



COMMONWEALTH OF PENNSYLVANIA

June 5, 2024

**E-FILED**

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

**Re: Petition of Duquesne Light Company for approval of a Default Service Plan for the Period June 1, 2025 through May 31, 2029 /Docket No: P-2024-3048592**

Dear Secretary Chiavetta:

Enclosed for filing please find the Prehearing Memorandum, on behalf of the Office of Small Business Advocate (“OSBA”), in the above-captioned proceeding.

Copies will be served on all known parties in this proceeding, as indicated on the attached Certificate of Service.

If you have any questions, please do not hesitate to contact me.

Sincerely,

*/s/ Sharon E. Webb*

Sharon E. Webb  
Assistant Small Business Advocate  
Attorney ID No. 73995

*Enclosures*

cc: Robert D. Knecht  
Parties of Record

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>Pennsylvania Public Utility Commission</b>	:	
	:	
<b>v.</b>	:	<b>Docket No. P-2024-3048592</b>
	:	
<b>Petition of Duquesne Light Company for approval of a Default Service Plan for the Period June 1, 2025 through May 31, 2029</b>	:	

---

**PREHEARING MEMORANDUM  
OF THE OFFICE OF SMALL BUSINESS ADVOCATE**

---

**I. INTRODUCTION**

The Office of Small Business Advocate (“OSBA”) is authorized to represent the interests of small business customers of utility services before the Pennsylvania Public Utility Commission (“Commission”) pursuant to the provisions of the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 – 399.50 (“the Act”). In order to discharge this statutory duty, the Small Business Advocate deems it necessary to participate as a party to the above-captioned proceeding.

Representing the OSBA in this matter is Assistant Small Business Advocate Sharon E. Webb and Senior Supervising Assistant Small Business Advocate Steven C. Gray. Please address all correspondence in this matter as follows:

Sharon E. Webb, Esq.  
Assistant Small Business Advocate  
Office of Small Business Advocate  
Forum Place  
555 Walnut Street, 1<sup>st</sup> Floor  
Harrisburg, PA 17101  
(717) 783-2525 / (717) 783-2831 (fax)  
[swebb@pa.gov](mailto:swebb@pa.gov)

## **II. FILING BACKGROUND**

On April 19, 2024, the Duquesne Light Company (“Duquesne” or “Company”) initiated the above-captioned proceeding by filing with the Commission a petition for approval of a default service plan for the period of June 1, 2025, through May 31, 2029 (“Petition”).

Notice of the Petition was published in the May 11, 2024 issue of the Pennsylvania Bulletin. The Notice in the Pennsylvania Bulletin set a deadline for protests, answers or interventions of May 31, 2024. Consistent with the requirements set forth in the Pennsylvania Bulletin the OSBA filed a Notice of Intervention, Public Statement, and a Notice of Appearance on May 9, 2024.

## **III. IDENTIFICATION OF WITNESS AND TENTATIVE ISSUES**

Assisting in the development and presentation of the OSBA’s case in this proceeding will be:

Mr. Robert D. Knecht  
Industrial Economics Incorporated  
5 Plymouth Road  
Lexington, MA 02421  
(781) 249 9461  
[rdk@indecon.com](mailto:rdk@indecon.com)

After an initial review of the materials submitted by Duquesne, the OSBA offers the following summary of the issues:

1. Duquesne proposes to acquire electricity for customers in the Residential and Lighting classes through a mix of 12 and 24 month full requirements, load-following contracts obtained through semi-annual competitive auctions with overlapping, or

“laddered,” delivery periods. *See* Petition, para. 8. Except for Lighting customers, Duquesne would acquire electricity to serve non-residential default service customers with maximum peak demands of less than 25 kW with the same procurement strategy as residential customers, full-requirements, load-following contracts with “laddered” delivery periods. *See* Petition, para. 17. This approach is generally unchanged from the previous DSP. However, for non-residential customers with loads between 25 and 200 kW, Duquesne proposes to acquire electricity with load-following contracts but with half the supply procured in laddered 12-month products and the other half in six-month products with 3-month pricing terms. *See* Petition, para. 23. Duquesne proposes to continue serving default customers with maximum peak demands of 200 kW or higher through hourly pricing. *See* Petition, para. 34. The OSBA agrees that Duquesne should acquire default service electricity for Small and Medium C&I customers through fixed price full-requirements contracts. The OSBA will evaluate the specific aspects of these, and other, provisions of Duquesne’s Petition after the OSBA has had the opportunity to engage in further discovery. In particular, the OSBA will consider whether the proposed changes will be effective in avoiding the high and erratic default service prices that applied to the 25 – 200 kW customers in the current DSP (see OSBA-I-2). The OSBA will also consider the Company’s proposals with respect to:

- Trends in shopping rates by class and size of customer;
- Supplier load caps;
- Quarterly versus bi-annual rate changes;
- Retention of the 200 kW upper bound for fixed price default service;
- Procurement of AECs, including the Solar PPA Plan;

- Net metering cashouts;
- Green Tariff program (proposed for residential only);
- Standard Offer Program.

2. In its DSP X DSP plan, Duquesne is proposing to continue its Electric Vehicle Time-of-Use (“EV-TOU”) Pilot Program that would be available to Residential, Small C&I and Medium C&I customers who own or lease an EV, or who operate EV charging infrastructure and also to expand the rate offering in this proceeding for residential customers. *See* Petition, para. 55. Customers currently enrolled in the existing the EV-TOU Pilot will be eligible to switch to the EV-only rate option under the new EV TOU Supply Rate Pilot. However, this option will not be available to commercial customer that are otherwise eligible for the whole-premise TOU rate. *See* Petition, para. 58. Duquesne proposes to obtain default service supply for EV-TOU customers through the same procurements used for their respective customer classes. *See* Petition, para. 62. Likewise, any mismatches between EV-TOU revenues and supply costs would be included within Duquesne’s existing reconciliation process, by customer class. The OSBA will examine Duquesne’s proposed EV-TOU Pilot to ensure there is no cost shifting between procurement classes.

3. The OSBA has issued discovery and also reserves the right to pursue additional issues as they arise throughout the proceeding.

**IV. SERVICE OF DOCUMENTS**

In accordance with 52 Pa. Code § 1.54(b)(3)(i), the OSBA agrees to accept email delivery of documents on the due date<sup>1</sup> as satisfying the in-hand requirement. The OSBA requests that such email delivery of documents is also provided to its witness, identified above.

In addition to email copies of pleadings, briefs, and exceptions, the OSBA requests email copies of responses to discovery propounded by the OSBA or any other party. The OSBA also requests that all parties serve an electronic copy of all interrogatory responses upon the OSBA and the OSBA witness, identified above.

**V. SETTLEMENT**

The OSBA notes its willingness to enter into settlement discussions at the appropriate phase of this proceeding.

**VI. HEARING AND BRIEFING SCHEDULE**

The OSBA will cooperate with the other parties to develop a procedural schedule.

Respectfully submitted,

*/s/ Sharon E. Webb*

---

Sharon E. Webb  
Assistant Small Business Advocate  
Attorney ID # 73995

Commonwealth of Pennsylvania  
Office of Small Business Advocate  
Forum Place  
555 Walnut Street, 1<sup>st</sup> Fl  
Harrisburg, PA 17101

Dated: June 5, 2024

---

<sup>1</sup> In accordance with 52 Pa. Code § 1.56(a)(5), documents must be received by 4:30 pm.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Pennsylvania Public Utility Commission** : **Docket No.: P-2024-3048592**  
:   
v. :   
:   
**Petition of Duquesne Light Company for** :   
**approval of a Default Service Plan for the** :   
**Period June 1, 2025 through May 31,2029** :

**CERTIFICATE OF SERVICE**

I hereby certify that true and correct copies of the foregoing have been served via email (*unless otherwise noted below*) upon the following persons, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

The Honorable Mary D. Long  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
Piatt Place, Suite 220  
201 Fifth Avenue  
Pittsburgh, PA 15222  
[malong@pa.gov](mailto:malong@pa.gov)

The Honorable John Coogan  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
400 North Street  
Commonwealth Keystone Building  
Harrisburg, PA 17120  
[jcoogan@pa.gov](mailto:jcoogan@pa.gov)

Allison Kaster, Esquire  
Director  
Bureau of Investigation & Enforcement  
400 North Street  
Commonwealth Keystone Building  
Harrisburg, PA 17120  
[akaster@pa.gov](mailto:akaster@pa.gov)

Anthony D. Kanagy, Esquire  
Nicholas A. Stobbe, Esquire  
Post & Scell, P.C.  
17 North Second Street, 12th Floor  
Harrisburg PA 17101-1601  
[akanagy@postschell.com](mailto:akanagy@postschell.com)  
[nstobbe@postschell.com](mailto:nstobbe@postschell.com)

Christy M. Appleby, Esquire  
Emily Farren, Esquire  
Office of Consumer Advocate  
555 Walnut Street  
Forum Place, 5th Floor  
Harrisburg, PA 17101  
[CAappleby@paoca.org](mailto:CAappleby@paoca.org)  
[EFarren@paoca.org](mailto:EFarren@paoca.org)

Lisa L. Grimenstein, Esquire  
Duquesne Light Company  
411 Seventh Avenue  
Pittsburgh, PA 15219  
[lgrimenstein@duqlight.com](mailto:lgrimenstein@duqlight.com)

Elizabeth J. Sher, Esquire  
One Jefferson Road  
Parsippany, NJ 07054-2891  
[esher@daypitney.com](mailto:esher@daypitney.com)

John F. Lushis, Jr., Esquire  
NORRIS McLAUGHLIN, P.A.  
515 W. Hamilton Street, Suite 502  
Allentown, PA 18101  
[jlushis@norris-law.com](mailto:jlushis@norris-law.com)

Karen O. Moury, Esquire  
Deanne M. O'Dell, Esquire  
Eckert Seamans Cherin & Mellott, LLC  
213 Market St., 8th Floor  
Harrisburg, PA 17101  
[kmoury@eckertseamans.com](mailto:kmoury@eckertseamans.com)  
[dodell@eckertseamans.com](mailto:dodell@eckertseamans.com)

Lauren M. Burge, Esquire  
Eckert Seamans Cherin & Mellott, LLC  
600 Grant Street, 44th Floor  
Pittsburgh, PA 15219  
[lburge@eckertseamans.com](mailto:lburge@eckertseamans.com)

Elizabeth R. Marx, Esquire  
John Sweet, Esquire  
Ria Pereira, Esquire  
Lauren N. Berman, Esquire  
Pennsylvania Utility Law Project  
118 Locust Street  
Harrisburg, PA 17101  
[pulp@putilitylawproject.org](mailto:pulp@putilitylawproject.org)

DATE: June 5, 2024

/s/ Sharon E. Webb  
Sharon E. Webb  
Assistant Small Business Advocate  
Attorney I.D. No. 73995