**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PPL Electric Utilities Corporation :

For Approval of an Energy Efficiency and : Docket No. M-2009-2093216

Conservation Plan :

**SCHEDULING ORDER**

On February 2, 2012, PPL Electric Utilities Corporation (PPL) filed a Petition for Approval of Changes to its Act 129 Energy Efficiency and Conservation (EE&C) Plan (Petition) and a black-line EE&C Plan (Revised Plan) that reflects the proposed changes. The Petition indicates that the Revised Plan contains fifty-six “minor” changes and six “non-minor” changes as defined in the Commission’s June 10, 2011 Order at Docket M-2008-2069887 (*June 2011 Order*). The *June 2011 Order* established an expedited review process for minor EE&C Plan changes and clarified the review process for non-minor changes. PPL is requesting that the Commission address the minor and non-minor changes together pursuant to the review process for non-minor changes. Consistent with the review process for non-minor changes, Comments were filed on the proposed changes by the Office of Consumer Advocate (OCA), Pennsylvania Communities Organizing for Change d/b/a Action United, Inc. (PCOC), PP&L Industrial Customer Alliance (PPLICA) and Sustainable Energy Fund of Central Pennsylvania (SEF) on March 5, 2012. Reply Comments were filed by PPL on March 26, 2012.

PPLICA submitted Comments on five of the proposed changes and requests that the Commission further investigate four of the proposed changes. SEF submitted Comments on eight of the proposed changes and requests that the Commission “conduct an investigation and hearings on those measures that SEF opposes.” SEF Comments at 4. SEF also recommends that the Commission direct PPL to include an on-bill financing pilot measure for Small C&I customers.

Because PPL is under a statutory requirement that the three percent energy reduction targets set forth in Act 129 must be achieved during the twelve months ending May 31, 2013, and the 4.5% demand reduction must be realized during the 100 peak hours during the forthcoming summer of 2012, the Commission issued a Secretarial Letter on April 10, 2012, directing that outstanding issues must be resolved as soon as practical so that PPL can begin implementing the approved changes. Therefore, the Commission directed the Office of Administrative Law Judge (OALJ) to proceed such that the presiding officer can certify the record of this proceeding to the Commission by May 1, 2012.

Of the 63 changes presented for consideration, OSA kept approximately 48 for review and analysis, and the remaining 15 contested changes have been referred to OALJ for such proceedings as may be required and the certification of a record. After the record is certified, OSA will then prepare a public meeting report and draft an order regarding all 63 changes and will target the public meeting scheduled for May 24, 2013 for issuance of that order.

On April 17, 2012, I conducted an informal prehearing conference via telephone. In attendance were Craig Burgraff, Esquire, on behalf of Sustainable Energy Fund (SEF); Pamela Polacek, Esquire, on behalf of PPL Industrial Customer Alliance (PPLICA); Sharon Webb, Esquire, on behalf of the Office of Small Business Advocate (OSBA); Andrew Tubbs, Esquire, on behalf of PPL Electric Utilities Corporation (PPL); Allison Kaster, Esquire, on behalf of the PUC Bureau of Investigation & Enforcement (BI&E); Craig Doll, Esquire, on behalf of Richard Energy Group, Inc.; James Mullins, Esquire (OCA); Eric Epstein *pro se.*

The following matters were addressed: (1) outstanding issues; (2) a procedural schedule; (3) identification of witness order; (4) deadlines for motions; and (5) a protective order.

Outstanding issues

PPLICA stated that although they commented on five of the proposed changes and had requested that the Commission further investigate four of the proposed changes, after discussions with PPL, there remains only one issue left to be litigated*, No. 36. Chance Rebate for Custom Incentive Rebate Technical Studies.* The other issues are more for the Commission’s consideration in the reauthorization process of the Plan or in the next plan. SEF represented that all of its issues are still in dispute. However, the parties are still discussing settlement.

Procedural Schedule

The procedural schedule is as follows:

Informal Prehearing Conference April 17, 2012

Direct Testimony Due April 20, 2012 (by 4:30 p.m.)

Evidentiary Hearing April 25, 2012

Main Brief Deadline May 1, 2012 (no later than 12:00 noon)

PPL’s counsel requested that briefs be due by noon on May 1st. The briefs must be submitted no later than 12:00 noon on May 1, 2012 in order that the record may be certified on that date to the Commission. Service of documents by e-mail on the due date will be considered in-hand service if a hard copy is sent by the following day via first class mail. The service list is attached to this Scheduling Order.

Identification of witness order

Counsel for PPL will coordinate the order of witnesses and estimated time for cross-examination by each party, and will supply a copy of the witness order to me by April 24, 2012.

Timing of motions or objections with respect to prepared written testimony

Motions or objections with respect to written testimony must be presented in writing and provided to the parties and presiding officer by 4:00 p.m. April 24, 2012.

Location and start time of hearing

The hearing will be held at 10:00 a.m. on Wednesday, April 25, 2012 in Hearing Room No. 3, Commonwealth Keystone Building, Harrisburg, PA.

Transcript turnaround time

The transcript turnaround time is three (3) days. Counsel may request a more expedited transcript turnaround from the court reporter.

Protective Order

The parties have indicated that there is no need for a Protective Order at this time.

Settlement

A settlement conference has not been scheduled; however, PPL indicated that conferences between PPL, PPLICA and SEF are being held and the parties are pursuing a settlement.

The parties are reminded that if a settlement is reached, they should file a petition for settlement as well as individual party’s statements in support of the settlement petition. If it is a partial settlement, that should be specified. It may be necessary to enter written testimony and other evidence into the record with a settlement petition in order to provide the Commission with enough evidence to support findings that the proposed settlement is in the public’s interest and in accordance with the Public Utility Code. Evidence may be moved into the record through a joint motion with written verifications, or with the testimonies of live witnesses attesting to the truthfulness of the testimony offered.

**ORDER**

THEREFORE,

IT IS ORDERED:

1. That the procedural schedule for the case of *PPL Electric Utilities Corporation Energy Efficiency and Conservation Plan* at Docket No. M-2009-2093216 is as follows.

Informal Prehearing Conference April 17, 2012

Direct Testimony Due April 20, 2012 (by 4:30 p.m.)

Evidentiary Hearing April 25, 2012

Main Brief Deadline May 1, 2012 (no later than 12:00 noon)

2. That directives regarding other matters including: identification of witness order, motions and settlement petitions are adopted as referenced in this Order.

Date: April 17, 2012 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Elizabeth H. Barnes

Administrative Law Judge

**M-2009-2093216 - Petition of PPL Electric Utilities Corporation For Approval of An Energy Efficiency and Conservation Plan**

*revised 4/13/12*

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