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March 18, 2016

VIA EFILING

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

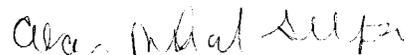
Re: WHEMCO-Steel Castings, Inc. v. Duquesne Light Company
Docket No. C-2014-2459527

Dear Secretary Chiavetta:

On behalf of WHEMCO-Steel Castings, Inc., I have enclosed for electronic filing 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, Sets IV and V in the above-captioned proceeding.

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

Sincerely,



Alan M. Seltzer

AMS/tlg

Enclosure

cc: Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**ANSWER OF WHEMCO-STEEL CASTINGS, INC. TO MOTION TO COMPEL
ANSWERS TO INTERROGATORIES AND REQUESTS FOR PRODUCTION OF
DOCUMENTS PROPOUNDED BY DUQUESNE LIGHT COMPANY, SETS IV & V**

WHEMCO-Steel Castings, Inc. (“Whemco”) hereby responds to the Motion to Compel (“Duquesne Motion”) filed by Duquesne Light Company (“Duquesne”) on March 14, 2016, pursuant to the Pennsylvania Public Utility Commission (“Commission”) regulations at 52 Pa. Code § 5.342(g)(1) as follows:

I. INTRODUCTION

1. The Duquesne Motion and this Answer have their genesis in a discovery dispute between Duquesne and Whemco regarding certain interrogatories and Requests for Production of Documents propounded by Duquesne upon Whemco on February 23, 2016 in Set IV and Set V, specifically all or portions of Set IV No. 11 and Set V Nos. 9, 19 and 26 (collectively, “Disputed Discovery”).¹

2. As the presiding Administrative Law Judge (“ALJ”) is well aware, discovery has been active and well underway since this proceeding was commenced by Whemco’s complaint filed against Duquesne on December 23, 2014. Since that time, Duquesne has issued six sets of interrogatories and Requests for Production of Documents on Whemco, conducted oral depositions of all three of Whemco’s witnesses, and issued Requests for Admission.

¹ Duquesne has also propounded a Set VI of interrogatories on Whemco.

3. In an effort to bring this case to a reasonably timely conclusion, Whemco has diligently and timely answered all of Duquesne's non-objectionable discovery and made its witnesses available for depositions, including two expert witnesses, which is itself a rarity in Pennsylvania Public Utility Commission ("Commission") proceedings. Whemco's witnesses were in fact deposed by Duquesne on February 9, 10 and 24.

4. The Disputed Discovery represents a very small number of the interrogatories propounded upon it by Duquesne in Sets, IV, V and VI.

5. Whemco filed timely objections to the Disputed Discovery on March 3, 2016 ("Objections") on several bases including, without limitation, that they (i) seek information that may be subject to a privilege and therefore could not be the subject of discovery; (ii) are beyond the scope of the direct testimony of certain of Whemco's witnesses; (iii) are over broad; and (iv) are irrelevant to the issues in this proceeding. As noted further below, the Disputed Discovery goes beyond the scope of reasonable and permissible discovery in Commission proceedings, and Duquesne's continuing efforts to seek the information in such interrogatories is not consistent with existing law.

6. While Whemco understands and acknowledges the general breadth and scope of the Commission's discovery regulations, their reach is not limitless, especially in the circumstances in play here. Accordingly, the Duquesne Motion should be dismissed with prejudice.

II. BACKGROUND

7. On February 23, 2016 Duquesne served the interrogatories and Request for Production of Documents Set IV and V upon Whemco. Set IV consisted of twelve (12) interrogatories (excluding subparts) and Set V consisted of twenty-six (26) interrogatories

(excluding subparts). The Disputed Discovery constitutes a small fraction of the total number of questions in Sets IV and V.

8. Whemco timely filed the Objections to the Disputed Discovery on March 3, 2016, together with the bases for the Objections.

9. Apparently not satisfied with the Objections, rather than modify its discovery Duquesne filed the Duquesne Motion seeking responses to the Disputed Discovery.

10. The Duquesne Motion seeks to compel Whemco “to fully answer Question 11 of Duquesne Light’s Set IV Interrogatories and Questions 9, 19 and 26 of Duquesne Light’s Set V Interrogatories.” Duquesne Motion, p. 11.

11. For ease of reference, the Disputed Discovery subject to the Objections, along with Whemco’s responses thereto which were previously provided to Duquesne, are set forth below and incorporated herein:

Duquesne Set IV-11:

Did Ms. Polacek, including the expert witness hired by Ms. Polacek, her firm, or her clients, review the impact of the rates in the 2010 base rate case at Docket No. R-2010-2179522 on Rate L customers? If yes,

- a. Fully explain what analysis was conducted.
- b. Provide a copy of all analyses.
- c. Did Ms. Polacek or the consultant consider the impact of the elimination of Rider No. 5 – Time of Day Discounts on Rate L customers?
- d. Did Ms. Polacek or her consultant prepare any documents related to Rider No. 5 – Time of Day Discounts during the time between when the 2010 base rate case was filed and when the compliance filing was approved by the Commission? If yes, provide a copy of all such documents.

Objection: Whemco believes this interrogatory, addressed to its expert witness Pamela Polacek, is objectionable on at least the following bases: (i) it is irrelevant and beyond the scope of Ms. Polacek's Direct Testimony which does not address or even mention the 2010 Duquesne base rate case; (ii) Whemco was not represented by Ms. Polacek in the 2010 Duquesne base rate case and did not participate in that case either individually or as a member of a large customer coalition; (iii) Duquesne already has in its possession the testimony of the consultant (i.e., Mr. Baudino) in the 2010 base rate case, which contains the extent of the analysis submitted in that proceeding and which did not address the Rider No. 5 discount; (iv) Ms. Polacek has no way of determining what the consultant for the non-Whemco clients she represented in the 2010 Duquesne base rate case may have reviewed other than what is referenced in Mr. Baudino's prepared testimony; (v) Ms. Polacek's analysis and that of her consultant was in the course of her legal representation of parties not in this proceeding and she is under no obligation to reveal such privileged and confidential information; (vi) because the Rider No. 5 discount had already been eliminated in the 2007 DSP IV proceeding *before* the 2010 base rate case had been filed, the Rider No. 5 discount was not an issue in the 2010 Duquesne base rate case.

As noted in Duquesne's compliance filing made in connection with the 2010 base rate proceeding, the elimination of the Rider No. 5 discount had occurred in the 2007 DSP IV proceeding and by Duquesne's own admission was not an issue in the 2010 base rate proceeding. Ms. Polacek has already confirmed in prior discovery that she was unaware of the elimination of the Rider No. 5 discount for large customers until the December 2010 timeframe and unaware of any analysis that Rider No. 5 may have been unlawfully eliminated until the December 2014 timeframe, both of which occurred after the litigation of the Duquesne 2010 base rate case. However, Duquesne is free to make any arguments it believes pertinent/relevant to this

proceeding regarding the 2010 base rate proceeding based on the actual state of the record of that proceeding.

The scope of discovery in Commission proceedings is neither unbounded nor completely open-ended. On the contrary, under 52 Pa. Code § 5.321 discovery must be “relevant to the subject matter involved in the pending action...” For the reasons specified above, the details relating to rate adjustments that may or may not have taken place in a 2010 Duquesne base rate case that Ms. Polacek is *not* addressing in her Direct Testimony in this proceeding and for which Whemco was not even a party are not relevant to this proceeding under any reasonable interpretation of 52 Pa. Code § 5.321 and are not reasonably calculated to lead to the discovery of admissible evidence.

Duquesne Set V-9:

Provide copies of all documents in Whemco’s possession addressing the subject of cost differential between different shifts for Whemco’s facilities, including Whemco’s affiliated production facilities.

Objection: This question is over broad since it relates to and seeks *all* documents addressing the subject of cost differentials between different shifts for Whemco’s facilities, has no time period specified and purports to cover facilities other than the Whemco’s Midland facility (i.e., the only facility impacted by and the subject of the complaint in this proceeding). These other facilities are completely unrelated and irrelevant to the subject matter of this proceeding and are not reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321. Nor has Duquesne offered any explanation or rationale for the necessity or relevancy of this question after Whemco provided informal objections to this interrogatory. Given the unreasonable breadth of this interrogatory, it would require Whemco to engage in and

conduct an unreasonable investigation in violation of the limitations on discovery specified in 52 Pa. Code § 5.361.

Duquesne Set V-19:

With respect to your response to Interrogatory No. II – 6, please explain how Whemco became “aware generally of a possible legal claim in the Fall of 2013”?

- a. Identify each and every step Whemco took in 2014 to “assess” the claim?

Objection: Whemco has already advised Duquesne that around the Fall of 2013 Whemco had requested Buchanan Ingersoll & Rooney to review the issue of the elimination of the Rider No. 5 Discount. The specific “assessment” and related “steps” made by Whemco with respect to a possible legal claim against Duquesne are subject to the attorney client privilege and attorney work-product doctrine and not discoverable.

Duquesne Set V-26:

Does Whemco prepare written business forecasts as referenced in Slingluff Deposition Exhibit No. 3?

- a. If the answer to the preceding interrogatory is in the affirmative, produce all business forecasts for the years 2009 – 2013.

Objection: This interrogatory is over broad to the extent it seeks Whemco’s business forecasts for any period other than the time in which Rule 4 and related discussions were under way between Whemco and Duquesne in 2011-2012. All other forecasts are irrelevant to this proceeding. Duquesne has not offered any explanation or rationale for the necessity or relevancy of this information after Whemco provided its informal objections to this interrogatory. The scope of discovery in Commission proceedings is neither unbounded nor completely open-ended. On the contrary, under 52 Pa. Code § 5.321 discovery must be “relevant to the subject matter involved in the pending action...” The requested forecasts for years other than 2011-2012 are not relevant to the issues in this proceeding or any reasonable defense.

III. ARGUMENT

A. The ALJ Has Substantial Discretion in Ruling on Discovery Issues

12. The scope of permissible discovery in Commission proceedings is governed by the Commission's rules at 52 Pa. Code § 5.321. The ALJ in any proceeding has broad discretion regarding the scope of discovery. For example, 52 Pa. Code § 5.321(b) specifically gives the presiding officer the authority to "vary provisions of this subchapter as justice requires."

13. Therefore, based on the plain language of the Commission's discovery rules and the unique circumstances of this proceeding, Duquesne does not have unbridled discretion to conduct discovery and the ALJ has ample discretion – consistent with applicable law – to prohibit inquiry into the matters contained in the Disputed Discovery.

B. The Bases for Whemco's Objections

(i). Interrogatory Set IV, No. 11

14. This interrogatory seeks any analysis Ms. Polacek and her consultant developed in Duquesne's 2010 base rate case on: 1) the rate impact of Duquesne's Rate L proposals, and 2) all documents and analysis concerning the impact of eliminating Rider No. 5-Time of Day Discounts on Rate L customers. Duquesne contends that the information sought in this interrogatory is relevant because the analysis of Ms. Polacek or her consultants may show that customers could have "mitigated" the elimination of Rider No. 5-Time of Day Discounts by participating in the DLC 2010 base rate case. (Duquesne Motion ¶20). Duquesne's contention ignores the fact that this request on its face seeks privileged information relating to non-Whemco companies that participated in Duquesne's 2010 base rate case and is completely outside of the scope of facts and opinions offered by this expert witness in her testimony. It also ignores a host of facts that demonstrate this interrogatory is irrelevant to the issues in this proceeding.

15. Duquesne's attempt to support the legitimacy of this interrogatory based on the claim that a party to the 2010 base rate case could have addressed the Rider No. 5 discount ignores certain incontrovertible facts: (i) the Rider No. 5 discount had already been terminated via a prior PaPUC order in Duquesne's 2007 default service proceeding at Docket No. P-00072247 ("DSP IV case"); (ii) Duquesne itself has asserted that the removal of Rider No. 5 – Time of Day Discounts from its tariff occurred in the earlier DSP IV case and not in the 2010 base rate case. (*See* Attachment A, which is an excerpt from Duquesne's December 16, 2010 POLR V compliance filing); and (iii) Whemco was not a party to the 2010 rate case and had no notice or reason to believe that the Rider No. 5 discount was or even could have been an issue in that case.

16. Indeed, Ms. Polacek has already indicated in discovery that she had not conducted any discovery regarding the Rider No. 5 discount in the 2010 base rate proceeding on behalf of the non-Whemco clients she represented in that proceeding and did not even become aware of the elimination of the Rider No. 5 –Time of Day discount until December 2010². (*See* Attachment B, which are Whemco's Responses to Set IV-2 and Set IV No. 5).

17. Duquesne has failed to establish any factual or legal connection between the elimination of the Rider No. 5 discount in the 2007 DSP IV case and its 2010 base rate case. Whemco completely disagrees with Duquesne's assertion that the "topics addressed in Duquesne Light's 2010 base rate proceeding are an issue in this case." (Duquesne Motion, ¶ 20). The focus of Whemco's complaint in general and Ms. Polacek's testimony specifically is the 2007 DSP IV case and the lack of notice to either Whemco or sophisticated Commission counsel in

² The litigation of Duquesne's 2010 base rate case was essentially concluded at this point in time as Duquesne and the parties in that proceeding had reached a settlement in early December 2010 that was ultimately approved by the Commission in February 2011.

that case that Duquesne was looking to eliminate the Rider No. 5 discount for distribution customers like Whemco served on Rate Schedule L.

18. Ms. Polacek is an expert witness and, as such, can only be required to respond to discovery of the facts and opinions the expert has offered. 52 Pa. Code §5.324(a). All of such facts and opinions are in her pre-filed testimony, which does not include any discussion of the 2010 rate case, let alone the impact of the 2010 rates on Rate L customers. There is no lawful basis to treat Ms. Polacek as a party to this case and compel her to answer questions that are neither part of Whemco's case in chief nor her expert testimony, especially with the attorney client privilege impacting her legal representation of non-Whemco clients in the 2010 Duquesne base rate case. To the extent Ms. Polacek actively represented other non-Whemco clients in the 2010 rate case, answering Set IV No. 11 could result in her waiving the attorney client privilege running in favor of those other clients. Duquesne is attempting to co-opt Whemco's expert into testifying about matters she is not addressing in her expert testimony solely based upon her participation in Duquesne's 2010 rate case for non-Whemco clients with whom she clearly established an attorney client relationship. This is improper and not a basis for lawful discovery in this proceeding.

19. Duquesne's assertion that interrogatory Set IV No. 11 does not seek privileged information is completely erroneous. (Duquesne Motion ¶20). Any "analysis" Ms. Polacek did on the 2010 base rate impacts on Rate L customers would have been on behalf of other non-Whemco clients and communicated to them in her capacity as their legal counsel. There is no clearer example of attorney-client privileged communications. To the extent Ms. Polacek has any information about the review process engaged in by the consultant used in the Duquesne 2010 rate case and not publically disclosed in the consultant's filed testimony or otherwise in

that proceeding, that information would have similarly been communicated to Ms. Polack's non-Whemco clients and subject to the attorney client privilege between Ms. Polacek and those clients.

20. Duquesne is also incorrect that Mr. Rosenthal's testimony provides a basis for this interrogatory being relevant. Duquesne misstates and misrepresents Rosenthal's testimony in this proceeding. (Duquesne Motion ¶20). Mr. Rosenthal's testimony – which addresses allegations Duquesne made in its Motion for Partial Summary Judgment – deals with the *absence* of any discussion by Duquesne in the 2010 base rate case proceeding of the Rider No. 5 discount (which Duquesne admits was terminated in the 2007 DSP IV case), and not the “effects of the 2010 base rate case . . .” (Duquesne Motion ¶20).

21. For the foregoing reasons, Duquesne's Motion to Compel a response to interrogatory Set IV No. 11 should be denied.

(ii) Interrogatory Set V No. 9

22. This interrogatory asks for all documents in Whemco's possession addressing cost differentials between different shifts for Whemco's facilities, including work shifts at affiliated production facilities. As noted in the Objections, this interrogatory is irrelevant to the issues in this case and over broad.

23. First, Whemco has already provided to Duquesne in response to other interrogatories the shift differential for the Midland facility, the plant at issue in this case. Not content with that information, Duquesne's further request goes much further.

24. Second, there is absolutely no time frame to bound the request for “all documents”, making this interrogatory clearly over broad and unreasonable. Despite Whemco's earlier Objections, no effort was made by Duquesne to reasonably limit the scope and duration of

the question, which seeks “all documents.” It is clear that as presently written, this interrogatory would require Whemco to engage in an unreasonable investigation in violation of the Commission’s rules at 52 Pa. Code § 5.361(a)(4), and would also place an unreasonable burden on Whemco to search for documents that are unbounded as to date and location of its facilities.

25. To extent this interrogatory seeks shift differential information about Whemco’s facilities *other than Midland*, it is irrelevant to the issues in this proceeding. Again, Duquesne misstates and misrepresents Mr. Rosenthal’s testimony. Mr. Rosenthal addresses moving melting from off-peak to on-peak *at the Midland Plant*. No other Whemco plant or facility is implicated in Mr. Rosenthal’s analysis. And, since Whemco has already provided shift differential information regarding the Midland Plant to Duquesne, its continued insistence on broad and irrelevant information in this interrogatory is improper and unreasonable.

26. Despite Duquesne’s suggestion to the contrary (Duquesne Motion ¶27), since Mr. Rosenthal never addressed shift differentials or anything else with respect to facilities other than the Midland plant in his testimony, it is clear that this interrogatory does *not* relate to anything in Mr. Rosenthal’s testimony in this proceeding.

(iii) Interrogatory Set V, No. 19

27. With respect to interrogatory Set V, No. 19, Duquesne is mistaken in suggesting that Whemco has objected to both subparts (a) and (b). Whemco has already provided an answer to subpart (b) relating to the steps Whemco took in 2014 to attempt to resolve this matter with Duquesne.

28. Regarding subpart (a), Whemco continues to properly object to Duquesne’s efforts to address the assessment of a legal claim against Duquesne. A determination of a “legal claim” is clearly a “legal” conclusion that can only be provided by a lawyer. And any attorney

assessing a legal claim is providing attorney-client privileged, and work product protected, information to the client. It is for this reason Whemco initially objected to this interrogatory and continues to properly do so.

(iv) Interrogatory Set V, No. 26

29. Whemco has already answered a portion of this interrogatory by having provided to Duquesne its business plans (under the existing protective order in this proceeding) for years 2011 and 2012. These particular years span the time period when the parties were attempting to resolve the economic impacts on Whemco resulting from the improper and unlawful elimination in Duquesne's 2007 DSP IV case of the Rider No. 5 discount applicable to Rate L customers like Whemco. These two business forecasts contain proprietary and confidential business information that Whemco is justifiably reluctant to release to the public, actual or potential competitors, etc.

30. To the extent this interrogatory seeks other years' business forecasts (e.g. 2009, 2010 and 2013), they are not relevant to the issues in the proceeding. As noted in the Complaint and in other discovery responses, Whemco was not even aware that the Rider No. 5 discount for Rate L was eliminated until December 2010, approximately three weeks before the discount ended as of January 1, 2011. Business forecasts for years 2009 and 2010 are not related to the claims in this case at all. Similarly, the 2013 business forecast relates to a time period after the parties were attempting to address the impact on Whemco resulting from the elimination of the Rider No. 5 discount for Rate L customers.

31. There is no reason to compel discovery on highly proprietary and confidential plans that have no relevance to the issues in this case.

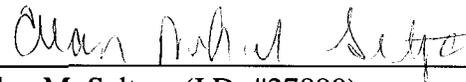
IV. CONCLUSION

32. Whemco should not be compelled to respond to the Disputed Discovery for the reasons specified herein.

WHEREFORE, Whemco requests that the Duquesne Motion be denied with prejudice and the Commission grant Whemco such other relief as is just and reasonable under the circumstances.

Respectfully submitted,

Dated: March 18, 2016



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Attorneys for WHEMCO-Steel Castings, Inc.

Attachment A



Duquesne Light

Our Energy...Your Power

411 Seventh Avenue
16th Floor
Pittsburgh, PA 15219

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

Gary A. Jack
Assistant General Counsel

December 16, 2010

VIA OVERNIGHT DELIVERY

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

RECEIVED
DEC 16 2010
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

**Re: Petition of Duquesne Light Company For
Approval of Default Service Plan For The Period
January 1, 2011 Through May 31, 2013
Docket No. P-2009-2135500**

Dear Secretary Chiavetta:

Enclosed for filing on behalf of Duquesne Light Company ("Duquesne") please find an original and seven copies of the Compliance Tariffs of Duquesne Light Company For Approval of its Default Service Plan For The Period January 1, 2011 through May 31, 2013. These tariffs include both the changes resulting from the POLR V settlement and the RFPs conducted for medium and small C & I customers.

Two Duquesne tariffs are hereby supplemented: (1) Supplement No. 39 to Electric – PA PUC No. 24 and (2) Supplement No 8 to Electric – PA PUC No. 3S (Electric Generation Supplier Coordination Tariff) to reflect changes to the Purchase of Receivables program. Both tariff supplements have a proposed effective date of January 1, 2011.

Also provided as CONFIDENTIAL AND PROPRIETARY material in a separate envelope are the worksheets providing the detail of the calculations of the small and medium C & I POLR supply rates, including the actual winning bids.

Very truly yours,

Gary A. Jack
Assistant General Counsel

Enclosures

c: Parties of Record

SUPPLEMENT NO. 39
TO ELECTRIC – PA. P.U.C. NO. 24



SCHEDULE OF RATES

For Electric Service in Allegheny and Beaver Counties

(For List of Communities Served, see Pages No. 4 and 5)

Issued By

DUQUESNE LIGHT COMPANY

411 Seventh Avenue
Pittsburgh, PA 15219

Richard Riazzi

President and Chief Executive Officer

ISSUED: December 16, 2010

EFFECTIVE: January 1, 2011

NOTICE

THIS TARIFF SUPPLEMENT INCREASES, DECREASES AND CHANGES EXISTING RATES AND RIDERS, ADDS PAGES AND REMOVES A RIDER

See Page Two

RECEIVED
DEC 16 2010
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

LIST OF MODIFICATIONS MADE BY THIS TARIFF

CHANGES – (Continued)**Rate PAL – Private Area Lighting**Third Revised Page No. 76
Cancelling Second Revised Page No. 76

The reference to a 150 wattage Flood Lighting lamp has been eliminated as the Company no longer offers or maintains such lamp wattage.

Rider No. 5 – Time of Day DiscountsFourth Revised Page No. 84
Cancelling Third Revised Page No. 84Second Revised Page No. 85
Cancelling First Revised Page No. 85

Rider No. 5 – Time of Day Discounts has been eliminated from the Tariff in compliance with the POLR IV proceeding at Docket No. P-00072247 and settlement agreement in that proceeding at paragraph 2G.

DECREASES**Rate GS/GM – General Service Small and Medium**Fifth Revised Page No. 42
Cancelling Fourth Revised Page No. 42**Rate GMH – General Service Medium Heating**Fifth Revised Page No. 46
Cancelling Fourth Revised Page No. 46

Unit prices have decreased due to the elimination of the "Maximum Average Supply Charge cents per kilowatt-hour" reference.

Rate AL – Architectural Lighting ServiceThird Revised Page No. 61
Cancelling Second Revised Page No. 61**Rate SE – Street Lighting Energy**Third Revised Page No. 64
Cancelling Second Revised Page No. 64**Rate SM – Street Lighting Municipal**Third Revised Page No. 68
Cancelling Second Revised Page No. 68**Rate SH – Street Lighting Highway**Third Revised Page No. 71
Cancelling Second Revised Page No. 71**Rate PAL – Private Area Lighting**Third Revised Page No. 76
Cancelling Second Revised Page No. 76**Rider No. 8 – Default Service Supply**Eighth Revised Page No. 88
Cancelling Seventh Revised Page No. 88

Unit supply prices have changed resulting in decreases.

Attachment B

Docket No. C-2014-2459527
Respondent: Pamela Polacek, Esquire
Position: Attorney, McNeese Wallace &
Nurick LLC

WHEMCO-Steel Castings, Inc.
Response to Duquesne Light Company
Interrogatories and Requests for Production
Of Documents, Set IV – 2

No. 2 - In Duquesne Light's 2010 base rate proceeding at Docket No. R-2010-2179522, did Ms. Polacek or Ms. Polacek's law firm ask any discovery questions with respect to Rider No. 5 – Time of Day Discounts?

Response:

Without waiving any claims that matters relating to Duquesne Light's 2010 base rate proceeding are beyond the scope of and not relevant to Ms. Polacek's testimony in this proceeding, neither Ms. Polacek nor her law firm asked Duquesne discovery questions regarding the Rider No. 5 – Time of Day Discounts in that proceeding.

Docket No. C-2014-2459527
Respondent: Pamela Polacek, Esquire
Position: Attorney, McNees Wallace &
Nurick LLC

WHEMCO-Steel Castings, Inc.
Response to Duquesne Light Company
Interrogatories and Requests for Production
Of Documents, Set IV – 5

No. 5 - Explain how Ms. Polacek became aware that Rider No. 5 – Time of Day Discounts was being eliminated for Whemco.

- a. Provide copies of all documents in Whemco's and Ms. Polacek's possession related to how Ms. Polacek became aware that Rider No. 5 – Time of Day Discounts was being eliminated.

Response:

As Ms. Polacek testified in her deposition, pages 17-19, she became aware of the Rider No. 5 elimination on December 13, 2010 via an email and telephone call from Christian Slingluff. The only document found that was responsive to this request is the McNees billing records, which are subject to attorney-client privilege.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

WHEMCO-STEEL CASTINGS, INC.

v.

DUQUESNE LIGHT COMPANY

:
:
:
:
:

DOCKET NO. C-2014-2459527

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of 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, Sets IV and V, upon the parties and in the manner listed below:

Via Email and First-Class Mail

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kkubiak@duqlight.com

Dated this 18th day of March, 2016.



Alan M. Seltzer, Esq.