

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Duquesne Light Company : M-2025-3057325
for Approval of its Act 129 Phase V Energy :
Efficiency and Conservation Plan :

SCHEDULING ORDER

On June 18, 2025, the Commission entered an Implementation Order with respect to the Act 129 Energy Efficiency and Conservation (EE&C) Program at Docket No. M-2025-3052826. *Energy Efficiency and Conservation Program*, Docket No. M-2025-3052826 (Implementation Order entered June 18, 2025) (*Implementation Order*). In the Implementation Order, the Pennsylvania Public Utility Commission (Commission) established deadlines for the Phase V plan approval process for Pennsylvania’s four major electric distribution companies.¹

The timeline requires, inter alia, that EDCs file their Phase V plans by November 30, 2025 and that evidentiary hearings must be completed on or before the 65th day after filing. *Implementation Order*. Additionally, briefs are due within 10 days after the hearing, and the EDC has 10 days after the briefing date in which to file a revised plan, reply comments or both. After that deadline, the presiding officer must certify the record to the Commission. The Commission will approve or disapprove the plan by March 2026.

¹ By later order and secretarial letter, the Commission revised certain deadlines, including publication of the EE&C plans (January 3, 2026), answers and petitions to intervene (January 5, 2026), prehearing conferences (January 6, 2026), public comment (January 18, 2026), and discovery responses (10 calendar days). *Energy Efficiency and Conservation Program*, Docket No. M-2025-3052826 (Opinion and Order entered Sept. 4, 2025) (*September 2025 Order*); *Energy Efficiency and Conservation Program*, Docket No. M-2025-3052826 (Secretarial Letter issued Dec. 18, 2025).

On December 1, 2025, Duquesne Light Company (Duquesne or Company) filed a Petition for Approval of its Act 129 Phase V Energy Efficiency and Conservation Plan.² The plan was docketed at M-2025-3057325.

On December 2, 2025, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) filed a petition to intervene and answer.

On December 4, 2025, counsel for the Office of Small Business Advocate (OSBA) filed a Notice of Appearance for attorney Steven C. Gray. On the same date, counsel for the Office of Consumer Advocate (OCA) filed Notices of Appearance for attorneys Ryan Morden, Katie Kennedy and Janna E. Williams.

On December 9, 2025, Peoples Natural Gas Company LLC (Peoples) filed a notice of substitution of counsel indicating that attorney Meagan Moore will participate in this case on behalf of Peoples.

On December 12, 2025 and December 19, 2025, respectively, the OCA and OSBA filed notices of intervention and public statements.

I was assigned as Presiding Officer and, on December 29, 2025, the Commission issued notice that a telephonic prehearing conference was scheduled for January 6, 2026. I issued a Prehearing Conference Order on December 30, 2025 establishing procedural rules for the prehearing conference, interventions, and initial requirements for service. I directed that the parties should confer prior to the conference to discuss and attempt to agree upon a litigation schedule and any proposals for discovery modifications.

On January 5, 2026, the Keystone Energy Efficiency Alliance (KEEA) filed a petition to intervene and answer.

² The November 30, 2025 deadline fell on a Sunday.

The initial prehearing conference was held as scheduled on January 6, 2026. Duquesne, OCA, OSBA, CAUSE-PA, and Peoples were present and represented by counsel.

On January 6, 2026, counsel for KEEA filed a Notice of Appearance for attorney Justin L. Carpenter.

On January 7, 2026, Peoples filed a petition to intervene.

This Scheduling Order memorializes the matters decided by the undersigned and agreed upon by the parties attending the Prehearing Conference held on January 6, 2026, and orders a litigation schedule for this proceeding.

Petitions to Intervene

At the prehearing conference, CAUSE-PA's petition to intervene was granted without objection.

The petitions to intervene filed by KEEA and Peoples will be deemed granted if not objected to **by close of business on Tuesday, January 13, 2026**. If objected to, the petitions will be addressed by order.

Any other petitions to intervene in this matter, if not untimely or otherwise defective on their face, shall be deemed granted if not objected to within three (3) business days after filing. If objected to, such pleadings will be addressed by order.

Litigation Schedule

During the prehearing conference, I approved the litigation schedule agreed on by all parties and set forth below. It is noted that all parties requested or did not object to holding the evidentiary hearings by telephone. On January 7, 2026, the Commission granted a joint

request for waiver of the requirement for in-person evidentiary hearings in the four pending EE&C proceedings. Accordingly, the February 4, 2026 hearing will be telephonic.

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|---|-----------------------------|
| Direct Testimony (parties other than Duquesne) | Tuesday, January 20, 2026 |
| Rebuttal Testimony | Wednesday, January 28, 2026 |
| Evidentiary Hearings (telephonic, 10:00 a.m. start) | Wednesday, February 4, 2026 |
| Briefs | Friday, February 13, 2026 |
| Revised Plan, Reply Comments and Close of Record | Monday, February 23, 2026 |

If possible, there will be a one-business day turnaround for the evidentiary hearing transcript.

Pre-served testimony and exhibits

The parties are reminded of the Commission’s requirements for the preparation, service, and filing of written testimony. 52 Pa. Code § 5.412. Written testimony must be accompanied by all exhibits to which it relates.

The parties are directed to serve their pre-served testimony to the presiding officer and all parties in PDF and Word format, on the date of service. If the testimony includes any worksheets, those worksheets should be provided in Excel format to me, as well as to all parties, within one day.

Duquesne should email the presiding officer a Word version of its direct testimony **by January 13, 2026**.

No written testimony or exhibits will be admitted into evidence unless accompanied by a verification or affidavit of the witness. Further, no discovery responses will be admitted into evidence unless accompanied by the verification of the sponsoring witness.

All parties are directed to comply with the provisions of 52 Pa. Code § 5.243(e), which prohibits the introduction of evidence during rebuttal or surrebuttal that should have been

included in the case-in-chief or substantially varies from the case-in-chief, unless the evidence is introduced in support of a proposed settlement.

Confidential Security Information (CSI) as defined by 35 P.S. § 2141 *et seq.* should not be transmitted by email or other electronic means. The parties are to avoid introducing CSI into the record and should develop alternative means, such as joint stipulations or redaction when proposing testimony or exhibits. If there is no other alternative to establish a material fact other than by CSI, the parties are to contact me immediately and in advance of the evidentiary hearing.

Evidentiary hearings

Evidentiary hearings will be held by telephone and begin promptly at 10 a.m. The parties must confer before commencement of the hearing to schedule their witnesses to avoid “dead time.”

Proposed evidentiary exhibits, not already pre-served, must be emailed to me and all parties **by 10 a.m. on Tuesday, February 3, 2026**. All parties should prepare and submit a hearing exhibit that inventories all materials that the party seeks to move into the record.

No later than 10 a.m. on Tuesday, February 3, 2026, Duquesne shall email me a completed witness listing and cross-examination grid. Parties shall complete the witness listing and cross-examination grid as developed by the Company.

If a partial or full settlement is achieved, the parties should notify me as soon as possible prior to the scheduled hearing.

Friendly cross-examination or cumulative cross-examination during hearings will not be permitted. 52 Pa. Code §§ 5.76; 5.243.

Briefs

The parties must comply with 52 Pa. Code §§ 5.501 and 5.502, regarding the preparation and filing of briefs, except as otherwise directed by me. Briefs must follow a common outline and include proposed findings of fact with citations to the record evidence relied upon as the basis for the proposed finding of fact, proposed conclusions of law and proposed ordering paragraphs. Page limitations on briefs will be discussed on or before the last day of hearing.

Discovery Modifications

During the prehearing conference, the OCA requested that the deadline for responding to discovery responses be reduced from the 10 days established in the Commission's *September 2025 Order*, to five days. The Company objected. I directed that the deadline would be reduced to seven days. The parties shall use best efforts to meet the shortened deadlines, prioritize responses on request, and use informal discovery to expedite the exchange of information.

I also directed that the parties should review the discovery modifications adopted in Duquesne's Phase III EE&C proceeding, at Docket No. M-2015-2515375. The parties were directed to notify me by email, **no later than close of business on January 8, 2026**, if they objected to the adoption of the same modifications in the instant proceeding. No party objected.

As such, the Commission's regulations regarding discovery are modified as follows:

- a. Answers to written interrogatories and responses to requests for production of documents must be served in-hand within 7 calendar days of service.
- b. Objections to interrogatories must be communicated orally within 3 calendar days of service of the interrogatories.

Unresolved objections must be served within 5 calendar days of service of the interrogatories.

c. Motions to dismiss objections to interrogatories must be filed within 3 calendar days of service of the objections.

d. Answers to motions to dismiss objections must be filed within 3 calendar days of service of the motion.

e. Rulings on motions to dismiss objections will be issued, to the extent possible, within 7 calendar days of the filing of the motion.

f. Any discovery requests served after 12:00 noon on a Friday will be deemed served on the following business day for purposes of calculating due dates.

g. All discovery due dates require “in-hand” service. Electronic service on the due date will satisfy the “in-hand” requirement.

h. Discovery-related pleadings, such as objections, motions, and answers to same, served on a Friday or any business day preceding a state holiday will be deemed served on the next business day.

Discovery disputes may be resolved via telephone conference with me, without need of a motion to compel, although the propounding party may choose to file a formal motion to compel. **In either case, counsel must certify their efforts to resolve their discovery disputes informally.** If that certification is not made, I will contact the parties and direct them to pursue informal discovery.

Service and Service List

Service by email, sent by 4:30 p.m., will satisfy the in-hand requirement and no follow-up hard copy is required. No hard copies should be served to me unless materials are not available electronically.

Specific requirements for pre-served testimony and exhibits are discussed above. Any motions, petitions, and answers filed in this matter should be emailed to me in PDF and Word formats.

For the convenience of the parties, an updated service list is attached to this Scheduling Order.

Settlement and Stipulations

The parties are reminded it is the Commission's policy to encourage settlements. 52 Pa. Code § 5.231(a). The parties are strongly urged to seriously explore this possibility.

If settlement is not feasible, the parties are encouraged to stipulate to any matters they reasonably can to expedite this proceeding, lessen the burden of time and expenses in litigation on all parties and conserve administrative hearing resources. 52 Pa. Code §§ 5.232 and 5.234. All stipulations entered into by the parties must be reduced to writing, signed by the parties to be bound thereby, and moved into the record during the hearing in this case. An exception to this requirement may occur when circumstances of time and expediency warrant. If so, an oral presentation of a stipulation is permissible, if it is followed by a reduction to writing.

Modification

Any of the provisions of this Scheduling Order may be modified upon motion and good cause shown by any party in interest.

Date: January 9, 2026

_____/s/
Erin L. Gannon
Administrative Law Judge

**M-2025-3057325 - DUQUESNE LIGHT COMPANY ACT 129 PHASE V ENERGY
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