**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission : R-2021-3024750

Office of Consumer Advocate : C-2021-3025538

Office of Small Business Advocate : C-2021-3025462

:

v. :

:

Duquesne Light Company :

**PREHEARING CONFERENCE ORDER**

On April 16, 2021, Duquesne Light Company (Duquesne Light or Company) filed Supplement No. 25 – PA P.U.C. No. 25 to become effective June 15, 2021 seeking an increase in total annual operating revenues for electric service by approximately $115 million, which includes rolling the Distribution System Improvement Charge (DSIC) Rider charges into base rates. If the Company’s entire request is approved, the proposed metered usage rates would increase from $100.12 to $107.85 per month, or by 7.72% for a residential customer using 600 kWh per month.

On April 23, 2021, the Office of Small Business Advocate (OSBA) filed a formal complaint and public statement against the tariff filing, docket number C-2021-3025462, averring, among other things, that upon review of the materials filed by Duquesne Light, those materials may be insufficient to justify the rate increase requested and that Duquesne Light’s present and proposed rates, rules and conditions of service may be unjust, unreasonable, unduly discriminatory and otherwise contrary to law, particularly as they pertain to small business customers. The OSBA further averred that the proposed rates, rate design and cost and revenue allocation are or may be unjust, unreasonable and unlawfully discriminatory in violation of the Public Utility Code, and contrary to appropriate public policy and sound ratemaking considerations. The OSBA also requested that the filing be suspended and investigated and that the proposed new rates and other tariff changes be rejected to the extent they are found to be unlawful, unjust, unreasonable and unduly discriminatory.

On April 23, 2021, the Commission’s Bureau of Investigation and Enforcement (I&E) intervened into this case.

On April 27, 2021, the Office of Consumer Advocate (OCA) filed a formal complaint and public statement against the tariff filing, docket number C-2021-3025538, averring, among other things, that a preliminary examination of Duquesne Light’s rate increase request indicates that the present rates, rules and regulations are not just and reasonable or otherwise proper under the Public Utility Code and applicable ratemaking principles. OCA also avers that Duquesne Light’s proposed charges, increases and changes in rates, rules and programs are or may be unjust, unreasonable and in violation of law, will allow Duquesne Light an opportunity to recover an excessive rate of return on its utility property investment in violation of the Public Utility Code, and otherwise may be contrary to sound ratemaking principles and public policy. The OCA asked that the Commission suspend and investigate the operation of the proposed tariff supplement pursuant to Section 1308(d) of the Public Utility Code, consolidate all complaints filed against the proposed tariff supplement, hold full evidentiary hearings to examine the reasonableness of Duquesne Light’s current rates and its proposed increases in rates, and deny or modify any unjustified proposals. The OCA also asked that public input hearings be held in the affected service territory.

On May 20, 2021, the Commission suspended the filing by operation of law until January 15, 2022 pursuant to Section 1308(d) of the Public Utility Code, unless permitted by the Commission to become effective at an earlier date. The Commission added that investigation and analysis of the proposed tariff filing and the supporting data indicate that the proposed changes in rates, rules and regulations may be unlawful, unjust, unreasonable and contrary to the public interest. The Commission determined that consideration should be given to the reasonableness of Duquesne Light’s existing rates, rules and regulations. The Commission assigned the case to the Office of Administrative Law Judge for the prompt scheduling of hearings as may be necessary culminating in the issuance of a Recommended Decision.

As a result, on May 20, 2021, a hearing notice was issued establishing a telephonic prehearing conference for this matter for Thursday, May 27, 2021 at 10:00 a.m. and assigning us as the presiding officers.

In accordance with Section 333 of the Public Utility Code, 66 Pa.C.S. § 333, and Sections 5.221-5.224 of the Commission’s regulations, 52 Pa.Code §§ 5.221-5.224, this prehearing conference order is being issued.

ORDER

THEREFORE,

IT IS ORDERED:

1. That a telephonic Prehearing Conference shall be held on **Thursday, May 27, 2021** beginning at 10:00 a.m. The toll-free bridge number is 877-931-3508 and the PIN number is 32041174.
2. That absent a continuance for good cause, all parties must be prepared to participate in the scheduled prehearing conference. Failure of a party to participate in the conference, after being served with notice of the time thereof, without good case shown, shall constitute a waiver of all objections to the agreements reached and an order or ruling with respect thereto. **The parties list will be established at the initial prehearing conference that will be used for the remainder of the case**. If a party does not appear at, or file a petition to intervene by, the prehearing conference, or otherwise express an interest in being on the parties list, that party may be excluded from this case.
3. That all parties shall review the regulations relating to discovery, specifically 52 Pa.Code § 5.331(b), which provides, among other things, that “a party shall initiate discovery as early in the proceedings as reasonably possible,” and 52 Pa.Code § 5.322, which encourages parties to exchange information on an informal basis. All parties are urged to cooperate in discovery. There are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa.Code §§ 5.361, 5.371 – 5.372.
4. That pursuant to 52 Pa.Code §§ 1.21 – 1.23, you may represent yourself, if you are an individual, or you may have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *pro hac vice*, represent you. **However, if you are a partnership, corporation, trust, association, or governmental agency or subdivision, you must have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *pro hac vice*, represent you in this proceeding**. Unless you are an attorney, you may not represent someone else. Attorneys shall insure that their appearance is entered in accordance with the provisions of 52 Pa.Code § 1.24(b).
5. That you must serve us electronically at [jcheskis@pa.gov](mailto:jcheskis@pa.gov) and [jcoogan@pa.gov](mailto:jcoogan@pa.gov) with a copy of any document that you file in this proceeding. If you send us any correspondence or document, you must send a copy to all other parties. A copy of the Commission’s current service list of the parties to this proceeding is enclosed with this order.
6. That parties shall review the regulations pertaining to prehearing conferences, in particular 52 Pa.Code §5.222(d), which provides that parties and counsel will be expected to attend the conference fully prepared for useful discussion of all problems involved in the proceeding, both procedural and substantive, and fully authorized to make commitments with respect thereto. The preparation should include, among other things, advance study of all relevant materials, and advance informal communication between the participants, including requests for additional data and information, to the extent it appears feasible and desirable.

1. That pursuant to 52 Pa.Code §1.55, each party shall be limited to one entry on the service list. Parties shall provide the name, business address, business telephone number and business e-mail address of the person they wish to have listed on the service list.
2. That on or before **May 25, 2021**, the parties shall serve us and each other with a Prehearing Conference Memorandum addressing:

a.) The information described in Paragraph 7, above.

b.) A statement regarding possible settlement of the case, subject to approval of the Pennsylvania Public Utility Commission.

c.) Any proposed modifications to the Commission’s discovery regulations.

d.) A proposed schedule for litigation which provides for reply briefs to be filed no later than **September 13, 2021**.

e.) Names, business addresses, and telephone numbers of witnesses the party expects to call and the subject matter of each witnesses’ testimony.

f.) A list of the issues and sub-issues of this proceeding which the party intends to address and a statement of the party’s position on each of the issues and sub-issues listed.

g.) The need for any public input hearings to be held in the service territory.

1. That the parties are directed to confer to identify specific dates and times of any public input hearings, if any, including telephone numbers and persons to contact, and to confer and attempt to reach a consensus regarding the content of the notice, newspaper advertisement of the public input hearings and other forms of notifying the public in the service territory.
2. That a request for a change of the scheduled Prehearing Conference date shall state the agreement or opposition of other parties and shall be submitted in writing no later than five (5) days prior to the initial prehearing conference. 52 Pa.Code §1.15(b). Requests for change must be sent to us with copies to all parties of record.

Date: May 20, 2021 /s/

Joel H. Cheskis

Deputy Chief Administrative Law Judge

/s/

John M. Coogan

Administrative Law Judge

**R-2021-3024750 et al - PA PUBLIC UTILITY COMMISSION v. DUQUESNE LIGHT COMPANY**

JAMES DAVISDUQUESNE LIGHT411 SEVENTH AVENUEPITTSBURGH PA 15219**412.393.6402**jdavis4@duqlight.comAccepts eService  
*Representing Duquesne Light Company*

ANTHONY D KANAGY ESQUIRE  
MICHAEL W GANG ESQUIRE17 NORTH SECOND STREET 12TH FLOORHARRISBURG PA 17101-1601**717.612.6034**  
**717.612.6026**akanagy@postschell.com   
mgang@postschell.com   
Accepts eService*Representing Duquesne Light Company*

RIA PEREIRA ESQUIRE  
ELIZABETH R MARX ESQUIRE  
JOHN SWEET ESQUIRE  
LAUREN BERMAN ESQUIRE  
PA UTILITY LAW PROJECT118 LOCUST STREETHARRISBURG PA 17101**717.710.3839  
717.236.9486  
717.701.3837  
717.236.9486**  
rpereirapulp@palegalaid.net   
emarxpulp@palegalaid.netjsweetpulp@palegalaid.net   
lbermanpulp@palegalaid.net  
Accepts eService *Representing CAUSE-PA*

CHRISTY APPLEBY ESQUIRE  
PHILLIP DEMANCHICK ESQUIRE  
ARON J BEATTY ESQUIRE  
**\***DAVID EVRARD ESQUIRE  
**\***TANYA J MCCLOSKEY ESQUIRE  
OFFICE OF CONSUMER ADVOCATE555 WALNUT STREET 5TH FLOOR FORUM PLACEHARRISBURG PA 17101**717.783.5048**cappleby@paoca.orgpdemanchick@paoca.org  
abeatty@paoca.orgdevrard@paoca.org   
tmccloskey@paoca.org  
**\*** Via e-mail only due to Emergency Order at M-2020-3019262   
Accepts eServiceSCOTT B GRANGER ESQUIREPA PUC BUREAU OF INVESTIGATION & ENFORCEMENTSECOND FLOOR WEST400 NORTH STREETHARRISBURG PA 17120**717.425.7593**sgranger@pa.govAccepts eService

SHARON E WEBB ESQUIREOFFICE OF SMALL BUSINESS ADVOCATEFORUM PLACE555 WALNUT STREET 1ST FLOORHARRISBURG PA 17101**717.783.2525**  
Via e-mail only due to Emergency Order at M-2020-3019262 swebb@pa.govJOSEPH L VULLO ESQUIREBURKE VULLO REILLY ROBERTS1460 WYOMING AVENUEFORTY FORT PA 18704**570.288.6441**jlvullo@aol.comAccepts eService  
*Representing Pennsylvania Weatherization Providers Task Force, Inc.*  
ANDREW J KARAS ESQUIREFAIR SHAKE ENVIRONMENTAL LEGAL SERVICES647 E MARKET STREETAKRON OH 44304**234.334.0997**akaras@fairshake-els.orgAccepts eService  
*Representing National Resources Defense Council*SOPHIA AL RASHEED ESQUIREFAIR SHAKE ENVIRONMENTAL LEGAL SERVICES600 SUPERIOR AVENUE SUITE 1300CLEVELAND OH 44114**234.255.5455**Via e-mail only due to Emergency Order at M-2020-3019262 salrasheed@fairshake-els.org*Representing National Resources Defense Council* MARK SZYBIST ESQUIRENATURAL RESOURCES DEFENSE COUNCIL1152 15TH STREET NWSUITE 300WASHINGTON DC 20005**202.289.2422**mszybist@nrdc.orgAccepts eService*Representing National Resources Defense Council*