



17 North Second Street  
12th Floor  
Harrisburg, PA 17101-1601  
717-731-1970 Main  
717-731-1985 Main Fax  
www.postschell.com

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Anthony D. Kanagy

akanagy@postschell.com  
717-612-6034 Direct  
717-731-1985 Direct Fax  
File #: 161587

June 8, 2015

***VIA ELECTRONIC FILING***

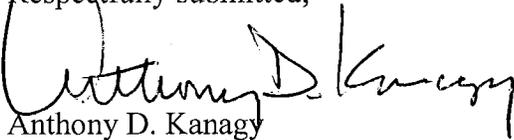
Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor North  
P.O. Box 3265  
Harrisburg, PA 17105-3265

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

Dear Secretary Chiavetta:

Enclosed please find the Petition of Duquesne Light Company for Certification of a Discovery Ruling for Interlocutory Review in the above-referenced proceeding. 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**

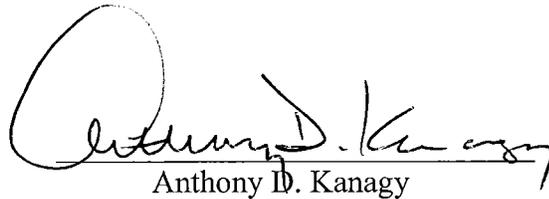
I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

**VIA E-MAIL AND FIRST CLASS MAIL:**

Alan M. Seltzer, Esquire  
John F. Povilaitis, Esquire  
Buchanan Ingersoll & Rooney PC  
409 N. Second Street, Suite 500  
Harrisburg, PA 17101-1357

Ricky L. Bertram, Esquire  
General Counsel  
Park Corporation  
6200 Riverside Drive  
Cleveland, OH 44135

Date: June 8, 2015

  
Anthony D. Kanagy

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Whemco-Steel Castings, Inc.

v.

Duquesne Light Company

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:  
:  
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Docket No. C-2014-2459527

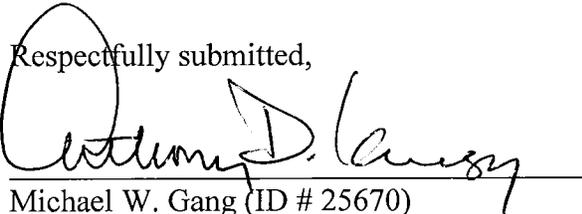
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**NOTICE TO PLEAD**

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YOU ARE HEREBY ADVISED THAT, PURSUANT 52 PA. CODE § 5.304 YOU MAY FILE A RESPONSIVE BRIEF WITHIN SEVEN (7) DAYS AFTER THE DATE OF SERVICE OF THE ATTACHED PETITION. YOUR RESPONSIVE BRIEF SHOULD BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL AND THE PRESIDING OFFICER AND ALL OTHER PARTIES.

Respectfully submitted,



Tishekia E. Williams (ID # 208997)  
Robert H. Hoaglund II (ID # 313382)  
Duquesne Light Company  
411 Seventh Avenue, 16<sup>th</sup> Floor  
Pittsburgh, PA 15219  
Phone: 412-393-1541  
Fax: 412-393-5695  
E-mail: [twilliams@duqlight.com](mailto:twilliams@duqlight.com)  
[rhoaglund@duqlight.com](mailto:rhoaglund@duqlight.com)

Michael W. Gang (ID # 25670)  
Anthony D. Kanagy (ID # 85522)  
Post & Schell, P.C.  
17 North Second Street, 12<sup>th</sup> Floor  
Harrisburg, PA 17101-1601  
Phone: 717-731-1970  
Fax: 717-731-1985  
E-mail: [mgang@postschell.com](mailto:mgang@postschell.com)  
[akanagy@postschell.com](mailto:akanagy@postschell.com)

Date: June 8, 2015

*Attorneys for Duquesne Light Company*

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**PETITION OF DUQUESNE LIGHT COMPANY  
FOR CERTIFICATION OF A DISCOVERY RULING  
FOR INTERLOCUTORY REVIEW**

**TO ADMINISTRATIVE LAW JUDGE JEFFREY A. WATSON:**

Duquesne Light Company (“Duquesne Light” or the “Company”) hereby petitions Administrative Law Judge Jeffrey A. Watson (the “ALJ”) pursuant to 52 Pa. Code § 5.304 for certification of the discovery questions addressed in the ALJ’s interim order dated June 4, 2015. In support thereof, Duquesne Light states as follows:

**THE QUESTION PRESENTED**

Whether the substantive merits of eliminating Rider No. 5 Time of Day service for distribution service are relevant to this proceeding.

In the Interim Order, the ALJ ruled that Whemco is seeking refunds related to the elimination of Rider No. 5 based on alleged procedural and legal errors. *Interim Order*, p. 10. The ALJ further ruled that Duquesne Light’s discovery questions seeking Whemco’s position regarding the substantive merits of eliminating Rider No. 5 are not relevant or reasonably calculated to lead to the discovery of admissible evidence related to claims asserted by Whemco. *Interim Order*, p. 11.

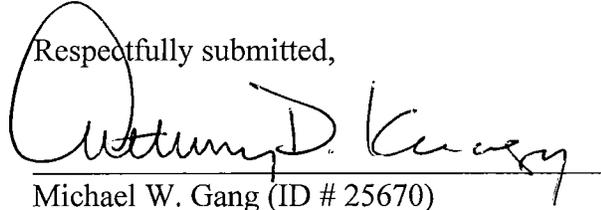
Duquesne Light respectfully disagrees with the ALJ’s *Interim Order*, and respectfully requests that the ALJ certify this issue to the Commission to prevent substantial prejudice and expedite the conduct of this proceeding. Under Section 1312 of the Public Utility Code, the

Commission has discretion to award refunds or not to award refunds. *Pa. P.U.C. v. Pennsylvania Gas and Water Co.*, 1982 Pa. PUC LEXIS 48, 56 Pa. PUC 433, 49 P.U.R.4<sup>th</sup> 356, Order entered October 29, 1982. One of Duquesne Light's defenses in this proceeding, if Whemco's procedural argument is accepted, is that the Commission should consider the substantive reasons for eliminating a time of day rate for distribution service and rely on its discretion to not award refunds. Duquesne Light is substantially prejudiced by the discovery order which does not compel Whemco to respond to substantive questions regarding the elimination of Rider No. 5. Moreover, the Commission's discovery regulations specifically allow discovery related to the claim or **defense** of the party seeking discovery. 52 Pa. Code § 5.321(c) (emphasis supplied). The information sought by Duquesne Light is related to its defense of this case.

Moreover, granting this petition for certification will expedite the conduct of this proceeding if the Commission ultimately accepts Duquesne Light's argument that Whemco should present its position regarding the substantive reasons for eliminating Rider No. 5 so that the matter can be fully evaluated on the record in this proceeding. If Duquesne Light's arguments are accepted by the Commission, the case could be remanded for further litigation, after testimony, hearings and briefing. This would be a waste of resources and delay the proceeding.

WHEREFORE, for the foregoing reasons, Duquesne Light Company respectfully requests that Administrative Law Judge Jeffrey A. Watson grant this Petition for Certification.

Respectfully submitted,



Tishekia E. Williams (ID # 208997)  
Robert H. Hoaglund II (ID # 313382)  
Duquesne Light Company  
411 Seventh Avenue, 16<sup>th</sup> Floor  
Pittsburgh, PA 15219  
Phone: 412-393-1541  
Fax: 412-393-5695  
E-mail: [twilliams@duqlight.com](mailto:twilliams@duqlight.com)  
[rhoaglund@duqlight.com](mailto:rhoaglund@duqlight.com)

Michael W. Gang (ID # 25670)  
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17 North Second Street, 12<sup>th</sup> Floor  
Harrisburg, PA 17101-1601  
Phone: 717-731-1970  
Fax: 717-731-1985  
E-mail: [mgang@postschell.com](mailto:mgang@postschell.com)  
[akanagy@postschell.com](mailto:akanagy@postschell.com)

Date: June 8, 2015

*Attorneys for Duquesne Light Company*