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May 5, 2015

VIA ELECTRONIC FILING

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

Enclosed please find the Answer of Duquesne Light Company to Motion of Whemco-Steel Castings, Inc. to Determine Sufficiency of Duquesne Light Company Responses to Requests for Admission Set I. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,



Anthony D. Kanagy

ADK/skr
Enclosure

cc: Certificate of Service
Honorable Jeffrey Watson

CERTIFICATE OF SERVICE

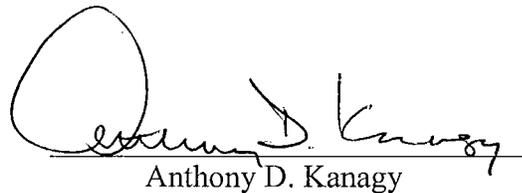
I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

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Date: May 5, 2015



Anthony D. Kanagy

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**ANSWER OF DUQUESNE LIGHT COMPANY
TO MOTION OF WHEMCO-STEEL CASTINGS, INC. TO
DETERMINE SUFFICIENCY OF DUQUESNE LIGHT
COMPANY RESPONSES TO REQUESTS FOR ADMISSION SET I**

I. INTRODUCTION

Duquesne Light Company (“Duquesne Light” or the “Company”) hereby files the following Answer to the Motion of Whemco-Steel Castings, Inc. (“Whemco”) to Determine Sufficiency of Duquesne Light’s responses to Requests for Admissions Set I (“Motion”). Duquesne Light files its Answer pursuant to the Interim Order issued by Administrative Law Judge Jeffrey A. Watson (the “ALJ”) on April 23, 2015. Pursuant to the Interim Order, counsel for Duquesne Light and Whemco held a telephone conference on April 30, 2015 but were not able to resolve the matters raised in the Motion.

II. SUMMARY OF ANSWER

As an initial matter, many of Whemco’s requests for admissions are premature by requesting that Duquesne Light admit “facts” related to documents that Duquesne Light is presently attempting to locate that are contained in records from the Company’s default service IV (“DSP IV”) proceeding at Docket No. P-00072247 that was filed approximately eight years ago. Whemco has severely prejudiced the Company’s ability to locate complete records from the DSP IV proceeding due to Whemco’s failure to file its Complaint until approximately 8 years after the DSP IV proceeding was filed and notice was sent to customers. This is a relevant fact to consider in denying Whemco’s Motion.

Nonetheless, on April 30, 2015, Duquesne Light located certain records from the DSP IV proceeding. Duquesne Light has not located the entire DSP IV file but it is possible that it will locate additional records in the upcoming weeks. Duquesne Light's ability to find these files from the DSP IV proceeding is also hampered by the fact that the Company has experienced significant turnover in employees with key responsibilities in that proceeding, including Gary Jack, former Assistant General Counsel, who was the lead Company attorney in the DSP IV proceeding and Kim Titley, former Large Account Representative, who was the lead contact with Whemco.

Many of Whemco's Requests for Admissions are not appropriate because they ask Duquesne Light to admit that it does not "presently" have certain documents when Duquesne Light is presently looking to determine whether it still has copies of the documents. Whemco's Motion attempts to force Duquesne Light to admit that it does not have certain documents, when Duquesne Light may yet locate the documents. This is an improper use of Requests for Admissions, and Whemco's Motion should be denied. Requesting an admission as to the current status of a document is not a fact that is appropriate for Requests for Admissions.

In its Motion, Whemco also alleges that Duquesne Light's failure to admit the Requests for Admissions will complicate and prolong the proceedings. Motion ¶ 1. This argument is incorrect and should be denied. As stated above, Whemco's Requests for Admissions are premature and will not shorten this proceeding. Whemco's Requests for Admissions serve no substantive purpose if Duquesne Light is able to locate additional records. If Duquesne Light were forced to admit that it "presently" did not have certain records and then found the records, Duquesne Light would be required to make additional filings to attempt to change the

admissions, which would require additional resources of all participants and could confuse the record in this proceeding.

Whemco also argues that Duquesne Light's failure to admit the Requests is "vexatious" because the Requests for Admissions were based on Duquesne Light's discovery responses. Motion ¶ 2. Whemco's argument fails by its own logic. If Whemco's Requests for Admissions are based on Duquesne Light's discovery responses, then Whemco has no need for Duquesne Light's Admissions. Whemco can rely on Duquesne Light's discovery responses to make Whemco's arguments in this proceeding and Duquesne Light can respond. Whemco's Requests for Admissions are therefore unnecessary, and Duquesne Light should not be forced to revise its answers.

Below, Duquesne Light responds to each of the individual Requests for Admissions and explains why its denials were appropriate.

III. ARGUMENT

1. In Request R-1, Whemco asked Duquesne Light to admit the following:

Whemco R-1

Duquesne cannot presently locate in its records any copy of a bill insert sent to customers purporting to advise them of the filing and/or contents of its 2007 Application relating to the Duquesne's Default Service Proceeding before the Pennsylvania Public Utility Commission ("PaPUC") at PaPUC Docket No. P-00072247 ("DSP Proceeding").

Duquesne Light responded as follows:

Denied. Duquesne Light is continuing to search its records to locate a copy of the bill insert that was sent to advise customers of the DSP Proceeding. Whemco has prejudiced the Company's ability to locate such records due to Whemco's failure to file its Complaint until approximately eight years after the bill insert was sent to customers.

Duquesne Light's denial was appropriate because it is presently continuing to attempt to locate the bill insert that was sent to customers. An admission that Duquesne Light "cannot presently locate" the bill insert is premature and not correct.

2. In Request R-2, Whemco asked Duquesne Light to admit the following:

Whemco R-2

Duquesne does not have and does not presently know the contents of any bill insert allegedly provided to customers in connection with the DSP Proceeding.

Duquesne Light responded as follows:

Denied. Duquesne Light is continuing to search its records to determine the contents of the bill insert that was sent to advise customers of the DSP Proceeding. Whemco has prejudiced the Company's ability to locate such records due to Whemco's failure to file its Complaint until approximately eight years after the bill insert was sent to customers.

Duquesne Light's denial was appropriate because it may have the bill insert and is presently attempting to locate the bill insert.

3. In Request R-3, Whemco asked Duquesne Light to admit the following:

Whemco R-3

Duquesne cannot presently confirm if, in any medium (e.g., notice, newspaper ad, press release, bill insert, letter, etc.) used to communicate with customers about the DSP Proceeding, it specifically advised that it intended to seek authorization from the PaPUC to terminate all discounts associated with then-existing Rider No. 5 of Duquesne's retail tariff applicable to Rate L customers.

Duquesne Light responded as follows:

Denied. Duquesne Light is continuing to search its records to locate communications with customers about the DSP Proceeding. Whemco has prejudiced the Company's ability to locate such records due to Whemco's failure to file its Complaint until approximately eight years after the DSP was filed. Moreover, Duquesne Light provided a pro forma tariff with the filing that eliminated Rider No. 5 for all customers and further explained in testimony that Rider No. 5 was being completely eliminated.

Duquesne Light's denial was appropriate because it is presently searching its records for customer communications for a proceeding that was filed approximately eight years ago. In addition, customers had the opportunity to review the DSP IV filing which explained in testimony and in the pro forma tariff that Rider No. 5 was being completely eliminated.

4. In Request R-4, Whemco asked Duquesne Light to admit the following:

Whemco R-4

Neither of the sample customer letters dated August 15, 2007 and November 1, 2007 contained in Duquesne's response to Whemco Interrogatory I-5 makes any reference to the termination of discounts associated with then-existing Rider No. 5 of Duquesne's retail tariff applicable to Rate L customers.

Duquesne Light responded as follows:

Denied. The customer letters speak for themselves. The customer letters provided in response to Whemco Interrogatory I-5 make reference to changes related to the DSP.

Duquesne Light's denial was appropriate because Duquesne Light provided copies of the letters to Whemco and the letters speak for themselves. Whemco can make whatever arguments it wants from the plain language of the letters in its pleadings, testimony, briefs or other documents, and Duquesne Light can respond to such arguments.

5. In Request R-5, Whemco asked Duquesne Light to admit the following:

Whemco R-5

Duquesne has no documents showing that it caused newspaper publication of the filing and/or contents of its 2007 Application relating to the DSP Proceeding.

Duquesne Light responded as follows:

Denied. Duquesne Light's filing letter for the DSP Proceeding stated that it was publishing notice of the filing in newspapers. Whemco has prejudiced the Company's ability to locate further records due to Whemco's failure to file its Complaint until approximately eight years after the notice was published.

Duquesne Light's denial is appropriate because the filing letter for the DSP IV proceeding conclusively established that Duquesne Light was publishing notice of the DSP IV proceeding through newspaper publication. A copy of this filing letter was provided to Whemco in discovery.

6. In Request R-6, Whemco asked Duquesne Light to admit the following:

Whemco R-6

The press release identified as Attachment I-6 to Whemco Interrogatory makes no reference to the termination of discounts associated with then-existing Rider No. 5 of Duquesne's retail tariff applicable to Rate L customers.

Duquesne Light responded as follows:

Denied. The press release speaks for itself.

Duquesne Light's denial was appropriate because Duquesne Light provided copies of the press release to Whemco and the press release speaks for itself. Whemco can make whatever arguments it wants from the press release in its pleadings, testimony, briefs or other documents, and Duquesne Light can respond to such arguments.

7. In Request R-7, Whemco asked Duquesne Light to admit the following:

Whemco R-7

Duquesne has no documents or other information to confirm that it conducted and completed the issuance of customer bill inserts relating to the DSP Proceeding.

Duquesne Light responded as follows:

Denied. Duquesne Light's filing letter states that Duquesne Light provided bill inserts to customers related to the DSP Proceeding. Whemco has prejudiced the Company's ability to locate further records due to Whemco's failure to file its Complaint until approximately eight years after the bill insert was sent to customers.

Duquesne Light's denial is appropriate because the filing letter for the DSP IV proceeding conclusively established that Duquesne Light was providing bill inserts to customers.

A copy of this filing letter was provided to Whemco in discovery. In addition, the ALJ's Recommended Decision which was approved by the Commission's Order in the DSP IV proceeding stated that Duquesne Light provided notice of the petition to its customers through a press release, newspaper publication and a bill insert. DSP IV Proceeding, Recommended Decision dated May 8, 2007.

8. In Request R-8, Whemco asked Duquesne Light to admit the following:

Whemco R-8

Duquesne has no documents or other information to confirm that it conducted and completed the publication of newspaper notice relating to the DSP Proceeding.

Duquesne Light responded as follows:

Denied. Duquesne Light's filing letter for the DSP Proceeding stated that Duquesne Light was publishing notice of the DSP Proceeding in newspapers. Whemco has prejudiced the Company's ability to locate further records due to Whemco's failure to file its Complaint until approximately eight years after the newspaper notice was published.

Duquesne Light's denial is appropriate because the filing letter for the DSP IV proceeding conclusively established that Duquesne Light was publishing notice of the DSP IV proceeding through newspaper publication. A copy of this filing letter was provided to Whemco in discovery.

9. In Request R-9, Whemco asked Duquesne Light to admit the following:

Whemco R-9

Duquesne cannot confirm presently and has no documents or other information to confirm what was discussed with attendees at the meeting held on December 11, 2007 at the Double Tree Hotel in Pittsburgh City Center in connection with the DSP Proceeding and the relief sought in the application filed with the PaPUC in connection therewith.

Duquesne Light responded as follows:

Denied. Duquesne Light is continuing to search its records to determine what documents or other records it has related to the December 11, 2007 meeting. Whemco has prejudiced the Company's ability to locate such records due to Whemco's failure to file its Complaint until approximately seven years after this meeting occurred.

Duquesne Light's denial was appropriate because it is presently continuing to search its records for documents related to the December 11, 2007 meeting.

10. In Request R-10, Whemco asked Duquesne Light to admit the following:

Whemco R-10

Duquesne does not know if there was any discussion at the meeting held on December 11, 2007 at the Double Tree Hotel in Pittsburgh City Center in connection with to the termination of discounts associated with then-existing Rider No. 5 of Duquesne's retail tariff applicable to Rate L customers.

Duquesne Light responded as follows:

Denied. Duquesne Light is continuing to search its records to determine what documents or other records it has related to the December 11, 2007 meeting. Whemco has prejudiced the Company's ability to locate such records due to Whemco's failure to file its Complaint until approximately seven years after this meeting occurred.

Duquesne Light's denial was appropriate because it is presently continuing to search its records for documents related to the December 11, 2007 meeting.

11. In Request R-11, Whemco asked Duquesne Light to admit the following:

Whemco R-11

Duquesne does not know who attended the meeting held on December 11, 2007 at the Double Tree Hotel in Pittsburgh City Center in connection with the DSP Proceeding and the relief sought in the application filed with the PaPUC in connection therewith.

Duquesne Light responded as follows:

Denied. Duquesne Light is continuing to search its records to determine what documents or other records it has related to the December 11, 2007 meeting. Whemco has prejudiced the Company's ability to locate such records due to

Whemco's failure to file its Complaint until approximately seven years after this meeting occurred.

Duquesne Light's denial was appropriate because it is presently continuing to search its records for documents related to the December 11, 2007 meeting.

12. In Request R-12, Whemco asked Duquesne Light to admit the following:

Whemco R-12

The Rider No. 5 discount applicable to Rate L Customers that Duquesne claims was eliminated in the DSP Proceeding effective December 31, 2010 related to Duquesne's distribution rates.

Duquesne Light responded as follows:

Denied. Rider No. 5 was a legacy discount applied to bundled rates and phased out over time. The discount applicable to Rate L generation charges was eliminated as proposed in the Company's default service proceeding at Docket No. P-00032071 and the discount to the remaining applicable charges of all eligible tariff rate classes was eliminated as proposed in the Company's default service proceeding at Docket No. P-00072247 effective January 1, 2011.

Duquesne Light properly denied Request R-12. Rider No. 5 did not solely relate to Duquesne Light's distribution rates. As explained in the response, Rider No. 5 was a legacy discount applied to bundled rates, operation, transmission and distribution that was phased out over time. Rider No. 5 provided discounts for energy usage related to the time-of-day the energy was used. Admitting this response would be misleading and could confuse the record because Rider No. 5 was not initially designed as a distribution rate.

13. In Request R-13, Whemco asked Duquesne Light to admit the following:

Whemco R-13

Mr. Pfrommer's description of the purpose of his Direct Testimony in the DSP Proceeding makes no reference to supporting the elimination of the Rider No. 5 discount for Rate L customers.

Duquesne Light responded as follows:

Denied. The first item identified as the purpose of Mr. Pfrommer's testimony states:

The purpose of my testimony is to address the following items regarding the Company's proposed default service plan:

- 1. Describe the proposed changes to Duquesne's retail rate structure and the rationale for those changes. This will include a description of the necessary changes to Duquesne's retail tariff to implement the proposed default service plan.*

Docket No. P-00072247, Statement No. 4, Direct testimony, page 2, lines 19-24.

The testimony further states that the Rider will be completely eliminated (page 10, lines 17-27) making no provision to retain it for any rate schedule.

Duquesne Light's denial of this request was appropriate for the reasons stated therein.

Whemco is attempting to mischaracterize Mr. Pfrommer's testimony by focusing on one particular part while ignoring other relevant sections. Whemco's attempts are improper and should be denied. Moreover, Whemco has a copy of Mr. Pfrommer's testimony and can make whatever arguments that it wants based upon that testimony in Whemco's testimony, briefs or other documents that are filed in this proceeding. In addition, Duquesne Light can respond to such arguments.

14. In Request R-14, Whemco asked Duquesne Light to admit the following:

Whemco R-14

Mr. Pfrommer's description of changes to Large Customer rates in his Direct Testimony in the DSP Proceeding makes no reference to eliminating the Rider No. 5 discount for Rate L customers.

Duquesne Light responded as follows:

Denied. The first item identified as the purpose of Mr. Pfrommer's testimony states:

The purpose of my testimony is to address the following items regarding the Company's proposed default service plan:

1. *Describe the proposed changes to Duquesne's retail rate structure and the rationale for those changes. This will include a description of the necessary changes to Duquesne's retail tariff to implement the proposed default service plan.*

Docket No. P-00072247, Statement No. 4, Direct testimony, page 2, lines 19-24.

The testimony further states that the Rider will be completely eliminated (page 10, lines 17-27) making no provision to retain it for any rate schedule.

Duquesne Light's denial of this request was appropriate for the reasons stated therein. Whemco is attempting to mischaracterize Mr. Pfrommer's testimony by focusing on one particular part while ignoring other relevant sections. Whemco's attempts are improper and should be denied. Moreover, Whemco has a copy of Mr. Pfrommer's testimony and can make whatever arguments that it wants based upon that testimony in Whemco's testimony, briefs or other documents that are filed in this proceeding. In addition, Duquesne Light can respond to such arguments.

15. In Request R-15, Whemco asked Duquesne Light to admit the following:

Whemco R-15

Mr. Pfrommer's Direct Testimony in the DSP Proceeding offers no explanation or supporting reasons for the proposed elimination of the Rider No. 5 discount for Rate L customers.

Duquesne Light responded as follows:

Denied. Mr. Pfrommer's testimony states:

In addition, Rider 5 is the Company's Time of Day discount to demand charges that is a legacy of pre-restructuring rate design when the Company owned generation. The rider provides a discount to demand charges associated with the monthly meter read. Since the Company is proposing to phase out the demand charges for rates GM and GMH, it does not make sense to keep this rider for discounts applicable only to distribution charges. The Company proposes to completely eliminate this rider effective January 1, 2010. Phasing-out this rider over time will

allow customers to modify their operation to the extent possible and enable them to become accustomed to the new rate structure.

Docket No. P-00072247, Statement No. 4, Direct testimony, page 10, lines 19-27.

The testimony states that the Rider will be completely eliminated making no provision to retain it for any rate schedule.

Duquesne Light's denial of this request was appropriate for the reasons stated therein. Whemco is attempting to mischaracterize Mr. Pfrommer's testimony by focusing on one particular part while ignoring other relevant sections. Whemco's attempts are improper and should be denied. Moreover, Whemco has a copy of Mr. Pfrommer's testimony and can make whatever arguments that it wants based upon that testimony in Whemco's testimony, briefs or other documents that are filed in this proceeding. In addition, Duquesne Light can respond to such arguments.

16. In Request R-16, Whemco asked Duquesne Light to admit the following:

Whemco R-16

Mr. Pfrommer's Direct Testimony in the DSP Proceeding refers to elimination of Rider No. 8, and revisions to Rider No. 9, but makes no reference to Rider No. 5 for Rate L customers.

Duquesne Light responded as follows:

Denied. Mr. Pfrommer's testimony states:

In addition, Rider 5 is the Company's Time of Day discount to demand charges that is a legacy of pre-restructuring rate design when the Company owned generation. The rider provides a discount to demand charges associated with the monthly meter read. Since the Company is proposing to phase out the demand charges for rates GM and GMH, it does not make sense to keep this rider for discounts applicable only to distribution charges. The Company proposes to completely eliminate this rider effective January 1, 2010. Phasing-out this rider over time will allow customers to modify their operation to the extent possible and enable them to become accustomed to the new rate structure.

Docket No. P-00072247, Statement No. 4, Direct testimony, page 10, lines 19-27.

The testimony states that the Rider will be completely eliminated making no provision to retain it for any rate schedule.

Duquesne Light's denial of this request was appropriate for the reasons stated therein. Whemco is attempting to mischaracterize Mr. Pfrommer's testimony by focusing on one particular part while ignoring other relevant sections. Whemco's attempts are improper and should be denied. Moreover, Whemco has a copy of Mr. Pfrommer's testimony and can make whatever arguments that it wants based upon that testimony in Whemco's testimony, briefs or other documents that are filed in this proceeding. In addition, Duquesne Light can respond to such arguments.

17. In Request R-17, Whemco asked Duquesne Light to admit the following:

Whemco R-17

Ms. Krajovic's Direct Testimony in the DSP Proceeding offers no explanation or supporting reasons for the proposed elimination of the Rider No. 5 discount for Rate L customers.

Duquesne Light responded as follows:

Denied. Ms. Krajovic's direct testimony states:

Pages 2-2G itemize the modifications contained in the draft supplement to the Company's retail Tariff submitted as Exhibit NJDK-3. Generally, the draft supplement contains the new supply rates and rate design changes proposed by the Company and sponsored by Mr. Pfrommer in his testimony, as well as modifications to support the POR. Docket No. P-00072247, Statement No. 5, Direct testimony, page 13, lines 24-28.

Tariff page number 84 of Ms. Krajovic's Exhibit NJDK-3 states "The availability and application of Rider No. 5 – Time of Day Discounts will terminate December 31, 2010." The applicable rate schedules, including Rate L, are identified on page number 84 of the tariff supplement.

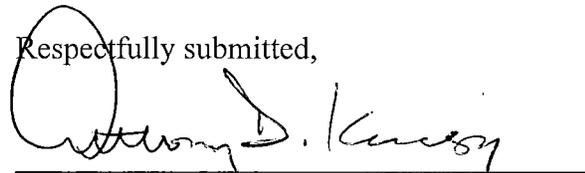
Duquesne Light's denial of this request was appropriate for the reasons stated therein. Whemco is attempting to mischaracterize Ms. Krajovic's testimony by focusing on one particular part while ignoring other relevant sections. Whemco's attempts are improper and should be denied. Moreover, Whemco has a copy of Ms. Krajovic's testimony and can make whatever arguments that it wants based upon that testimony in Whemco's testimony, briefs or other documents that are filed in this proceeding. In addition, Duquesne Light can respond to such arguments.

IV. CONCLUSION

Whemco's Requests for Admissions are not appropriate and should be denied because they: 1) ask Duquesne Light to admit that it does not have documents that it is presently looking for; 2) are premature; 3) attempt to mischaracterize prior testimony; and 4) will not expedite the substantive review of issues in this proceeding.

WHEREFORE, for the foregoing reasons, Whemco's Motion to Determine Sufficiency of Duquesne Light's Responses to Requests for Admissions Set I should be denied.

Respectfully submitted,



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Date: May 5, 2015

Attorneys for Duquesne Light Company