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File #: 161587

June 17, 2016

***VIA ELECTRONIC FILING***

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

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

Dear Secretary Chiavetta:

Attached please find the Answer to Motion of Whemco-Steel Castings, Inc. to Compel Answers to Interrogatories and Requests for Production of Documents Propounded Upon Duquesne Light Company in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,

A handwritten signature in black ink that reads 'Anthony D. Kanagy'. The signature is written in a cursive style with a large initial 'A'. Below the signature, the name 'Anthony D. Kanagy' is printed in a standard sans-serif font.

Anthony D. Kanagy

ADK/skr

cc: Certificate of Service  
Honorable Jeffrey Watson

**CERTIFICATE OF SERVICE  
(Docket No. C-2014-2459527)**

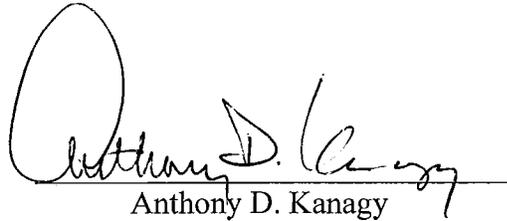
I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

**VIA E-MAIL and REGULAR MAIL**

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Date: June 17, 2016

  
Anthony D. Kanagy

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

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

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

Duquesne Light Company (“Duquesne Light” or the “Company”) hereby files, pursuant to 52 Pa. Code § 5.342, this Answer to the Motions of Whemco-Steel Castings, Inc. (“Whemco”) to Compel Answers to Interrogatories and Requests for Production of Documents Propounded Upon Duquesne Light Company that were filed on June 8 and June 14, 2016. As explained herein, Whemco’s Motions to Compel should be denied because Duquesne Light has fully and completely responded to each of Whemco’s interrogatories. In support of this Answer, Duquesne Light States as follows:

**I. INTRODUCTION**

1. On December 23, 2014, Whemco filed the above-captioned Complaint with the Pennsylvania Public Utility Commission (“Commission”) alleging that Duquesne Light improperly eliminated Rider No. 5 Time-of-Day Discounts (“Rider No. 5”) from the Company’s tariff.

2. On January 21, 2015, Duquesne Light filed its Answer and New Matter to Whemco’s Complaint. In its Answer and New Matter, Duquesne Light denied the substantive averments of Whemco’s Complaint and explained that the elimination of Rider No. 5 was lawful and in compliance with applicable Commission orders.

3. On February 10, 2015, Whemco filed an Answer to Duquesne Light's New Matter.

4. Duquesne Light and Whemco each served direct testimony in accordance with the litigation schedule established by Administrative Law Judge Jeffrey A. Watson (the "ALJ") in this proceeding. Whemco submitted rebuttal testimony on June 14, 2016.

5. The parties have engaged in discovery throughout the course of this proceeding, and the ALJ has ruled on various discovery motions.

6. On May 17, 2016, Whemco issued its Set III Interrogatories and Requests for Production of Documents on Duquesne Light.

7. On June 6, 2016, Duquesne Light responded to Whemco's Set III Interrogatories.

8. Whemco filed an initial Motion to Compel Duquesne Light's further responses to the Set III Interrogatories on June 8, 2016.

9. Rather than filing an Answer to Whemco's initial Motion to Compel, Duquesne Light submitted revised responses to Question Nos. 3, 4, 8, 18 and 20 of the Set III Interrogatories on June 13, 2016 and a revised response to Question No. 2 on June 15, 2016.

10. On June 14, 2016, Whemco filed a further Motion to Compel with respect to Question Nos. 2, 8, 18 and 20 of the Set III Interrogatories.

11. Duquesne Light hereby files its Answer to Whemco's further Motion to Compel.

**II. WHEMCO'S MOTION TO COMPEL SHOULD BE DENIED BECAUSE DUQUESNE LIGHT HAS FULLY AND COMPLETELY RESPONDED TO WHEMCO'S INTERROGATORIES.**

12. In its Motion to Compel, Whemco alleges that Duquesne Light has failed to provide sufficient responses to Question Nos. 2, 8, 18 and 20 of the Set III Interrogatories. Section 5.342 of the Commission's regulations, 52 Pa. Code § 5.342, requires a party to "answer each interrogatory fully and completely unless an objection is made." As explained herein,

Duquesne Light has fully and completely answered each one of Whemco's interrogatories. Therefore, Whemco's Motion to Compel should be denied.

13. Duquesne Light submitted a revised response to Question No. 2 on June 15, 2016. The revised response fully and completely answers Question No. 2. Therefore, to the best of Duquesne Light's knowledge, no outstanding dispute remains with regard to Question No. 2.

14. Whemco argues that Duquesne Light's answer to Question No. 8 is "evasive and non-responsive." Question No. 8 asks Duquesne Light to:

8. Identify, describe, explain and provide any data, information or documents Duquesne has in its possession or is aware of establishing or confirming that any party/participant in the DSP IV proceeding had knowledge or awareness at any time during that proceeding that Duquesne Light intended to eliminate the Rider No. 5 discount applicable to Rate L customers in that proceeding.

15. Duquesne Light submitted the following revised response to Question No. 8:

All such documents that Duquesne Light is aware of at this time are in the public file in the DSP IV proceeding, including the tariff and testimony. Duquesne Light cannot be certain that these are the only documents due to the passage of time and Whemco's substantial delay in filing its Complaint. The tariff and testimony confirm that participants in the DSP IV proceeding had constructive notice that Duquesne Light intended to eliminate Rider No. 5 for all customers and should have been aware that it was being eliminated.

16. The revised response fully and completely answers Question No. 8 by identifying the requested documents, i.e. the tariff and testimony, containing notice that the Rider No. 5 discount applicable to Rate L customers was being eliminated. These are the documents that Duquesne Light is aware of that provided notice of the proposed elimination of Rider No. 5 to the participants in the DSP IV proceeding.

17. Specifically, Whemco argues that Duquesne Light's response does not discuss documents that concern customers' knowledge of the proposed elimination of the Rider No. 5 discount applicable to Rate L customers. However, Duquesne Light has clearly identified these documents in its response to Question No. 8. In addition, Duquesne Light stated in the revised response to Question 18 that the Company was not aware that any party advised the Company during the DSP IV proceeding that it had actual knowledge of the elimination of Rider No. 5.

18. With respect to Question Nos. 18 and 20, Whemco alleges that Duquesne Light's responses are insufficient because they do not explain how the documents demonstrate other parties' "actual awareness" of the proposed elimination of Rider No. 5.

19. Question No. 18 asks Duquesne Light to:

18. Ref: page 12, lines 15-16: To the best of Duquesne's knowledge, were either of the two referenced customers, any other Duquesne Light Customer, or any party in the DSP IV proceeding aware of the proposed elimination of the Rider No. 5 discount during the conduct of the DSP IV proceeding?

a. Identify and provide any and all documents in Duquesne's possession and/or filed in the DSP IV Proceeding suggesting that either of the two referenced customers were aware of the proposed elimination of the Rider No. 5 discount during the conduct of the DSP IV proceeding. (emphasis added)

20. Duquesne Light provided the following revised response to Question No. 18:

The Company did not assess customer awareness of the DSP IV filing. As explained on the revised response to Question 8, parties had constructive notice of the elimination of Rider No. 5 and clearly should have been aware that Rider No. 5 was being eliminated by simply looking at the proposed tariff. Duquesne Light is not aware that any party advised the Company during the DSP IV proceeding that it had actual knowledge of the elimination of Rider No. 5. However, as the DSP IV proceeding occurred approximately 9 years ago, it is impossible for Duquesne Light to know if any party advised the Company that they had actual knowledge of the elimination of Rider No. 5 during the conduct of the DSP IV proceeding, including Commission approval of the compliance filing.

a. The tariff that was filed with the DSP IV filing clearly provided that Rider No. 5 – Time of Day Discounts was being eliminated for all customers. The same tariff provision was included in the DSP IV Compliance filing and was approved by the Pennsylvania Public Utility Commission.

21. Question No. 20 asks Duquesne Light to:

Ref: page 13, lines 16-18: To the best of Duquesne's knowledge, was any party in the DSP IV proceeding aware of the proposed elimination of the Rider No. 5 (i) at the time the DSP IV tariff compliance filing was made and (ii) later approved by the Commission? Provide all documents in support of your answer. (emphasis added)

22. Duquesne Light provided the following revised response to Question No. 20:

See the revised response to Set III, Question 18. Any party that reviewed the compliance filing should have been aware that Rider No. 5 – Time of Day Discounts was being eliminated for all rate schedules as is evident from the clear language in the tariff that was marked with a (C). The compliance filing was provided as DLC Exhibit WVP-11.

23. Duquesne Light's revised responses to Question Nos. 18 and 20 fully and completely answer each question by identifying all documents suggesting that other individuals were aware in the DSP IV proceeding of the proposed elimination of Rider No. 5 and identifying all documents that indicate, to the best of Duquesne Light's knowledge, that other individuals were aware of the proposed elimination of Rider No. 5 at the time of the compliance filing. Duquesne Light has indicated which documents, i.e. the proposed tariff and testimony, provided notice of the proposed elimination of Rider No. 5 and that any party reviewing these documents should have been aware of Rider No. 5's proposed elimination based on the clear language in the documents.

24. The fact that Duquesne Light has stated that it is impossible for Duquesne Light to know if these are the only responsive documents due to the passage of a significant length of

time between the DSP IV proceeding and Whemco's complaint does not make Duquesne Light's response deficient. Moreover, Whemco cannot require Duquesne Light to file revised responses simply because Whemco does not like the responses.

25. In addition, as explained above, Duquesne Light stated that it is not aware that any party advised the Company during the DSP IV proceeding that it had actual knowledge of the elimination of Rider No. 5.

26. Duquesne Light's revised responses to Question Nos. 18 and 20 fully and completely answer each of the questions.

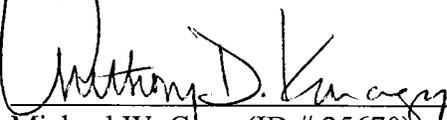
### III. CONCLUSION

WHEREFORE, for the foregoing reasons, Duquesne Light Company respectfully requests that Administrative Law Judge Jeffrey A. Watson deny Whemco's Motions to Compel that were filed on June 8, 2016 and June 14, 2016.

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Date: June 17, 2016

Respectfully submitted,



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*Attorneys for Duquesne Light Company*