PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, Pennsylvania 17120

Duquesne Light Company Universal Service and Energy Conservation Plan for 2020-2025	**Public Meeting of November 5, 2026 3061673-BCS Docket Nos. M-2019-3008227, P-2026-3061673, R-2024-3046523**
Petition to Amend Duquesne Light Company Universal Service and Energy Conservation Plan for 2020-2025	
Pennsylvania Public Utility Commission, *et al.*, v. Duquesne Light Company	

MOTION OF CHAIRMAN STEPHEN M. DeFRANK

Before the Pennsylvania Public Utility Commission (Commission) today is Duquesne Light Company's (Duquesne or the Company) Petition to Amend its Universal Service and Energy Conservation Plan (USECP) for 2020-2025 (Petition). As part of its Petition, Duquesne seeks approval to automatically enroll Low-Income Home Energy Assistance Program (LIHEAP) data sharing participants with an arrearage balance of $250 or more into its Customer Assistance Program (CAP) on an opt-out basis. At the June 18, 2026 Public Meeting, the Commission deferred approval of Duquesne's Petition pending the filing of additional information by the Company, and responsive stakeholder comments.

On July 8, 2026, Duquesne submitted Comments responsive to two CAP auto-enrollment concerns I raised back in June: (1) that customers may be required to unwittingly forfeit their ability to be awarded a Commission-approved payment arrangement on CAP arrearages;[1] and (2) that auto-enrolling customers who are being served by an electric generation supplier (EGS) could subject them to early termination or cancellation fees by the EGS. In response, Duquesne explained that it plans to treat CAP arrears as eligible for a Company-issued payment arrangement "under the same criteria as a non-CAP customer."[2] Additionally, Duquesne asserted that the Company's supplier tariff prohibits EGSs from charging termination fees to customers returning to default service due to CAP enrollment, and that the Company informs EGSs of CAP enrollment, thereby protecting customers from fees.[3]

[1] *See* former Section 1405 of the Public Utility Code, previously codified at 66 Pa.C.S § 1405(c); *see also Sunset of Chapter 14, Title 66 of the Pennsylvania Public Utility Code*, Docket No. M-2024-3052328 (Statement of Policy entered December 24, 2024).
[2] Duquesne Comments at 4 (July 8, 2026).
[3] *Id*. at 6.

While Duquesne's representations were reassuring, upon closer review, the safeguards that the Company points to are not substantiated. Since Duquesne intends to auto-enroll customers on an opt-out basis, it is critical for the Company to firmly establish these safeguards before its Petition can be approved.

I. Payment Arrangements

At the outset, Duquesne's plan to extend payment arrangements on CAP arrearages to auto-enrolled customers exists only in the Comments that the Company filed in this matter. Neither Duquesne's Petition, nor the draft letter it proposes to send to customers, identifies any commitment for the Company to offer impacted customers a payment plan on CAP arrearages. Moreover, while Duquesne indicates that the payment arrangement will be issued under the same criteria that applies to a non-CAP customer, the operative terms are not identified. Because Duquesne's payment arrangement commitment is not substantiated, impacted customers may not be aware of the availability of payment arrangements on CAP arrearages or the terms. In turn, the Commission would also be unable to ensure that Duquesne upholds it commitment to extend those arrangements. In short, more is needed to ensure that Duquesne is accountable for its commitment to extend payment arrangements on CAP arrearages.

II. Duquesne's Supplier Tariff

Next, I disagree that Duquesne has appropriate processes in place to protect auto-enrolled CAP customers with EGS contracts. Although Duquesne's supplier tariff prohibits EGSs from charging termination or cancellation fees to CAP applicants who return to default service, the Company has omitted important tariff caveats in its Comments. Specifically, Section 5.4.1.1 of Duquesne's supplier tariff indicates that the Company "will not be responsible for ensuring EGS compliance" or for monitoring EGS compliance. The Company's supplier tariff also identifies a remedy for EGS' non-compliance—and that remedy is for the *impacted customers* to file a Complaint with the Commission. Unfortunately, as currently structured, Duquesne's supplier tariff puts both the risk and the burden of EGS non-compliance squarely upon vulnerable customers. I cannot support that outcome here—and it is antithetical to the goals of customer assistance programming.[4]

[4] *See* 52 Pa. Code § 54.73.

III. Conditional Approval

To ensure that Duquesne firmly establishes safeguards necessary to protect auto-enrolled customers, I move to condition approval of the Company's Petition upon the following requirements:

1. Duquesne must commit to recompensing auto-enrolled shopping customers for any EGS fees they may be charged upon return to default service. Duquesne would be ineligible to recover any related costs from ratepayers. However, Duquesne may pursue whatever remedies may be necessary for the Company to recoup the costs of the refund from the EGS, removing these costs and burdens from the auto-enrolled customer.

2. Duquesne must amend its supplier tariff consistent with the Company's obligation to recompense auto-enrolled shopping customers for any EGS fees they are charged upon return to default service

3. Duquesne must file an amended USECP. The Company's amended USECP should clearly state the Company's commitment to extend payment arrangements for CAP arrearages for all auto-enrolled customers who exit CAP with such arrearages. It should also clearly identify the length of the available payment arrangements as *no less than* the terms identified in the prior Section 1405(b) of the Public Utility Code.[5] The Company is free to offer longer payment arrangement terms at its discretion.

   In addition, Duquesne's amended USECP should also clearly identify the Company's obligation to recompense auto-enrolled shopping customers for any EGS fees they are charged upon return to default service.

4. Finally, Duquesne must revise the initial letter it intends to send to auto-enrolled CAP customers[6] to advise them of the availability of the Company-issued payment arrangements on CAP arrearages. The letter should also be revised to advise auto-enrolled customers of the Company's obligation to recompense them for any EGS fees they may be charged upon return to default service.

With these revisions, Duquesne would have sufficient processes in place to protect not only auto-enrolled CAP customers with EGS contracts, but all other customers as well.

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[5] *See* former Section 1405(b) of the Public Utility Code, previously codified at 66 Pa.C.S § 1405(B); *see also Sunset of Chapter 14, Title 66 of the Pennsylvania Public Utility Code*, Docket No. M-2024-3052328 (Statement of Policy entered December 24, 2024) at 4-5.

[6] Duquesne Light Comments at 5; Attachment 2.

THEREFORE, I MOVE THAT:

1. The Duquesne Light Company's Petition to Amend its Universal Service and Energy Conservation Plan for 2020-2025 be conditionally approved, as modified, and consistent with the terms identified in this Motion.

2. The Bureau of Consumer Services, with the assistance of the Commission's Law Bureau, draft an Order consistent with this Motion.

3. The Duquesne Light Company shall, within thirty (30) days of the entry date of the Order, submit a compliance filing at Docket No. P-2026-3061673 demonstrating compliance with the directives identified in this Motion.

November 5, 2026
Date

Stephen M. DeFrank
Chairman