

Buchanan Ingersoll & Rooney PC

John F. Povilaitis

717 237 4825
John.povilaitis@bipc.com

409 North Second Street
Suite 500
Harrisburg, PA 17101-1357
T 717 237 4800
F 717 233 0852
www.buchananingersoll.com

August 28, 2015

VIA EFILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

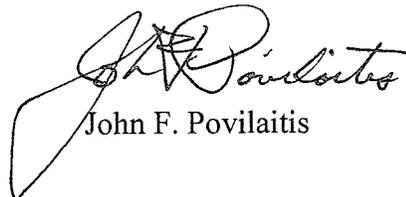
Re: Whemco-Steel Castings, Inc. v. Duquesne Light Company
Docket No. C-2014-2459527

Dear Secretary Chiavetta:

On behalf of Whemco-Steel Castings, Inc., I have enclosed for electronic filing Appendix A which was inadvertently omitted from the Answer of Whemco-Steel Castings, Inc. to Motion to Compel Answers to Interrogatories and Requests for Production of Documents Propounded by Duquesne Light Company, in the above-captioned proceeding.

This document has been served as indicated in the attached Certificate of Service.

Sincerely,



John F. Povilaitis

AMS/tlg
Enclosure
cc: Certificate of Service

APPENDIX A

Affidavit of Pamela C. Polacek, Esquire

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

WHEMCO-STEEL CASTINGS, INC.	:	
	:	
v.	:	DOCKET NO. C-2014-2459527
	:	
DUQUESNE LIGHT COMPANY	:	

AFFIDAVIT OF PAMELA C. POLACEK, ESQUIRE

I, Pamela C. Polacek, provide this affidavit in the above referenced proceeding under penalty of perjury, and in connection therewith depose and say the following:

1. My name is Pamela C. Polacek, an attorney with the law firm of McNees Wallace & Nurick LLC.
2. My business address is 100 Pine Street, Harrisburg, PA 17101.
3. I am a member in the law firm of McNees Wallace & Nurick LLC, and practice in the Firm's Energy and Environmental Law Practice Group.
4. I have been practicing law in the Commonwealth of Pennsylvania for 18 years.
5. I have extensive experience in implementing electric supply competition in Pennsylvania and other states. I also advise clients regarding commercial, legal, regulatory and legislative opportunities and risks in the electric and natural gas industries, assist clients in analyzing and negotiating wholesale and retail natural gas and electricity contracts, as well as addressing other utility service requirements. I also represent and advise cable telephony providers, local exchange carriers and interexchange carriers, before various state and federal administrative agencies and courts.
6. I have also represented WHEMCO-Steel Castings, Inc. ("WHEMCO"), both on an individual basis and as part of a coalition of large commercial and industrial ("Large C&I") customers that from time to time intervenes in utility rate and other cases before the Pennsylvania Public Utility Commission ("Commission").
7. As a result of providing legal services to WHEMCO for a number of years, I am familiar generally with the nature of its Pennsylvania operations, its electricity usage, the electric utilities or distribution companies that provide it service, as well as competitive electric generation suppliers that sell electric supply to WHEMCO.

8. As a result of legal services provided previously to WHEMCO and other Large C&I customers in Pennsylvania, I am familiar generally with the services provided by Duquesne Light Company ("Duquesne") to its retail electric customers and the terms and conditions of its retail electric service tariff on file with and approved by the Commission from time to time ("Tariff").
9. My previous work on behalf of WHEMCO and other Large C&I customers in Pennsylvania has allowed me at various times to review and become familiar with portions of Duquesne's Tariff, and I have on occasion interpreted the Tariff and applied it to select Duquesne customers and clients including, without limitation, WHEMCO.
10. My Firm began providing legal services to WHEMCO's corporate family in connection with Pennsylvania utility law and Commission proceedings in 2003, and continues to provide such services when asked to do so.
11. This Affidavit is being made voluntarily and with the full knowledge of my law firm and WHEMCO.
12. I have reviewed and am generally familiar with the Formal Complaint filed by WHEMCO against Duquesne at Commission Docket No. C-2014-2459527 ("Formal Complaint").
13. In 2007, Duquesne filed with the Commission a default service proceeding that covered the period January 1, 2008, through December 31, 2010, at Docket No. P-00072247 ("Default Service Proceeding").
14. Shortly after the petition by Duquesne in Default Service Proceeding ("Default Service Petition") was filed with the Commission in January 2007, I reviewed that filing, including the supporting exhibits and testimony, to determine the impact the filing would likely have, if any, on my clients or other Large C&I customers located in Duquesne's service territory including, without limitation, Large C&I customers like WHEMCO.
15. I was served directly with the Default Service Petition, but have no recollection of reviewing any documents or other information indicating that the petition, exhibits and testimony were served upon WHEMCO.
16. I am aware that the Formal Complaint alleges, among other things, that Duquesne wrongfully terminated as of December 31, 2010, for Rate L customers a distribution-rate discount contained in Rider No. 5 of Duquesne's then-prevailing and Commission approved retail electric service tariff as a result of the alleged improper implementation of a settlement of the Default Service Proceeding that covered the period January 1, 2008, through December 31, 2010, at Docket No. P-00072247. I further understand that WHEMCO is seeking in the Formal Complaint a refund from

Duquesne under Section 1312 of the Public Utility Code (“Code”) in the amount of \$2,480,374.16, plus interest on all unpaid amounts.

17. I provided legal representation to Large C&I customers in the Default Service Proceeding via a coalition, but WHEMCO was not included in that coalition and was not otherwise a party in that Commission proceeding.
18. Based upon my review of the Default Service Petition, supporting testimony and exhibits, I was not able to discern from the filing that Duquesne was seeking in the Default Service Proceeding to terminate the Rider No. 5 distribution-related discount for Large C&I customers like WHEMCO.
19. Based upon my review of the Default Service Petition and supporting testimony, there was no mention of Duquesne’s desire and/or intent to terminate the Rider No. 5 distribution-related discount for Large C&I customers like WHEMCO.
20. From my experience, the Default Service Petition is where I would have expected to see the proposals of a filing most critical to the electric distribution company, the Commission and ratepayers, such as an intention to terminate the Rider No. 5 distribution-related discount for Large C&I customers like WHEMCO. This is particularly true where the proposed change is being made in a default service proceeding but does not relate to electric generation service.
21. From my experience, default service cases like the Default Service Proceeding focus on the procurement of default service *generation* by the local electric distribution company and the default service generation supply options that will be available to customers; default service cases generally do not address *distribution-related* rate and other matters.
22. From my experience, a default service case is not where a retail electric customer would expect and search for any changes that would affect *distribution* rates as opposed to *generation* rates, absent clear notice.
23. I read and reviewed the prepared Direct Testimony of William Pfrommer submitted by Duquesne in the Default Service Proceeding and did not interpret any portion of his testimony as stating or implying that Duquesne intended to terminate the Rider No. 5 distribution-related discount for Large C&I customers like WHEMCO.
24. In Duquesne's 2003 default service proceeding at Docket No. P-00032071, Duquesne revised its default service generation supply options for Rates L, GL and GLH to provide a fixed price option with on-peak and off-peak pricing, and an hourly price option
25. Duquesne's prepared Direct Testimony by William Pfrommer submitted at Commission Docket No. P-00032071 specifically indicated that the *generation-*

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PENNSYLVANIA PUBLIC UTILITY COMMISSION**

WHEMCO-STEEL CASTINGS, INC.	:	
	:	
v.	:	DOCKET NO. C-2014-2459527
	:	
DUQUESNE LIGHT COMPANY	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of Appendix A to the Answer of Whemco-Steel Castings, Inc. to Motion to Compel Answers to Interrogatories and Requests for Production of Documents Propounded by Duquesne Light Company, upon the parties and in the manner listed below:

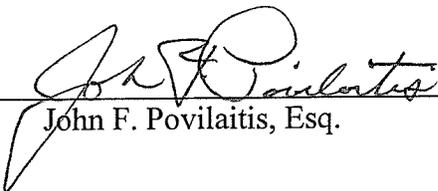
Via Email and First-Class Mail

Administrative Law Judge Jeffrey A. Watson
Pennsylvania Public Utility Commission
Piatt Place, Suite 220
301 Fifth Avenue
Pittsburgh, PA 15222
jeffwatson@pa.gov

Tishekia E. Williams
Duquesne Light Company
411 Seventh Avenue, 16th Fl.
Pittsburgh, PA 15219
twilliams@duqlight.com

Michael W. Gang
Anthony D. Kanagy
Post & Schell PC
17 N. Second Street, 12th Fl.
Harrisburg, PA 17101-1601
mgang@postschell.com
akanagy@postschell.com

Dated this 28th day of August, 2015.



John F. Povilaitis, Esq.