**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission : R-2018-3000124

: R-2018-3000829

:

Office of Consumer Advocate : C-2018-3001029

Jason Dolby : C-2018-3001074

Peoples Natural Gas Company LLC : C-2018-3001152

Office of Small Business Advocate : C-2018-3001566

Duquesne Industrial Intervenors : C-2018-3001713

Leonard Coyer : C-2018-3002424

NRG Energy Center Pittsburgh LLC : C-2018-3002755

:

v. :

:

Duquesne Light Company :

1308(d) Proceeding :

**TENTH INTERIM ORDER**

Admit DII Cross Exhibit No. 3

Into the Hearing Record

On March 28, 2018, Duquesne Light Company (Duquesne), filed Supplement No. 174 to Tariff Electric Pa. P.U.C. No. 24 to become effective May 29, 2018, containing a proposed general increase in electric distribution rates of approximately $133.8 million.

By Order entered April 19, 2018, the Commission suspended the implementation of Supplement No. 174 to Tariff Electric Pa. P.U.C. No. 24 by operation of law, pursuant to 66 Pa.C.S.A. § 1308(d), until December 29, 2018, and instituted an investigation into the lawfulness, justness, and reasonableness of the rates, rules, and regulations proposed in Supplement No. 174.

On May 3, 2018, Administrative Law Judge Katrina L. Dunderdale conducted a call-in telephonic prehearing conference at which the participants discussed various procedural matters and established a litigation schedule. The presiding officer issued the prehearing order on May 8, 2018 and scheduled the evidentiary hearings to be conducted in Harrisburg, Pennsylvania on August 15 through August 17, 2018. Thereafter, the parties engaged in discovery.

On August 15, 2018, the presiding officer conducted an evidentiary hearing that concluded on August 17, 2018. At the start of the evidentiary hearing, Duquesne advised the presiding officer that it had reached an agreement on all issues except one: the rate for back-up service under Rider 16. That agreement, reached in principle, proposed a $40.5 million revenue requirement and was accepted by all parties except Peoples Natural Gas Company LLC (Peoples). The evidentiary hearing proceeded on the one unresolved issue.

During cross-examination of Duquesne’s witness, Howard Gorman (Mr. Gorman) by counsel for Peoples, Mr. Gorman testified the settlement reached between all parties, except Peoples, had resulted in some downward changes to some numerical calculations. Counsel for Peoples asked the witness to estimate what impact the newly-settled revenue requirement in the settlement would have on the rate for back-up service under Rider 16 as originally proposed. (See Tr. 340, lines 9-13). As part of the cross-examination of Mr. Gorman on this issue, Peoples made an on-the-record data request for Mr. Gorman’s workpapers which would support the estimated scale back of the originally-filed back-up rate for Rider 16. In response to the Data Request from Peoples, Duquesne served a copy of the requested workpapers to all parties, including Duquesne Industrial Intervenors (DII), by mail on August 17, 2018.

During the course of the evidentiary hearing, DII made an On The Record Data Request (Data Request). Subsequent to the oral Data Request, DII filed a motion, asking to admit the documentation received from Duquesne’s witness by mail on August 17, 2018.

DISCUSSION

In a rate proceeding, a presiding officer may require a witness to provide additional information and/or documents if requested by a party during cross-examination of that witness, pursuant to 52 Pa.Code § 5.351. At the time the witness appears for cross-examination, the party may ask that the witness be ordered to provide the information or documents at a later time. The request may be made orally or in writing but objections, if any, should be made at the time the request for data is made.

During the evidentiary hearing, DII made a request for information during the evidentiary hearing. Thereafter, on August 23, 2018, DII filed its Motion to Admit on the Record Data Request Response (Motion to Admit). Duquesne provided those workpapers by mail on August 17, 2018.

On August 23, 2018, DII filed its Motion to Admit on the Record Data Request Response (Motion to Admit), in which it referenced the exchange between Mr. Gorman and counsel for Peoples. DII made two motions. First, DII moved to mark a four-page document into evidence as DII Cross Exhibit No. 3, pursuant to 52 Pa.Code § 5.402(b). DII Cross Exhibit No. 3 consists of a cover page, Duquesne Exhibits 6-4H and 6-4I of the workpapers, and a verification signed by Mr. Gorman. Second, DII moved to admit DII Cross Exhibit No. 3 into the hearing record, pursuant to 52 Pa.Code § 5.402(a).

Section 402 of Title 52 in the Pennsylvania Code provides, in part:

(a)  A party shall move the admission of evidence into the record upon presentation of the sponsoring witness, and after opportunity for other parties to examine the witness.

(b)  For an exhibit to be received into evidence, it shall be marked for identification and moved into evidence.

Pursuant to 52 Pa.Code § 5.351, any party to a rate proceeding is permitted during the hearing to ask a witness to provide information or documentation at a later time as part of the witness’ response to a question under cross-examination. The request may be made in writing or orally, but the request should be presented at the time the witness appears for cross-examination. The answer to the request should be supplied as directed by the presiding officer and objections must be made at the time the request is made.

No objection to the request of DII has been received.

THEREFORE,

IT IS ORDERED:

That DII Cross Exhibit No. 3 attached hereto is marked and admitted into the hearing record.

Date: August 29, 2018 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Katrina L. Dunderdale

Administrative Law Judge

**R-2018-3000124 – PENNSYLVANIA PUBLIC UTILITY COMMISSION V. DUQUESNE LIGHT COMPANY 1308(D)**

*(Revised 8/29/18)*

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