**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy :

For an Evidentiary Hearing on the Energy : P-2012-2320334

Efficiency Benchmarks Established for the Period :

June 1, 2013 through May 31, 2016 :

**PREHEARING CONFERENCE ORDER**

On August 3, 2012, the Commission entered an Implementation Order regarding the *Energy Efficiency and Conservation Program* at Docket Nos. M-2012-2289411 and M-2008-2069887. The Commission established energy efficiency (“EE”) (but not peak demand reduction (“PDR”)) benchmarks for the period June 1, 2013 through May 31, 2016 (“Phase II Period”). The Commission gave the electric distribution companies until August 20, 2012, within which time to accept the Commission’s proposed consumption reduction benchmarks, or to file a petition for an evidentiary hearing, otherwise the energy efficiency benchmarks would be deemed accepted. *Id.*

PECO Energy Company filed a Petition for an Evidentiary Hearing on August 20, 2012. The petition was assigned Docket No. P-2012-2320334. The petition for an evidentiary hearing was assigned to the Office of Administrative Law Judge with a certified record deadline of November 2, 2012. The matter was assigned to Administrative Law Judge Elizabeth H. Barnes.

In accordance with the provisions of 66 Pa. C.S. A. §333 and 52 Pa.Code §§ 5.221 – 5.223, an Initial Prehearing Conference has been scheduled in the above-captioned case.

THEREFORE,

IT IS ORDERED:

1. That an Initial Prehearing Conference shall be held at 1:00 p.m. on Monday, September 10, 2012, in Hearing Room #2, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA.
2. That absent a continuance for good cause, all parties must be prepared to participate in the scheduled prehearing conference. Failure of a party to participate in the conference, after being served with notice of the time thereof, without good case shown, shall constitute a waiver of all objections to the agreements reached and an order or ruling with respect thereto.
3. That all parties shall review the regulations relating to discovery, specifically 52 Pa. Code § 5.331(b), which provides, among other things, that “a party shall initiate discovery as early in the proceedings as reasonably possible,” and 52 Pa. Code § 5.322, which encourages parties to exchange information on an informal basis. All parties are urged to cooperate in discovery. There are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa. Code §§5.361, 5.371 – 5.372.
4. That pursuant to 52 Pa. Code §§1.21 – 1.23, you may represent yourself, if you are an individual, or you may have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *pro hac vice*, represent you. However, if you are a partnership, corporation, trust, association, or governmental agency or subdivision, you must have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *pro hac vice*, represent you in this proceeding. Unless you are an attorney, you may not represent someone else. Attorneys shall insure that their appearance is entered in accordance with the provisions of 52 Pa.Code § 1.24(b).
5. That you must serve me directly with a copy of any document that you file in this proceeding. If you send me any correspondence or document, you must send a copy to all other parties. For your convenience, a copy of the Commission’s current service list of the parties to this proceeding is enclosed with this Order.
6. That the parties shall review the regulation pertaining to prehearing conferences, 52 Pa. Code § 5.222, and in particular, subsection (d) which provides, in part:

(d) Parties and counsel will be expected to attend the conference fully prepared for useful discussion of all problems involved in the proceeding, both procedural and substantive, and fully authorized to make commitments with respect thereto.

1. That all of the following matters shall be considered at the prehearing conference:
2. Consolidation of the above-referenced docket numbers or coordination of the hearings.
3. Coordination of this case with other petitions for evidentiary hearing filed at Docket Nos. P-2012-2320369 (PPL); (2) P-2012-2320450 (Met-Ed); (3) P-2012-2320480 (Penn Power); (4) P-2012-2320484 (West Penn); and (5) P-2012-2320468 (Penelec).
4. Whether the hearings should be held separately, but back-to-back.
5. The possibility for settlement of the proceeding, subject to the Commission’s approval.

(e) Whether the matter should be decided upon legal briefs, or whether a hearing is necessary.

(f) If a hearing is required, a procedural schedule will be discussed including the amount of hearing time necessary to dispose of the proceeding.

(g) Arrangements for the submission of direct testimony of witnesses in writing in advance of the hearing to the extent practicable, and for the submission in advance of hearing of written requests for information which a party contemplates asking another party to present at hearing.

(h) Other matters that may aid in expediting the orderly conduct and disposition of the proceeding and the furtherance of justice, including, but not limited to the following:

(i) The exchange and acceptance of exhibits proposed to be offered into evidence.

(ii) The obtaining of admissions as to, or stipulations of, facts not remaining in dispute, or the authenticity of documents which might properly shorten the hearing.

(iii) The limitation of the number of witnesses.

(iv) Discovery rules modifications.

1. That on or before **Friday, September 7, 2012**, the parties shall serve the presiding officer and each other with a Prehearing Conference Memorandum addressing each of the subjects included in Paragraph 7 above.

Date: August 29, 2012

Elizabeth H. Barnes

Administrative Law Judge

**P-2012-2320334 Petition of PECO Energy Company**

**P-2012-2320369 Petition of PPL Electric Utilities Corporation**

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