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ORIGINAL

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April 28, 2006

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120

**VIA HAND DELIVERY**

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

Dear Secretary McNulty:

Enclosed please find an original and three (3) copies of the Complaint of Duquesne Industrial Intervenors and Industrial Energy Consumers of Pennsylvania against the proposed Tariff Electric PA. – P.U.C. No. 24, which Supersedes Electric – PA P.U.C. No. 23 and Supplements thereto of Duquesne Light Company in the above-referenced docket.

Please date stamp the extra copy of this letter and Complaint and kindly return it to us for our filing purposes. Thank you.

RECEIVED

2006 APR 28 PM 1:36

PA PUC  
SECRETARY'S BUREAU

DOCUMENT  
FOLDER

Very truly yours,

McNEES WALLACE & NURICK LLC

By

*Pamela C. Polacek*

Pamela C. Polacek

Counsel to Duquesne Industrial Intervenors  
and Industrial Energy Consumers of  
Pennsylvania

PCP/nk  
Enclosures  
c: Certificate of Service

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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

2006 APR 28 PM 1:36  
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SECRETARY'S BUREAU

DUQUESNE INDUSTRIAL INTERVENORS :  
AND INDUSTRIAL ENERGY :  
CONSUMERS OF PENNSYLVANIA :

v.

DOCKET NO. R-00061346 C0001

DUQUESNE LIGHT COMPANY :

**DOCUMENT  
FOLDER**

**DOCKETED**  
MAY 08 2006

COMPLAINT

TO THE HONORABLE, THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to Section 701 of the Pennsylvania Public Utility Code, 66 Pa.C.S.A. § 701, and Sections 5.21 and 5.22 of the Pennsylvania Public Utility Commission's ("PUC" or "Commission") regulations, 52 Pa. Code §§ 5.21 & 5.22, Duquesne Industrial Intervenors ("DII" or "Complainant") and the Industrial Energy Consumers of Pennsylvania ("IECPA") hereby complain against the proposed Tariff Electric – PA. P.U.C. NO. 24, which Supersedes Electric – PA. P.U.C. NO. 23 and Supplements thereto of Duquesne Light Company ("Duquesne" or "Company"), and by which Duquesne requests an increase in the Company's distribution base rates under Section 1308 of the Public Utility Code, 66 Pa. C.S.A. § 1308, and the operative provisions of the Electricity Generation Customer Choice and Competition Act, 66 Pa. C.S.A. §§ 2801 et seq. ("Competition Act"). In support thereof DII and IECPA state as follows:

1. The Complainants are DII, the tentative membership of which is listed in Appendix "A" attached hereto and IECPA, the current membership of which is listed in Appendix "B" attached hereto. DII will update Appendix "A" during this proceeding as necessary. IECPA will update Appendix "B" during this proceeding as necessary.

2. The names and address of the Complainants' attorneys are:

David M. Kleppinger  
Pamela C. Polacek  
Adam L. Benshoff  
McNEES WALLACE & NURICK LLC  
100 Pine Street  
P. O. Box 1166  
Harrisburg, PA 17108-1166  
Phone: (717) 232-8000  
Fax: (717) 237-5300  
[dkleppin@mwn.com](mailto:dkleppin@mwn.com)  
[ppolacek@mwn.com](mailto:ppolacek@mwn.com)  
[abenshoff@mwn.com](mailto:abenshoff@mwn.com)

All correspondence in this proceeding from the Commission should be directed to the attention of Pamela C. Polacek at the address listed above.

3. The Respondent utility is:

Duquesne Light Company  
411 Seventh Avenue  
Mail Drop 8-2  
Pittsburgh, PA 15219

4. On April 7, 2006, Duquesne filed with the Commission proposed Tariff Electric – PA. P.U.C. NO. 24 which Supersedes Electric – PA. P.U.C. NO. 23 and Supplements thereto, proposed to become effective on January 1, 2007. By this filing, Duquesne requests a distribution rate increase of approximately \$144 million, and a proposed return on equity of 11.75%. The Company states that the requested rate increase is necessary in order to improve the Company's system, its financial condition, and to fund additional social programs such as an expanded Customer Assistance Program ("CAP"). Duquesne's filing also informs the Commission of an estimated \$19 million increase in the Company's transmission rates, which Duquesne proposes to automatically pass through to customers beginning January 1, 2007, through the application of a Transmission Service Charge ("TSC") to be reconcilable on an annual basis every June 1. The combination of the Company's distribution rate increase request,

if approved, and the pass through of the TSC would produce an overall rate increase of approximately 13%. In addition, Duquesne proposes to implement a Distribution System Improvement Charge ("DSIC"), through which the company would recover from ratepayers the costs of certain distribution system improvement and relocation projects between base rate proceedings. In support of its proposed Tariff Electric – PA. P.U.C. NO. 24, Duquesne has filed and served supporting testimony that purports to validate the Company's claim for a \$144 million distribution rate increase and the other elements of the Company's proposal.

5. This complaint is directed against the rates, terms, and provisions contained in Respondent's proposed Tariff Electric – PA. P.U.C. NO. 24.

6. DII is an ad hoc association of energy-intensive commercial, industrial and institutional customers receiving electric service in Duquesne's service territory. DII members purchase service from Duquesne primarily under Rate Schedules GL, GLH, L, and HVPS, as well as available riders. DII has been an active participant in many PUC proceedings addressing service terms and conditions in Duquesne's territory, including Duquesne's Restructuring Proceeding filed pursuant to the Competition Act, the stakeholder process that resulted in the approval of Duquesne's first post-transition period Provider of Last Resort ("POLR") plan (i.e., POLR II), and Duquesne's most recent POLR proceeding, POLR III. As a result of Duquesne's distribution base rate filing, the distribution and transmission rates paid by DII members will be changed. As some of Duquesne's largest customers, DII members have an interest in this proceeding that is not represented by any other party of record; consequently, DII satisfies the standards for intervention under Section 5.72 of the Commission's regulations. See 52 Pa. Code § 5.72.

7. IECPA is a statewide organization of large commercial and industrial consumers of natural gas and electricity. IECPA has been an active advocate in many proceedings before

the PUC related to electric issues. Several IECPA members purchase electric distribution service from Duquesne.

8. Complainants allege that the information and data filed in support of the proposed rates and tariff revisions in Duquesne's Tariff Electric – PA. P.U.C. NO. 24 are insufficient to establish that the proposed rates are just, reasonable, and nondiscriminatory, as required by Section 1301 and 1304 of the Public Utility Code, 66 Pa.C.S.A. §§ 1301 & 1304.

9. Pursuant to Section 315 (a) of the Public Utility Code, 66 Pa. C.S.A. § 315 (a), Duquesne has the burden of proving that its proposed rates are just and reasonable and otherwise in accord with Section 1301 of the Public Utility Code, 66 Pa. C.S.A. § 1301.

10. Complainants' preliminary review of the Company's filing indicates the need for Commission investigation into at least the following issues:

- (a) whether the size of the requested rate increase is appropriate;
- (b) whether the expenses claimed by Duquesne were prudently incurred;
- (c) whether the allocation of the proposed distribution rate increase between and among customer classes is just, reasonable and non-discriminatory;
- (d) whether Duquesne's proposed rate structure and rate design are appropriate;
- (e) whether the 11.75% return on equity proposed by Duquesne and other aspects of the Company's proposal result in a fair rate of return;
- (f) whether Duquesne's claimed cost of service is accurate, legitimate and appropriately allocated;
- (g) whether Duquesne's proposed application and design of the TSC is appropriate, just and reasonable; and
- (h) whether Duquesne's proposed implementation of a DSIC is appropriate and lawful.

DII and IECPA reserve the right to raise and address other issues of concern upon further examination of Duquesne's filing and during the course of the proceeding.

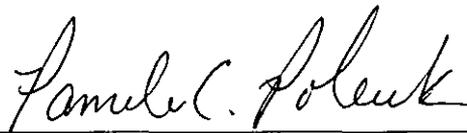
11. DII and IECPA respectfully request that the Commission provide the following relief:

- (a) Investigate the rates, terms, and provisions contained in Duquesne's proposed Tariff Electric – PA. P.U.C. NO. 24 in full evidentiary hearings;
- (b) Consolidate DII's Complaint with the Commission's investigation into Duquesne's proposed Tariff Electric – PA. P.U.C. NO. 24;
- (c) Allow DII to participate fully in the evidentiary proceeding, cross-examine all witnesses, present its own evidence and witnesses, and offer arguments on its own behalf; and
- (d) Require Duquesne to adduce substantial evidence to justify and substantiate its proposed rate increase and tariff revisions.

**WHEREFORE**, the Duquesne Industrial Intervenors and the Industrial Energy Consumers of Pennsylvania respectfully requests that Duquesne Light Company be required to answer this Complaint and that, upon a final hearing, the Commission make such order as it deems necessary and appropriate.

Respectfully submitted,

McNEES WALLACE & NURICK LLC

By 

David M. Kleppinger  
Pamela C. Polacek  
Adam L. Benshoff  
100 Pine Street  
P. O. Box 1166  
Harrisburg, PA 17108-1166  
Phone: (717) 232-8000  
Fax: (717) 237-5300

Counsel to the Duquesne Industrial Intervenors and  
the Industrial Energy Consumers of Pennsylvania

Dated: April 28, 2006



**DUQUESNE INDUSTRIAL INTERVENORS  
Docket No. R-00061346**

**Membership List**

**BOC Gases  
Giant Eagle Inc.  
PPG Industries, Inc.  
United States Steel Corporation**

**INDUSTRIAL ENERGY CONSUMERS OF PENNSYLVANIA  
Docket No. R-00061346**

**Membership List**

**Air Liquide Industrial U.S. LP  
Air Products and Chemicals, Inc.  
BOC Gases  
Carbone of America  
Carpenter Technology Corporation  
CertainTeed Corporation  
Ervin Industries, Inc.  
Hershey Foods Corporation  
Knouse Foods Cooperative, Inc.  
LWB Refractories  
NOVA Chemicals, Inc.  
NRG Energy Center  
PPG Industries  
Praxair, Inc.  
Rohm and Haas Company  
Standard Steel  
The Procter & Gamble Paper Products Company  
United States Steel Corporation  
World Kitchen, Inc.**

**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**

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

Office of Consumer Advocate  
555 Walnut Street  
Forum Place - 5th Floor  
Harrisburg, PA 17101-1921

Michael Gang, Esq.  
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17 North Second Street, 12<sup>th</sup> Floor  
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Suite 1102, Commerce Building  
300 North Second Street  
Harrisburg, PA 17101

Office of Trial Staff  
Commonwealth Keystone Building  
400 North Street, 2nd Floor  
Harrisburg, PA 17120

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Four Penn Centre  
1600 John F. Kennedy Blvd.  
Philadelphia, PA 19103-2808



Pamela C. Polacek  
Pamela C. Polacek

Counsel to Duquesne Industrial Intervenors and  
Industrial Energy Consumers of Pennsylvania

Dated this 28<sup>th</sup> day April, 2006, in Harrisburg, Pennsylvania.

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P O BOX 3265, HARRISBURG PA 17105-3265

MAY 3, 2006

GARY A. JACK  
ASSISTANT GENERAL COUNSEL  
411 SEVENTH AVENUE, 8TH FLOOR  
PITTSBURGH PA 15219

RE: PA PUC vs. DUQUESNE LIGHT COMPANY  
Docket Number R-00061346C0001

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Dear Sir/Madam:

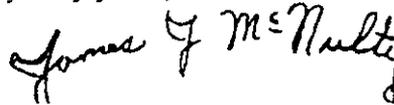
A Complaint has been filed against you in the above-captioned matter before the Pennsylvania Public Utility Commission by DUQUESNE INDUSTRIAL INTERVENORS & INDUSTRIAL ENERGY CONSUMERS OF PENNSYLVANIA.

This complaint, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission. The Pennsylvania Public Utility Code, 66 Pa. C.S., requires the Commission to serve on each party named in a complaint a copy of the complaint.

Within twenty (20) days from the date on which this complaint is served, you may either satisfy this complaint or comply with the provisions of 52 Pa. Code, Section 5.61 et seq., as amended.

**DOCKETED**  
MAY 08 2006

Very truly yours,



James J. McNulty  
Secretary

(SEAL)

Certified Mail  
Return Receipt Requested

jih

**DOCUMENT  
FOLDER**



McNees Wallace & Nurick LLC  
attorneys at law

ORIGINAL

2006 JUN 25 11:33:39  
SECRETARY'S BUREAU

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

June 26, 2006

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FOLDER

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
The Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120

VIA HAND DELIVERY

**Re: Pennsylvania Public Utility Commission v. Duquesne Light Company;  
Docket No. R-00061346C0001-C0005**

Dear Secretary McNulty:

Enclosed please find an original and three (3) copies of an Appendix "A" to the Complaint of Duquesne Industrial Intervenors ("DII") and the Industrial Energy Consumers of Pennsylvania ("IECPA") in the above-referenced proceeding. As indicated in Paragraph 1 of DII/IECPA's Complaint, DII reserved the right to update its membership during the course of the above-referenced proceeding. Accordingly, Appendix "A" contains an updated list of DII member companies for this proceeding, as follows:

ALCOA Inc.  
Allegheny Ludlum Corporation and  
Rome Metals, LLC  
Bayer AG  
BOC Gases  
Carnegie Mellon University  
Giant Eagle, Inc.

PPG Industries, Inc.  
Shenango Incorporated  
The Techs Industries, Inc.  
United States Steel Corporation  
University of Pittsburgh  
University of Pittsburgh Medical  
Center

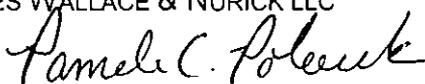
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June 26, 2006  
Page 2

As reflected on the attached Certificate of Service, all parties to this proceeding are being duly served with copies of this filing. Please date stamp the extra copy of this transmittal letter and kindly return it to us for our filing purposes. Thank you.

Very truly yours,

MCNEES WALLACE & NURICK LLC

By   
Pamela C. Polacek

Counsel to the Duquesne Industrial Intervenors  
and the Industrial Energy Consumers of  
Pennsylvania

PCP/nk

Enclosures

c: Certificate of Service  
Administrative Law Judge Larry Gesoff (Via E-mail and First Class Mail)

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 E-MAIL AND FIRST CLASS MAIL

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

Tanya McCloskey, Esq.  
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Charles Daniel Shields, Esq.  
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Scott Rubin, Esq.  
3 Lost Creek Drive  
Selinsgrove, PA 17870

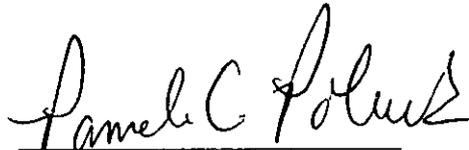
Gregory Rhodes  
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PennFuture  
425 Sixth Avenue, Suite 2770  
Pittsburgh, PA 15219

SECRETARY'S BUREAU

2006 JUN 26 PM 3:39

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



Pamela C. Polacek

Pamela C. Polacek

Counsel to Duquesne Industrial Intervenors and  
Industrial Energy Consumers of Pennsylvania

Dated this 26<sup>th</sup> day June, 2006, in Harrisburg, Pennsylvania.

**DUQUESNE INDUSTRIAL INTERVENORS  
Docket No. R-00061346C0001-C0005**

**Membership List**

**ALCOA Inc.  
Allegheny Ludlum Corporation and Rome Metals, LLC  
Bayer AG  
BOC Gases  
Carnegie Mellon University  
Giant Eagle Inc.  
PPG Industries, Inc.  
Shenango Incorporated  
The Techs Industries, Inc.  
United States Steel Corporation  
University of Pittsburgh  
University of Pittsburgh Medical Center**

SECRETARY'S BUREAU

2006 JUN 26 PM 3:39



McNees Wallace & Nurick LLC  
attorneys at law

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SECRETARY'S BUREAU

ORIGINAL

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

August 1, 2006

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
The Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120

VIA HAND DELIVERY

**Re: Pennsylvania Public Utility Commission v. Duquesne Light Company;  
Docket No. R-00061346C0001-C0005**

Dear Secretary McNulty:

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As reflected on the attached Certificate of Service, all parties to this proceeding are being duly served with copies of this filing. Please date stamp the extra copy of this transmittal letter and kindly return it to us for our filing purposes. Thank you.

Very truly yours,

MCNEES WALLACE & NURICK LLC

By   
Pamela C. Polacek

Counsel to the Duquesne Industrial Intervenors  
and the Industrial Energy Consumers of  
Pennsylvania

PCP/nk

Enclosures

c: Certificate of Service  
Administrative Law Judge Larry Gesoff (Via E-mail and First Class Mail)

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**DUQUESNE INDUSTRIAL INTERVENORS  
Docket No. R-00061346C0001-C0005**

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The Techs Industries, Inc.  
United States Steel Corporation  
Universal Stainless & Alloy Products, Inc.  
University of Pittsburgh  
University of Pittsburgh Medical Center**

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 E-MAIL AND FIRST CLASS MAIL

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Pittsburgh, PA 15219

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One Oxford Center, 40<sup>th</sup> Floor  
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George Jugovic, Jr., Esq.  
PennFuture  
425 Sixth Avenue, Suite 2770  
Pittsburgh, PA 15219

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Daniel Clearfield, Esq.  
Wolf Block Schorr & Solis-Cohen, LLP  
213 Market Street, 9<sup>th</sup> Floor  
Harrisburg, PA 17108-0865

Ms. Angela Beehler  
Director, Energy Regulation  
Wal-Mart Stores East, LP  
Sam W. Walton Development Complex  
Bentonville, AR 72716-0550

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Philadelphia, PA 19103

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Lawrenceville, NJ 08648-2311

Paul F. Forshay, Esq.  
Sutherland, Asbill & Brennan, LLP  
1275 Pennsylvania Avenue, NW  
Washington, DC 20004

**VIA E-MAIL ONLY**

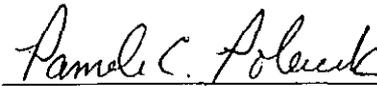
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Jim Selecky  
[jtselucky@consultbai.com](mailto:jtselucky@consultbai.com)



Pamela C. Polacek

Counsel to Duquesne Industrial Intervenors

Dated this 1<sup>st</sup> day August, 2006, in Harrisburg, Pennsylvania.



ORIGINAL

OFFICE OF CONSUMER ADVOCATE

555 Walnut Street, 5th Floor, Forum Place  
Harrisburg, Pennsylvania 17101-1923  
(717) 783-5048  
800-684-6560 (in PA only)

IRWIN A. POPOWSKY  
Consumer Advocate

FAX (717) 783-7152  
consumer@paoca.org

April 28, 2006

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

DOCUMENT  
FOLDER

SECRETARY'S BUREAU

2006 APR 28 PM 4:08

RECORDS

RE: Pennsylvania Public Utility Commission  
v.  
Duquesne Light Company  
Docket No. R-00061346 C0002

Dear Secretary McNulty:

Enclosed for filing, please find an original and three (3) copies of the Formal Complaint of the Office of Consumer Advocate, in the above-referenced proceeding.

Copies have been served on the parties of record as indicated on the enclosed Certificate of Service.

Sincerely,

David T. Evrard  
Assistant Consumer Advocate

Enclosures

cc: Parties of Record  
Office of Special Assistants  
00088575.DOC

19

**ORIGINAL**

FORMAL COMPLAINT

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

For Commission Use Only:

R-0006134600002

COMPLAINT DOCKET NO. \_\_\_\_\_ REF. # \_\_\_\_\_ UTILITY CODE \_\_\_\_\_

\_\_\_\_\_  
PLEASE PRINT: VS.

SECRETARY'S BUREAU  
P.U.C.

2006 APR 28 PM 4:09

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1. YOUR NAME, ADDRESS AND TELEPHONE NUMBER.

Name Irwin A. Popowsky, Consumer Advocate  
Street 555 Walnut Street 5th Floor, Forum Place  
City Harrisburg State Pennsylvania Zip 17101-1923  
County Dauphin Work Telephone-Area Code (717) 783-5048

2. COMPANY YOU ARE COMPLAINING ABOUT.

Name Duquesne Light Company

**DOCUMENT  
FOLDER**

3. WHAT IS YOUR COMPLAINT? (DESCRIBE PROBLEM).

A. On April 7, 2006, Duquesne Light Company (Duquesne or Company) filed PA PUC Tariff No. 24. In Tariff No. 24, the Company proposes to increase rates to produce additional annual operating revenues of \$162.7 million, or 13%, over present revenues. This rate increase includes a \$143.7 million increase in retail distribution operating revenues and a \$19 million increase in transmission service revenues. The proposed rate increase would be effective on June 6, 2006, unless otherwise suspended by the Commission.

**DOCKETED**  
MAY 08 2006

For Commission Use Only:

DATE FILED \_\_\_\_ / \_\_\_\_ / \_\_\_\_ MONITOR \_\_\_\_\_ BUREAU

B. The Company is engaged in the business of furnishing electric service to approximately 588,000 residential, commercial and industrial customers in Allegheny and Beaver Counties, Pennsylvania.

C. For the residential class, the Company is proposing an overall increase of 18.8%. A typical residential customer using 600 Kwh per month will see an average overall bill increase of \$11.99 per month, from \$63.87 to \$75.86. As part of its filing, Duquesne is proposing an increase to the monthly customer charges for Residential Service. If the rates were to be approved as proposed by the Company, the monthly Customer Charge for Residential Service would increase from \$6.48 to \$11.50.

D. The Company's proposed rate increase, if approved, will produce a 9.09% overall rate of return on its original cost rate base for distribution service, including an 11.75% rate of return on common equity.

E. The Company is also proposing to implement a Transmission Service Charge (TSC), pursuant to Section 1307(a) that would allow the Company to pass through transmission service charges that the Company must pay to PJM.<sup>1</sup> 66 Pa. C.S. § 1307(a). The Company is proposing a mechanism to reconcile these charges annually.

F. Duquesne further proposes a Distribution System Improvement Charge (DSIC), pursuant to Section 1307(a) that would allow the Company to recover costs associated with distribution system upgrades between base rate proceedings from ratepayers through a surcharge mechanism. 66 Pa. C.S. § 1307(a).

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<sup>1</sup>PJM is a regional transmission organization, which coordinates the movement of electricity through all or parts of Delaware, Maryland, New Jersey, Ohio, Pennsylvania, Virginia, West Virginia and the District of Columbia.

G. The Consumer Advocate is empowered to represent the interests of consumers before the Pennsylvania Public Utility Commission, pursuant to Act 161 of the General Assembly, as amended, 71 P.S. Sections 309-1, *et seq.*

H. A preliminary examination of the Company's filed Tariff indicates that the proposed changes and increase in rates, proposed rate schedule modifications and transfers, and proposed changes in rate policy, rules and regulations contained in the proposed Tariff may be unjust, unreasonable, in violation of the law and will or may produce an excessive return on investment in violation of the Public Utility Code, 66 Pa. C.S. Section 1301, *et seq.*

I. The Consumer Advocate also avers that the proposed tariff changes and proposed rate design may be unlawfully discriminatory, in violation of the Public Utility Code, 66 Pa. C.S. Sections 1301 and 1304, *et seq.*, and may otherwise be contrary to sound ratemaking principles and public policy.

J. Duquesne's proposed DSIC may be unlawful, unjust, unreasonable and contrary to sound rulemaking and public policy.

K. The TSC proposed by Duquesne is also in need of careful examination. Such a proposal--which automatically passes through rates and charges to customers--must be examined to ensure that the mechanism is fair, equitable and does not harm consumers.

L. The Consumer Advocate will also examine Duquesne's universal service programs to ensure that they are appropriate, adequately funded and in compliance with statutory and regulatory requirements.

M. A preliminary examination and review by the OCA of the Company's existing rates, rules and regulations indicates that certain rates, rules and regulations may not be

just and reasonable or otherwise proper under the Public Utility Code and applicable ratemaking principles. 66 Pa. C.S. § 1301 *et seq.*

N. The Consumer Advocate files this Complaint to ensure that the Commission will fully and fairly adjudicate issues pertaining to whether the Company's existing and proposed rates--and any and all rate policy changes--are just and reasonable, and are not unduly discriminatory or otherwise unlawful.

4. WHAT DO YOU WANT US TO DO?

The Consumer Advocate respectfully requests that the Public Utility Commission:

- A. Suspend and investigate the operation of Tariff No. 24, pursuant to Section 1308(d) of the Public Utility Code, 66 Pa. C.S. § 1308(d);
- B. Consolidate all complaints filed against proposed Tariff No. 24;
- C. Hold full evidentiary hearings examining the reasonableness of the Company's current rates and its proposed increases in rates;
- D. After providing the public with adequate notice, hold public input hearings in the Company's service territory in order to provide its customers with an opportunity to be heard on the record, and hold those hearings as early in the case as feasible;
- E. Deny any increase or change in the Company's rates that is unjust, unreasonable or inconsistent with the Public Utility Code, sound ratemaking principles, and public policy;
- F. Determine the justness and reasonableness of the Company's current and proposed rates; and
- G. Grant such other relief it deems appropriate.

YOU MUST SIGN AND DATE YOUR COMPLAINT.

The information I have placed on this form is true and correct to the best of my knowledge. I understand that I could be punished under Pennsylvania State Law if I purposely give false information.

  
Signature of complainant

4/28/06  
April 28, 2006

YOU DO NOT NEED A LAWYER If you DO have a lawyer PLEASE PRINT the lawyer's name, address and telephone number below.

Lawyer's Name Tanya J. McCloskey, Senior Assistant Consumer Advocate, David T.

Evrard and Darryl Lawrence Assistant Consumer Advocates

Street 555 Walnut St, 5<sup>th</sup> Floor (Forum Place)

City Harrisburg State PA Zip 17101-1923

Telephone Number-Area Code (717) 783-5048

PUBLIC STATEMENT OF THE CONSUMER ADVOCATE ISSUED IN  
ACCORDANCE WITH SECTION 904-(e) OF ACT OF APRIL 9, 1929  
(P.L. 177, No. 175), KNOWN AS "THE ADMINISTRATIVE CODE OF  
1929", AS AMENDED BY ACT 161 OF 1976 (APPROVED JULY 9, 1976)

Act 161 of the Pennsylvania General Assembly, 71 P.S. Section 309-2, as enacted July 9, 1976, authorizes the Consumer Advocate to represent the interest of consumers before the Pennsylvania Public Utility Commission (Commission). In accordance with Act 161, and for the following reasons, the Consumer Advocate determined to file a Formal Complaint and participate in proceedings before the Commission involving the proposed rate increase requested by Duquesne Light Company (Duquesne or Company) docketed at R-00061346.

The Company is engaged in the business of furnishing electric service to approximately 588,000 residential, commercial, and industrial customers in Allegheny and Beaver Counties, Pennsylvania. The proposed tariff, if approved, would allow the Company an overall rate increase of \$162,700,000.00 or an increase of 13%. The Company would also be allowed an overall rate of return of 9.09% on its original cost rate base and an 11.75% return on common equity. For the residential class, the Company is proposing an overall rate increase of 18.8%. A residential customer using 600 Kwh per month will see their monthly bill for electricity usage increase by approximately \$11.99. The Company is also proposing an increase to the monthly customer charge for Residential Service. If the rates were to be approved as proposed by the Company, the monthly Customer Charge for Residential Service would increase from \$6.48 to \$11.50.

The Company is proposing to implement a Transmission Service Charge to be reconciled annually that would allow the Company to pass through transmission service charges

the Company owes to PJM. The Company is further proposing a Distribution System Improvement Charge to recover costs associated with distribution upgrades between rate cases.

*The Consumer Advocate files this Complaint to determine whether the rate increase and other charges and mechanisms sought by Company are just and reasonable based upon information filed by the Company in support of its claim. The Consumer Advocate will represent the interests of Duquesne consumers before the Commission and seek to ensure that customers are not charged rates that are unjust, unreasonable or otherwise contrary to law.*

88501.doc

CERTIFICATE OF SERVICE

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

I hereby certify that I have this day served a true copy of the foregoing document, Formal Complaint of the Office of Consumer Advocate, 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 28<sup>th</sup> day of April 2006.

SERVICE BY E-MAIL and INTEROFFICE MAIL

Johnnie E. Simms, Esquire  
Office of Trial Staff  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17105-3265

RECEIVED

APR 28 2006

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

SERVICE BY E-MAIL and FIRST CLASS MAIL

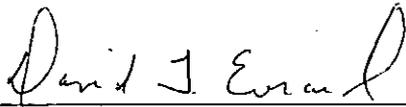
Gary A. Jack  
Duquesne Light Company  
411 Seventh Avenue,  
Mail Drop 8-2  
Pittsburgh, PA 15219  
For: *Duquesne Light Company*  
(e-mail: gjack@duglight.com)

David B. MacGregor, Esquire  
Post & Schell, P.C.  
Four Penn Center  
1600 John F. Kennedy Boulevard  
Philadelphia, PA 19103-2808  
Counsel For: *Duquesne Light Company*

Michael W. Gang, Esquire  
Post & Schell, P.C.  
12<sup>th</sup> Floor  
17 North Second Street  
Harrisburg, PA 17101-1601  
Counsel For: *Duquesne Light Company*

William R. Lloyd, Jr.  
Small Business Advocate  
Office of Small Business Advocate  
Commerce Building, Suite 1102  
300 North Second Street  
Harrisburg, PA 17101  
Counsel For: *Office of Small Business Advocate*

Pamela Polacek, Esquire  
David Kleppinger, Esquire  
McNees, Wallace, & Nurick, LLC  
100 Pine Street  
P.O. Box 1166  
Harrisburg, PA 17108-1166  
Counsel For:



---

Tanya J. McCloskey  
Senior Assistant Consumer Advocate  
David T. Evrard  
Darryl Lawrence  
Assistant Consumer Advocates

Counsel for  
Office of Consumer Advocate  
555 Walnut Street 5th Floor, Forum Place  
Harrisburg, PA 17101-1923  
(717) 783-5048

00088576.DOC

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P O BOX 3265, HARRISBURG PA 17105-3265

MAY 3, 2006

GARY A. JACK  
ASSISTANT GENERAL COUNSEL  
411 SEVENTH AVENUE, 8TH FLOOR  
PITTSBURGH PA 15219

RE: PA PUC vs. DUQUESNE LIGHT COMPANY  
Docket Number R-00061346C0002

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Dear Sir/Madam:

A Complaint has been filed against you in the above-captioned matter before the Pennsylvania Public Utility Commission by OFFICE OF CONSUMER ADVOCATE.

This complaint, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission. The Pennsylvania Public Utility Code, 66 Pa. C.S., requires the Commission to serve on each party named in a complaint a copy of the complaint.

Within twenty (20) days from the date on which this complaint is served, you may either satisfy this complaint or comply with the provisions of 52 Pa. Code, Section 5.61 et seq., as amended.

**DOCKETED**  
MAY 08 2006

Very truly yours,

*James J. McNulty*

James J. McNulty  
Secretary

(SEAL)

Certified Mail  
Return Receipt Requested

**DOCUMENT  
FOLDER**

jih

# ORIGINAL

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Formal Complaint Form

Please print or type.

R-00061346 C0003

#### 1. CUSTOMER NAME (COMPLAINANT)

Your name, mailing address, county, telephone number, utility account number and service address:

Name BERNADINE CREIGHTON

Street/P.O. Box 516 EAST END AVE Apt # \_\_\_\_\_

City PITTSBURGH State PA Zip 15221

County ALLEGHENY

Area Code/HOME Phone 412 242-4020

Area Code/WORK Phone \_\_\_\_\_

Utility Account Number 9000-141.103-001  
(from your bill)

DOCUMENT FOLDER

RECEIVED  
2006 MAY -8 AM 9:22  
SECRETARY'S OFFICE

If your complaint involves utility service provided to a different address than your mailing address, please list this information below.

Name \_\_\_\_\_

Street/P.O. Box \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

DOCKETED  
MAY 11 2006

#### 2. UTILITY NAME (RESPONDENT)

Name of utility company your complaint concerns: DUQUESNE LIGHT

#### 3. TYPE OF UTILITY (check one)

ELECTRIC

STEAM HEAT

GAS

WASTE WATER

WATER

MOTOR CARRIER

(taxi, moving company, limousine)

TELEPHONE

(local, long distance)

4. COMPLAINT (check one)

A. In general, what is your complaint?

- I want to oppose the company's proposed rate increase.
- There are incorrect charges on my bill.
- There is a reliability, safety or quality problem with my utility service.
- I received a notice that my utility service is being terminated.
- I would like a payment agreement.
- Other.  
(explain)

B. State the facts of your complaint.

Include any specific dates, times or places that are important. If the complaint is about a bill, tell us about any charges that you believe are not correct. Use additional paper if you need more space. Provide copies of all relevant documents you believe will support your complaint.

I received a notice in mail re: a proposed rate increase of 18.8%.  
That high amount is greed, and possible mismanagement.  
The PUC should not permit such price gouging of citizens.  
The notice was received 4/26/06. The filing with the PUC for the  
rate increase is effective June 6, 06.

5. RELIEF

What do you want the Public Utility Commission to do about your complaint? Use additional paper if you need more space.

Stop the proposed rate increase  
Demand that Duquesne Light Co. be more financially responsible  
to the citizens of PA.

6. PROTECTION FROM ABUSE

Answer the following question if your complaint is against a natural gas distribution company, an electric distribution company or a water company AND your complaint is about a billing problem, an application for service problem, a termination of service problem or a request for a payment agreement.

Has a court granted a "Protection from Abuse" order for your personal safety?

YES

NO

7. PRIOR UTILITY CONTACT

Answer the following question only if you are a residential customer and your complaint is against an electric distribution utility, natural gas distribution utility or a water distribution utility.

Have you spoken to a utility company representative about this complaint?

YES   
(includes appeals of BCS determinations)

NO

If you tried to, but could not speak to a utility company representative about your complaint, please explain why.

8. VERIFICATION AND SIGNATURE

You must print or type your name below on the line provided for the verification paragraph, and you must sign and date (in ink) this form on the lines provided.

Verification:

I BERNADINE CREIGHTON, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Bernadine Creighton  
(Signature)

May 3, 06  
(Date)

**9. LEGAL REPRESENTATION (IF ANY)**

If you are represented by a lawyer in this matter you must provide your lawyer's name, address and telephone number.

Lawyer's Name \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Area Code/Phone Number \_\_\_\_\_

**10. FILING**

Please return the completed form to one of the addresses listed below:

If using U.S. Postal Service:

If using overnight delivery service:

Secretary Pennsylvania Public Utility Commission P.O. Box 3265 Harrisburg, PA 17105	Secretary Pennsylvania Public Utility Commission 400 North Street Commonwealth Keystone Building, 2 <sup>nd</sup> Floor Harrisburg, Pennsylvania 17120
--	--

Facsimiles and/or electronic filings of the complaint form will not be accepted.

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

**Keep a copy of your complaint for your records.**

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P O BOX 3265, HARRISBURG PA 17105-3265

MAY 9, 2006

GARY A. JACK  
ASSISTANT GENERAL COUNSEL  
411 SEVENTH AVENUE  
8<sup>TH</sup> FLOOR  
PITTSBURGH PA 15219

DOCUMENT  
FOLDER

RE: PA PUC vs. DUQUESNE LIGHT COMPANY  
Docket Number R-00061346C0003

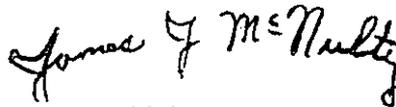
Dear Sir/Madam:

A Complaint has been filed against you in the above-captioned matter before the Pennsylvania Public Utility Commission by BERNADINE CREIGHTON.

This complaint, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission. The Pennsylvania Public Utility Code, 66 Pa. C.S., requires the Commission to serve on each party named in a complaint a copy of the complaint.

Within twenty (20) days from the date on which this complaint is served, you may either satisfy this complaint or comply with the provisions of 52 Pa. Code, Section 5.61 et seq., as amended.

Very truly yours,



James J. McNulty  
Secretary

(SEAL)

Certified Mail  
Return Receipt Requested

jih

DOCKETED  
MAY 11 2006

ORIGINAL

Formal Complaint Form

R-000613460004

Please print or type.

1. CUSTOMER NAME (COMPLAINANT)

Your name, mailing address, county, telephone number, utility account number and service address:

Name David J McAdams, MD

Street/P.O. Box 525 Hillcrest Place Apt #

City Pittsburgh State PA Zip 15216

County Allegheny

Area Code/HOME Phone 412-341-4994

Area Code/WORK Phone 412-647-4796

Utility Account Number 0000-726-385-003 (from your bill)

DOCUMENT FOLDER

If your complaint involves utility service provided to a different address than your mailing address, please list this information below.

Name

Street/P.O. Box

City State Zip

DOCKETED MAY 11 2006

2. UTILITY NAME (RESPONDENT)

Name of utility company your complaint concerns: Duquesne Light Company

3. TYPE OF UTILITY (check one)

X ELECTRIC

STEAM HEAT

GAS

WASTE WATER

WATER

MOTOR CARRIER

(taxi, moving company, limousine)

TELEPHONE (local, long distance)

RECEIVED 2006 APR 24 AM 11:12 SECRETARY'S BUREAU

43

**4. COMPLAINT (check one)**

**A. In general, what is your complaint?**

- I want to oppose the company's proposed rate increase.
- There are incorrect charges on my bill.
- There is a reliability, safety or quality problem with my utility service.
- I received a notice that my utility service is being terminated.
- I would like a payment agreement.
- Other.  
(explain)

**B. State the facts of your complaint.**

Include any specific dates, times or places that are important. If the complaint is about a bill, tell us about any charges that you believe are not correct. Use additional paper if you need more space. Provide copies of all relevant documents you believe will support your complaint.

On 4/19/06 Duquesne Light made it known that they are filing with the Pennsylvania PUC for an increase in electric distribution and transmission service rates. While capitalism would suggest that this is not unreasonable, I am simply opposed to the proposed rate for residential customers of almost 20% per billing cycle. There is no justification or reasoning given by Duquesne Light for this proposed percent increase. It seems unreasonable to me especially in a year when Pennsylvania customers have been hit very hard with high natural gas prices.

**5. RELIEF**

What do you want the Public Utility Commission to do about your complaint? Use additional paper if you need more space.

Limit or deny Duquesne Light from making the proposed rate increases.

**6. PROTECTION FROM ABUSE**

Answer the following question if your complaint is against a natural gas distribution company, an electric distribution company or a water company **AND** your complaint is about a billing problem, an application for service problem, a termination of service problem or a request for a payment agreement.

Has a court granted a "Protection from Abuse" order for your personal safety?

YES

NO

**7. PRIOR UTILITY CONTACT**

Answer the following question only if you are a residential customer and your complaint is against an electric distribution utility, natural gas distribution utility or a water distribution utility.

Have you spoken to a utility company representative about this complaint?

YES   
(includes appeals of BCS determinations)

NO

If you tried to, but could not speak to a utility company representative about your complaint, please explain why.

**8. VERIFICATION AND SIGNATURE**

You must print or type your name below on the line provided for the verification paragraph, and you must sign and date (in ink) this form on the lines provided.

**Verification:**

I David J McAdams, MD,  
hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

  
\_\_\_\_\_  
(Signature)

4/19/06  
\_\_\_\_\_  
(Date)

**9. LEGAL REPRESENTATION (IF ANY)**

If you are represented by a lawyer in this matter you must provide your lawyer's name, address and telephone number.

Lawyer's Name \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Area Code/Phone Number \_\_\_\_\_

**10. FILING**

**Please return the completed form to one of the addresses listed below:**

If using U.S. Postal Service:

If using overnight delivery service:

Secretary Pennsylvania Public Utility Commission P.O. Box 3265 Harrisburg, PA 17105	Secretary Pennsylvania Public Utility Commission 400 North Street Commonwealth Keystone Building, 2 <sup>nd</sup> Floor Harrisburg, Pennsylvania 17120
--	--

**Facsimiles and/or electronic filings of the complaint form will not be accepted.**

**If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.**

**Keep a copy of your complaint for your records.**

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P O BOX 3265, HARRISBURG PA 17105-3265

MAY 9, 2006

GARY A. JACK  
ASSISTANT GENERAL COUNSEL  
411 SEVENTH AVENUE  
8<sup>TH</sup> FLOOR  
PITTSBURGH PA 15219

DOCUMENT  
FOLDER

RE: PA PUC vs. DUQUESNE LIGHT COMPANY  
Docket Number R-00061346C0004

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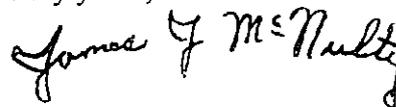
Dear Sir/Madam:

A Complaint has been filed against you in the above-captioned matter before the Pennsylvania Public Utility Commission by DAVID J. MCADAMS, MD.

This complaint, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission. The Pennsylvania Public Utility Code, 66 Pa. C.S., requires the Commission to serve on each party named in a complaint a copy of the complaint.

Within twenty (20) days from the date on which this complaint is served, you may either satisfy this complaint or comply with the provisions of 52 Pa. Code, Section 5.61 et seq., as amended.

Very truly yours,



James J. McNulty  
Secretary

(SEAL)

Certified Mail  
Return Receipt Requested

jih

DOCKETED  
MAY 11 2006



ORIGINAL

OFFICE OF SMALL BUSINESS ADVOCATE  
Suite 1102, Commerce Building  
300 North Second Street  
Harrisburg, Pennsylvania 17101

William R. Lloyd, Jr.  
Small Business Advocate

(717) 783-2525  
(717) 783-2831 (FAX)

May 11, 2006

**HAND DELIVERED**

DOCUMENT  
FOLDER

SECRETARY'S BUREAU

2006 MAY 11 PM 4:09

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
P. O. Box 3265  
Harrisburg, PA 17105-3265

**Re: Pennsylvania Public Utility Commission v. Duquesne Light Company**  
**Docket No. R-00061346 C0005**

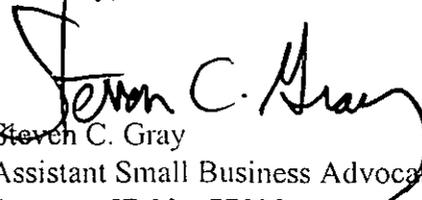
Dear Secretary McNulty:

I am delivering for filing today the original plus three copies of the Complaint, Verification, Public Statement, Prehearing Memorandum, and Notice of Appearance, on behalf of the Small Business Advocate in the above captioned matter.

Two copies have been served today on all known parties in this proceeding. A Certificate of Service to that effect is enclosed.

If you have any questions, please do not hesitate to contact me.

Sincerely,

  
Steven C. Gray  
Assistant Small Business Advocate  
Attorney ID No. 77538

**Enclosures**

cc: Hon. Larry Gesoff  
Parties of Record  
Brian Kalcic

**ORIGINAL**

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY  
COMMISSION

v.

DUQUESNE LIGHT COMPANY

DOCKET NO. R-00061346 **COOOS**

**COMPLAINT OF THE  
SMALL BUSINESS ADVOCATE**

1. The Complainant is:

William R. Lloyd, Jr.  
Small Business Advocate  
Suite 1102, Commerce Building  
300 North Second Street  
Harrisburg, PA 17101  
(717) 783-2525

2. The name and address of the Complainant's attorney is:

Steven C. Gray  
Assistant Small Business Advocate  
Office of Small Business Advocate  
Suite 1102, Commerce Building  
300 North Second Street  
Harrisburg, PA 17101  
(717) 783-2525

3. The respondent utility is:

Duquesne Light  
411 Seventh Avenue  
8<sup>th</sup> Floor  
Pittsburgh, PA 15219

SECRETARY'S BUREAU  
PA PUC  
2006 MAY 11 PM 4:09

**DOCUMENT  
FOLDER**

**DOCKETED**  
MAY 18 2006

4. The Complainant is authorized and directed by the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 - 399.50, to represent the interests of small business consumers of utility services in matters before the Pennsylvania Public Utility Commission (“Commission”).

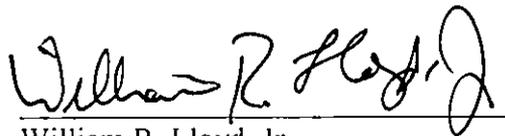
5. This Complaint is filed against the rates, terms and other provisions of PA PUC Tariff No. 24, which was filed on April 7, 2006, by Duquesne Light Company (“Duquesne” or the “Company”). The proposed Tariff, if approved by the Commission, would increase the total operating revenues of Duquesne by \$162.7 million per year. After preliminary review of the materials filed by the Company in support of the proposed Tariff, Complainant believes, and therefore avers, that those materials may be insufficient to justify the rate increase requested and that the Company’s present and proposed rates, rules, and conditions of service may be unjust, unreasonable, unduly discriminatory, and otherwise contrary to law, particularly as they pertain to small business customers.

6. Complainant believes, and therefore avers, that Duquesne’s proposed rates, rate design, and cost and revenue allocation are or may be unjust, unreasonable, and unlawfully discriminatory in violation of, *inter alia*, Sections 1301 and 1304 of the Public Utility Code, 66 Pa.C.S. §§1301 and 1304, and contrary to appropriate public policy and sound ratemaking considerations, and may not be supported by the materials filed by Duquesne.

7. In view of the foregoing, the Small Business Advocate respectfully requests that the Pennsylvania Public Utility Commission:

- A. Suspend and investigate the operation of PA PUC Tariff No. 24;
- B. *At the conclusion of such investigation, reject the proposed new rates and other tariff changes in PA PUC Tariff No. 24 to the extent required to insure that Duquesne's rates are lawful, just, reasonable and not unduly discriminatory to any class of customers; and*
- C. Grant such other relief as may be necessary or appropriate.

Respectfully submitted,



William R. Lloyd, Jr.  
Small Business Advocate  
Attorney ID No. 16452

Office of Small Business Advocate  
Suite 1102, Commerce Building  
300 North Second Street  
Harrisburg, PA 17101  
(717) 783-2525  
(717) 783-2831 (fax)

Dated: May 11, 2006

VERIFICATION

I, William R. Lloyd, Jr., hereby state that the facts set forth herein above are true and correct to the best of my knowledge, information, and belief, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. §4904 (relating to unsworn falsification to authorities).

Date: 5-11-06

William R. Lloyd, Jr.  
(Signature)

**PUBLIC STATEMENT OF  
SMALL BUSINESS ADVOCATE  
CONCERNING THE INTEREST  
OF SMALL BUSINESS CONSUMERS  
TO BE PROTECTED BY THE FILING OF A COMPLAINT  
AGAINST THE 2006 GENERAL BASE RATE INCREASE FILING OF  
DUQUESNE LIGHT COMPANY  
DOCKET NO. R-00061346 0005**

The Small Business Advocate is authorized and directed to represent the interest of small business consumers of utility services in Pennsylvania under the provisions of the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 - 399.50 ("Act"). The Act further provides that the Small Business Advocate is to issue publicly a written statement stating *concisely the specific interest of small business consumers to be protected by his initiation of or intervention in any proceeding involving those interests before the Public Utility Commission or any other agency or court.* This public statement relates to the filing today by the Small Business Advocate of a complaint against the proposed 2006 General Base Rate Increase Filing of Duquesne Light Company ("Duquesne" or the "Company").

The Small Business Advocate files this formal complaint against the Company's proposed general base rate increase in order to protect the interests of the Company's small business customers. A thorough inquiry by the Public Utility Commission into all of the elements of the Company's proposed general base rate increase is necessary to ensure that the general base rate increase is lawful, just, reasonable, and not unduly discriminatory to any class *of customers.*

In view of the foregoing, the Small Business Advocate will participate in proceedings before the Public Utility Commission to investigate the reasonableness of the proposed general base rate increase. The Small Business Advocate will ask the Commission to deny any proposed new rates and other tariff changes that apply to small business customers that are not proven by

**DOCKETED**  
MAY 18 2006

Duquesne to be lawful, just, reasonable, and not unduly discriminatory to all of its customer classes.

Dated: May 11, 2006

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY  
COMMISSION

v.

DUQUESNE LIGHT COMPANY

:  
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:  
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:  
:

DOCKET NO. R-00061346 C0005

**DOCUMENT  
FOLDER**

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**OFFICE OF SMALL BUSINESS ADVOCATE  
PREHEARING MEMORANDUM**

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**I. INTRODUCTION**

The Office of Small Business Advocate ("OSBA") is authorized to represent the interests of small business consumers of utility services before the Pennsylvania Public Utility Commission pursuant to the provisions of the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 - 399.50 ("the Act"). In order to discharge this statutory duty, the Small Business Advocate deems it necessary to participate as a party to this proceeding. Representing the OSBA in this matter is Assistant Small Business Advocate Steven C. Gray. Please address all correspondence as follows:

Steven C. Gray, Esquire  
Office of Small Business Advocate  
Suite 1102, Commerce Building  
300 North Second Street  
Harrisburg, Pennsylvania 17101  
(717) 783-2525  
(717) 783-2831 (fax)  
[sgray@state.pa.us](mailto:sgray@state.pa.us)

**DOCKETED**  
MAY 18 2006

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

MAY 11 2006

**RECEIVED**

## **II. FILING BACKGROUND**

On April 7, 2006, Duquesne Light Company (“Duquesne” or the “Company”) filed PA PUC Tariff No. 24, a general base rate filing, which requested an increase in Duquesne’s total operating revenues of \$162.7 million per year.

## **III. IDENTIFICATION OF WITNESSES AND TENTATIVE ISSUES**

Assisting in the development and presentation of the OSBA’s case in this proceeding will be:

Mr. Brian Kalcic  
Excel Consulting  
Suite 720  
225 South Meramec Avenue  
St. Louis, MO 63105  
(314) 725-2511  
bkalcic@mindspring.com

After an initial review of the materials submitted by Duquesne, the OSBA has identified the following issues:

1. Whether the Company’s proposed cost-of-service methodology is appropriate;
2. Whether the Company’s proposed assignment of its claimed transmission-related revenue requirement to rate classes is lawful, just, and reasonable;
3. Whether the Company’s proposed class revenue distribution properly moves all classes closer to their respective cost of service indications;
4. Whether the Company’s proposed rate design for its GS/GM class comports with traditional rate design principles; and
5. Whether the Company’s proposed distribution system improvement charge mechanism is lawful, just, and reasonable.

The OSBA will participate in the case to assure that the interests of small business

customers of Duquesne are adequately represented and protected.

As appropriate and necessary, the OSBA will investigate and analyze the claims and proposals of the Company and other parties through the cross-examination of witnesses appearing for those parties and through briefing. The OSBA will particularly focus on any issue where the impact on the interests of Duquesne's small business consumers would be unjustifiably different than, or disproportionate to, the impact on another class of customers, or otherwise lacking in reasonableness or basic fairness. The OSBA reserves the right to pursue additional issues as they arise throughout the proceeding.

#### **IV. SERVICE OF DOCUMENTS**

The OSBA requests that all parties serve a hard copy of any document filed in this case upon the OSBA and the OSBA witness identified above. In addition to hard copies of pleadings, briefs, and exceptions, the OSBA requests hard copies of responses to discovery propounded by the OSBA or any other party. Service by electronic mail *only* is not acceptable.

#### **V. SETTLEMENT**

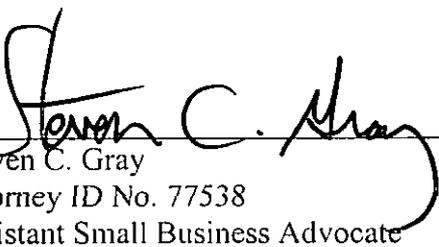
The OSBA notes its willingness to enter into settlement discussions at the appropriate phase of this proceeding.

#### **VI. HEARING AND BRIEFING SCHEDULE**

The OSBA has been in discussions with the Company and other parties to create an appropriate procedural schedule. Given the Governor's desire to limit the travel of State Offices

under his jurisdiction, the OSBA respectfully requests that the evidentiary hearings take place in Harrisburg.

Respectfully submitted,

  
\_\_\_\_\_  
Steven C. Gray  
Attorney ID No. 77538  
Assistant Small Business Advocate

For:

William R. Lloyd, Jr.  
Attorney ID No. 16452  
Small Business Advocate

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

Dated: May 11, 2006

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY COMMISSION :  
v. : DOCKET NO. R-00061346 **C0005**  
DUQUESNE LIGHT COMPANY :

**NOTICE OF APPEARANCE**

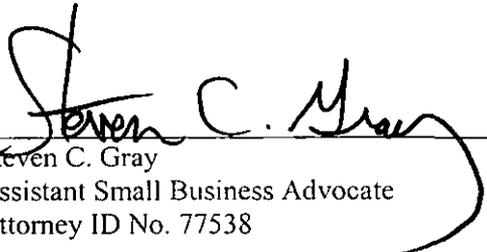
The Office of Small Business Advocate, pursuant to 52 Pa. Code § 1.24, hereby enters the appearance of Steven C. Gray, in the above-captioned proceeding.

Documents in this proceeding should now be served on the following:

Steven C. Gray  
Office of Small Business Advocate  
300 North Second Street – Suite 1102  
Harrisburg, PA 17101  
(717) 783-2525  
(717) 783-2831 (fax)  
[sgray@state.pa.us](mailto:sgray@state.pa.us)

**DOCUMENT  
FOLDER**

**DOCKETED**  
MAY 18 2006

  
\_\_\_\_\_  
Steven C. Gray  
Assistant Small Business Advocate  
Attorney ID No. 77538

Office of Small Business Advocate  
300 North Second Street – Suite 1102  
Harrisburg, PA 17101  
(717) 783-2525  
(717) 783-2831 (fax)

Dated: May 11, 2006

**RECEIVED**

MAY 11 2006

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PENNSYLVANIA PUBLIC UTILITY :  
COMMISSION :

v. :

DUQUESNE LIGHT COMPANY :

DOCKET NO. R-00061346

SECRETARY'S PUBLIC UTILITY BUREAU  
2009 MAY 11 PM 4:09

**CERTIFICATE OF SERVICE**

I certify that I am serving two copies of the Complaint, Public Statement, Verification, Notice of Appearance, and Prehearing Memorandum, on behalf of the Office of Small Business Advocate, by e-mail and first class mail (unless otherwise noted) upon the persons addressed below:

Hon. Larry Gesoff  
Administrative Law Judge  
Pa. Public Utility Commission  
1103 Pittsburgh State Office Bldg.  
Pittsburgh, PA 15222  
(412) 880-0435  
(412) 565-5692 (fax)  
[lgesoff@state.pa.us](mailto:lgesoff@state.pa.us)

Gary A. Jack  
Duquesne Light  
411 Seventh Avenue - 8<sup>th</sup> Floor  
Pittsburgh, PA 15219  
(412) 393-1541  
(412) 393-1418 (fax)  
[gjack@duqlight.com](mailto:gjack@duqlight.com)

David M. Kleppinger, Esquire  
Pamela C. Polacek, Esquire  
Adam L. Benschhoff, Esquire  
McNees Wallace & Nurick LLC  
100 Pine Street  
P. O. Box 1166  
Harrisburg, PA 17108-1166  
(717) 232-8000  
(717) 237-5300 (fax)  
[dkleppin@mwn.com](mailto:dkleppin@mwn.com)  
[ppolacek@mwn.com](mailto:ppolacek@mwn.com)  
[abenschhoff@mwn.com](mailto:abenschhoff@mwn.com)

Scott J. Rubin, Esquire  
3 Lost Creek Drive  
Selinsgrove, PA 17870  
(570) 743-2233  
(570) 743-8145 (fax)  
[scott@publicutilityhome.com](mailto:scott@publicutilityhome.com)

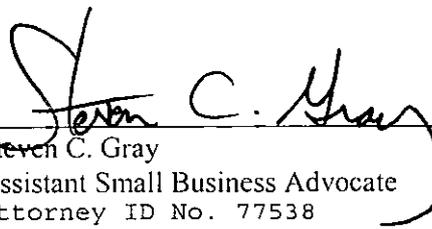
Robert Eckenrod, Esquire  
Charles Daniel Shields, Esquire  
Office of Trial Staff  
Pa. Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105  
(717) 787-1976  
(717) 772-2677 (fax)  
[roeckenrod@state.pa.us](mailto:roeckenrod@state.pa.us)  
[chshields@state.pa.us](mailto:chshields@state.pa.us)

Tanya J. McCloskey, Esquire  
David T. Evrard, Esquire  
Darryl Lawrence, Esquire  
Office of Consumer Advocate  
555 Walnut Street 5th FL Forum Place  
Harrisburg, PA 17101-1923  
(717) 783-5048  
(717) 783-7152 (fax)  
[Tmccloskev@paoca.org](mailto:Tmccloskev@paoca.org)  
[devrard@paoca.org](mailto:devrard@paoca.org)  
[dlawrence@paoca.org](mailto:dlawrence@paoca.org)

Michael W. Gang, Esquire  
Post & Schell  
17 North Second Street - 12<sup>th</sup> Floor  
Harrisburg, PA 17101-1601  
(717) 612-6032  
[mgang@postschell.com](mailto:mgang@postschell.com)

David B. MacGregor, Esquire  
Post & Schell  
Four Penn Center  
1600 John F. Kennedy Boulevard  
Philadelphia, PA 19103  
(215) 587-1197  
[dmacgregor@postschell.com](mailto:dmacgregor@postschell.com)

Date: May 11, 2006

  
Steven C. Gray  
Assistant Small Business Advocate  
Attorney ID No. 77538

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P O BOX 3265, HARRISBURG PA 17105-3265

MAY 12, 2006

GARY A. JACK  
ASSISTANT GENERAL COUNSEL  
411 SEVENTH AVENUE  
8<sup>th</sup> FLOOR  
PITTSBURGH PA 15219

**DOCKETED**  
MAY 18 2006

RE: PA PUC vs. DUQUESNE LIGHT COMPANY  
Docket Number R-00061346C0005

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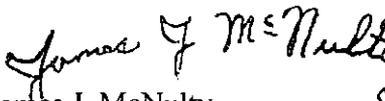
Dear Sir/Madam:

A Complaint has been filed against you in the above-captioned matter before the Pennsylvania Public Utility Commission by OFFICE OF SMALL BUSINESS ADVOCATE.

This complaint, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission. The Pennsylvania Public Utility Code, 66 Pa. C.S., requires the Commission to serve on each party named in a complaint a copy of the complaint.

Within twenty (20) days from the date on which this complaint is served, you may either satisfy this complaint or comply with the provisions of 52 Pa. Code, Section 5.61 et seq., as amended.

Very truly yours,

  
James J. McNulty  
Secretary

(SEAL)

Certified Mail  
Return Receipt Requested

jih

**DOCUMENT  
FOLDER**

ORIGINAL

Formal Complaint Form

Please print or type.

R-00061346C0006

1. CUSTOMER NAME (COMPLAINANT)

Your name, mailing address, county, telephone number, utility account number and service address:

Name RICHARD O. TOMMARELLO

Street/P.O. Box 526 WIMER CIRCLE Apt #

City PITTSBURGH State PA Zip 15237

County ALLEGHENY

Area Code/HOME Phone 412-367-4522

Area Code/WORK Phone 412-733-4006

Utility Account Number 7000-414-192-001 (from your bill)

RECEIVED 2006 MAY 26 AM 9:05 PA.P.U.C. SECRETARY'S BUREAU

If your complaint involves utility service provided to a different address than your mailing address, please list this information below.

Name \_\_\_\_\_ DOCUMENT

Street/P.O. Box \_\_\_\_\_ FOLDER

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

2. UTILITY NAME (RESPONDENT)

Name of utility company your complaint concerns: DUQUESNE LIGHT

3. TYPE OF UTILITY (check one)

- ELECTRIC
- GAS
- WATER
- TELEPHONE (local, long distance)
- STEAM HEAT
- WASTE WATER
- MOTOR CARRIER (taxi, moving company, limousine)

DOCKETED JUN 6 - 2006

26

4. COMPLAINT (check one)

A. In general, what is your complaint?

- I want to oppose the company's proposed rate increase.
- There are incorrect charges on my bill.
- There is a reliability, safety or quality problem with my utility service.
- I received a notice that my utility service is being terminated.
- I would like a payment agreement.
- Other.  
(explain)

B. State the facts of your complaint.

Include any specific dates, times or places that are important. If the complaint is about a bill, tell us about any charges that you believe are not correct. Use additional paper if you need more space. Provide copies of all relevant documents you believe will support your complaint.

RECEIVED AN INSERT WITH MY LAST UTILITY BILL OF "NOTICE OF PROPOSED RATE CHANGES" EFFECTIVE JUNE 6, 2006. THE INCREASE FOR THE AVERAGE RESIDENTIAL CUSTOMER WOULD BE 18.8% ! NOT TO MENTION THE INCREASE FOR COMMERCIAL AND ~~RESIDENTIAL~~ INDUSTRIAL CUSTOMERS.

5. RELIEF

What do you want the Public Utility Commission to do about your complaint? Use additional paper if you need more space.

I WANT THE PUC TO DILIGENTLY PURSUE AND REVIEW THE JUSTIFICATION OF SUCH A RATE INCREASE FOR RESIDENTIAL CUSTOMERS OF ALMOST 20% ! I SEE NO JUSTIFICATION OF MORE THAN A 3% TO 4% INCREASE.

6. PROTECTION FROM ABUSE

Answer the following question if your complaint is against a natural gas distribution company, an electric distribution company or a water company **AND** your complaint is about a billing problem, an application for service problem, a termination of service problem or a request for a payment agreement.

Has a court granted a "Protection from Abuse" order for your personal safety?

YES

NO

7. PRIOR UTILITY CONTACT

Answer the following question only if you are a residential customer and your complaint is against an electric distribution utility, natural gas distribution utility or a water distribution utility.

Have you spoken to a utility company representative about this complaint?

YES   
(includes appeals of BCS determinations)

NO

If you tried to, but could not speak to a utility company representative about your complaint, please explain why.

8. VERIFICATION AND SIGNATURE

You must print or type your name below on the line provided for the verification paragraph, and you must sign and date (in ink) this form on the lines provided.

**Verification:**

I RICHARD D. TOMMARELLO, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

*Richard D. Tommarello*  
(Signature)

05/24/2006  
(Date)

**9. LEGAL REPRESENTATION (IF ANY)**

If you are represented by a lawyer in this matter you must provide your lawyer's name, address and telephone number.

Lawyer's Name \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Area Code/Phone Number \_\_\_\_\_

**10. FILING**

**Please return the completed form to one of the addresses listed below:**

If using U.S. Postal Service:

If using overnight delivery service:

Secretary Pennsylvania Public Utility Commission P.O. Box 3265 Harrisburg, PA 17105	Secretary Pennsylvania Public Utility Commission 400 North Street Commonwealth Keystone Building, 2 <sup>nd</sup> Floor Harrisburg, Pennsylvania 17120
--	--

**Facsimiles and/or electronic filings of the complaint form will not be accepted.**

**If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.**

**Keep a copy of your complaint for your records.**



Prep. in request to PUC (over)

The state agency which approves rates for public utilities is the PUC. The PUC will examine the requested rate increase and can prevent existing rates from changing until it investigates increase has been requested.

The state agency which approves rates for public utilities is the PUC. The PUC will examine the requested rate increase and can prevent existing rates from changing until it investigates increase has been requested.

To find out your customer class or how the requested increase may affect your electric bill, contact Duquesne Light at 1-888-393-7100.

The rates requested by the company are in its Tariff Number 24. You may examine the material filed with the PUC which explains the requested increase and the reasons for it. A copy of this material is available for your review at 708 Smithfield Street or 411 Seventh Avenue, Pittsburgh, PA 15219. Upon request, the company will send you the Statement of Reasons for Tariff Number 24 explaining why the rate increase has been requested.

To find out your customer class or how the requested increase may affect your electric bill, contact Duquesne Light at 1-888-393-7100.

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To find out your customer class or how the requested increase may affect your electric bill, contact Duquesne Light at 1-888-393-7100.

**NOTICE OF PROPOSED RATE CHANGES**

ASK FOR RATES DEPARTMENT #1-800-624-9896

To Our Customers: Clear up electrical system -

Duquesne Light Company ("Duquesne Light") is filing with the Pennsylvania Public Utility Commission (PUC) a request to increase electric distribution and transmission service rates effective June 6, 2006. This Notice describes the company's rate request, the PUC's role, and what actions you can take.

Duquesne Light has requested an overall rate increase of \$162.7 million per year. This amount includes an increase of \$143.7 million in rates for electric distribution and an increase of approximately \$19 million due to a pass-through for charges that Duquesne Light will pay for transmission services it purchases under tariffs regulated by the Federal Energy Regulatory Commission. If the company's entire request is approved, the total bill for an average residential customer using 600 kilowatt-hours per month would increase from \$63.87 to \$75.85 or 18.8 percent. The total bill for an average commercial customer using 10,000 kilowatt-hours per month would increase from \$1,122.69 to \$1,214.42 or 8.2 percent. The total bill for an average industrial customer using 200,000 kilowatt-hours per month would increase from \$14,896.57 to \$17,402.03 or 16.8 percent.

These proposed increases and percentages represent total Duquesne Light rates, which include rates for distribution, transmission and generation.

To find out your customer class or how the requested increase may affect your electric bill, contact Duquesne Light at 1-888-393-7100.

The rates requested by the company are in its Tariff Number 24. You may examine the material filed with the PUC which explains the requested increase and the reasons for it. A copy of this material is available for your review at 708 Smithfield Street or 411 Seventh Avenue, Pittsburgh, PA 15219. Upon request, the company will send you the Statement of Reasons for Tariff Number 24 explaining why the rate increase has been requested.

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The rates requested by the company are in its Tariff Number 24. You may examine the material filed with the PUC which explains the requested increase and the reasons for it. A copy of this material is available for your review at 708 Smithfield Street or 411 Seventh Avenue, Pittsburgh, PA 15219. Upon request, the company will send you the Statement of Reasons for Tariff Number 24 explaining why the rate increase has been requested.

To find out your customer class or how the requested increase may affect your electric bill, contact Duquesne Light at 1-888-393-7100.

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To find out your customer class or how the requested increase may affect your electric bill, contact Duquesne Light at 1-888-393-7100.

and/or holds hearings on the request. The company must prove that the requested rates are reasonable. After examining the evidence, the PUC may grant all, some, or none of the request or may reduce existing rates.

The PUC may change the amount of the rate increase or decrease requested by the utility for each customer class. As a result, the rate charged to you may be different than the rate requested by the company and shown above.

There are three ways to challenge a company's request to change its rates:

- You can file a formal complaint. If you want a hearing before a judge, you must file a formal complaint. By filing a formal complaint, you assure yourself the opportunity to take part in hearings about the rate increase request. All complaints should be filed with the PUC before July 6, 2006. If no formal complaints are filed, the Commission may grant all, some or none of the request without holding a hearing before a judge.
- You can send us a letter telling why you object to the requested rate increase. Sometimes there is information in these letters that makes us aware of problems with the company's service or management. This information can be helpful when we investigate the rate request. Send your letter or request for a formal complaint form to the Pennsylvania Public Utility Commission, Post Office Box 3265, Harrisburg, PA 17105-3265.
- You can be a witness at a public input hearing. Public input hearings are held if the Commission opens an investigation of the company's rate increase request and if there is a large number of customers interested in the case. At these hearings you have the opportunity to present your views in person to the PUC judge hearing the case and the company representatives. All testimony given "under oath" becomes part of the official rate case record. These hearings are held in the service area of the company.

**Duquesne Light**  
Our Energy... Your Power™

Policy # 451996880  
58.27  
5007 - New  
1-866-832-7700  
10 P. 05  
708  
99

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P O BOX 3265, HARRISBURG PA 17105-3265

JUNE 5, 2006

GARY A. JACK ASSIST GENERAL COUNSEL  
DUQUESNE LIGHT COMPANY  
411 SEVENTH AVENUE 8<sup>TH</sup> FLOOR  
PITTSBURGH PA 15219

DOCUMENT  
FOLDER

RE: PA PUC vs DUQUESNE LIGHT COMPANY  
Docket Number R-00061346C0006

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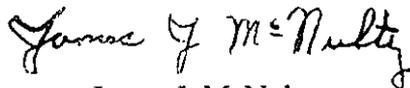
Dear Sir/Madam:

A Complaint has been filed against you in the above-captioned matter before the Pennsylvania Public Utility Commission by RICHARD O TOMMARELLO.

This complaint, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission. The Pennsylvania Public Utility Code, 66 Pa. C.S., requires the Commission to serve on each party named in a complaint a copy of the complaint.

Within twenty (20) days from the date on which this complaint is served, you may either satisfy this complaint or comply with the provisions of 52 Pa. Code, Section 5.61 et seq., as amended.

Very truly yours,



James J. McNulty  
Secretary

(SEAL)

Certified Mail  
Return Receipt Requested

ddi

**DOCKETED**  
JUN 6 - 2006

ORIGINAL

Theodore H. Jobses  
Direct Dial: (215) 299-2786  
Email Address: tjobses@foxrothschild.com

June 28, 2006

RECEIVED

JUN 28 2006

**VIA FEDERAL EXPRESS**

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

DOCUMENT  
FOLDER

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**Re: Pennsylvania Large Energy Users Coalition v. Duquesne Light Company**  
**Docket No. R-00061346** 00007

Dear Secretary McNulty:

Enclosed for filing are an original and four (4) copies of this transmittal letter and the Pennsylvania Large Energy Users Coalition's Complaint in the above matter. Copies of the enclosed Complaint are being served upon counsel for Duquesne and the parties or their counsel set forth on the Certificate of Service.

Should you have any questions regarding the above, please call me at (215) 299-2786. Please date stamp and return to me in the self-addressed envelope I have enclosed, the extra copy of this letter and the Complaint. Thank you for your cooperation.

Very truly yours,



Theodore H. Jobses  
Counsel to Pennsylvania Large  
Energy Users Coalition

THJ:fme

Enclosures

- cc: Honorable Larry Gesoff (w/encl.) (via electronic mail and federal express)
- Honorable Michael A. Nemecek (w/encl.) (via electronic mail and federal express)
- Barnett Satinsky, Esq. (w/encl.)
- Steven S. Goldenberg, Esq. (w/encl.)
- Paul F. Forshay, Esq. (w/encl.)
- All Parties of record as set forth on the Certificate of Service

65

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**PENNSYLVANIA LARGE ENERGY USERS  
COALITION,**

v.

**DUQUESNE LIGHT COMPANY.**

:  
:  
:  
:  
:  
:  
:

**DOCKET NO. R-00061346** CO0007

**DOCUMENT  
FOLDER**

**COMPLAINT**

TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to the provisions of Section 701 of the Pennsylvania Public Utility Code, 66 Pa. C.S.A. § 701, and Sections 5.21 and 5.22 of the Pennsylvania Public Utility Commission's ("Commission") regulations, 52 Pa. Code §§ 5.21 & 5.22, the Pennsylvania Large Energy Users Coalition ("PALEUC") hereby complains against the proposed Tariff Electric – PA P.U.C. NO. 24, which supersedes Electric – P.A. P.U.C. No. 23, as supplemented, of Duquesne Light Company ("Duquesne"), and by which Duquesne requests an increase in its distribution base rates under Section 1308 of the Public Utility Code, 66 Pa. C.S.A. § 1308, and the Electricity Generation Customer Choice and Competition Act, 66 Pa. C.S.A. §§ 2801 et seq. ("Competition Act"). In support of its Complaint, PALEUC states as follows:

1. This Complaint is brought on behalf of PALEUC, an association of large end-use customers of Duquesne, whose initial membership list is attached as an exhibit. The list will be updated as required during the pendency of this matter.

**DOCKETED**  
JUL 07 2006

**RECEIVED**  
JUN 28 2006  
PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

2. The names and address of PALEUC's attorneys are:

Theodore H. Jobes, Esquire  
FOX ROTHSCHILD LLP  
2000 Market Street  
Philadelphia, PA 19103  
Phone: (215) 299-2000  
Fax: (215) 299-2150  
[tjobes@foxrothschild.com](mailto:tjobes@foxrothschild.com)

Steven S. Goldenberg, Esquire  
FOX ROTHSCHILD LLP  
Princeton Pike Corporate Center  
997 Lenox Drive, Building 3  
Lawrenceville, NJ 08648-2311  
Phone: (609) 896-4586  
Fax: (609) 896-1469  
[sgoldenberg@foxrothschild.com](mailto:sgoldenberg@foxrothschild.com)

Paul F. Forshay, Esquire  
Sutherland, Asbill & Brennan, LLP  
1275 Pennsylvania Avenue, NW  
Washington, DC 20004  
Phone: 202-383-0708  
Fax: 202-637-3593  
[paul.forshay@sablaw.com](mailto:paul.forshay@sablaw.com)

All correspondence in this proceeding from the Commission should be directed to the attention of Steven S. Goldenberg and Paul F. Forshay at the addresses provided.

3. The Respondent utility is:

Duquesne Light Company  
411 Seventh Avenue  
Mail Drop 8-2  
Pittsburgh, PA 15219

4. By application dated April 7, 2006, Duquesne filed a proposed Tariff Electric -- PA. P.U.C. NO. 24 which would supersede Electric -- PA. P.U.C. NO. 23 and its supplements, which is proposed to become effective January 1, 2007. By its filing, Duquesne requests an

increase in its distribution rates of approximately \$144 million, and an 11.5% return on equity. Duquesne states that the rate increase is necessary in order to improve the Company's overall financial condition, fund its capital investments, infrastructure improvements and O&M expenses, and to support social programs such as the Customer Assistance Program ("CAP"). Duquesne's filing also includes an estimated \$19 million increase in Duquesne's transmission rates, which it proposes to pass through to customers beginning January 1, 2007, through a Transmission Service Charge ("TSC"). If approved, the distribution rate increase request and pass through of the TSC would produce an overall rate increase of approximately 13%. In addition, Duquesne proposes to establish a Distribution System Improvement Charge ("DSIC"), through which Duquesne would recover from ratepayers the costs associated with distribution system improvement and relocation projects that occur between base rate proceedings, without the necessity of full base rate case review.

5. This complaint is directed against the rates, terms and provisions contained in Duquesne's proposed Tariff Electric – PA. P.U.C. NO. 24.

6. PALEUC is an association of large end use, industrial customers that are located within Duquesne's service territory and obtain electric service from Duquesne. The current members of PALEUC take service from Duquesne under Rate Schedules L and GL. PALEUC members will be directly affected by any changes in rates occasioned by the distribution rate filing and therefore, will be substantially and specifically affected by the outcome of this proceeding and have interests that are not represented by any other party of record. Notwithstanding its unique interests, where it is possible and practical for it to do so, PALEUC will endeavor to work cooperatively with other parties in the interests of administrative

efficiency and economy. Accordingly, PALEUC satisfies the standards for intervention under Section 5.72 of the Commission's regulations. See 52 Pa. Code § 5.72.

7. PALEUC alleges that the testimony and accompanying data filed in support of the proposed rates and tariff revisions in Duquesne's Tariff Electric – PA. P.U.C. NO. 24 fail to establish that the proposed rates are just, reasonable, and nondiscriminatory, as required by Section 1301 and 1304 of the Public Utility Code, 66 Pa. C.S.A. §§ 1301 & 1304.

8. Pursuant to Section 315 (a) of the Public Utility Code, 66 Pa. C.S.A. § 315(a), Duquesne has the burden of proof that its proposed rates are just and reasonable and consistent with Section 1301 of the Public Utility Code, 66 Pa. C.S.A. § 1301.

9. Based upon its preliminary review of Duquesne's filing, PALEUC respectfully urges the Commission to investigate the justness, prudence and reasonableness of:

- (a) the rate increase requested by Duquesne;
- (b) the expenses claimed by Duquesne;
- (c) the allocation of the proposed distribution rate increase between rate classes;
- (d) the rate structure and rate design proposed by Duquesne;
- (e) the cost of service proposed by Duquesne;
- (f) the 11.75% return on equity proposed by Duquesne;
- (g) the proposed TSC; and
- (h) the proposed DSIC.

PALEUC reserves the right to address other issues of concern upon its further review of Duquesne's filing and during the course of the proceeding.

10. PALEUC respectfully requests the Commission to provide the following relief:

- (a) Investigate the rates, terms and provisions contained in Duquesne's proposed Tariff Electric – PA. P.U.C. NO. 24 in full evidentiary hearings;

- (b) Allow PALEUC to participate fully in the evidentiary proceeding, cross-examine all witnesses, present its own evidence and witnesses, and offer arguments on its own behalf; and
- (c) Require Duquesne to justify and substantiate its proposed rate increase and tariff revisions.

**WHEREFORE**, the Pennsylvania Large Energy Users Coalition respectfully requests that Duquesne Light Company be required to answer this Complaint and that, upon a final hearing, the Commission make such order as it deems necessary and appropriate.

Respectfully submitted,

FOX ROTHSCHILD LLP

By



Theodore H. Jobes, Esquire  
FOX ROTHSCHILD LLP  
2000 Market Street  
Philadelphia, PA 19103  
Phone: (215) 299-2000  
Fax: (215) 299-2150  
[tjobes@foxrothschild.com](mailto:tjobes@foxrothschild.com)

Steven S. Goldenberg, Esquire  
FOX ROTHSCHILD LLP  
Princeton Pike Corporate Center  
997 Lenox Drive, Building 3  
Lawrenceville, NJ 08648-2311  
Phone: (609) 896-4586  
Fax: (609) 896-1469  
[sgoldenberg@foxrothschild.com](mailto:sgoldenberg@foxrothschild.com)

Paul F. Forshay, Esquire  
Sutherland, Asbill & Brennan, LLP  
1275 Pennsylvania Avenue, NW  
Washington, DC 20004  
Phone: 202-383-0708  
Fax: 202-637-3593  
[paul.forshay@sablaw.com](mailto:paul.forshay@sablaw.com)

Dated: June 28, 2006



APPENDIX

PENNSYLVANIA LARGE ENERGY USERS COALITION  
Docket No. R-00061346 COO

Membership List

American Beverage Corporation  
Hussey Copper  
United States Gypsum Company

RECEIVED

JUN 28 2006

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**CERTIFICATE OF SERVICE**

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

**VIA FIRST CLASS MAIL**

Richard Herskoritz, Esq.  
Gary Jack, Esq.  
Duquesne Light Company  
411 Seventh Avenue  
Pittsburgh, PA 15219

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

Office of the Consumer Advocate  
555 Walnut Street  
Forum Place – 5<sup>th</sup> Floor  
Harrisburg, PA 17101-1921

Office of Trial Staff  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120

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

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

  
Theodore H. Jones  
Counsel to Pennsylvania Large  
Energy Users Coalition

Dated this 28<sup>th</sup> day of June, 2006, in Philadelphia, Pennsylvania.

RECEIVED

JUN 28 2006

PA PUBLIC UTILITIES COMMISSION REGION

RECEIVED  
2006 JUL 7 11 8:48  
PENNSYLVANIA  
SECRETARY'S BUREAU

Theodore H. Jobes  
Direct Dial: (215) 299-2786  
Email Address: tjobes@foxrothschild.com

July 5, 2006

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

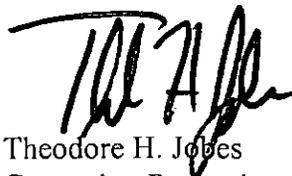
Re: **Pennsylvania Large Energy Users Coalition v. Duquesne Light Company**  
**Docket No. R-00061346** COC07

Dear Secretary McNulty:

Enclosed is the original Affidavit of Paul F. Forshay, Esquire in Support of Motion for Special Admission of Counsel. A copy of the affidavit was attached to the motion for special admission of counsel which was previously filed.

Should you have any questions regarding the above, please call me at (215) 299-2786.

Very truly yours,



Theodore H. Jobes  
Counsel to Pennsylvania Large  
Energy Users Coalition

THJ:sr  
Enclosure

18

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P O BOX 3265, HARRISBURG PA 17105-3265

JULY 7, 2006

GARY A. JACK  
ASSISTANT GENERAL COUNSEL  
411 SEVENTH AVENUE  
8<sup>TH</sup> FLOOR  
PITTSBURGH PA 15219,

DOCUMENT  
FOLDER

RE: PA PUC vs. DUQUESNE LIGHT COMPANY  
Docket Number R-00061346C0007

Dear Sir/Madam:

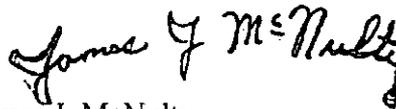
A Complaint has been filed against you in the above-captioned matter before the Pennsylvania Public Utility Commission by PENNSYLVANIA LARGE ENERGY USERS COALITION.

This complaint, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission. The Pennsylvania Public Utility Code, 66 Pa. C.S., requires the Commission to serve on each party named in a complaint a copy of the complaint.

Within twenty (20) days from the date on which this complaint is served, you may either satisfy this complaint or comply with the provisions of 52 Pa. Code, Section 5.61 et seq., as amended.

**DOCKETED**  
JUL 07 2006

Very truly yours,



James J. McNulty  
Secretary

(SEAL)

Certified Mail  
Return Receipt Requested

jih

# ORIGINAL

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Formal Complaint Form

RECEIVED  
2006 JUL 10 AM 9:49  
U.S. SECRETARY'S BUREAU

Please print or type.

R-0006134600008

#### 1. CUSTOMER NAME (COMPLAINANT)

Your name, mailing address, county, telephone number, utility account number and service address:

Name Charles E. Swintek

Street/P.O. Box 21 Windvale Dr Apt # \_\_\_\_\_

City Pittsburgh State Pa Zip 15236

County Allegheny

Area Code/HOME Phone 412-881-4098

Area Code/WORK Phone \_\_\_\_\_

Utility Account Number 2000-242-190-001  
(from your bill)

DOCUMENT  
FOLDER

If your complaint involves utility service provided to a different address than your mailing address, please list this information below.

Name \_\_\_\_\_

Street/P.O. Box \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

#### 2. UTILITY NAME (RESPONDENT)

Name of utility company your complaint concerns: Duquesne Light Company

#### 3. TYPE OF UTILITY (check one)

- ELECTRIC
- GAS
- WATER
- TELEPHONE  
(local, long distance)
- STEAM HEAT
- WASTE WATER
- MOTOR CARRIER  
(taxi, moving company, limousine)

**DOCKETED**

JUL 25 2006

52

4. **COMPLAINT** (check one)

A. In general, what is your complaint?

- I want to oppose the company's proposed rate increase.
- There are incorrect charges on my bill.
- There is a reliability, safety or quality problem with my utility service.
- I received a notice that my utility service is being terminated.
- I would like a payment agreement.
- Other.  
(explain)

B. State the facts of your complaint.

Include any specific dates, times or places that are important. If the complaint is about a bill, tell us about any charges that you believe are not correct. Use additional paper if you need more space. Provide copies of all relevant documents you believe will support your complaint.

*Stranded Costs*  
Customers have not forgotten the huge changes passed on ~~to~~ customers because of questionable nuclear facility adventures. Customers paid for this donnybrook when it was Duquesne management and shareholders that endorsed the nuclear plants. Customers do not want more unnecessary expenditures.

5. **RELIEF**

What do you want the Public Utility Commission to do about your complaint? Use additional paper if you need more space.

The proposed customer rate increase is unreasonable unless the proposed distribution system additions or improvements fulfill an urgent current need. The size of the proposed rate increase dictates that the capital system improvements be delayed or spread over several years unless there is a present urgent need for immediate actions.

Deny the proposed rate increase,  
and if the system improvements are reasonable, then spread them over the future as the expenditures are made because of a then existing urgency.

6. PROTECTION FROM ABUSE

Answer the following question if your complaint is against a natural gas distribution company, an electric distribution company or a water company AND your complaint is about a billing problem, an application for service problem, a termination of service problem or a request for a payment agreement.

Has a court granted a "Protection from Abuse" order for your personal safety?

YES

NO

7. PRIOR UTILITY CONTACT

Answer the following question only if you are a residential customer and your complaint is against an electric distribution utility, natural gas distribution utility or a water distribution utility.

Have you spoken to a utility company representative about this complaint?

YES   
(includes appeals of BCS determinations)

NO

If you tried to, but could not speak to a utility company representative about your complaint, please explain why. *Such an endeavor would be fruitless. Duquesne wants a significant rate increase even if not urgent or necessary.*

8. VERIFICATION AND SIGNATURE

You must print or type your name below on the line provided for the verification paragraph, and you must sign and date (in ink) this form on the lines provided.

Verification:

1 Charles E. Swintek hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Charles E. Swintek  
(Signature)

July 5, 2006  
(Date)

**9. LEGAL REPRESENTATION (IF ANY)**

If you are represented by a lawyer in this matter you must provide your lawyer's name, address and telephone number.

Lawyer's Name \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Area Code/Phone Number \_\_\_\_\_

**10. FILING**

**Please return the completed form to one of the addresses listed below:**

If using U.S. Postal Service:

If using overnight delivery service:

Secretary Pennsylvania Public Utility Commission P.O. Box 3265 Harrisburg, PA 17105	Secretary Pennsylvania Public Utility Commission 400 North Street Commonwealth Keystone Building, 2 <sup>nd</sup> Floor Harrisburg, Pennsylvania 17120
--	--

**Facsimiles and/or electronic filings of the complaint form will not be accepted.**

**If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.**

**Keep a copy of your complaint for your records.**

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P O BOX 3265, HARRISBURG PA 17105-3265

JULY 19, 2006

GARY A. JACK  
ASSISTANT GENERAL COUNSEL  
411 SEVENTH AVENUE  
8<sup>TH</sup> FLOOR  
PITTSBURGH PA 15219

DOCUMENT  
FOLDER

RE: PA PUC vs. DUQUESNE LIGHT COMPANY  
Docket Number R-00061346C0008

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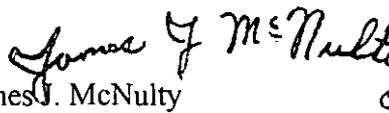
Dear Sir/Madam:

A Complaint has been filed against you in the above-captioned matter before the Pennsylvania Public Utility Commission by CHARLES E. SWINTEK.

This complaint, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission. The Pennsylvania Public Utility Code, 66 Pa. C.S., requires the Commission to serve on each party named in a complaint a copy of the complaint.

Within twenty (20) days from the date on which this complaint is served, you may either satisfy this complaint or comply with the provisions of 52 Pa. Code, Section 5.61 et seq., as amended.

Very truly yours,

  
James J. McNulty  
Secretary

(SEAL)

Certified Mail  
Return Receipt Requested

**DOCKETED**  
JUL 25 2006

jih



411 Seventh Avenue  
8<sup>th</sup> Floor  
Pittsburgh, PA 15219

Tel 412-393-1541  
Fax 412-393-1418  
gjack@duqlight.com

**ORIGINAL**

**Gary A. Jack**  
Assistant General Counsel

May 25, 2006

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

**DOCUMENT  
FOLDER**

**RECEIVED**  
2006 MAY 30 AM 9:52  
PA PUBLIC UTILITY  
SECRETARY'S BUREAU

RE: Bernadine Creighton v. Duquesne Light Company  
Docket No. R-00061346C0003

Dear Secretary McNulty:

This letter is being submitted pursuant to 52 Pa. Code § 5.24(b)(2) to certify that Ms. Creighton has acknowledged to Duquesne Light Company ("Duquesne") that she no longer wishes to pursue her complaint. As such, Duquesne respectfully requests that the Pennsylvania Public Utility Commission mark the above-referenced docket closed.

Pursuant to 52 Pa. Code § 5.24(c), Duquesne hereby notifies Ms. Creighton that she can object to this certification in writing, within 10 days. If she does not object, the Complaint at the above-referenced docket will be marked closed.

A copy of this letter has been provided to the parties listed on the enclosed certificate of service.

If you have any questions regarding these matters, please contact the undersigned.

Respectfully submitted,

Gary A. Jack  
Assistant General Counsel

c: Certificate of Service

Enclosures

**DOCKETED**  
JUN 02 2006

17

**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**

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Office of Consumer Advocate  
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Forum Place, 5<sup>th</sup> Floor  
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111 Market Place, Suite 700  
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David J. McAdams, MD  
525 Hillcrest Place  
Pittsburgh, PA 15216

Kris Moser  
2002 Borland Road  
Pittsburgh, PA 15243-1530

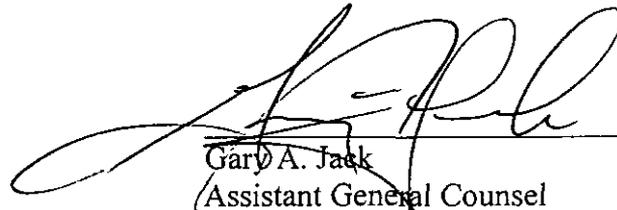
Gregory Rhodes  
One Oxford Centre, 40<sup>th</sup> Floor  
Pittsburgh, PA 15219

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

SECRETARY,  
PUBLIC UTILITIES  
BUREAU

2006 MAY 30 AM 9:53

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Gary A. Jack  
Assistant General Counsel  
Duquesne Light Company  
411 Seventh Avenue, 8<sup>th</sup> Floor  
Pittsburgh, PA 15219  
412-393-1541 (phone)/412-393-1418 (fax)  
[gjack@duqlight.com](mailto:gjack@duqlight.com)

Dated: May 25, 2006



**Duquesne Light**

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411 Seventh Avenue  
8<sup>th</sup> Floor  
Pittsburgh, PA 15219

Tel 412-393-1541  
Fax 412-393-1418  
gjack@duqlight.com

**Gary A. Jack**  
Assistant General Counsel

May 25, 2006

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building, 2<sup>nd</sup> Floor  
400 North Street  
Harrisburg, PA 17120

**ORIGINAL**

Re: Pennsylvania Public Utility Commission  
v.  
Duquesne Light Company  
Docket No. 00061346C0004

R-

**DOCUMENT  
FOLDER**

Dear Secretary McNulty:

Enclosed is Duquesne Light Company's Answer to Complaint of David J. McAdams, MD in the above-referenced case.

Sincerely yours,

Gary A. Jack

Enclosures

c: Certificate of Service

**RECEIVED**  
2006 MAY 30 AM 9:52  
SECRETARY BUREAU

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

R-  
Docket No. 00061346C0004

**ANSWER TO COMPLAINT**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Duquesne Light Company hereby answers the above-captioned Complaint of  
David J. McAdams, MD.

1. The averments of Paragraph No. 1 are admitted.
2. The averments of Paragraph No. 2 of the Complaint are admitted.
3. The averments of Paragraph No. 3 of the Complaint are admitted.
4. The averments of Paragraph No. 4a of the Complaint is a statement of Complainant's subjective intent in this proceeding. As such, this statement is not an averment of fact, and no response is required. The averments of Paragraph No. 4b of the Complaint are denied in part and admitted in part. Duquesne Light Company believes that Complainant received a notice by mail of a proposed increase in electric rates to residential customers of 18.8%. This proposal was filed and publicly announced on April 7, 2006. Duquesne Light Company attaches hereto, as Exhibit A, its Statement of Reasons for the proposed rate increase to provide summary justification. The second sentence of Paragraph 4b stating Complainant's opposition to the rate increase is a statement of

**DOCUMENT  
FOLDER**

**DOCKETED**  
JUN 02 2006

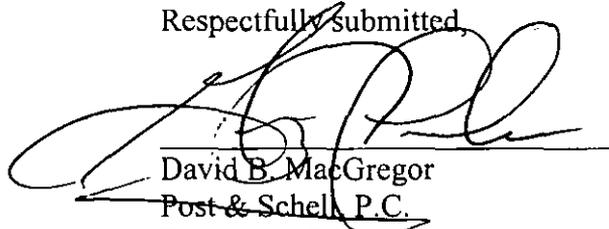
intent and position for which no response is required. The exhibits and testimony filed by Duquesne Light Company in support of its proposed increase in base rates fully justify the proposed increase. Duquesne Light Company's proposed rates are just, reasonable, nondiscriminatory and fully comply with all applicable provisions of the Public Utility Code and opinions of the appellate courts of Pennsylvania interpreting the Public Utility Code. With regard to the final sentence of Paragraph 4b, Duquesne Light Company represents that it should not be penalized because gas utility companies have previously increased their utility rates.

5. The statements of Paragraph 5 are requests for relief to which no response is required.
6. There are no averments or allegations proposed in Paragraph 6.
7. Duquesne Light Company admits Paragraph 7.

WHEREFORE, for all the foregoing reasons, Duquesne Light Company respectfully requests that the complaint of the Complainant be denied.

Dated this 25<sup>th</sup> of May, 2006.

Respectfully submitted,



David B. MacGregor

Post & Schell, P.C.

Four Penn Center

1600 John F. Kennedy Blvd.

Philadelphia, PA 19103-2808

215-587-1197

dmacgregor@postschell.com

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mgang@postschell.com

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Assistant General Counsel  
Duquesne Light Company  
411 Seventh Avenue  
Pittsburgh, PA 15219  
412-393-1541  
412-393-1418 (fax)  
gjack@duqlight.com



CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Answer in 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, Esquire  
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David T. Evrard  
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Public Utility Consulting  
3 Lost Creek Drive  
Selinsgrove, PA 17870-9357

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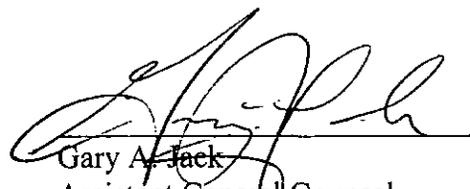
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17 North Second Street, 15<sup>th</sup> Floor  
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Kris Moser  
2002 Borland Road  
Pittsburgh, PA 15243-1530

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

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2006 MAY 30 AM 9:52  
PA PUBLIC UTILITY  
SECRETARY'S BUREAU



Gary A. Jack  
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[gjack@duqlight.com](mailto:gjack@duqlight.com)

Dated: May 25, 2006



**Duquesne Light**

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ORIGINAL

June 6, 2006

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2006 JUN -9 AM 9:35

SECRETARY BUREAU

DOCUMENT FOLDER

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

RE: Dr. David J. McAdams v. Duquesne Light Company  
Docket No. R-00061346C0004

Dear Secretary McNulty:

This letter is being submitted pursuant to 52 Pa. Code § 5.24(b)(2) to certify that Dr. McAdams has acknowledged to Duquesne Light Company ("Duquesne") that he no longer wishes to pursue his complaint. As such, Duquesne respectfully requests that the Pennsylvania Public Utility Commission mark the above-referenced docket closed.

Pursuant to 52 Pa. Code § 5.24(c), Duquesne hereby notifies Dr. McAdams that he can object to this certification in writing, within 10 days. If he does not object, the Complaint at the above-referenced docket will be marked closed.

A copy of this letter has been provided to the parties listed on the enclosed certificate of service.

If you have any questions regarding these matters, please contact the undersigned.

Respectfully submitted,

Gary A. Jack  
Assistant General Counsel

c: Certificate of Service

Enclosures

DOCKETED  
JUN 19 2006

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Certificate of Satisfaction 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

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Daniel Clearfield, Esquire  
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Brian J. Knipe, Esquire  
Klett Rooney Lieber & Schorling  
17 North Second Street, 15<sup>th</sup> Floor  
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Public Utility Consulting  
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David J. McAdams, MD  
525 Hillcrest Place  
Pittsburgh, PA 15216

Kris Moser  
2002 Borland Road  
Pittsburgh, PA 15243-1530

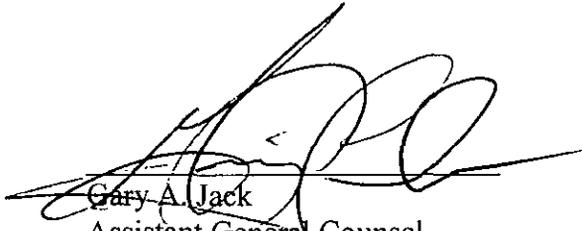
David I. Fein, Sr.  
Martha A. Duggan  
Gregory Urbin  
Constellation NewEnergy, Inc.  
111 Market Place, Suite 700  
Baltimore, MD 21202

Gregory Rhodes  
One Oxford Centre, 40<sup>th</sup> Floor  
Pittsburgh, PA 15219

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

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

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SECRETARY



Gary A. Jack

Assistant General Counsel

Duquesne Light Company

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412-393-1541 (phone)/412-393-1418 (fax)

[gjack@duqlight.com](mailto:gjack@duqlight.com)

Dated: June 6, 2006

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2006 JUN -9 AM 9:35

PA P U C  
SECRETARY'S BUREAU



**Duquesne Light**

*Our Energy... Your Power*

411 Seventh Avenue  
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Tel 412-393-1541  
Fax 412-393-1418  
gjack@duqlight.com

**Gary A. Jack**  
Assistant General Counsel

June 2, 2006

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building, 2<sup>nd</sup> Floor  
400 North Street  
Harrisburg, PA 17120

ORIGINAL

DOCUMENT  
FOLDER

Re: Pennsylvania Public Utility Commission  
v.  
Duquesne Light Company  
Docket No. 000061346C0005

Dear Secretary McNulty:

Enclosed is Duquesne Light Company's Answer to Complaint of the Office of Small Business Advocate in the above-referenced case.

Sincerely yours,

Gary A. Jack

Enclosures

c: Certificate of Service

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2006 JUN -7 AM 9:14  
PA.P.U.C. BUREAU  
SECRETARY'S BUREAU

24

**ORIGINAL**  
BEFORE THE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

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2006 JUN -7 AM 9:14

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

PA.P.U.C.  
SECRETARY'S BUREAU

Docket No. 00061346C0005

**DOCUMENT  
FOLDER**

**ANSWER TO COMPLAINT**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Duquesne Light Company hereby answers the above-captioned Complaint of the Office of Small Business Advocate ("OSBA").

1. The averments of Paragraph No. 1 are admitted.
2. The averments of Paragraph No. 2 of the Complaint are admitted.
3. The averments of Paragraph No. 3 of the Complaint are admitted.
4. The averments of Paragraph No. 4 of the Complaint are admitted.
5. The averments of Paragraph 5 of the Complaint are admitted in part and denied in part. The case was filed on April 7, 2006 proposing to increase total operating revenues by \$162.7 million per year. Duquesne Light Company's proposed increase in rates, and other tariff changes are just, reasonable, and comply fully with all applicable provisions of the Public Utility Code and opinions of the Pennsylvania appellate courts interpreting the Public Utility Code. The proposed increase in rates will merely provide to Duquesne Light Company a reasonable opportunity to achieve a fair rate of return and are consistent with sound public policy and ratemaking principles. The materials, testimony, schedules and exhibits

**DOCKETED**  
JUN 16 2006

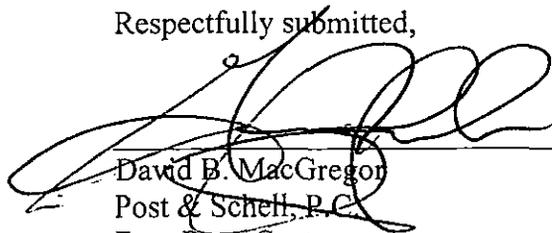
fully justify the proposed increase and are not unjust, unreasonable, unduly discriminatory or contrary to law.

6. The averments of Paragraph 6 of the Complaint are denied. Duquesne Light Company's proposed increase in rates, rate design and cost and revenue allocation are just, reasonable, and comply fully with all applicable provisions of the Public Utility Code and opinions of the Pennsylvania appellate courts interpreting the Public Utility Code. The proposed increase in rates will merely provide to Duquesne Light Company a reasonable opportunity to achieve a fair rate of return and are consistent with sound public policy and ratemaking principles. The materials, testimony, schedules and exhibits fully justify and support the proposed increase, rate design and allocation and are not unjust, unreasonable, unduly discriminatory or contrary to law.
7. The averments of Paragraph No. 7 of the Complaint are requests for relief to which no response is required.

WHEREFORE, for all the foregoing reasons, Duquesne Light Company respectfully requests that the complaint of the OSBA be denied.

Dated this 2nd of June, 2006.

Respectfully submitted,



David B. MacGregor  
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Duquesne Light Company  
411 Seventh Avenue  
Pittsburgh, PA 15219  
412-393-1541  
412-393-1418 (fax)  
gjack@duqlight.com



**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Answer in 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, Esquire  
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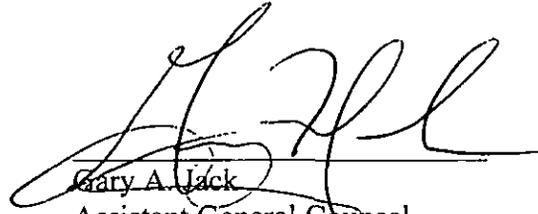
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Geoffrey A. Sawyer III  
Morris Nichols Arshnt & Tunnell LLP  
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Wilmington, DE 19899-1347

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2009 JUN - 7 AM 9:14  
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PA.P.U.C.



Gary A. Jack

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[gjack@duqlight.com](mailto:gjack@duqlight.com)

Dated: June 2, 2006



**Duquesne Light**

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**DOCUMENT  
FOLDER**

**Gary A. Jack**  
Assistant General Counsel

June 21, 2006

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building, 2<sup>nd</sup> Floor  
400 North Street  
Harrisburg, PA 17120

**DOCKETED**  
JUN 26 2006

SECRETARY'S BUREAU

2006 JUN 26 11:11:44

RECORDED

**ORIGINAL**

Re: Pennsylvania Public Utility Commission  
v.  
Duquesne Light Company  
Docket No. 00061346C0004

R-00061346C0004

Dear Secretary McNulty:

Enclosed is Duquesne Light Company's Answer to Complaint of Richard O. Tommarello in the above-referenced case.

Sincerely yours,

Gary A. Jack

Enclosures

c: Certificate of Service  
Richard O. Tommarello

68

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

JUN 26 11:44

SECRETARY'S BUREAU

Pennsylvania Public Utility Commission :  
v. : Docket No. R-00061346C0006  
Duquesne Light Company :

**ANSWER TO COMPLAINT**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Duquesne Light Company hereby answers the above-captioned Complaint of Richard O. Tommarello.

1. The averments of Paragraph No. 1 are admitted.
2. The averments of Paragraph No. 2 of the Complaint are admitted.
3. The averments of Paragraph No. 3 of the Complaint are admitted.
4. The averments of Paragraph No. 4a of the Complaint is a statement of Complainant's subjective intent to oppose the Company's proposed rate increase in this proceeding. As such, this statement is not an averment of fact, and no response is required. The averments of Paragraph No. 4b of the Complaint are admitted. Duquesne Light Company believes that Complainant received a notice by mail of a proposed increase in electric rates to residential customers of 18.8%. This proposal was filed and publicly announced on April 7, 2006 to be effective June 6, 2006. This effective date has been suspended by the PUC to permit further review.
5. The statements of Paragraph 5 are requests for relief to which no response is required. However, Duquesne Light Company notes that the exhibits

and testimony filed by Duquesne Light Company in support of its proposed increase in base rates fully justify the proposed increase.

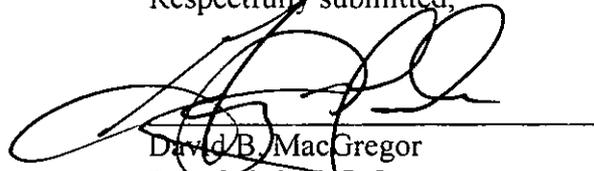
Duquesne Light Company's proposed rates are just, reasonable, nondiscriminatory and fully comply with all applicable provisions of the Public Utility Code and opinions of the appellate courts of Pennsylvania interpreting the Public Utility Code.

6. Duquesne Light Company does not have sufficient information to confirm or deny the averment of Paragraph No. 6.
7. The averments of Paragraph No. 7 are admitted.

WHEREFORE, for all the foregoing reasons, Duquesne Light Company respectfully requests that the complaint of the Complainant be denied.

Dated this 21 of June, 2006.

Respectfully submitted,



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Anthony Kanagy  
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717-612-6026  
mgang@postschell.com

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Assistant General Counsel  
Duquesne Light Company  
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Pittsburgh, PA 15219  
412-393-1541  
412-393-1418 (fax)  
gjack@duqlight.com

VERIFICATION

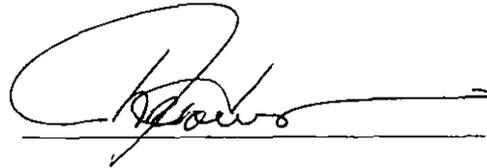
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2005 JUN 26 AM 11:44

COMMONWEALTH OF PENNSYLVANIA )  
: )  
COUNTY OF ALLEGHENY )

SS SECRETARY'S BUREAU

I, John R. Howells, (Affiant), Manager, Rates & Regulatory Projects, being duly sworn (affirmed) according to law, depose and say that I am authorized to make this affidavit on behalf of Duquesne Light Company and that the facts set forth in the enclosed Answer is true and correct to the best of my knowledge, information and belief and the corporation expects to be able to prove the same at any hearing hereof.



A handwritten signature in black ink, appearing to read 'John R. Howells', is written over a horizontal line. The signature is cursive and includes a long horizontal stroke extending to the right.

**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):

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SECRETARY'S BUREAU

2006 JUN 26 AM 11:45

DEPARTMENT

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[gjack@duqlight.com](mailto:gjack@duqlight.com)

Dated: June 21, 2006

June 23, 2006

Richard D. Tommarello  
526 Wimer Circle  
Pittsburgh, PA 15237

Mr. Larry Gesoff  
Administrative Law Judge  
Commonwealth of Pennsylvania  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

DOCUMENT  
FOLDER

Re: Pennsylvania Public Utility Commission v. Duquesne Light Company  
Docket Number R-00061346 and associated Complaints

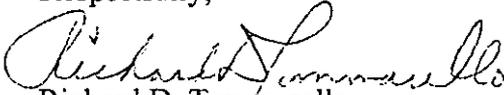
Dear Mr. Gesoff:

Thank you for your consideration in this matter and the formal offer to participate directly in the proceedings of the PPUC v. Duquesne Light Company regarding the recent request for a rate increase that I believe is inordinate.

It was not my intent to participate in this case to the full extent expected of a party that filed a formal complaint. I wish to withdraw my formal Complaint and I ask that you remove me from the parties' service list. I am unable to commit the time required.

I do understand that I may appear and testify at one of the scheduled Public Input Hearing sessions located in the Beaver and Pittsburgh areas.

Respectfully,

  
Richard D. Tommarello

/rdt

**DOCKETED**  
JUL 14 2006

RECEIVED  
OFFICE OF C.A.L.J.  
PA PUC  
06 JUN 26 AM 9:21

COMMONWEALTH OF PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

**DATE:** June 30, 2006  
**SUBJECT:** R-00061346C0006 Richard Tommarello v. Duquesne Light Company  
**TO:** Wanda Zeiders  
Docket Management  
**FROM:** Susan Licon, ALJ Support Staff  
Office of Administrative Law Judge

DOCUMENT  
FOLDER

On June 26, 2006, a Petition for Leave to Withdrawal was filed in the above-captioned proceeding. If no objection is filed to this petition within 10 days of the filing, this proceeding will be closed.

All parties should be notified that the case is closed and a copy of that notification placed in the document folder.

Attachment

pc: ALJ Larry Gesoff  
Beth Plantz  
Case File

**DOCKETED**  
JUL 14 2006



**Duquesne Light**

*Our Energy...Your Power*

411 Seventh Avenue  
8<sup>th</sup> Floor  
Pittsburgh, PA 15219

Tel 412-393-1541  
Fax 412-393-1418  
gjack@duqlight.com

**Gary A. Jack**  
Assistant General Counsel

July 18, 2006

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building, 2<sup>nd</sup> Floor  
400 North Street  
Harrisburg, PA 17120

ORIGINAL

Re: Pennsylvania Public Utility Commission  
v.  
Duquesne Light Company  
Docket No. 00061346C0007

R-00061346 C0007

Dear Secretary McNulty:

Enclosed is Duquesne Light Company's Answer to Complaint of Pennsylvania Large Energy Users Coalition in the above-referenced case.

DOCUMENT  
FOLDER

Sincerely yours,

Gary A. Jack

Enclosures

c: Certificate of Service

SECRETARY'S OFFICE  
2006 JUL 21 AM 11:08

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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

Docket No. 00061346C0007

ANSWER TO COMPLAINT

ORIGINAL

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Duquesne Light Company hereby answers the above-captioned Complaint of the Pennsylvania Large Energy Users Coalition ("PLEUC").

1. Information concerning the membership of PLEUC is not reasonably available to Duquesne Light Company, and therefore, the averments concerning membership are denied. Strict proof thereof is demanded at hearing, if relevant.
2. The averments of Paragraph No. 2 of the Complaint are admitted.
3. The averments of Paragraph No. 3 of the Complaint are admitted.
4. The averments of Paragraph No. 4 of the Complaint purport to be a summary of Duquesne Light Company's proposed increase in base rates, which was submitted to the Commission, together with supporting testimony and exhibits, on April 7, 2006. Therein, Duquesne Light Company has made many proposals. Duquesne Light Company's rate filing speaks for itself, and therefore, PLEUC's characterizations of it are denied.

DOCUMENT  
FOLDER

DOCKETED  
AUG 28 2006

SECRETARY'S BUREAU  
2006 JUL 21 11:11:11  
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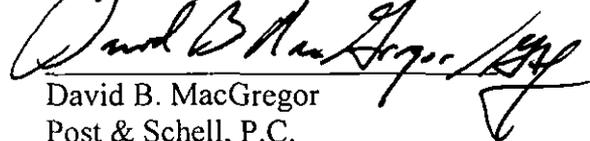
5. The averments of Paragraph No. 5 of the Complaint are statements of Complainant's subjective intent in this proceeding. As such, it is not an averment of fact, and no response is required.
6. The averments of Paragraph No. 6 of the Complaint describe the members of PLEUC and services received by members of PLEUC from Duquesne Light Company. Until its membership is finalized, however, Duquesne Light Company cannot confirm the accuracy of its averments, and therefore, such averments are denied. By way of further response, however, Duquesne Light Company does not object to its participation in the above-captioned proceeding based upon the express condition that PLEUC must conform to the Scheduling Order, including all dates for testimony, and that the date for raising new issues as to the Company's proposals has passed.
7. The averments of Paragraph No. 7 of the Complaint are denied. To the contrary, the exhibits and testimony filed by Duquesne Light Company in support of its proposed increase in base rates fully justify the proposed increase. Duquesne Light Company's proposed rates are just, reasonable, and nondiscriminatory and fully comply with all applicable provisions of the Public Utility Code and opinions of the appellate courts of Pennsylvania interpreting the Public Utility Code.
8. The averments of Paragraph No. 8 of the Complaint are conclusions of law, to which no response is required.

9. The averments of Paragraph No. 9 of the Complaint contain PLEUC's opinions with regard to subjects which the Commissions should investigate in this proceeding. It is denied that investigation of the subjects listed by them is necessary or appropriate. To the contrary, testimony and exhibits filed by Duquesne Light Company fully support the proposed increase in base rates.
10. The averments of Paragraph No. 10 of the Complaint are requests for relief to which no response is required. By way of further response, however, Duquesne Light Company does not object to PLEUC's participation in the above-captioned proceeding based upon the express condition that PLEUC must conform to the Scheduling Order, including all dates for testimony, and that the date for raising new issues as to the Company's proposals has passed.

WHEREFORE, for all the foregoing reasons, Duquesne Light Company respectfully requests that the complaint of the PLEUC be denied.

Dated this 18<sup>th</sup> of July, 2006.

Respectfully submitted,



David B. MacGregor  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the response herein 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):

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2005 JUL 21 10:11:00

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[gjack@duqlight.com](mailto:gjack@duqlight.com)

Dated: July 18, 2006

2006 JUN 21 11:11:03  
RECEIVED  
GENERAL COUNSEL

COMMONWEALTH OF PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

**DATE:** July 24, 2006  
**SUBJECT:** R-00061346C0003 Bernadine Creighton v. Duquesne Light Company  
**TO:** Wanda Zeiders  
Docket Management  
**FROM:** Susan Licon, ALJ Support Staff  
Office of Administrative Law Judge

**DOCUMENT  
FOLDER**

On May 25, 2006, a Certificate of Satisfaction was filed in the above-captioned proceeding. If no objection is filed to this certificate within 10 days of the filing, this proceeding will be closed.

All parties should be notified that the case is closed and a copy of that notification placed in the document folder.

Attachment

pc: ALJ Larry Gesoff  
Beth Plantz  
Case File

**DOCKETED**  
AUG 09 2006

**COMMONWEALTH OF PENNSYLVANIA  
PUBLIC UTILITY COMMISSION**

**DATE:** July 24, 2006  
**SUBJECT:** R-00061346C0004 Dr. David McAdams v. Duquesne Light Company  
**TO:** Wanda Zeiders  
Docket Management  
**FROM:** Susan Licon, ALJ Support Staff  
Office of Administrative Law Judge

**DOCUMENT  
FOLDER**

On June 6, 2006, a Certificate of Satisfaction was filed in the above-captioned proceeding. If no objection is filed to this certificate within 10 days of the filing, this proceeding will be closed.

All parties should be notified that the case is closed and a copy of that notification placed in the document folder.

Attachment

pc: ALJ Larry Gesoff  
Beth Plantz  
Case File

**DOCKETED**  
AUG 09 2006