2015.

Please feel free to contact me with any questions or comments.

Sincerely,



Tishekia E. Williams  
Senior Counsel, Regulatory

Enclosure

cc: ALJ Jeffery A. Watson  
Michael Gang, Esq.  
Anthony Kanagy, Esq.



2) wrongfully eliminated Rider No. 5 Time of Day Discounts for large commercial and industrial customers, and 3) failed to negotiate in good faith with regards to its request for a Rule 4 contract.

On January 21, 2015, Duquesne Light filed an Answer and New Matter to Whemco's complaint. In its Answer, Duquesne Light explained that it provided constructive notice of the Default Service Plan in accordance with applicable legal requirements, appropriately eliminated Rider No. 5 Time of Day Discounts as plainly stated in its Default Service Plan, and negotiated in good faith with respect to Whemco's request for a Rule 4 contract. Duquesne Light also averred that Whemco's allegations that Duquesne Light violated certain statutes, regulations and Commission orders are barred by the statute of limitations. On February 10, 2015, Whemco filed a Reply to New Matter.

By notice dated March 27, 2015, an initial telephonic hearing was initially scheduled for Thursday, May 7, 2015 at 10:00 a.m. in Pittsburgh, Pennsylvania. By Notice dated April 15, 2015, the initial telephonic hearing was converted to a prehearing conference upon the request of the parties. On April 17, 2015, Whemco filed a Motion to Determine the Sufficiency of Duquesne Light Company Answers to Request for Admissions Set I. By Order dated April 21, 2015, Administrative Law Judge Jeffery A. Watson issued a Prehearing Order directing the parties to file prehearing memorandums by May 4<sup>th</sup> at 3:00 p.m.

Pursuant to the Order dated April 21, 2015, Duquesne Light is filing this prehearing memorandum.

## **II. SERVICE OF DOCUMENTS**

Counsel for Duquesne Light is authorized to receive service of all documents in this matter. Counsel for Duquesne Light, together with their contact information is listed below.

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akanagy@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 subject matters to be addressed by each witness 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:

- William V. Pfrommer, Sr. 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 Default Service Plan.
- Pamela Niehaus, Director, Customer Care Project Management Office. 411 Seventh Avenue, Pittsburgh, Pennsylvania 15219. Ms. Niehaus' phone number is (412)393-7810. Ms. Niehaus will address Rule 4 contract negotiations.

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**

Duquesne Light proposed the following schedule:

- May 5, 2015- Duquesne Light response to Whemco Motion to Determine Sufficiency

- May 7, 2015 – Prehearing Conference
- July 1, 2015 – Any preliminary motions must be filed
- July 21, 2015 – Answers to preliminary motions due.

Duquesne Light proposes that a second prehearing conference be scheduled following a ruling on any preliminary motions filed to establishing a further litigation schedule, including filing direct and rebuttal testimony, a hearing date and briefing schedule, as may be necessary and appropriate.

## **V. DISCOVERY**

Duquesne Light proposes the following modifications to the Commission's procedural rules regarding discovery for the remainder of the proceeding:

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.

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

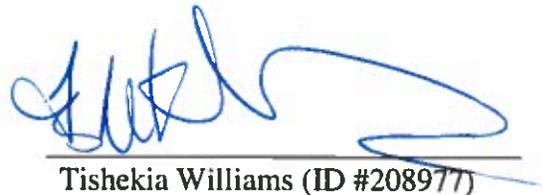
**VI. PROTECTION OF CONFIDENTIAL INFORMATION**

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

**VII. 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,



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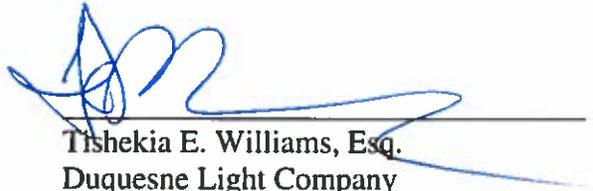
Date: May 4, 2014

**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 § 1.54 (relating to service by a participant):

*Alan Michael Seltzer, Esquire  
John F. Povilaitis, Esquire  
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Dated: May 4, 2015