

ORIGINAL

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

Michael W. Gang

mgang@postschell.com
717-612-6026 Direct
File #: 2267-126932

June 1, 2006

VIA HAND DELIVERY

James J. McNulty
Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
PO Box 3265
Harrisburg, PA 17105-3265

**DOCUMENT
FOLDER**

SECRETARY'S BUREAU

2006 JUN - 1 PM 3:59

RECEIVED

**RE: Pennsylvania Public Utility Commission, Duquesne Industrial
Intervenors and Industrial Energy Consumers of Pennsylvania,
Irwin A. Powposky, Consumer Advocate and Office of Small
Business Advocate v. Duquesne Light Company
Docket Nos. R-00061346 et al**

Dear Secretary McNulty:

Enclosed, for filing, are an original and three (3) copies of the Answer of Duquesne Light Company to the Petition to Intervene of Citizen Power, Inc. in the above-referenced proceeding.

As indicated on the enclosed certificate of service, copies have been served on the parties in the manner indicated.

Respectfully submitted,

Michael W. Gang
Michael W. Gang *AAK*

MWG/jl

Enclosures

cc: Honorable Larry Gesoff
Honorable Michael A. Nemeec
Certificate of Service

ORIGINAL

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED
2006 JUN -1 PM 3:59
SECRETARY'S BUREAU

Pennsylvania Public Utility Commission,	:	Docket No. R-00061346C0001
	:	
Duquesne Industrial Intervenors and	:	Docket No. R-00061346C0001
Industrial Energy Consumers of Pennsylvania,	:	
	:	
Irwin A. Popowsky, Consumer Advocate,	:	Docket No. R-00061346C0002
	:	
Office of Small Business Advocate	:	Docket No. R-00061346C0005
	:	
v.	:	
	:	
Duquesne Light Company	:	

ANSWER OF DUQUESNE LIGHT COMPANY TO THE PETITION TO INTERVENE OF CITIZEN POWER, INC.

Pursuant to 52 Pa. Code §§ 5.61 and 5.66, Duquesne Light Company (“Duquesne”) hereby answers the Petition to Intervene of Citizen Power, Inc. (“Citizen Power”) in the above-captioned proceedings. As a general matter, Duquesne does not object to Citizen Power’s intervention. However, based upon a review of Citizen Power’s Petition to Intervene, Duquesne is concerned that Citizen Power may attempt to raise issues that are outside the scope of this case. In Paragraph 4 of its Petition to Intervene, Citizen Power notes that it devotes substantial resources to environmental issues, including renewable energy and energy-efficiency technologies. This case involves a request by Duquesne to increase its distribution and transmission rates. This case does not involve environmental issues such as renewable energy, and the Pennsylvania Public Utility Commission (“Commission”) and the Administrative Law Judges (“ALJs”) should not tolerate attempts by any party to use this proceeding as a platform to advocate policy issues that are unrelated to the underlying case. Duquesne notes that it reserves the right to object to any attempt by Citizen Power, or any other party, to raise issues that are unrelated to the underlying case.

RESPONSE TO SPECIFIC ALLEGATIONS

1. The averments of Paragraph No. 1 are denied as stated. It is admitted that on April 7, 2006, Duquesne filed Pa. P.U.C. Tariff 24, together with supporting exhibits and testimony. Therein, Duquesne proposed increases in rates designed to produce \$162.7 million in additional operating revenues, an average increase of approximately 13% over present revenues. The proposed increase in rates includes an increase in \$143.7 million in distribution revenues and a pass through of an additional \$19 million in charges that Duquesne pays for transmission service under tariffs regulated by the Federal Energy Regulatory Commission.

2. The averments of Paragraph No. 2 are denied as stated. Duquesne admits that on May 4, 2006, the Commission instituted an investigation to determine the lawfulness, justness, and reasonableness of the rates, rules and regulations contained in the proposed Tariff Electric – Pa. P.U.C. No. 24. Duquesne also admits that other complaints have been filed against Pa. P.U.C. Tariff 24. However, Duquesne denies any implication that those complaints have merit or that they justify Citizen Power's intervention.

3. Duquesne does not have sufficient information to confirm or deny the averments contained in Paragraph No. 3 and therefore, they are denied.

4. Duquesne does not have sufficient information to confirm or deny the averments contained in Paragraph No. 4 and therefore, they are denied. Duquesne notes that this case involves a request by Duquesne to increase its distribution and transmission rates to allow Duquesne recover its costs of providing utility service and earn a fair return on its investment. This case does not involve environmental issues such as renewable energy, and the Commission should not tolerate attempts by parties to raise issues that are unrelated to the underlying case.

5. The averments of Paragraph No. 5 are denied as stated. Duquesne admits that Citizen Power has participated in prior Duquesne proceedings.

6. The averments of Paragraph No. 6 are denied as stated. Duquesne admits that Citizen Power is a customer of Duquesne. However, Duquesne does not have information regarding Citizen Power's corporate purpose, and therefore, this averment is denied.

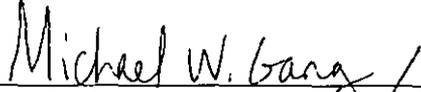
7. The averments of Paragraph No. 7 are denied as stated. Duquesne admits that its filing will increase distribution and transmission rates for customers.

8. The averments of Paragraph No. 8 are denied as stated. To the contrary, Duquesne's existing and proposed rates, rules and regulations are just, reasonable and comply fully with all applicable provisions of the Public Utility Code and are consistent with sound public policy and ratemaking principles.

9. The averments of Paragraph No. 9 are admitted.

WHEREFORE, for the foregoing reasons, Duquesne does not object to Citizen Power's intervention. However, Duquesne reserves the right to request that issues raised by Citizen Power and other parties be limited to matters properly within the scope of a base rate proceeding.

Respectfully submitted,


Michael W. Gang (ID # 25070) ADK

Anthony D. Kanagy (ID # 85522)
Post & Schell, P.C.
17 North Second Street
12th Floor
Harrisburg, PA 17101-1601
Phone: 717-731-1970
Fax: 717-731-1985
E-mail: mgang@postschell.com
akanagy@postschell.com

David B. MacGregor (ID # 28804)
Post & Schell, P.C.
Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, PA 19103-2808
Phone: 215-587-1000
Fax: 215-320-4879
E-mail: dmacgregor@postschell.com

Gary A. Jack
Duquesne Light Company
411 Seventh Avenue Mail Drop 8-2
Pittsburgh, PA 15219
Phone: 412-393-1541
Fax: 412-393-1418
E-mail: gjack@duqlight.com

Of Counsel:

Post & Schell, P.C.

Date: June 1, 2006

Counsel for Duquesne Light Company

ORIGINAL

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document 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).

VIA FIRST CLASS MAIL & E-MAIL

Charles Daniel Shields
Robert V. Eckenrod
Office of Trial Staff
PO Box 3265
Commonwealth Keystone Building
400 North Street, 2nd Floor West
Harrisburg, PA 17105-3265

Tanya J. McCloskey
David Eyrard
Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101-1923

Kevin J. Moody
Daniel Clearfield
Wolf Block Schorr & Solis-Cohen LLP
213 Market Street, 9th Floor
Harrisburg, PA 17108-0865

Timothy W. Merrill
NRG Energy, Inc.
111 S. Commons
Pittsburgh, PA 15212

Thomas Brogan
Brian J. Knipe
Klett Rooney Lieber & Schorling
17 North Second Street, 15th Floor
Harrisburg, PA 17101-1503

W. Gregory Rhodes
Klett Rooney Lieber & Schorling
A Professional Corporation
40th Floor, One Oxford Center
Pittsburgh, PA 15219

George Jugovic, Jr. Senior Attorney
PennFuture
425 Sixth Avenue, Suite 2770
Pittsburgh, PA 15291

Steven C. Gray
Small Business Advocate
Office of Small Business Advocate
Commerce Building
300 North Second Street, Suite 1102
Harrisburg, PA 17101

Pamela C. Polacek
McNees, Wallace & Nurick
PO Box 1166
100 Pine Street
Harrisburg, PA 17108-1166

Scott J. Rubin
Public Utility Consulting
3 Lost Creek Drive
Selinsgrove, PA 17870-9357

David I. Fein, Sr.
Martha A. Duggan
Gregory Urbin
Constellation NewEnergy, Inc.
111 Market Place, Suite 700
Baltimore, MD 21202

Joseph L. Vullo
1460 Wyoming Avenue
Forty Fort, PA 18704

John E. McCaffrey
Stinson Morrison Heckler LLP
1150 Eighteenth Street, N.W.
Suite 800
Washington, DC 20036-3816

Geoffrey A. Sawyer, III
Morris Nichols Arsht & Tunnell LLP
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899-1347

SECRETARY'S BUREAU
PA PUS

2006 JUN -1 PM 3:59

RECEIVED

VIA FIRST CLASS MAIL

Kris Moser
2002 Borland Road
Pittsburgh, PA 15243-1530

Date: June 1, 2006

Michael W. Gang
Michael W. Gang
ADR



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

Michael W. Gang

mgang@postschell.com
717-612-6026 Direct
File #: 2267-126932

ORIGINAL

June 7, 2006

VIA HAND DELIVERY

James J. McNulty
Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
PO Box 3265
Harrisburg, PA 17105-3265

DOCUMENT
FOLDER

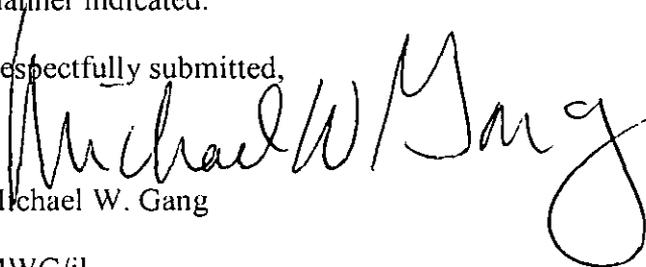
**RE: Pennsylvania Public Utility Commission, Duquesne Industrial Intervenors
and Industrial Energy Consumers of Pennsylvania, Irwin A. Popowsky,
Consumer Advocate v. Duquesne Light Company
Docket Nos. R-00061346, R-00061346C0001, R-00061346C0002 & R-00061346C0005**

Dear Secretary McNulty:

Enclosed, for filing, are an original and three (3) copies of the Answer of Duquesne Light Company to the Protest and Petition to Intervene of Citizens for Pennsylvania's Future in the above-referenced proceeding.

As indicated on the enclosed certificate of service, copies have been served on the parties in the manner indicated.

Respectfully submitted,


Michael W. Gang

MWG/jl

Enclosures

cc: Honorable Larry Gesoff
Honorable Michael A. Nemeec
Certificate of Service

PA PUC
SECRETARY'S BUREAU

2006 JUN -7 PM 4:13

RECEIVED

9/6

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED
2006 JUN -7 PM 4:13
SECTION PA PUC
SECRETARY'S BUREAU

Pennsylvania Public Utility Commission,	:	Docket No. R-00061346
	:	
Duquesne Industrial Intervenors and Industrial Energy Consumers of Pennsylvania,	:	Docket No. R-00061346C0001
	:	
Irwin A. Popowsky, Consumer Advocate,	:	Docket No. R-00061346C0002
	:	
Office of Small Business Advocate	:	Docket No. R-00061346C0005
	:	
v.	:	
Duquesne Light Company	:	

DOCUMENT
FOLDER

DOCKETED
JUN 16 2006

ANSWER OF DUQUESNE LIGHT COMPANY
TO THE PROTEST AND PETITION TO INTERVENE
OF CITIZENS FOR PENNSYLVANIA'S FUTURE

TO THE HONORABLE LARRY GESOFF AND MICHAEL A. NEMEC:

Pursuant to 52 Pa. Code §§ 5.61 and 5.66, Duquesne Light Company ("Duquesne") hereby answers the Protest and Petition to Intervene of Citizens for Pennsylvania's Future ("PennFuture") in the above-captioned proceedings.

I. INTRODUCTION

Duquesne does not object to PennFuture's intervention. However, based upon a review of PennFuture's Petition to Intervene, Duquesne is concerned that PennFuture may attempt to raise issues that are outside the scope of this case. In Paragraph 7 of its Petition to Intervene, PennFuture states that it intends to raise issues concerning whether Duquesne's filing provides for "cleaner and renewable energy, conservation, energy efficiency and peak demand reduction." This case involves a request by Duquesne to increase its distribution and transmission rates. Duquesne believes that environmental issues such as cleaner and renewable energy and issues

relating to conservation are primarily issues relating to generation and are more appropriately considered in proceedings related to Provider of Last Resort services. Duquesne, therefore, reserves the right to object to any attempt by PennFuture, or any other party, to raise issues that are unrelated to the underlying case.

II. RESPONSE TO SPECIFIC ALLEGATIONS

1. The averments of Paragraph No. 1 are admitted in part and denied in part. Paragraph No. 1 includes statements regarding PennFuture's goals and policy. Duquesne does not have sufficient information to confirm or deny these averments. Therefore, they are denied.

2. Admitted.

3. Duquesne admits that each individual Petitioner is a customer of Duquesne.

4. Denied as stated. This proceeding involves a request by Duquesne to increase its distribution and transmission rates. This case does not involve issues regarding "clean" energy.

5. Denied. Paragraph No. 5 contains averments regarding Petitioners' intent in this proceeding. As such, they are not averments of fact, and therefore, no response is required.

6. Denied. Duquesne does not have sufficient information to confirm or deny whether Petitioners' interests will be adequately represented by other parties. Therefore, this averment is denied.

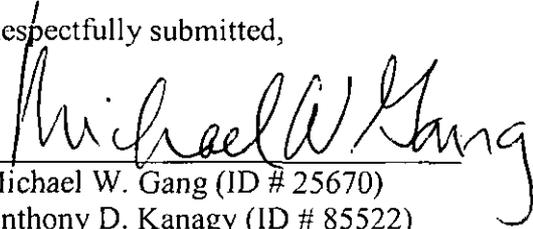
7. Denied. Paragraph No. 7 contains averments regarding Petitioners' intent in this proceeding. As such, they are not averments of fact, and therefore, no response is required. Moreover, issues regarding "cleaner and renewable energy, conservation, energy efficiency, and peak demand reduction" may not properly be within the scope of this proceeding depending upon the propositions advanced. Therefore, Duquesne reserves the right to contend that specific proposals are beyond the scope of this proceeding.

8. This paragraph contains a conclusion of law to which no response is required. However, Duquesne notes that the Commission should not allow PennFuture, or any other party, to raise issues that are not relevant to the underlying case.

9. Denied as stated. This Paragraph contains averments regarding PennFuture's understanding. Duquesne does not have sufficient information to confirm or deny such statements and, therefore, these averments are denied.

WHEREFORE, for the foregoing reasons, Duquesne does not object to PennFuture's intervention. However, Duquesne reserves the right to request that issues raised by PennFuture and other parties be limited to matters properly within the scope of a base rate proceeding.

Respectfully submitted,



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

David B. MacGregor (ID # 28804)
Post & Schell, P.C.
Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, PA 19103-2808
Phone: 215-587-1000
Fax: 215-320-4879
E-mail: dmacgregor@postschell.com

Gary A. Jack
Duquesne Light Company
411 Seventh Avenue Mail Drop 8-2
Pittsburgh, PA 15219
Phone: 412-393-1541
Fax: 412-393-1418
E-mail: gjack@duqlight.com

Of Counsel:

Post & Schell, P.C.

Date: June 7, 2006

Counsel for Duquesne Light Company

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document 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).

VIA FIRST CLASS MAIL & E-MAIL

Charles Daniel Shields
Robert V. Eckenrod
Office of Trial Staff
PO Box 3265
Commonwealth Keystone Building
400 North Street, 2nd Floor West
Harrisburg, PA 17105-3265

Tanya J. McCloskey
David Evrard
Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101-1923

Kevin J. Moody
Daniel Clearfield
Wolf Block Schorr & Solis-Cohen LLP
213 Market Street, 9th Floor
Harrisburg, PA 17108-0865

Timothy W. Merrill
NRG Energy, Inc.
111 S. Commons
Pittsburgh, PA 15212

Thomas Brogan
Brian J. Knipe
Klett Rooney Lieber & Schorling
17 North Second Street, 15th Floor
Harrisburg, PA 17101-1503

W. Gregory Rhodes
Klett Rooney Lieber & Schorling
A Professional Corporation
40th Floor, One Oxford Center
Pittsburgh, PA 15219

George Jugovic, Jr. Senior Attorney
PennFuture
425 Sixth Avenue, Suite 2770
Pittsburgh, PA 15291

Steven C. Gray
Small Business Advocate
Office of Small Business Advocate
Commerce Building
300 North Second Street, Suite 1102
Harrisburg, PA 17101

Pamela C. Polacek
McNees, Wallace & Nurick
PO Box 1166
100 Pine Street
Harrisburg, PA 17108-1166

Scott J. Rubin
Public Utility Consulting
3 Lost Creek Drive
Selinsgrove, PA 17870-9357

David I. Fein, Sr.
Martha A. Duggan
Gregory Urbin
Constellation NewEnergy, Inc.
111 Market Place, Suite 700
Baltimore, MD 21202

Joseph L. Vullo
1460 Wyoming Avenue
Forty Fort, PA 18704

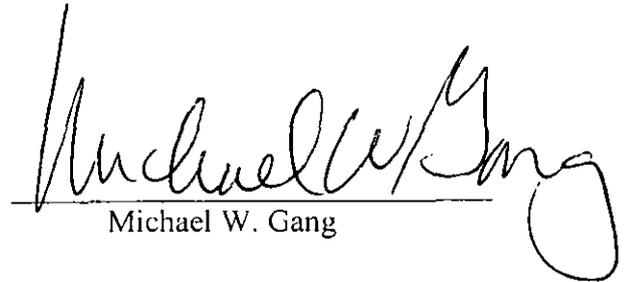
RECEIVED
PA PUC
SECRETARY'S BUREAU

2006 JUN -7 11:4:13

Harvey L. Reiter
John E. McCaffrey
Jaime S. Dibble
Stinson Morrison Heckler LLP
1150 Eighteenth Street, N.W.
Suite 800
Washington, DC 20036-3816

Geoffrey A. Sawyer, III
Morris Nichols Arsht & Tunnell LLP
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899-1347

Date: June 1, 2006


Michael W. Gang

CERTIFICATE OF SERVICE

DOCUMENT
FOLDER

Pennsylvania Public Utility Commission

v.

Duquesne Light Company

:
:
:
:
:

Docket No. R-00061346

I hereby certify that I have this day served a true copy of the foregoing document, the Office of Consumer Advocate's Interrogatories Set VII, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 7th day of June 2006.

SERVICE BY E-MAIL and INTEROFFICE MAIL

Charles Shields, Esquire
Robert Eckenrod, Esquire
Office of Trial Staff
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17105-3265

By e-mail only: Charles T. Weakley at cweakley@state.pa.us; Michael Gruber at mgruber@state.pa.us; Janet Markovich at jmarkovich@state.pa.us ; Antonio Maceo at amaceo@state.pa.us and Robert Plonski at rplonski@state.pa.us.

SERVICE BY E-MAIL and FIRST CLASS MAIL

Gary A. Jack
Duquesne Light Company
41 1 Seventh Avenue,
Mail Drop 8-2
Pittsburgh, PA 152 19
For: *Duquesne Light Company*
(e-mail : gjack@duglight.com)

Michael W. Gang, Esquire
Post & Schell, P.C.
12th Floor
17 North Second Street
Harrisburg, PA 17 101 -1 601
Counsel For: *Duquesne Light Company*

RECEIVED
2006 JUN - 7 PM 3:50
PA PUC
SECRETARY'S BUREAU

David B. MacGregor, Esquire
Post & Schell, P.C.
Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, PA 191 03-2808
Counsel For: *Duquesne Light Company*

Pamela Polacek, Esquire
Adam L. Benschhoff, Esquire
McNees, Wallace, & Nurick, LLC
100 Pine Street
P.O. Box 1166
Harrisburg, PA 171 08-1 166
Counsel For: *Duquesne Industrial
Intervenors*

W. Gregory Rhodes
One Oxford Centre
4th Floor
Pittsburgh, PA 15219
Counsel For: *Constellation NewEnergyNRG
Energy Center of Pittsburgh*

John E. McCafferty
Stinson Morrison Hecker, LLP
1150 18th street N.W., Suite 800
Washington, D.C. 20036-38 16
Counsel For: *Citizen Power, Inc.*

Daniel Clearfield, Esquire
Kevin J. Moody, Esquire
Wolf Block Schorr & Solis-Cohen, LLP
213 Market Street, 9~ Floor
Harrisburg, PA 1 7 108-0865
Counsel For: *Strategic Energy and RESA*

Steven C. Gray
Assistant Small Business Advocate
Office of Small Business Advocate
Commerce Building, Suite 1 102
300 North Second Street
Harrisburg, PA 1 7 10 1
Counsel For: *Office of Small Business Advocate*

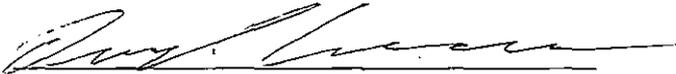
Thomas B. Brogan, Esquire
Klett Rooney Lieber & Schorling
17 North Second Street
15th Floor
Harrisburg, PA 17 10 1
Counsel For: *Constellation New EnergyNRG*

Scott J. Rubin, Esquire
3 Lost Creek Drive
Selinsgrove, PA 17870
Counsel For: *International Brotherhood of
Elec. Workers 29*

David I. Fein, Sr.
Sr. Regulatory Counsel
Martha A. Duggan
Vice President
Gregory Urbin
111 Market Place, Suite 700
Baltimore, MD 21202
Counsel For: *Constellation NewEnevy, Inc.*

SERVICE BY FIRST CLASS MAIL

Timothy W. Merrill, VP & General Manager
NRG Energy Center
111 S. Commons
Pittsburgh, PA 152 12
Counsel For: *NRG Energy, Inc.*



Tanya J. McCloskey
Senior Assistant Consumer Advocate
PA Attorney I.D. # 50044
E-Mail: TMcCloskey@paoca.org
David T. Evrard
Assistant Consumer Advocate
PA Attorney I.D. # 33870
E-Mail: DEvrard@paoca.org
Darryl Lawrence
Assistant Consumer Advocate
PA Attorney I.D. # 93682
E-Mail: DLawrence@paoca.org

Counsel for
Office of Consumer Advocate
555 Walnut Street 5th Floor, Forum Place
Harrisburg, PA 17101-1923
Phone: (717) 783-5048
Fax: (717) 783-7152
00088982.DOC



McNees Wallace & Nurick LLC
attorneys at law

PAMELA C. POLACEK
DIRECT DIAL: (717) 237-5368
E-MAIL ADDRESS: PPOLACEK@MWN.COM

June 12, 2006

DOCUMENT FOLDER

VIA E-MAIL AND FIRST CLASS MAIL

Michael Gang, Esq.
Post & Schell, P.C.
17 North Second Street, 12th Floor
Harrisburg, PA 17101-1601

Gary Jack, Esq.
Duquesne Light Company
411 Seventh Avenue, 16-2
Pittsburgh, PA 15219

**RE: Duquesne Industrial Intervenors and Industrial Energy Consumers of
Pennsylvania v. Duquesne Light Company;
Docket No. R-00061346C0001**

Dear Messrs. Gang and Jack:

Please find enclosed two (2) copies of The Duquesne Industrial Intervenors' Interrogatories, Set II, to Duquesne Light Company in the above-referenced proceeding.

Please endeavor to forward responses in an organized manner as they are completed; it is not necessary to await completion of all responses prior to forwarding those completed more quickly. Please send one copy of the responses to the undersigned and one copy to DII's consultant at the following address:

Mr. Stephen Baron
J. Kennedy and Associates, Inc.
570 Colonial Park Drive
Suite 305
Roswell, GA 30075
Phone: (770) 992-2027
Fax: (770) 992-0806
E-mail: sbaron@jkenn.com

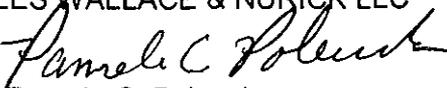
RECEIVED
2006 JUN 13 AM 9:09
PA.P.U.C.
SECRETARY'S BUREAU

Michael Gang, Esq.
Gary Jack, Esq.
June 12, 2006
Page 2

Please communicate any objections or questions that you may have to these interrogatories as quickly as possible. Thank you for your attention to this matter.

Very truly yours,

McNEES WALLACE & NURICK LLC

By 
Pamela C. Polacek

Counsel to the Duquesne Industrial
Intervenors

PCP/nk
Enclosures

c: James J. McNulty, Secretary (transmittal letter only)
Certificate of Service
Mr. Steve Baron

RECEIVED
2006 JUN 13 AM 9:09
PA. P.U.C. BUREAU
SECRETARY'S BUREAU

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a true copy of the foregoing document upon the participants listed below in accordance with the requirements of Section 1.54 (relating to service by a participant).

VIA FIRST CLASS MAIL

Gary Jack, Esq.
Duquesne Light Company
411 Seventh Avenue 16-2
Pittsburgh, PA 15219

Tanya McCloskey, Esq.
David T. Evrard, Esq.
Office of Consumer Advocate
Forum Place, 5th Floor
555 Walnut Street
Harrisburg, PA 17101-19231

Michael Gang, Esq.
Post & Schell, P.C.
17 North Second Street, 12th Floor
Harrisburg, PA 17101-1601

Thomas P. Brogan, Esq.
Brian J. Knipe, Esq.
Klett Rooney Lieber & Scholoing
17 North Second Street, 15 Floor
Harrisburg, PA 17101-1503

Eugene M. Brady
Community Action Assoc. of Pennsylvania
165 Amber Lane
P.O. Box 1127
Wilkes-Barre, PA 18703-1127

Jerry C. Harris, Jr., Esq.
Morris, Nichols, Arshat & Tunnell LLP
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899-1347

Steven Gray, Esq.
Office of Small Business Advocate
300 North Second Street
Harrisburg, PA 17101

Robert V. Eckenrod, Esq.
Charles Daniel Shields, Esq.
Office of Trial Staff
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17102

David MacGregor, Esq.
Post & Schell, P.C.
Four Penn Centre
1600 John F. Kennedy Blvd.
Philadelphia, PA 19103-2808

John E. McCaffrey, Esq.
Stinson Morrison Hecker LLP
1150 18th Street, N.W., Suite 800
Washington, DC 20036-3816

Joseph L. Vullo, Esq.
Burke Vullo Reilly Roberts
1460 Wyoming Avenue
Forty Fort, PA 18704

Bernadine Creighton
516 East End Avenue
Pittsburgh, PA 15221

George Jugovic, Jr., Esq.
PennFuture
425 Sixth Avenue, Suite 2770
Pittsburgh, PA 15219

RECEIVED
2006 JUN 13 AM 9:09
PA P.U.C. BUREAU
SECRETARY'S BUREAU



Pamela C. Polacek

Counsel to Duquesne Industrial Intervenors and
Industrial Energy Consumers of Pennsylvania

Dated this 12th day June, 2006, in Harrisburg, Pennsylvania.



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Office of Administrative Law Judge
P.O. BOX 3265, HARRISBURG, PA 17105-3265
June 12, 2006

IN REPLY PLEASE
REFER TO OUR FILE

R-00061346,
R-00061346C0001-C0006

(See attached list)

DOCUMENT
FOLDER

R-00061346 Pennsylvania Public Utility Commission
R-00061346C0002 Office of Consumer Advocate
R-00061346C0003 Bernadine Creighton
R-00061346C0004 David J. McAdams MD
R-00061346C0005 Office of Small Business Advocate
R-00061346C0006 Richard O. Tommarello
v.
Duquesne Light Company

Requested general rate increase of \$162,700,000.

Public Input Hearing Notice

This is to inform you that Public Input Hearings on the above-captioned case will be held as follows:

Date: BEAVER
Wednesday, July 12, 2006
Time: 7:00 p.m.
Location: Holiday Inn
Pierce Room
7195 Eastwood Road
Beaver Falls, PA 15010
1-800-613-1490

PITTSBURGH

Date: Thursday, July 13, 2006

Time: 10:00 a.m.

Location: Shaler Villa Volunteer Fire Company
960 Saxonburg Blvd.
Pittsburgh, PA 15223
412-486-1796

PITTSBURGH

Date: Thursday, July 13, 2006

Time: 2:00 p.m.

Location: Castle Shannon Fire Department
3600 Library Road
Pittsburgh, PA 15234
412-884-7913

Presiding: Administrative Law Judge Larry Gesoff
PO Box 3265
Harrisburg, PA 17105-3265
Phone: 717.783.5452
Fax: 717.787.0481

If you are a person with a disability, and you wish to attend the public input hearing(s), we may be able to make arrangements for your special needs. Please call the scheduling office at the Public Utility Commission at least (2) two business days prior to your hearing:

- Scheduling Office: 717.787.1399
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1.800.654.5988

pc: Chairman Holland
Vice Chairman Cawley
Commissioner Shane
Commissioner Pizzingrilli
Commissioner Fitzpatrick
Judge Gesoff
June Perry - LA, Keystone 3NW
Office of Consumer Advocate
Office of Small Business Advocate
Cyndi Page, CMU, Keystone 3N
Susan Licon
Beth Plantz
Docket Section
Calendar file

R-00061346, R-00061346C0001 Pennsylvania Public Utility Commission v. Duquesne Light Company

R-00061346C0002 Office of Consumer Advocate v. Duquesne Light Company

R-00061346C0003 Bernadine Creighton v. Duquesne Light Company

R-00061346C0004 David J. McAdams MD v. Duquesne Light Company

R-00061346C0005 Office of Small Business Advocate v. Duquesne Light Company

R-00061346C0006 Richard O. Tommarello v. Duquesne Light Company

DAVID B MACGREGOR ESQUIRE
POST & SCHELL P C
FOUR PENN CENTER
1600 JOHN F KENNEDY BLVD
PHILADELPHIA PA 19103-2808

MICHAEL W GANG ESQUIRE
POST & SCHELL P C
17 NORTH SECOND STREET
12TH FLOOR
HARRISBURG PA 17101-1601

GARY A JACK ESQUIRE
DUQUESNE LIGHT COMPANY
411 SEVENTH AVENUE MAIL DROP 8-2
PITTSBURGH PA 15219

KRIS MOSER
2002 BORLAND ROAD
PITTSBURGH PA 15243-1530

SCOTT J RUBIN ESQUIRE
3 LOST CREEK DRIVE
SELINGSGROVE PA 17870

BERNADINE CREIGHTON
516 EAST END AVENUE
PITTSBURGH PA 15221

DAVID J MCADAMS MD
525 HILLCREST PLACE
PITTSBURGH PA 15216

JOHN E MCCAFFREY ESQUIRE
STINSON MORRISON HECKER LLP
1150 18TH STREET NW SUITE 800
WASHINGTON DC 20036-3816

THOMAS P BROGAN ESQUIRE
KLETT ROONEY LIEBER & SCHORLING
17 NORTH SECOND STREET 15TH FL
HARRISBURG PA 17101

DAVID KLEPPINGER ESQUIRE
MCNEES WALLACE & NURICK LLC
100 PINE STREET
PO BOX 1166
HARRISBURG PA 17108-1166

TANYA MCCLOSKEY ESQUIRE
OFFICE OF CONSUMER ADVOCATE
FORUM PLACE 5TH FLOOR
555 WALNUT STREET
HARRISBURG PA 17101-19231

STEVEN GRAY ESQUIRE
OFFICE OF SMALL BUSINESS ADVOCATE
300 NORTH SECOND STREET
HARRISBURG PA 17101

CHARLES SHIELDS ESQUIRE
PENNSYLVANIA PUBLIC UTILITY
COMMISSION
OFFICE OF TRIAL STAFF
PO BOX 3265
HARRISBURG PA 17105-3265

DAVID I FEIN ESQUIRE
CONSTELLATION NEWENERGY INC
111 MARKET PLACE SUITE 700
BALTIMORE MD 21202

TIMOTHY MERRILL VP
NRG ENERGY INC
111 S COMMONS
PITTSBURGH PA 15212

W GREGORY RHODES
ONE OXFORD CIRCLE
40TH FLOOR
PITTSBURGH PA 15219

THOMAS P BROGAN ESQUIRE
KLETT ROONEY LIEBER & SCHORLING
17 NORTH SECOND STREET 15TH FLOOR
HARRISBURG PA 17101

W GREGORY RHODES
KLETT ROONEY LIEBER & SCHORLING
40TH FLOOR ONE OXFORD CENTRE
PITTSBURGH PA 15219

KEVIN J MOODY ESQUIRE
DANIEL CLEARFIELD ESQUIRE
WOLF BLOCK SCHORR & SOLIS-COHEN
LLP
213 MARKET STREET NINTH FLOOR
HARRISBURG PA 17101



RICHARD O TOMMARELLO
526 WIMER CIRCLE
PITTSBURGH PA 15237



EUGENE M BRADY
COMMUNITY ACTION ASSOCIATION OF PA
165 AMBER LANE
PO BOX 1127
WILKES-BARRE PA 18703-1127

DOCUMENT
FOLDER

CERTIFICATE OF SERVICE

Pennsylvania Public Utility Commission :
:
v. :
:
Duquesne Light Company :

Docket No. R-00061346

RECEIVED
2006 JUN 12 PM 3:45
SECRETARY'S BUREAU

I hereby certify that I have this day served a true copy of the foregoing document, the Office of Consumer Advocate's Interrogatories Set VIII, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 12th day of June 2006.

SERVICE BY E-MAIL and INTEROFFICE MAIL

Charles Shields, Esquire
Robert Eckenrod, Esquire
Office of Trial Staff
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17105-3265
By e-mail only: Charles T. Weakley at cweakley@state.pa.us; Michael Gruber at mgruber@state.pa.us; Janet Markovich at jmarkovich@state.pa.us ; Antonio Maceo at arnaceo@state.pa.us and Robert Plonski at rplonski@state.pa.us.

SERVICE BY E-MAIL and FIRST CLASS MAIL

Gary A. Jack
Duquesne Light Company
41 1 Seventh Avenue,
Mail Drop 8-2
Pittsburgh, PA 152 19
For: *Duquesne Light Company*
(e-mail : gjack@duglight.com)

Michael W. Gang, Esquire
Post & Schell, P.C.
12th Floor
17 North Second Street
Harrisburg, PA 17 101 -1 601
Counsel For: *Duquesne Light Company*

David B. MacGregor, Esquire
Post & Schell, P.C.
Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, PA 191 03-2808
Counsel For: *Duquesne Light Company*

Pamela Polacek, Esquire
Adam L. Benshoff, Esquire
McNees, Wallace, & Nurick, LLC
100 Pine Street
P.O. Box 1166
Harrisburg, PA 171 08-1 166
Counsel For: *Duquesne Industrial
Intervenors*

W. Gregory Rhodes
One Oxford Centre
4th Floor
Pittsburgh, PA 15219
Counsel For: *Constellation NewEnergyNRG
Energy Center of Pittsburgh*

John E. McCafferty
Stinson Morrison Hecker, LLP
1150 18th street N.W., Suite 800
Washington, D.C. 20036-38 16
Counsel For: *Citizen Power, Inc.*

Daniel Clearfield, Esquire
Kevin J. Moody, Esquire
Wolf Block Schorr & Solis-Cohen, LLP
213 Market Street, 9~ Floor
Harrisburg, PA 1 7 108-0865
Counsel For: *Strategic Energy and RESA*

Steven C. Gray
Assistant Small Business Advocate
Office of Small Business Advocate
Commerce Building, Suite 1 102
300 North Second Street
Harrisburg, PA 1 7 10 1
Counsel For: *Office of Small Business Advocate*

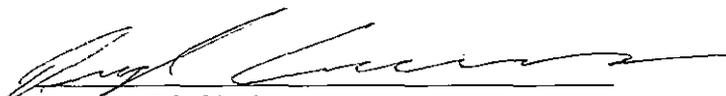
Thomas B. Brogan, Esquire
Klett Rooney Lieber & Schorling
17 North Second Street
15th Floor
Harrisburg, PA 17 10 1
Counsel For: *Constellation New EnergyNRG*

Scott J. Rubin, Esquire
3 Lost Creek Drive
Selinsgrove, PA 17870
Counsel For: *International Brotherhood of
Elec. Workers 29*

David I. Fein, Sr.
Sr. Regulatory Counsel
Martha A. Duggan
Vice President
Gregory Urbin
111 Market Place, Suite 700
Baltimore, MD 21202
Counsel For: *Constellation NewEnevgy, Inc.*

SERVICE BY FIRST CLASS MAIL

Timothy W. Merrill, VP & General Manager
NRG Energy Center
111 S. Commons
Pittsburgh, PA 152 12
Counsel For: *NRG Energy, Inc.*



Tanya J. McCloskey
Senior Assistant Consumer Advocate
PA Attorney I.D. # 50044
E-Mail: TMcCloskey@paoca.org

David T. Evrard
Assistant Consumer Advocate
PA Attorney I.D. # 33870
E-Mail: DEvrard@paoca.org

Darryl Lawrence
Assistant Consumer Advocate
PA Attorney I.D. # 93682
E-Mail: DLawrence@paoca.org

Counsel for
Office of Consumer Advocate
555 Walnut Street 5th Floor, Forum Place
Harrisburg, PA 17101-1923
Phone: (717) 783-5048
Fax: (717) 783-7152
00088982.DOC

Anthony D. Kanagy

akanagy@postschell.com
717-612-6034 Direct
File #: 2267-126932

DOCUMENT
FOLDER

June 15, 2006

VIA HAND DELIVERY

James J. McNulty
Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
PO Box 3265
Harrisburg, PA 17105-3265

ORIGINAL

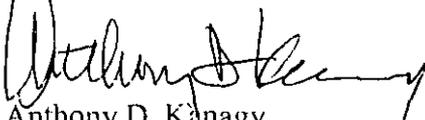
**RE: Pennsylvania Public Utility Commission, Duquesne Industrial
Intervenors and Industrial Energy Consumers of Pennsylvania,
Irwin A. Powposky, Consumer Advocate and Office of Small
Business Advocate v. Duquesne Light Company
Docket Nos. R-00061346 et al**

Dear Secretary McNulty:

Enclosed, for filing, are an original and three (3) copies of the Answer of Duquesne Light Company to the Petition to Intervene of Community Action Association of Pennsylvania in the above-referenced proceeding.

As indicated on the enclosed certificate of service, copies have been served on the parties in the manner indicated.

Respectfully submitted,


Anthony D. Kanagy

COPY

ADK/skr
Enclosures

cc: Honorable Larry Gesoff
Honorable Michael A. Nemeec
Certificate of Service

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

2016 JUL 15 PM 12:18
SECRETARY'S BUREAU

Pennsylvania Public Utility Commission,	:	Docket No. R-00061346
	:	
Duquesne Industrial Intervenors and Industrial Energy Consumers of Pennsylvania,	:	Docket No. R-00061346C0001
	:	
Irwin A. Popowsky, Consumer Advocate,	:	Docket No. R-00061346C0002
	:	
Office of Small Business Advocate	:	Docket No. R-00061346C0005
	:	
v.	:	
	:	
Duquesne Light Company	:	

**ANSWER OF DUQUESNE LIGHT COMPANY
TO THE PETITION TO INTERVENE
OF COMMUNITY ACTION ASSOCIATION OF PENNSYLVANIA**

TO THE HONORABLE LARRY GESOFF AND MICHAEL A. NEMEC:

Pursuant to 52 Pa. Code §§ 5.61 and 5.66, Duquesne Light Company (“Duquesne”) hereby answers the Petition to Intervene of the Community Action Association of Pennsylvania (“CAAP”) in the above-captioned proceedings.

I. INTRODUCTION

Duquesne does not object to CAAP’s intervention. However, Duquesne is concerned that CAAP may attempt to raise issues that are outside the scope of this case. In Paragraph No. 10 of its Petition to Intervene, CAAP mentions the Pennsylvania Gas Restructuring Act. This case does not involve the Gas Restructuring Act, but rather, involves a request by Duquesne to increase its electric distribution and transmission rates. Duquesne, therefore, reserves the right to object to any attempt by CAAP, or any other party, to raise issues that are unrelated to the underlying case.

II. RESPONSE TO SPECIFIC ALLEGATIONS

1. The averments of Paragraph No. 1 relate to CAAP's business organization and actions it takes on behalf of low-income individuals. Duquesne does not have sufficient information to confirm or deny these averments. Therefore, they are denied.

2. The averments of Paragraph No. 2 relate to CAAP's business purpose. Duquesne does not have sufficient information to confirm or deny these averments. Therefore these averments are denied.

3. Paragraph No. 3 contains averments regarding CAAP's membership. Duquesne does not have sufficient information to confirm or deny these averments. Therefore, these averments are denied.

4. Admitted.

5. The averments of Paragraph No. 5 concern CAAP's intent in this proceeding. Duquesne does not have sufficient information to confirm or deny these averments. Therefore, these averments are denied.

6. The averments of Paragraph No. 6 concern CAAP's intent in this proceeding. Duquesne does not have sufficient information to confirm or deny these averments. Therefore, these averments are denied.

7. Denied as stated. Duquesne does not have sufficient information to confirm or deny whether CAAP's interests will be adequately represented by other parties. Therefore, this averment is denied. Duquesne notes that the Office of Consumer Advocate ("OCA") represents the interest of low-income customers and is a party in this proceeding.

8. The averments of Paragraph No. 8 are denied. As stated above, the OCA is a party in this proceeding and represents the interest of low-income customers.

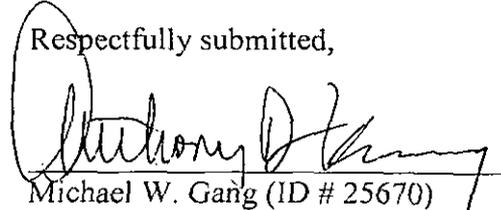
9. Paragraph No. 9 contains averments regarding CAAP's intent in this proceeding. Duquesne does not have sufficient information to confirm or deny these averments. Therefore, these averments are denied.

10. Denied as stated. This Paragraph refers to the Pennsylvania Gas Restructuring Act. This case involves a request by Duquesne to increase its electric distribution and transmission rates and does not involve the Gas Restructuring Act.

11. The remaining Paragraphs contain requests for relief to which no response is required.

WHEREFORE, for the foregoing reasons, Duquesne does not object to CAAP's intervention. However, Duquesne reserves the right to request that issues raised by CAAP and other parties be limited to matters properly within the scope of a base rate proceeding.

Respectfully submitted,



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

David B. MacGregor (ID # 28804)
Post & Schell, P.C.
Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, PA 19103-2808
Phone: 215-587-1000
Fax: 215-320-4879
E-mail: dmacgregor@postschell.com

Gary A. Jack
Duquesne Light Company
411 Seventh Avenue Mail Drop 8-2
Pittsburgh, PA 15219
Phone: 412-393-1541
Fax: 412-393-1418
E-mail: gjack@duqlight.com

Of Counsel:

Post & Schell, P.C.

Date: June 15, 2006

Counsel for Duquesne Light Company

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document 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).

VIA FIRST CLASS MAIL & E-MAIL

Charles Daniel Shields
Robert V. Eckenrod
Office of Trial Staff
PO Box 3265
Commonwealth Keystone Building
400 North Street, 2nd Floor West
Harrisburg, PA 17105-3265

Tanya J. McCloskey
David Evrard
Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101-1923

Kevin J. Moody
Daniel Clearfield
Wolf Block Schorr & Solis-Cohen LLP
213 Market Street, 9th Floor
Harrisburg, PA 17108-0865

Timothy W. Merrill
NRG Energy, Inc.
111 S. Commons
Pittsburgh, PA 15212

Thomas Brogan
Brian J. Knipe
Klett Rooney Lieber & Schorling
17 North Second Street, 15th Floor
Harrisburg, PA 17101-1503

W. Gregory Rhodes
Klett Rooney Lieber & Schorling
A Professional Corporation
40th Floor, One Oxford Center
Pittsburgh, PA 15219

George Jugovic, Jr. Senior Attorney
PennFuture
425 Sixth Avenue, Suite 2770
Pittsburgh, PA 15291

Steven C. Gray
Small Business Advocate
Office of Small Business Advocate
Commerce Building
300 North Second Street, Suite 1102
Harrisburg, PA 17101

Pamela C. Polacek
McNees, Wallace & Nurick
PO Box 1166
100 Pine Street
Harrisburg, PA 17108-1166

Scott J. Rubin
Public Utility Consulting
3 Lost Creek Drive
Selinsgrove, PA 17870-9357

David I. Fein, Sr.
Martha A. Duggan
Gregory Urbin
Constellation NewEnergy, Inc.
111 Market Place, Suite 700
Baltimore, MD 21202

Joseph L. Vullo
1460 Wyoming Avenue
Forty Fort, PA 18704

SECRETARY'S BUREAU

2006 JUN 15 PM 12:18

Harvey L. Reiter
John E. McCaffrey
Jaime S. Dibble
Stinson Morrison Heckler LLP
1150 Eighteenth Street, N.W.
Suite 800
Washington, DC 20036-3816

Geoffrey A. Sawyer, III
Morris Nichols Arsht & Tunnell LLP
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899-1347

Date: June 15, 2006



Anthony D. Kanagy



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

Anthony D. Kanagy
akanagy@postschell.com
717-612-6034 Direct
File #: 2267-126932

June 15, 2006

VIA HAND DELIVERY

James J. McNulty
Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
PO Box 3265
Harrisburg, PA 17105-3265

ORIGINAL

2006 JUN 15 PM 12:11
SECRETARY'S BUREAU

**RE: Pennsylvania Public Utility Commission, Duquesne Industrial
Intervenors and Industrial Energy Consumers of Pennsylvania,
Irwin A. Powposky, Consumer Advocate and Office of Small
Business Advocate v. Duquesne Light Company
Docket Nos. R-00061346 et al**

Dear Secretary McNulty:

Enclosed, for filing, are an original and three (3) copies of the Answer of Duquesne Light Company to the Petition to Intervene of Retail Energy Supply Association in the above-referenced proceeding.

As indicated on the enclosed certificate of service, copies have been served on the parties in the manner indicated.

Respectfully submitted,

Anthony D. Kanagy

DOCUMENT
FOLDER

KJR

ADK/skr
Enclosures
cc: Honorable Larry Gesoff
Honorable Michael A. Nemec
Certificate of Service

27

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

Pennsylvania Public Utility Commission,	:	Docket No. R-00061346
	:	
Duquesne Industrial Intervenors and	:	Docket No. R-00061346C0001
Industrial Energy Consumers of Pennsylvania,	:	
	:	
Irwin A. Popowsky, Consumer Advocate,	:	Docket No. R-00061346C0002
	:	
Office of Small Business Advocate	:	Docket No. R-00061346C0005
	:	
v.	:	
	:	
Duquesne Light Company	:	

SECRETARY'S BUREAU
2006 JUN 15 PM 12:11

ANSWER OF DUQUESNE LIGHT COMPANY
TO THE PETITION TO INTERVENE
OF RETAIL ENERGY SUPPLY ASSOCIATION

TO THE HONORABLE LARRY GESOFF AND MICHAEL A. NEMEC:

Pursuant to 52 Pa. Code §§ 5.61 and 5.66, Duquesne Light Company ("Duquesne") hereby answers the Petition to Intervene of Retail Energy Supply Association ("RESA") in the above-captioned proceedings.

I. INTRODUCTION

Duquesne does not object to RESA's intervention. However, based upon a review of RESA's Petition to Intervene, Duquesne is concerned that RESA may attempt to raise issues that are outside the scope of this case. In Paragraph 7 of its Petition to Intervene, RESA states that its members participate or are interested in participating in the retail electric markets of other EDCs and other states. This case involves a request by Duquesne to increase its distribution and transmission rates. Duquesne believes that issues related to the retail electric markets of other EDCs or other states may not be relevant to this proceeding, depending upon the propositions

DOCUMENT
FOLDER

DOCKETED
NOV 16 2006

that are advanced. Duquesne, therefore, reserves the right to object to any attempt by RESA, or any other party, to raise issues that are unrelated to the underlying case.

II. RESPONSE TO SPECIFIC ALLEGATIONS

1. The averments of Paragraph No. 1 relate to RESA's organization and membership. Duquesne does not have sufficient information to confirm or deny these averments. Therefore, they are denied.

2. Admitted.

3. Denied as stated. Duquesne admits that it filed a request to increase its distribution and transmission rates on April 7, 2006. Duquesne also admits that the Pennsylvania Public Utility Commission ("Commission") instituted an investigation into Duquesne's rates. However, the Commission suspended Duquesne's filing until January 6, 2007, unless permitted by Commission Order to become effective at an earlier date, not January 7, 2007 as stated by RESA.

4. The averments of Paragraph No. 4 are characterizations of law. RESA's characterizations are denied as stated.

5. Denied. Paragraph No. 5 contains averments regarding RESA's interests and intent in this proceeding. Duquesne does not have sufficient information to confirm or deny the scope of RESA's interests and intent. Therefore, these averments are denied. Moreover, Duquesne's existing and proposed distribution rates do not include improper costs and are just, reasonable and lawful and comply fully with all applicable provisions of the Public Utility Code and opinions of the Pennsylvania appellate courts interpreting the Public Utility Code. Further, Duquesne's proposed rates are consistent with sound public policy and ratemaking principles.

6. The averments of Paragraph No. 6 are characterizations of law. RESA's characterizations are denied as stated.

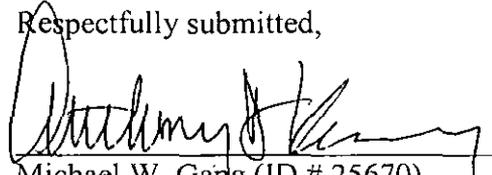
7. Denied. Paragraph No. 7 contains averments regarding RESA's interests and intent in this proceeding. Duquesne does not have sufficient information to confirm or deny the scope of RESA's interests and intent. Therefore, these averments are denied. Moreover, issues regarding retail electric markets in other EDCs' service territories or in other states may not properly be within the scope of this proceeding depending upon the propositions advanced. Therefore, Duquesne reserves the right to contend that specific proposals are beyond the scope of this proceeding.

8. Duquesne does not have sufficient information to confirm or deny how RESA's positions are determined. Therefore, these averments are denied.

9. Duquesne admits that RESA should accept the litigation schedule and rules as set forth in the ALJ's prehearing order and that RESA should not be permitted to delay the proceeding.

WHEREFORE, for the foregoing reasons, Duquesne does not object to RESA's intervention. However, Duquesne reserves the right to request that issues raised by RESA and other parties be limited to matters properly within the scope of a base rate proceeding.

Respectfully submitted,



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

David B. MacGregor (ID # 28804)
Post & Schell, P.C.
Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, PA 19103-2808
Phone: 215-587-1000
Fax: 215-320-4879
E-mail: dmacgregor@postschell.com

Gary A. Jack
Duquesne Light Company
411 Seventh Avenue Mail Drop 8-2
Pittsburgh, PA 15219
Phone: 412-393-1541
Fax: 412-393-1418
E-mail: gjack@duqlight.com

Of Counsel:

Post & Schell, P.C.

Date: June 15, 2006

Counsel for Duquesne Light Company

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document 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).

VIA FIRST CLASS MAIL & E-MAIL

Charles Daniel Shields
Robert V. Eckenrod
Office of Trial Staff
PO Box 3265
Commonwealth Keystone Building
400 North Street, 2nd Floor West
Harrisburg, PA 17105-3265

Tanya J. McCloskey
David Evrard
Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101-1923

Kevin J. Moody
Daniel Clearfield
Wolf Block Schorr & Solis-Cohen LLP
213 Market Street, 9th Floor
Harrisburg, PA 17108-0865

Timothy W. Merrill
NRG Energy, Inc.
111 S. Commons
Pittsburgh, PA 15212

Thomas Brogan
Brian J. Knipe
Klett Rooney Lieber & Schorling
17 North Second Street, 15th Floor
Harrisburg, PA 17101-1503

W. Gregory Rhodes
Klett Rooney Lieber & Schorling
A Professional Corporation
40th Floor, One Oxford Center
Pittsburgh, PA 15219

George Jugovic, Jr. Senior Attorney
PennFuture
425 Sixth Avenue, Suite 2770
Pittsburgh, PA 15291

Steven C. Gray
Small Business Advocate
Office of Small Business Advocate
Commerce Building
300 North Second Street, Suite 1102
Harrisburg, PA 17101

Pamela C. Polacek
McNees, Wallace & Nurick
PO Box 1166
100 Pine Street
Harrisburg, PA 17108-1166

Scott J. Rubin
Public Utility Consulting
3 Lost Creek Drive
Selinsgrove, PA 17870-9357

David I. Fein, Sr.
Martha A. Duggan
Gregory Urbin
Constellation NewEnergy, Inc.
111 Market Place, Suite 700
Baltimore, MD 21202

Joseph L. Vullo
1460 Wyoming Avenue
Forty Fort, PA 18704

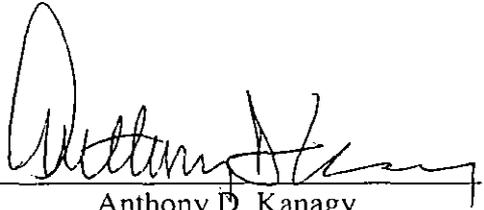
SECRETARY'S BUREAU

2006 JUN 15 PM 12:11

Harvey L. Reiter
John E. McCaffrey
Jaime S. Dibble
Stinson Morrison Heckler LLP
1150 Eighteenth Street, N.W.
Suite 800
Washington, DC 20036-3816

Geoffrey A. Sawyer, III
Morris Nichols Arsht & Tunnell LLP
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899-1347

Date: June 15, 2006



Anthony D. Kanagy



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

Anthony D. Kanagy

akanagy@postschell.com
717-612-6034 Direct
File #: 2267-126932

June 15, 2006

VIA HAND DELIVERY

James J. McNulty
Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
PO Box 3265
Harrisburg, PA 17105-3265

ORIGINAL

**RE: Pennsylvania Public Utility Commission, Duquesne Industrial
Intervenors and Industrial Energy Consumers of Pennsylvania,
Irwin A. Powposky, Consumer Advocate and Office of Small
Business Advocate v. Duquesne Light Company
Docket Nos. R-00061346 et al**

Dear Secretary McNulty:

Enclosed, for filing, are an original and three (3) copies of the Motion for a Protective Order of Duquesne Light Company in the above-referenced proceeding.

As indicated on the enclosed certificate of service, copies have been served on the parties in the manner indicated.

Respectfully submitted,

Anthony D. Kanagy

DOCUMENT
FOLDER

ADK/skr

Enclosures

cc: Honorable Larry Gesoff
Honorable Michael A. Nemeec
Certificate of Service

SECRETARY'S BUREAU

2006 JUN 15 PM 12:19

62

ORIGINAL

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	Docket No. R-00061346
	:	
Duquesne Industrial Intervenors and	:	Docket No. R-00061346C0001
Industrial Energy Consumers of Pennsylvania,	:	
	:	
Irwin A. Popowsky, Consumer Advocate,	:	Docket No. R-00061346C0002
	:	
Office of Small Business Advocate	:	Docket No. R-00061346C0005
	:	
v.	:	
	:	
Duquesne Light Company	:	

2006 JUL 15 PM 12:19
SECRETARY'S BUREAU

MOTION FOR A PROTECTIVE ORDER

TO THE HONORABLE LARRY GESOFF AND MICHAEL A. NEMEC:

Pursuant to 52 Pa. Code §§ 5.362 and 5.423, Duquesne Light Company ("Duquesne") hereby moves for the issuance of a Protective Order. In support of this Motion, Duquesne states the following:

1. This Motion is being filed for consideration by Administrative Law Judges Larry Gesoff and Michael A. Nemeec (the "ALJs") in this proceeding, which is for the purpose of establishing distribution and transmission rates for Duquesne. The basic exhibits, data and testimony of Duquesne in support of its proposed rates are set forth in Duquesne's filing that was made on April 7, 2006 in the above captioned proceeding.

2. The Parties are currently conducting discovery in this proceeding. Certain responses provided by Duquesne contain confidential information.

**DOCUMENT
FOLDER**

DOCKETED
SEP 11 2006

3. Duquesne sent a Stipulated Protective Agreement (“Agreement”) to parties several weeks ago.¹ A copy of the Agreement is provided as Attachment 1. The Parties have not objected to the terms of the Agreement.

4. The general terms of the Agreement provide that Parties will keep proprietary information that is provided by Duquesne confidential. Under the Agreement, Parties retain the right to challenge the proprietary nature of the information, and Duquesne reserves the right to seek additional measures of protection for information that is provided.

5. Duquesne requests that the ALJs issue a Protective Order which states that proprietary information provided by Duquesne under the Agreement is considered confidential unless challenged by a Party. A form of Protective Order is provided as Attachment 2. If specific information is challenged in writing by a Party as non-confidential, Duquesne will have 14 days to file a Petition for Protective Order with regard to that specific information. *See* 52 Pa. Code § 5.423(4). Pending the Commission’s approval or disapproval of the Petition, the Party will continue to treat the information as confidential.

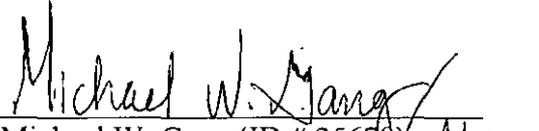
6. If the information that is provided under the Agreement is not challenged, Duquesne requests that the Protective Order apply, and the Parties and the Commission treat the information as confidential.

7. In order to streamline the procedures for providing Proprietary Information, Duquesne respectfully requests that the ALJs also order that any Party in this proceeding that wishes to receive proprietary information from Duquesne must sign the Agreement.

¹ Duquesne notes that it has submitted a revised form of Agreement to the Office of Trial Staff (“OTS”) which recognizes that OTS’ experts are employees of OTS, are subject to the Agreement and can view confidential information without executing Appendix A to the agreement.

WHEREFORE, for the reasons set forth above, Duquesne Light Company requests that Administrative Law Judges Larry Gesoff and Michael A. Nemec issue a Protective Order in the form attached hereto.

Respectfully submitted,



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

David B. MacGregor (ID # 28804)
Post & Schell, P.C.
Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, PA 19103-2808
Phone: 215-587-1000
Fax: 215-320-4879
E-mail: dmacgregor@postschell.com

Gary A. Jack
Duquesne Light Company
411 Seventh Avenue Mail Drop 8-2
Pittsburgh, PA 15219
Phone: 412-393-1541
Fax: 412-393-1418
E-mail: gjack@duqlight.com

Of Counsel:

Post & Schell, P.C.

Date: June 15, 2006

Counsel for Duquesne Light Company

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

2005 JUN 15 PM 12:19
SECRETARY'S BUREAU

Pennsylvania Public Utility Commission :
v. : Docket No. R-00061346
Duquesne Light Company :

STIPULATED PROTECTIVE AGREEMENT

This Agreement, between Duquesne Light Company (“Duquesne”) and the Party to this proceeding on whose behalf this Agreement has been executed below (“Party”), establishes procedures for the protection of certain confidential or proprietary information involved in the above-captioned proceeding. Intending to be legally bound, the parties, by their duly authorized counsel undersigned, hereby agree as follows:

1. That the information subject to this Stipulated Protective Agreement is all correspondence, documents, data, information, studies, methodologies and other materials, furnished in this proceeding, which are believed by Duquesne to be of a proprietary or confidential nature and which are so designated by being stamped “Confidential.” Such materials will be referred to below as “Proprietary Information.” When a statement or exhibit is identified for the record, the portions thereof that constitute Proprietary Information shall be designated as such for the record.

2. That Proprietary Information shall be made available to counsel for the Party, subject to the terms of this Stipulated Protective Agreement. Such counsel shall use or disclose the Proprietary Information only for purposes of preparing or presenting evidence, cross examination or argument in this proceeding. To the extent required for participation in this proceeding, counsel for the Party may afford access to Proprietary Information made available

by Duquesne only to the Party's expert(s) subject to the terms of this Stipulated Protective Agreement. However, said expert(s) may not be a "Restricted Person."

For the purpose of this Stipulated Protective Agreement, "Restricted Person" shall mean:

- (a) an officer, director, stockholder, partner, owner or employee of any competitor of Duquesne;
- (b) an officer, director, stockholder, partner, owner or employee or any affiliate of a competitor of Duquesne (including any association of competitors of Duquesne);
- (c) an officer, director, stockholder, owner or employee of a competitor of a customer of Duquesne if the Proprietary Information concerns a specific, identifiable customer of Duquesne; and
- (d) an officer, director, stockholder, owner or employee of an affiliate of a competitor of a customer of Duquesne if the Proprietary Information concerns a specific, identifiable customer of Duquesne; provided, however, that no expert shall be disqualified on account of being a stockholder, partner, or owner unless that expert's interest in the business would provide a significant motive for violation of the limitations of permissible use of the Proprietary Information. For purposes of this Stipulated Protective Agreement, stocks, partnership or other ownership interests valued at more than \$10,000 or constituting more than a 1% interest in a business establishes a significant motive for violation.

If an expert for the Party, another member of the expert's firm or the expert's firm generally also serves as an expert for, or as a consultant or advisor to, a Restricted Person, said expert must: (1) identify for Duquesne each Restricted Person and each expert or consultant; (2) make reasonable attempts to segregate those personnel assisting in the expert's participation in this proceeding from those personnel working on behalf of a Restricted Person; and (3) if segregation of such personnel is impractical the expert shall give to the producing party written assurances that the lack of segregation will in no way jeopardize the interests of Duquesne or its

customers. Duquesne retains the right to challenge the adequacy of the written assurances that Duquesne or its customers' interests will not be jeopardized. No other persons may have access to the Proprietary Information except as authorized by order of the Pennsylvania Public Utility Commission ("Commission").

3. That, prior to making Proprietary Information available to an expert as provided in paragraph 2, the Party shall deliver a copy of this Stipulated Protective Agreement to such expert and shall receive a written acknowledgment from the expert in the form attached as Appendix A to this Stipulated Protective Agreement or similar acknowledgment consistent with the terms of this Stipulated Protective Agreement. Duquesne shall be notified promptly of the identity of all persons provided access to Proprietary Information pursuant to this paragraph and paragraph 2 and shall be provided with a copy of each acknowledgment signed by each expert.

4. That Duquesne shall designate data or documents as constituting or containing Proprietary Information by stamping the documents "Confidential." Where only part of data compilations or multi-page documents constitutes or contains Proprietary Information, Duquesne, insofar as reasonably practicable within discovery and other time constraints imposed in this proceeding, shall designate only the specific data or pages of documents which constitute or contain Proprietary Information. The Proprietary Information shall be served upon the parties hereto only in an envelope separate from the nonproprietary materials, and the envelope shall be conspicuously marked "CONFIDENTIAL."

5. That the Party will consider and treat the Proprietary Information as within the exemptions from disclosure provided in the Pennsylvania Right-to-Know Act as set forth at 65 P.S. Section 66.1(2) until such time as the information is found to be non-proprietary.

6. That any public reference to Proprietary Information by the Party or its expert(s) shall be to the title or exhibit reference in sufficient detail to permit persons with access to the Proprietary Information to understand fully the reference and not more. The Proprietary Information shall remain a part of the record, to the extent admitted, for all purposes of administrative or judicial review.

7. That part of any record of this proceeding containing Proprietary Information, including but not limited to all exhibits, writings, direct testimony, cross examination, argument, and responses to discovery, and including reference thereto as mentioned in paragraph 6 above, shall be sealed for all purposes, including administrative and judicial review, unless such Proprietary Information is released from the restrictions of this Stipulated Protective Agreement, either through the agreement of the parties to this Stipulated Protective Agreement or pursuant to an order of the Commission.

8. That the Party shall retain the right to question or challenge the confidential or proprietary nature of Proprietary Information and to question or challenge the admissibility of Proprietary Information. If the Party challenges the designation of a document or information as proprietary, Duquesne retains the burden of demonstrating that the designation is appropriate.

9. That Duquesne shall retain the right to question or challenge the admissibility of Proprietary Information; to object to the production of Proprietary Information on any proper ground; to refuse to produce Proprietary Information pending the adjudication of the objection; and to seek additional measures of protection of Proprietary Information beyond those provided in this Stipulated Protective Agreement.

10. That within 30 days after a Commission final order is entered in the above-captioned proceeding, or in the event of appeals, within thirty days after appeals are finally

decided, the Party, upon request, shall either destroy or return to Duquesne all copies of all documents and other materials not entered into the record, including notes, which contain any Proprietary Information. In the event that the Party elects to destroy all copies of documents and other materials containing Proprietary Information instead of returning the copies of documents and other materials containing Proprietary Information to Duquesne, the Party shall certify in writing to the Duquesne that the Proprietary Information has been destroyed.

Agreed:

Name of Party:

Duquesne Light Company

By: _____

By: _____

Title: _____

Dated: _____

APPENDIX A

Re: Pennsylvania Public Utility Commission
v.
Duquesne Light Company,
Docket No. R-00061346

TO WHOM IT MAY CONCERN:

The undersigned is an independent expert of _____, a party to this proceeding ("Party"), and is not, or has no knowledge or basis for believing that he/she is a "Restricted Person" as that term is defined in paragraph no. 2, pages 1-3 of the Stipulated Protective Agreement executed on behalf of the Party with regard to the above-referenced proceeding. The undersigned has read and understands the Stipulated Protective Agreement in the above-referenced proceeding, which Stipulated Protective Agreement deals with the treatment of Proprietary Information. The undersigned agrees to be bound by, and comply with, the terms and conditions of said Stipulated Protective Agreement.

Name

Address

Employer

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

SECRETARY'S BUREAU
2015 JUL 15 PM 12:19

Pennsylvania Public Utility Commission,	:	Docket No. R-00061346
	:	
Duquesne Industrial Intervenors and Industrial Energy Consumers of Pennsylvania,	:	Docket No. R-00061346C0001
	:	
Irwin A. Popowsky, Consumer Advocate,	:	Docket No. R-00061346C0002
	:	
Office of Small Business Advocate	:	Docket No. R-00061346C0005
	:	
v.	:	
	:	
Duquesne Light Company	:	

PROTECTIVE ORDER

IT IS ORDERED:

1. That a Protective Order is hereby granted with respect to all materials and information identified in Paragraph 2 below, which are presented as evidence in these proceedings. All persons now and hereafter granted access to the materials and information identified in Paragraph 2 of this Protective Order shall use and disclose such information only in accordance with this Order.

2. The materials subject to this Protective Order are all materials provided by Duquesne Light Company ("Duquesne") to other parties in this proceeding which are claimed to be of a proprietary or confidential nature and which are hereinafter referred to as "Proprietary Information". Duquesne has entered into Stipulated Protective Agreements with the Parties regarding this Proprietary Information. Under the terms of the Proprietary Agreements, Parties have the right to challenge the confidential nature of the Proprietary Information provided by Duquesne. If Proprietary Information that is provided by Duquesne under the terms of the Proprietary Agreements is not challenged, that information will be covered by this Protective

Order. If specific Proprietary Information is challenged in writing by a Party as non-confidential, Duquesne will have 14 days to file a Petition for Protective Order with regard to that specific information. Pending the Commission's approval or disapproval of the Petition, the Party and the Commission will continue to treat the information as confidential.

3. Proprietary Information shall be made available to the Commission for use in this proceeding. For purposes of filing, to the extent that Proprietary Information is placed in the Commission's report folders, such information shall be handled in accordance with routine Commission procedures inasmuch as the report folders are not subject to public disclosure. To the extent that Proprietary Information is placed in the Commission's testimony or document folders, such information shall be separately bound, conspicuously marked, and accompanied by a copy of this Order. Public inspection of Proprietary Information shall be permitted only in accordance with this Protective Order. In addition, the Proprietary Information has been made available to counsel and experts for the Parties for their use in these proceedings pursuant to negotiated Protective Agreements entered into between Duquesne and the respective parties.

4. Any public reference to Proprietary Information by counsel or persons afforded access thereto shall be to the title or exhibit reference in sufficient detail to permit persons with access to the Proprietary Information to fully understand the reference and not more. The Proprietary Information shall remain a part of the record, to the extent admitted, for all purposes of administrative or judicial review.

5. Part of any record of this proceeding containing Proprietary Information, including but not limited to all exhibits, writings, testimony, cross examination, argument and responses to discovery, and including reference thereto as mentioned in Ordering Paragraph 4 above, shall be sealed for all purposes, including administrative and judicial review, unless such Proprietary Information is released from the restrictions of this Order, either through the agreement of the parties or pursuant to order of the Administrative Law Judge, the Commission or appellate court.

6. Upon completion of this proceeding, including any administrative or judicial review, all copies of all documents and other materials, including notes, which contain any Proprietary Information shall be immediately returned upon request to the party furnishing such Proprietary Information. In the alternative, parties may provide an affidavit of counsel affirming that the materials containing or reflecting Proprietary Information have been destroyed.

Dated: _____ 2006

Larry Gesoff
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document 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).

VIA FIRST CLASS MAIL & E-MAIL

Charles Daniel Shields
Robert V. Eckenrod
Office of Trial Staff
PO Box 3265
Commonwealth Keystone Building
400 North Street, 2nd Floor West
Harrisburg, PA 17105-3265

Tanya J. McCloskey
David Evrard
Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101-1923

Kevin J. Moody
Daniel Clearfield
Wolf Block Schorr & Solis-Cohen LLP
213 Market Street, 9th Floor
Harrisburg, PA 17108-0865

Timothy W. Merrill
NRG Energy, Inc.
111 S. Commons
Pittsburgh, PA 15212

Thomas Brogan
Brian J. Knipe
Klett Rooney Lieber & Schorling
17 North Second Street, 15th Floor
Harrisburg, PA 17101-1503

W. Gregory Rhodes
Klett Rooney Lieber & Schorling
A Professional Corporation
40th Floor, One Oxford Center
Pittsburgh, PA 15219

George Jugovic, Jr. Senior Attorney
PennFuture
425 Sixth Avenue, Suite 2770
Pittsburgh, PA 15291

Steven C. Gray
Small Business Advocate
Office of Small Business Advocate
Commerce Building
300 North Second Street, Suite 1102
Harrisburg, PA 17101

Pamela C. Polacek
McNees, Wallace & Nurick
PO Box 1166
100 Pine Street
Harrisburg, PA 17108-1166

Scott J. Rubin
Public Utility Consulting
3 Lost Creek Drive
Selinsgrove, PA 17870-9357

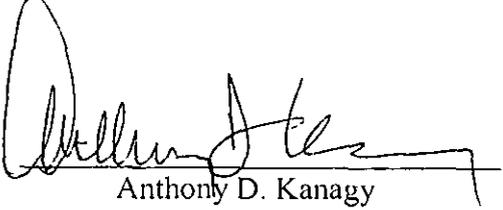
David I. Fein, Sr.
Martha A. Duggan
Gregory Urbin
Constellation NewEnergy, Inc.
111 Market Place, Suite 700
Baltimore, MD 21202

Joseph L. Vullo
1460 Wyoming Avenue
Forty Fort, PA 18704

Harvey L. Reiter
John E. McCaffrey
Jaime S. Dibble
Stinson Morrison Heckler LLP
1150 Eighteenth Street, N.W.
Suite 800
Washington, DC 20036-3816

Geoffrey A. Sawyer, III
Morris Nichols Arsht & Tunnell LLP
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899-1347

Date: June 15, 2006



Anthony D. Kanagy

**SMIGEL, ANDERSON
& SACKS** LLP
ATTORNEYS AT LAW

SCOTT H. DeBROFF, ESQUIRE

PHONE: (717) 234-2401

TOLL FREE: 1-800-822-9757

FACSIMILE (717) 234-3611

EMAIL: sdebroy@sasllp.com

www.sasllp.com

File No.

ORIGINAL

June 16, 2006

VIA HAND DELIVERY

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

SECRETARY'S BUREAU

2006 JUN 16 PM 2:45

RE: Pennsylvania Public Utility Commission v. Duquesne Light Company
Docket No. R-00061346

Dear Secretary McNulty:

Enclosed for filing, please find an original and three (3) copies of the "**Petition to Intervene and Entry of Appearance of Wal-Mart Stores East, L.P.**" in the above referenced proceeding.

As indicated on the enclosed Certificate of Service, copies have been served on the parties in the manner indicated.

Sincerely,



Scott H. DeBroff, Esquire
Counsel for Wal-Mart Stores East, L.P.

**DOCUMENT
FOLDER**

SDH:vlf

Enclosures

KJR

33

ORIGINAL

BEFORE THE

PUBLIC UTILITY COMMISSION OF THE COMMONWEALTH OF PENNSYLVANIA

PENNSYLVANIA PUBLIC UTILITY
COMMISSION

DOCKET NO. R-00061346

v.

DUQUESNE LIGHT COMPANY

PETITION TO INTERVENE

&

ENTRY OF APPEARANCE OF WAL-MART STORES EAST, LP.

To Administrative Law Judge Lawrence Gesoff & Administrative Law Judge Michael A. Nemeck:

AND NOW COMES **Scott H. DeBroff, Esquire & Stuart Sacks, Esquire** of Smigel, Anderson & Sacks LLP, on behalf of their client, **Wal-Mart Stores East, LP.**, ("Wal-Mart") and avers the following:

1. On April 7, 2006, Duquesne Light Company ("Duquesne") filed Tariff Electric – Pa. P.U.C. No. 24 replacing in its entirety its Tariff Electric – Pa. P.U.C. No. 23 to become effective June 6, 2006, containing proposed changes in distribution rates, rules and regulations calculated to produce approximately \$143.7 million in additional annual revenues, based upon a future test year ending December 31, 2006.

**DOCUMENT
FOLDER**

DOCKETED

NOV 15 2006

SECRETARY'S OFFICE
NOV 15 10 51 AM '06

2. In addition, Duquesne informed the Commission that transmission service charges reflected in retail rates are expected to increase by approximately \$19.0 million, effective June 1, 2006.

3. By Order entered May 4, 2006, the Commission instituted an investigation to determine the lawfulness, justness and reasonableness of the proposed rates, rules and regulations. Pursuant to 66 Pa. C.S. §1308(d), the filing was suspended by operation of law until January 6, 2007, unless permitted by Commission Order to become effective at an earlier date. Said Order provided that the case be assigned to the Office of Administrative Law Judge for the prompt scheduling of such hearings as may be necessary and culminating in the issuance of a Recommended Decision.

4. Per the Notice of the Office of Administrative Law Judge dated May 5, 2006, a Prehearing Conference was scheduled for 10:00 a.m. on Friday, May 12, 2006, in Hearing Room No. 2 in the Commonwealth Keystone Building.

5. Wal-Mart Stores East, LP., ("Wal-Mart") is a Delaware limited partnership qualified to do business in Pennsylvania. Wal-Mart operates a total of 144 facilities, including 71 Supercenters, 46 Discount Stores, 23 Sam's Clubs and 4 Distribution Centers, in the state of Pennsylvania and 9 of these facilities are customers of the Duquesne Light Company, under 18 various commercial accounts, consuming around 34,000,000 kWh per year. Wal-Mart has a substantial interest in this rate filing and requests formal intervention into this proceeding.

6. Wal-Mart is headquartered at 702 SW 8th Street in Bentonville, Arkansas, and has offices at the Sam M. Walton Development Complex, 2001 SE 10th Street, Bentonville, Arkansas 72712.

7. As a commercial customer of the Duquesne Light Company, Wal-Mart has a real and substantial interest in intervening in this proceeding. In particular, Wal-Mart is interested in three (3) specific areas of the Company's testimony, those having to do with Rate Structure, Rate Design and Cost of Service issues. Wal-Mart is also looking at other issues in the filing and may address them as well.

8. As such, Wal-Mart submits this Entry of Appearance & Petition to Intervene in the above-captioned docket so that it may fully participate in this most important rate process.

9. Wal-Mart has a substantial and bona fide interest in the subject matter of this docket and their interests cannot be represented or protected adequately by other existing parties to this docket.

10. Wal-Mart intends to play a constructive role in the Commission's decision-making process herein and their participation will not unduly prejudice any party.

11. Wal-Mart respectfully requests that its "Petition for Intervention" be granted and that it be awarded full party status in this case and placed on the Commission's Official Service List for this docket.

12. It is currently expected that Wal-Mart will call upon its primary witness in this case, Mr. James T. Selecky, of Brubaker and Associates, whose contact information is as follows:

Mr. James T. Selecky
Brubaker & Associates
1215 Fern Ridge Parkway, Suite 208
P. O. Box 412000
St. Louis, Missouri 63141-2000
Phone: (314) 275-7007
FAX: (314) 275-7036
E-Mail Address: jtslecky@consultbai.com

13. Wal-Mart reserves the right to call additional witnesses or delete the names of witnesses listed above. The above listing is provided without the benefit of complete discovery or analysis of the positions of potential other parties to this proceeding. Prepared direct testimony and brief additional live direct testimony may be submitted by any or all of the Wal-Mart witnesses in his or her area(s) of responsibility.

14. In addition to the direct testimony and exhibits presented by Wal-Mart witness and the evidence adduced through cross-examination of witnesses for Duquesne and other parties, Wal-Mart intends to rely upon the Duquesne filing, answers to data requests and interrogatories, annual reports and other documents submitted to the Commission, other relevant Commission filings, any other relevant Commonwealth agency letters or reports, general financial market information sources and other public documents and reports.

15. Attorneys DeBroff and Sacks will represent Wal-Mart in this case, and on the basis of this notice, we request that copies of each document hereafter issued by this Commission in the above-captioned matter be directed to the following:

Scott H. DeBroff, Esquire
Stuart S. Sacks, Esquire
Smigel, Anderson & Sacks
River Chase Office Center
4431 North Front Street
Harrisburg, PA 17110

Tel: (717) 234-2401
Fax: (717) 234-3611
eMail: sdebroff@sasllp.com &
ssacks@sasllp.com

Ms. Angela Beehler
Director, Energy Regulation
Wal-Mart Stores East, LP.
Sam M. Walton Development Complex
2001 SE 10th Street, Dept. 8017
Bentonville, AR 72716-0550

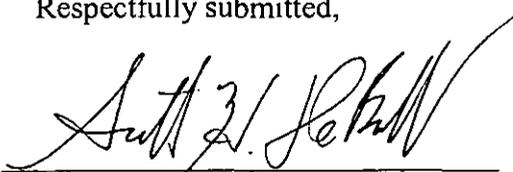
Tel: (479) 204-0437
Fax: (479) 273-6851
eMail: angela.beehler@wal-mart.com

WHEREFORE, Wal-Mart requests that it be granted Full Intervenor Status in the above captioned proceeding.

Respectfully submitted,

Dated: **June 16, 2006**

By:



Scott H. DeBroff, Esq.
Stuart S. Sacks, Esq.
Smigel, Anderson & Sacks
River Chase Office Center
4431 North Front Street
Harrisburg, PA 17110

Tel: (717) 234-2401
Fax: (717) 2343611
eMail: sdebroff@sasllp.com

Counsel for Wal-Mart Stores East, LP.

**BEFORE THE
PUBLIC UTILITY COMMISSION OF THE COMMONWEALTH OF
PENNSYLVANIA**

**PENNSYLVANIA PUBLIC UTILITY
COMMISSION**

DOCKET NO. R-00061346

v.

DUQUESNE LIGHT COMPANY

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document 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) in **Docket No. R-00061346**, this day on all parties of record in this proceeding or their attorneys of record:

Honorable Lawrence Gesoff
Honorable Michael Nemeč
Administrative Law Judges
Pennsylvania Public Utility Commission
1103 State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222

Michael Gang, Esquire
Anthony D. Kanagy, Esquire
Post & Schell, P.C.
17 North Second Street, 12th Floor
Harrisburg, PA 17101-1601

David MacGregor, Esquire
Post & Schell, P.C.
Four Penn Centre
1600 John F. Kennedy Blvd.
Philadelphia, PA 19103-2808

Gary Jack, Esquire

Duquesne Light Company
411 Seventh Avenue, 16-2
Pittsburgh, PA 15219

Charles Daniel Shields
Robert V. Eckenrod
Office of Trial Staff
PO Box 3265
Commonwealth Keystone Building
400 North Street, 2nd Floor West
Harrisburg, PA 17105-3265

Tanya J. McCloskey
David Evrard
Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor

SECRETARY'S BUREAU

JUN 16 PM 2:45

Harrisburg, PA 17101-1923

Steven C. Gray
Small Business Advocate
Office of Small Business Advocate
Commerce Building
300 North Second Street, Suite 1102
Harrisburg, PA 17101
Pamela C. Polacek
McNees, Wallace & Nurick
PO Box 1166
100 Pine Street
Harrisburg, PA 17108-1166

Thomas Brogan
Brian J. Knipe
Klett Rooney Lieber & Schorling
17 North Second Street, 15th Floor
Harrisburg, PA 17101-1503

W. Gregory Rhodes
Klett Rooney Lieber & Schorling
A Professional Corporation
40th Floor, One Oxford Center
Pittsburgh, PA 15219

Harvey L. Reiter
John E. McCaffrey
Jaime S. Dibble
Stinson Morrison Heckler LLP
1150 Eighteenth Street, N.W.
Suite 800
Washington, DC 20036-3816

Kevin J. Moody
Daniel Clearfield
Wolf Block Schorr & Solis-Cohen LLP
213 Market Street, 9th Floor
Harrisburg, PA 17108-0865

Timothy W. Merrill
NRG Energy, Inc.
111 S. Commons
Pittsburgh, PA 15212

George Jugovic, Jr. Senior Attorney
PennFuture
425 Sixth Avenue, Suite 2770
Pittsburgh, PA 15291

Scott J. Rubin
Public Utility Consulting
3 Lost Creek Drive
Selinsgrove, PA 17870-9357

David I. Fein, Sr.
Martha A. Duggan
Gregory Urbin
Constellation NewEnergy, Inc.
111 Market Place, Suite 700
Baltimore, MD 21202

Joseph L. Vullo
1460 Wyoming Avenue
Forty Fort, PA 18704

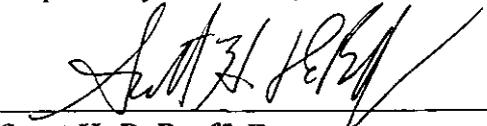
Geoffrey A. Sawyer, III
Morris Nichols Arsht & Tunnell LLP
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899-1347

Bernadine Creighton
516 East End Avenue
Pittsburgh, PA 15221

David J. McAdams, MD
525 Hillcrest Place
Pittsburgh, PA 15216

Respectfully submitted,

Dated: **June 16, 2006**

By: 

Scott H. DeBroff, Esq.

Stuart S. Sacks, Esq.

Smigel, Anderson & Sacks

River Chase Office Center

4431 North Front Street

Harrisburg, PA 17110

Tel: (717) 234-2401

Fax: (717) 234-3611

eMail: sdebloff@sasllp.com

Counsel for Wal-Mart Corporation