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January 17, 2012

VIA FIRST CLASS MAIL

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

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**Re: Joint Petition of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company for Approval of Their Default Service Programs
Docket No. P-2011-2273650, Docket No. P-2011-2273668,
Docket No. P-2011-2273669 and Docket No. P-2011-2273670**

Dear Secretary Chiavetta:

Enclosed for filing are an original and three copies of the **Answer of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company to the Motion to Dismiss Objections of the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania**. As evidenced by the enclosed Certificate of Service, copies of the enclosed Answer have been served upon the presiding Administrative Law Judge and on all active parties.

Sincerely,



Thomas P. Gadsden

TPG/ap
Enclosures

c: Per Certificate of Service

Philadelphia Washington New York Los Angeles San Francisco Miami Pittsburgh Princeton Chicago Minneapolis
Palo Alto Dallas Houston Harrisburg Irvine Boston Wilmington London Paris Brussels Frankfurt Beijing Tokyo

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JOINT PETITION OF METROPOLITAN	:	
EDISON COMPANY, PENNSYLVANIA	:	
ELECTRIC COMPANY,	:	DOCKET NOS. P-2011-2273650
PENNSYLVANIA POWER COMPANY	:	P-2011-2273668
AND WEST PENN POWER COMPANY	:	P-2011-2273669
FOR APPROVAL OF THEIR DEFAULT	:	P-2011-2273670
SERVICE PROGRAMS	:	

**ANSWER OF
METROPOLITAN EDISON COMPANY,
PENNSYLVANIA ELECTRIC COMPANY,
PENNSYLVANIA POWER COMPANY,
AND WEST PENN POWER COMPANY**

**To The Motion To Dismiss Objections
Of The Coalition For Affordable Utility Services And
Energy Efficiency In Pennsylvania**

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I. INTRODUCTION

Pursuant to 52 Pa. Code § 5.342(g)(1), Metropolitan Edison Company (“Met-Ed”), Pennsylvania Electric Company (“Penelec”), Pennsylvania Power Company (“Penn Power”), and West Penn Power Company (“West Penn”) (each individually a “Company” and, collectively, the “Companies”) submit this Answer to the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania’s (“CAUSE-PA”) Motion to Dismiss the Companies’ Objections to Interrogatories (Set I) Nos. 1.c. through j., 2 and 3, which were issued by CAUSE-PA on January 6, 2012. A copy of the Companies’ Objections is attached to CAUSE-PA’s Motion to Dismiss as Appendix A, and a copy of CAUSE-PA’s Interrogatories (Set I) is attached as Appendix A to the Companies’ Objections. A summary of the relevant background and procedural history is provided at pages 1 through 4 of the Companies’ Objections.

II. THERE IS NO OUTSTANDING DISCOVERY DISPUTE AND, THEREFORE, THERE IS NO BASIS FOR CAUSE-PA'S MOTION TO DISMISS

CAUSE-PA has filed a "Motion to Dismiss" the Companies' Objections pursuant to the Scheduling Order entered on December 23, 2011, at the above-captioned docket rather than a "Motion to Compel" (*see* 52 Pa. Code § 5.342(g)) because there is no action by the Companies to be "compelled." Although never mentioned by CAUSE-PA, the Companies' Objections stated that: (1) **the Companies will provide answers to all of CAUSE-PA's Interrogatories including those that are the subject of their Objections**; and (2) the Companies' Objections were filed to ensure that, by providing the information CAUSE-PA requested, the Companies would not be deemed to have waived their right to contest attempts to improperly expand the scope of this case at a later stage in the proceeding such as, for example, if and when CAUSE-PA submits direct testimony. In fact, the foregoing statement of the Companies' position was prominently set forth at page 2 of the Companies' Objections, as follows:

As discussed above, it is critically important to adhere to the proper scope of this proceeding and to clearly establish that issues outside the scope of this case may not be interjected by CAUSE-PA or any other party. To that end, the Companies are submitting these objections to ensure that they will not be deemed to have waived objections to the improper expansion of the scope of this proceeding. Nonetheless, the Companies are willing to provide the requested information, to the extent it is reasonably available to them, subject to the caveat, which must be expressly acknowledged by CAUSE-PA, that the Companies' furnishing of such information: (1) is not a concession that the matters CAUSE-PA is inquiring into are properly within the scope of this case; and (2) is done without prejudice to the Companies' right to object to further discovery by CAUSE-PA (or any other party) on the grounds that such discovery seeks to inquire into matters, including subjects related to low-income Customer Assistance Programs and LIHEAP grants that, in the Companies' view, are not properly part of this case.

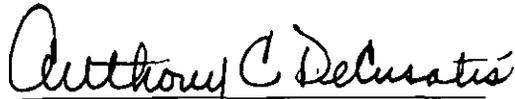
In light of the Companies' commitment to answer all of CAUSE-PA's Interrogatories – subject to the reservation of rights discussed above – there is no basis for the Administrative Law Judge (“ALJ”) to consider or to rule upon CAUSE-PA's Motion to Dismiss the Companies' Objections because there is no discovery dispute that needs to be resolved. Additionally, it is premature to address now whether matters pertaining to the Companies' low-income Customer Assistance Programs that CAUSE-PA may pursue are within the proper scope of this proceeding. Whether or not such an issue might arise cannot be determined unless and until CAUSE-PA submits direct testimony. If, after reviewing CAUSE-PA's direct case, the Companies conclude that CAUSE-PA is attempting to exceed the permissible scope of this proceeding, they will present the issue for the ALJ's consideration at that time by filing an appropriate motion to strike or motion *in limine*. To reiterate, the Companies' Objections were served to preserve the Companies' right to file just such a motion to strike or motion *in limine* in the future and not to generate a discovery dispute that requires a ruling by the ALJ at this time. Unfortunately, CAUSE-PA has chosen to portray the Companies' Objections as giving rise to a current discovery controversy, which they plainly do not.

III. CONCLUSION

For the reasons set forth above, CAUSE-PA's Motion to Dismiss the Companies' Objections is moot and, therefore, the ALJ should issue an Order finding and determining that: (1) there is no discovery dispute that needs to be resolved at this time because the Companies have agreed to answer all of CAUSE-PA's Interrogatories (Set I) including those that were the subject of the Companies' Objections; (2) there is no dispute currently ripe for consideration concerning whether CAUSE-PA might seek to introduce subjects and issues that are outside the scope of this proceeding because that determination cannot be made unless and until CAUSE-PA

submits its direct case; and (3) the Companies, by providing the information requested in CAUSE-PA's Interrogatories (Set I) Nos. 1.c. through j., 2 and 3, will not have waived their right to file an appropriate motion or motions in the future to strike or exclude evidence and issues they determine to be outside the proper scope of this proceeding.

Respectfully Submitted



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Dated: January 17, 2012

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JOINT PETITION OF METROPOLITAN	:	
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ELECTRIC COMPANY, PENNSYLVANIA	:	P-2011-2273668
POWER COMPANY AND WEST PENN	:	P-2011-2273669
POWER COMPANY FOR APPROVAL OF	:	P-2011-2273670
THEIR DEFAULT SERVICE PROGRAMS	:	

CERTIFICATE OF SERVICE

I hereby certify and affirm that I have this day served copies of the **Answer of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company to the Motion to Dismiss Objections of the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (“CAUSE-PA”)** upon the following persons, in the matter specified below, in accordance with the requirements of 52 Pa. Code § 1.54:

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Dated: January 17, 2012



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