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C O U N S E L O R S   A T   L A W

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November 9, 2010

**VIA FEDERAL EXPRESS**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
P.O. Box 3265  
Harrisburg, PA 17105-3265

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SECRETARY'S BUREAU

**Re: Petition Of PECO Energy Company For Approval Of Its Act 129 Energy Efficiency And Conservation Plan And Expedited Approval Of Its Compact Fluorescent Lamp Program; Docket No. M-2009-2093215**

Dear Secretary Chiavetta:

Enclosed for filing are an original and three copies of the **Prehearing Conference Memorandum on behalf of PECO Energy Company** in the above-captioned matter. Pursuant to 52 Pa. Code § 1.11(a)(2), the enclosed Memorandum shall be deemed filed on November 9, 2010, which is the date it was deposited with Federal Express as shown on the Federal Express delivery receipt.

As evidenced by the attached Certificate of Service, copies of the Memorandum are being served on all parties of record. Also enclosed is an additional copy of this letter and the Memorandum, which we request be date-stamped as evidence of filing and returned to us in the stamped, pre-addressed envelope provided.

Very truly yours,



Thomas P. Gadsden

c: Per Certificate of Service

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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PETITION OF PECO ENERGY :  
COMPANY FOR APPROVAL OF ITS :  
ACT 129 ENERGY EFFICIENCY AND : DOCKET NO. M-2009-2093215  
CONSERVATION PLAN AND :  
EXPEDITED APPROVAL OF ITS :  
COMPACT FLUORESCENT LAMP :  
PROGRAM :

PREHEARING CONFERENCE MEMORANDUM  
OF  
PECO ENERGY COMPANY

Pursuant to the November 4, 2010, Prehearing Conference Order of Administrative Law Judges Dennis J. Buckley and Elizabeth H. Barnes, PECO Energy Company ("PECO" or the "Company") hereby submits its Prehearing Conference Memorandum in the above-captioned proceeding.

I. INTRODUCTION

On September 15, 2010, PECO filed with the Pennsylvania Public Utility Commission ("Commission") its proposed revisions to the Company's approved Energy Efficiency and Conservation Plan ("Plan"). In accordance with the Commission's June 24, 2010 and September 1, 2010 Secretarial Letters, the Company submitted: (1) an Annual Report for the Plan (covering June 2009 through May 2010); (2) an Executive Summary of the proposed revisions to the Plan; and (3) a blacklined copy of the Plan showing the proposed revisions.

As explained in the Executive Summary, PECO is seeking to modify certain existing Plan measures, add new measures and shift funds from certain programs to the Compact Fluorescent Lamp Program ("CFL Program"). These revisions are intended to provide customers with

greater opportunities to participate in and achieve energy savings through the Plan's measures. PECO's proposed revisions will not impact the Energy Efficiency Program Charge ("EEPC") to customers, change the total level of program dollars, or result in the reallocation of funds or costs among customer classes.

As of this date, the Company has received: the Answer of the Office of Small Business Advocate ("OSBA"), dated October 5; the Comments of the Philadelphia Association of Community Development Corporations ("PACDC"), dated October 15, 2010; the Petition to Intervene and Comments of Pennsylvania Communities Organizing for Change ("PCOC"), dated October 18, 2010; and the Petition to Withdraw of the Association of Communities Organizing for Change ("ACORN"), dated October 18, 2010. In addition, letters have been served by the Philadelphia Area Industrial Energy Users Group ("PAIEUG"), dated October 15 and November 4, 2010, indicating that it will not be filing Comments or Reply Comments in this proceeding. Finally, PECO has been served with prehearing conference memoranda for the following parties: OSBA, the Commission's Office of Trial Staff ("OTS"), the Office of Consumer Advocate ("OCA"), PAIEUG, PCOC, the City of Philadelphia, the Pennsylvania Department of Environmental Protection ("DEP") and the Tenant Union Representative Network and Action Alliance of Senior Citizens of Greater Philadelphia ("TURN et al.").

## II. ISSUES

The issue before the Commission is whether the Company's proposed revisions are consistent with Act 129 of 2008 ("Act 129") and the Commission's Order approving the Plan. *See* Order entered February 17, 2010. Based on the prehearing conference memoranda served to date and the Company's discussions with various parties, it appears that no party to this

proceeding has outstanding concerns with the Company's proposed revisions that will require hearings or briefing.

### **III. EVIDENCE AND WITNESSES**

PECO believes that its September 15, 2010 filing provides ample explanation and support for the Company's proposed revisions to its Plan. PECO does not anticipate presenting any witnesses and believes that hearings and additional evidence regarding the proposed revisions are not necessary.

### **IV. PROPOSED PROCEDURAL SCHEDULE**

In its Secretarial Letter dated November 9, 2010, the Commission recognized "the need to expediently resolve this proceeding." Given the apparent absence of outstanding issues that require additional evidence, PECO proposes that the procedural schedule be modified to remove the hearings and briefing and to add a November 16, 2010 deadline for the filing of a joint stipulation by the parties stating that hearings and briefing are not necessary to resolve any issues concerning PECO's proposed revisions.

### **V. SERVICE LIST**

PECO requests that the official service list entry for the Company be as follows:

Anthony E. Gay (Pa. No. 74624)  
Jack R. Garfinkle (Pa. No. 81892)  
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PECO also requests that a copy of all correspondence, briefs and other materials sent to the Company be provided to:

Thomas P. Gadsden (Pa. No. 28478)  
Catherine G. Vasudevan (Pa. No. 210254)  
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## VI. CONCLUSION

WHEREFORE, PECO Energy Company submits this Prehearing Conference Memorandum and respectfully requests that the Administrative Law Judges approve the proposed schedule changes.

Respectfully submitted,



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*Counsel for PECO Energy Company*

Dated: November 9, 2010

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CONSERVATION PLAN AND :  
EXPEDITED APPROVAL OF ITS :  
COMPACT FLUORESCENT LAMP :  
PROGRAM :

CERTIFICATE OF SERVICE

I hereby certify that I have this date served true and correct copies of the **Prehearing Conference Memorandum** on behalf of PECO Energy Company upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant):

**VIA FEDERAL EXPRESS AND ELECTRONIC MAIL**

The Honorable Dennis J. Buckley  
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The Honorable Elizabeth H. Barnes  
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Date: November 9, 2010



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