

COMMONWEALTH OF PENNSYLVANIA



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July 27, 2016

Rosemary Chiavetta, Secretary
PA Public Utility Commission
Commonwealth Keystone Bldg.
400 North Street
Harrisburg, PA 17101

Re: Petition of Duquesne Light Company for
Approval to Modify its Smart Meter
Procurement and Installation Plan
Docket No. P-2015-2497267

Dear Secretary Chiavetta:

Enclosed for filing is the Office of Consumer Advocate's Revised Reply Brief in the above-referenced proceeding.

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

Respectfully Submitted,

/s/ David T. Evrard
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Enclosure

cc: Honorable Katrina L. Dunderdale, ALJ
Certificate of Service
*224324

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of Duquesne Light Company for :
Approval to Modify its Smart Meter : Docket No. P-2015-2497267
Procurement and Installation Plan :

REVISED REPLY BRIEF
OF THE OFFICE OF CONSUMER ADVOCATE

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DATED: July 27, 2016

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66 Pa. C.S. §2807(g)8

I. INTRODUCTION

In this Revised Reply Brief, the OCA responds to the arguments advanced by Duquesne Light Company (Duquesne or Company) in its Main Brief regarding the issues in dispute in this proceeding. Those arguments have not altered the position of OCA on these contested issues. As will be set forth herein, the OCA continues to submit that Duquesne's proposed Advanced Distribution Management System (ADMS) is not a cost-effective means of implementing the smart meter capabilities of outage communication and voltage monitoring. Moreover, should the project go forward, Duquesne should seek recovery of the costs of the project through its base rates and not through its Smart Meter Charge. Finally, the costs of implementing the Bill Ready functionality should be recovered from Electric Generation Suppliers (EGSs) rather than from customers through the Smart Meter Charge.

II. PROCEDURAL HISTORY

[PLEASE REFER TO SECTION II. OF THE OCA'S REVISED MAIN BRIEF]

Additionally, on July 20, 2016, Main Briefs were filed in this proceeding by Duquesne, OCA and Citizen Power.

III. STATEMENT OF THE QUESTIONS INVOLVED

The questions at issue in this case are the following:

- Whether Duquesne's proposed Advanced Distribution Management System (ADMS) is a cost-effective means to provide the additional smart meter functionalities of voltage monitoring and outage communication?
- If ADMS is implemented, whether the costs of ADMS should be recovered through Duquesne's Smart Meter Charge (SMC)?

- Whether the costs of implementing Bill-Ready billing should be recovered through the SMC?

IV. BURDEN OF PROOF

In this proceeding, Duquesne is seeking an order from the Commission approving the amendments it has proposed to its previously approved Final Smart Meter Plan. As such, the assignment of the burden of proof in this case falls squarely within the provisions of Section 332(a) of the Public Utility Code, 66 Pa.C.S. § 332(a), which states that the “proponent of a rule *or order* [bears] the burden of proof.” (emphasis added) As the proponent of a specific Commission order, it is Duquesne that carries the burden of proof in this proceeding.

V. SUMMARY OF ARGUMENT

Corresponding with the issues identified in Section III above, the OCA argues as follows in this brief:

- The ADMS project proposed by Duquesne in this proceeding is not a cost-effective means of implementing the smart meter capabilities of voltage monitoring and outage communication and the Commission should waive the requirement set forth in the Smart Meter Implementation Order¹ for those additional capabilities.
- If Duquesne goes forward with implementation of ADMS, recovery of ADMS costs should be sought through a base rate proceeding and not through the Company’s SMC.
- The costs of implementing the Bill-Ready functionality should not be recovered through the SMC; rather, these costs should be borne by Electric Generation Suppliers (EGSs).

¹ Smart Meter Procurement and Installation, Docket No. M-2009-2092655 (Order entered June 24, 2009) (Implementation Order).

VI. ARGUMENT

A. SUMMARY OF DUQUESNE LIGHT'S MODIFIED SMART METER PLAN AND DISPUTED ISSUES IN THIS PROCEEDING

[PLEASE REFER TO SECTION VI. OF THE OCA'S REVISED MAIN BRIEF]

The disputed issues in this proceeding are as stated in Section III above.

B. ADMS ISSUES

1. ADMS Project Approval Issues

As explained in the OCA's Revised Main Brief, the smart meter capabilities at issue in this proceeding – voltage monitoring and the communication of outages and restorations – are two of the nine “additional” capabilities that were identified by the Commission in its Implementation Order. With respect to these additional capabilities, the Implementation Order made it clear that their effectuation would be subject to a cost-benefit review. At various places in the Implementation Order, the Commission stated as follows:

While the Commission believes that all of the above-listed capabilities will further facilitate the consumer's ability to intelligently control their electric use and costs, *we are cognizant that the costs of some of these added capabilities may exceed any benefit they may provide.* Therefore, the Commission reserves the authority to waive the requirement for any of the Commission imposed requirements as described in Section E.1 below.

Implementation Order at 17 (emphasis added).

The Commission recognizes that some of the requirements for smart meters outlined in Section C of this Order go beyond the minimum requirements set forth in Act 129. *In order to ensure that these additional smart meter functions are cost-effective,* we direct that each smart meter plan filing include cost data that quantifies the costs to meet the minimum requirements set forth in Act 129, the costs to meet all of the requirements set forth in Section C above, and the individual incremental costs of each added function, less any operating and capital cost savings.

Id. at 29 (emphasis added).

To the extent that an EDC or another party demonstrates that a particular Commission imposed requirement is not cost-effective, the Commission will have the option of waiving a particular requirement for that EDC or all EDCs.

Id. at 31 (emphasis added).

Duquesne proposes to implement the outage/restoration communication capability through installation of an Outage Management System (OMS), and plans to implement the voltage monitoring capability through installation of a Distribution Management System. Together, these two systems comprise the Advanced Distribution Management System (ADMS). Duquesne St. No. 2 at 12. In its Main Brief, Duquesne recites a host of benefits that it asserts will result from implementation of the ADMS. Duquesne M.B. at 14-18. The OCA does not dispute that some, if not many, of these benefits may occur. The OCA's sole contention is that implementation of the ADMS does not meet the threshold condition imposed by the Commission in the Implementation Order, namely, it is not a cost-effective means of providing these two additional capabilities.

In their Main Briefs, Duquesne and OCA describe in detail the dollar value of the costs and benefits of ADMS as projected by the Company. In summary, the overall cost of the ADMS will range from \$46 million to \$56 million, plus ongoing Operating and Maintenance (O&M) costs of \$5 million to \$6 million during the implementation phase of the project, through 2020. Duquesne St. No. 2 at 15-16. Leaving aside the \$6 million of annual societal benefits and other non-quantifiable benefits (Duquesne St. No. 2 at 16; Duquesne St. No. 2-R at 9) claimed by the Company, what OCA will term the "hard" benefits identified by Duquesne total \$46.3 million over 20 years. Duquesne St. No. 2 at 16. If one compares these hard benefits with the cost of the project (the \$46 million to \$56 million, plus the \$5 million to \$6 million in operating

costs), it is apparent that costs will exceed benefits. Further, as described in OCA's Revised Main Brief, OCA witness Sherwood testified that Duquesne did not include in its cost-benefit analysis the ongoing incremental Operating and Maintenance (O&M) costs that it would incur through the life of the ADMS project. OCA M.B. at 11-13. These costs range from \$3.203 million in 2021 to \$4.582 million in 2039. The total O & M costs for the life of the project, as calculated by Ms. Sherwood, equal \$78.455 million. OCA St. No. 1, Exh. SLS-2. Of that amount, \$5.590 million represents the incremental O&M costs to be expended by the Company during the implementation phase. *Id.* The OCA's Revised Main Brief included testimony by Ms. Sherwood as to why she thought it necessary to include these costs in a cost-benefit analysis. OCA M.B. at 11-12. Notably, O&M costs in base rates for Duquesne's existing Outage Analysis System (OAS) are small. Tr. at 122. When one adds the \$46 million to \$56 million identified by Duquesne as the installed cost of ADMS to the \$78.455 million in incremental O&M costs identified by Ms. Sherwood, the total costs of the project – between \$124.5 million and \$134.5 million dwarf the projected hard benefits of \$46.3 million.

The linchpin of this case, therefore, is the claimed societal benefits of \$6 million per year. Without including those benefits in the analysis, the ADMS project cannot possibly pass a cost-benefit test. In its Revised Main Brief, the OCA argued against inclusion of these benefits, while Duquesne argued the opposite. OCA witness Sherwood expressed concern over whether these societal benefits could be reliably quantified. OCA M.B. at 13; OCA St. No. 1 at 14. Moreover, these benefits do not offset costs that are included in customers' rates and they are not benefits realized by all customers.

In its Main Brief, Duquesne asserts that these benefits *have* been reliably quantified. Duquesne M.B. at 20-21. It maintains that based on detailed distribution system data

it provided to its consultant DNV GL, the consultant, using a proprietary model, generated the estimate of \$6 million of annual societal benefits, which reflects savings resulting from an anticipated 5-minute reduction in average outage duration. Duquesne St. No. 2 at 7. Duquesne further maintains that the DNV GL estimate is supported by the results of a second model which Duquesne employed, the Interruption Cost Estimate (ICE) Calculator, which purports to calculate interruption savings from reliability improvements. Duquesne M.B. at 20; Duquesne St. No. 2-R at 6. Using this model, Duquesne estimated societal benefits of \$4.2 million three years after implementation of OMS, rising to \$5.7 million at the end of 19 years, assuming a 2% annual inflation rate. *Id.* at 7.

For the reasons stated in its Revised Main Brief, the OCA submits that these benefits should not be relied upon to establish cost-effectiveness. OCA M.B. at 13-17. Those arguments will only be summarized here: societal benefits are not like operational improvements that can be quantified, nor do societal benefits offset costs that are already included in rates as do operational improvements (OCA M.B. at 13-14); the Cost Benefit Analysis report prepared by DNV GL, lists the \$6 million of societal benefits as among the “soft benefits” that ADMS has the potential to deliver and specifically characterizes the soft benefits as “difficult to estimate in value” (Duquesne St. No. 2A, JTK Exh. 4 at 1-2); there are some very specific limitations associated with the ICE model that should call into question the model’s ability to accurately estimate interruption savings for the Duquesne service territory over the life of the ADMS project (OCA M.B. at 16; OCA St. No. 1-S at 2-3).

The OCA submits that the estimated societal benefits of the DNV GL and ICE models are ultimately too speculative to warrant inclusion in a rigorous cost-benefit analysis of the ADMS project. As mentioned earlier, without inclusion of these benefits in the evaluation,

ADMS cannot possibly be found to be cost-effective.² Therefore, the Commission should reject ADMS as a means to meet the “additional” smart meter capabilities due to its failure to meet the cost-effectiveness test imposed by the Implementation Order.

Finally, in its Main Brief, Duquesne states that the OCA has offered no estimate of customer savings and has failed in its burden of presenting contrary evidence. Duquesne M.B. at 21. The OCA submits that it is under no such burden in this proceeding. The burden is entirely on the Company to show that ADMS is cost-effective and the OCA maintains that Duquesne has not met that burden.

2. ADMS Cost Recovery Issues

In its Revised Main Brief, the OCA argued that if Duquesne goes forward with implementing ADMS , the costs of the project should be recovered through base rates and not through Duquesne’s Smart Meter Charge (SMC), as sought by the Company. OCA M.B. at 17-23. Among the arguments raised by Duquesne in response to the OCA’s position is that what the OCA proposes is contrary to Act 129. Specifically, Duquesne asserts that EDCs are permitted under Act 129 to recover smart meter costs through automatic adjustment clauses. Duquesne also states that ADMS will allow the Company to communicate outages and restorations and monitor voltage, and that the Commission has defined these functionalities as “smart meter technology.” Duquesne M.B. at 24.

The OCA disagrees that ADMS meets the definition of smart meter technology as provided in Act 129. That Act defines “smart meter technology,” in part, as follows:

...the term “smart meter technology” means technology, including metering technology and network communications technology capable of

² The OCA notes that according to Ms. Sherwood’s analysis, even if the \$6 million of societal benefits are included in the evaluation, benefits will not exceed costs until the year 2034. OCA St. No. 1, Exh. SLS-3. Any cost overruns would postpone the crossover point even further.

bidirectional communication, that records electricity usage on at least an hourly basis, *including related distribution system upgrades to enable the technology.*

66 Pa. C.S. §2807(g). (emphasis added)

ADMS costs are not “smart meter technology” costs under this definition. As previously explained, ADMS comprises an Outage Management System and a Distribution Management System. These systems utilize the bidirectional communication and data production capabilities *of the* smart meter technology to better manage the distribution system, but are not necessary to enable the technology. Only the costs of distribution system upgrades that *enable* metering and network communication technology can be recovered through the Smart Meter Charge. Duquesne’s testimony at the Further Evidentiary Hearing establishes that the ADMS is not needed to enable the smart meters. The smart meters are capable of working with the existing OAS. Tr. at 98.^{3, 4}

In its Main Brief, Duquesne argues that the OAS has met the Company’s service obligations under Public Utility Code and that Duquesne was under no obligation to implement an OMS *but for* the requirements of the Implementation Order, which imposes requirements above and beyond Duquesne’s existing capabilities. The Company maintains that if the

³ In Duquesne Statement No. 2C and in its Main Brief, the Company cites two previous Commission decisions for the proposition that other EDCs have had to implement additional business requirements to meet the smart meter requirements of Act 129 and in both cases, the Commission permitted cost recovery through smart meter automatic adjustment clauses. Duquesne St. No. 2C at 11-12; Duquesne M.B. at 26-27. A careful reading of both decisions, however, shows that they are distinguishable from Duquesne. In Joint Petition of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company for Approval of Their Smart Meter Deployment Plan, Docket Nos. M-2013-2341990, et. al., Order entered March 6, 2014, the costs at issue involved expenditures that were necessary to *initiate* smart meter deployment in West Penn Power’s territory. ADMS costs are not needed to initiate smart meter deployment.

Similarly, in Petition of PPL Electric Utilities Corporation for Approval to Modify its Smart Meter Technology Procurement and Installation Plan and to Extend its Grace Period, Docket Nos. P-2012-2303075 and M-2009-2123945, Order entered August 2, 2012, the costs that were approved for recovery through PPL’s smart meter charge all related to enhancements that would enable PPL to meet the smart meter functionalities specified in Act 129, not the additional capabilities set forth in the Implementation Order, as is the case here.

⁴ If Duquesne elects to install ADMS for other operational reasons, as was the case with its upgraded Customer Care and Billing system, it should seek recovery through the traditional base rate process.

Commission requires implementation of ADMS to meet the requirements of the Implementation Order, Duquesne should be permitted to recover its costs through the SMC. Duquesne M.B. at 25-26.

Apart from whether ADMS qualifies as smart meter technology, the OCA, in its Revised Main Brief, addressed various points which arose at the Further Evidentiary Hearing that counter Duquesne's arguments. In particular, the OCA quoted testimony of Duquesne witness Karcher that OAS is approximately 20 years old and would need to be upgraded at some point. OCA M.B. at 18-19; Tr. at 98. The OCA also quoted the testimony of Duquesne witness Pfrommer in which he agreed that part of the cost of upgrading to the OMS (from OAS) and the DMS is just the cost of doing business as an EDC and part is in addition to that. OCA M.B. at 19-20; Tr. at 145-146, 148. The OCA further quoted testimony of Mr. Karcher which indicated that upgrading to the OMS has value apart from being connected to the smart meters. OCA M.B. at 20-21; Tr. at 75. As established by the questioning of Judge Dunderdale at the Further Evidentiary Hearing, these are costs that are incurred by an electric utility in the ordinary course of business as a means of providing safe, adequate and reliable service. Tr. at 144-148. As such, recovery of these costs should be sought through a base rate proceeding.

Further, because the cost-effectiveness of ADMS can only be established by relying on the difficult to quantify and speculative societal benefits and because these benefits represent such a significant portion of the claimed overall benefits of the project and cannot be reflected as a savings offset in the surcharge, the OCA submits that recovery through base rates is appropriate because it would allow for the potential recovery of only those costs found to be reasonable and prudent, would better coincide with the period over which the benefits materialize, to the extent that they do, and would ensure that cost recovery from the rate classes

and the benefits of the system are properly aligned. Front-loading the costs (via the SMC) in the face of such uncertain benefits, would not meet the just and reasonable standard of ratemaking.

Should the ADMS project go forward, the Commission should direct Duquesne to seek recovery of the project's prudent and reasonable costs through base rates.

C. RECOVERY OF BILL READY COSTS

In its Revised Main Brief, the OCA explained that as part of this proceeding, Duquesne is seeking to recover \$7 million for the purpose of implementing Bill Ready billing. Duquesne proposes to recover that cost through its SMC. As such, the cost will be imposed on all customers. The OCA argued that this cost should be recovered instead from EGSs who will be the predominant beneficiaries of the Bill Ready functionality. OCA M.B. at 23-24.

In response to the OCA, Duquesne states that the Commission has directed EDCs to include Bill Ready billing as part of their smart meter plans as a means of facilitating Time of Use and Real Time Pricing. Duquesne further states that because of this directive, the costs of Bill Ready billing are smart meter costs that must be recovered through the SMC.⁵ Duquesne maintains that it has no mechanism for recovering such costs from EGSs and that doing so would present complexities. Duquesne M.B. at 29.

The OCA recognizes that the Commission has directed that Bill Ready billing be included in EDC smart meter plans. This, however, does not mean that surcharge recovery from ratepayers is the appropriate cost recovery mechanism for these costs.

As explained in the OCA's Revised Main Brief, Bill Ready billing enables EGSs to take interval data from customers' smart meters and calculate the generation and transmission charges for special pricing programs that they offer (such as Time Of Use pricing) and then

⁵ It is worth noting that Act 129 imposes requirements for time-of-use and real-time pricing plans on default service providers, *i.e.*, EDCs, not on EGSs. 66 Pa.C.S. §2807(f)(5).

forward those charges to the EDC for inclusion on the EDC bill rendered to the customer. This contrasts with Rate Ready billing under which EGSs provide their rates to the EDC and the EDC calculates customer bills using the EGS' rate multiplied by the monthly consumption. Rate Ready billing offers EGSs limited opportunity to make special pricing options available to their customers. At present, Duquesne offers only Rate Ready billing. OCA M.B. at 24. It is clear that being able to provide Bill Ready billing will facilitate the ability of EGSs operating in the Duquesne territory to offer a greater range of products to obtain more customers. As such, EGSs are clearly the principal beneficiaries of this functionality,

If engaging in a balancing of equities, one must consider that not all customers shop for their generation supply. Further, not all customers who do shop will avail themselves of the special rates offered by EGSs as a result of Bill Ready billing. Many will prefer to remain on fixed rates that don't vary by time of use. It is most likely that a substantial portion of Duquesne's customer base will derive no benefit from the Bill Ready functionality.

The OCA submits that when viewed in this fashion, fundamental fairness in ratemaking would dictate that these cost be borne by the entities that are the predominant beneficiaries of this capability. The OCA therefore urges the Commission to allocate cost responsibility to EGSs.

D. INCREMENTAL AMI PROJECT COSTS

The parties are in agreement on this issue.

E. MISCELLANEOUS ISSUES

In its Revised Main Brief, the OCA explained that because the ICE model for calculating interruption savings (societal benefits) identifies customer benefits by rate class, OCA witness Sherwood was able to make some observations about the wide disparity between

the costs and benefits of ADMS with respect to the residential class. In particular, Ms. Sherwood observed that based on ICE calculations, residential customers would receive 1.5% of societal benefits associated with ADMS but pay approximately 90% of the costs. OCA M.B. at 25-26; OCA St. No. 1-S at 4. Further, in her Surrebuttal Testimony, Ms. Sherwood stated that “[t]he ADMS’ allocated cost by rate class should more closely mirror the benefits by rate class.” *Id.*

Duquesne, in its Main Brief, argued that any contention by the OCA that ADMS costs should be allocated to customer classes on the basis of the estimated benefits to each class would be contrary to the existing cost allocation method for smart meter costs that was established when Duquesne’s original Smart Meter Plan was approved in 2010. The existing method calls for common costs, such as for ADMS, to be allocated to customer classes based on the number of meters in the class. Duquesne M.B. at 27. That, however, is a key reason why SMC recovery is not appropriate for this type of system operating cost.

In its Revised Main Brief, the OCA noted that while the cost-benefit disparity for the residential class was indeed striking, it did not make that observation for the purpose of reopening the question of overall cost allocation of smart meter costs as part of this proceeding. Rather, it cited the issue to further exemplify that the existence of the disparity in costs and benefits for residential customers lends support to the OCA’s position that recovery of these costs should be sought in a base rate proceeding, where the costs and benefits can be thoroughly examined and issues of cost allocation fully addressed. OCA M.B. at 26.

VII. CONCLUSION

The OCA submits that Duquesne Light Company has failed to meet its burden of proving that the ADMS project it proposes to implement is cost-effective. In its Implementation Order, the Commission reserved the right to waive the requirement for any of the nine additional smart meter capabilities it imposed if that capability was shown to be not cost-effective. In this proceeding, the ADMS project (proposed as a means of meeting two of the nine additional capabilities) has been shown to be demonstrably cost-ineffective. Unless the Company can return with a cost-effective alternative proposal for implementing the outage communication and voltage monitoring capabilities, the Commission should waive these requirements for Duquesne.

Should the Commission not waive these requirements or should the Company determine to move forward with the ADMS project for other operational reasons, the OCA submits that the proper ratemaking treatment is for Duquesne to seek recovery of the project's costs through a base rate case and not the Company's Smart Meter Charge. In a base rate case, all issues of prudence, reasonableness and cost allocation of the project can be examined.

Finally, the OCA submits that the costs of Bill Ready functionality are properly recovered from Electric Generation Suppliers who are the overwhelming beneficiaries of this capability.

Respectfully Submitted,
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CERTIFICATE OF SERVICE

Petition of Duquesne Light Company for :
Approval to Modify its Smart Meter : Docket No. P-2015-2497267
Procurement and Installation Plan :

I hereby certify that I have this day served a true copy of the Office of Consumer Advocate's Revised Reply Brief 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 27th day of July 2016.

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