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January 14, 2013

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120

**VIA ELECTRONIC FILING**

**RE: Petition of PECO Energy Company for Approval of Its Default Service Program;  
Docket No. P-2012-2283641**

**PECO Energy Company Universal Service and Energy Conservation Plan for 2013-  
2015; Docket No. M-2012-2290911**

Dear Secretary Chiavetta:

Enclosed for filing with the Pennsylvania Public Utility Commission is the Prehearing Memorandum on behalf of the Philadelphia Area Industrial Energy Users Group ("PAIEUG") in the above-referenced proceeding.

As shown by the attached Certificate of Service, all parties to this proceeding are being duly served. Thank you.

Sincerely,

McNEES WALLACE & NURICK LLC

By   
Charis Mincavage

Counsel to the Philadelphia Area Industrial Energy Users Group

CM/leh

Enclosures

c: Administrative Law Judge Cynthia Williams Fordham (via E-mail and First-Class Mail)  
Certificate of Service

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## CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants listed below in accordance with the requirements of Section 1.54 (relating to service by a participant.)

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Charis Mincavage

Counsel to the Philadelphia Area Industrial  
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Dated this 14<sup>th</sup> day of January, 2013, in Harrisburg, Pennsylvania.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company for Approval of Its Default Service Program	:	Docket No. P-2012-2283641
PECO Energy Company Universal Service and Energy Conservation Plan for 2013-2015	:	Docket No. M-2012-2290911

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**PREHEARING MEMORANDUM OF THE  
PHILADELPHIA AREA INDUSTRIAL ENERGY USERS GROUP**

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As requested by Administrative Law Judge ("ALJ") Cynthia Williams Fordham in the Prehearing Order dated January 9, 2013, the Philadelphia Area Industrial Energy Users Group ("PAIEUG") hereby submits this Prehearing Memorandum.

**I. HISTORY OF THE PROCEEDING**

On January 13, 2012, PECO Energy Company ("PECO" or the "Company") filed with the Pennsylvania Public Utility Commission ("PUC" or "Commission") a Petition for Approval of the Company's Second Default Service Program ("DSP II").<sup>1</sup> On October 12, 2012, the Commission issued an Opinion and Order directing PECO to develop a Shopping Plan to allow its Customer Assistance Program ("CAP") customers to purchase generation supply from Electric Generation Suppliers ("EGSs") by January 1, 2014.

On November 8, 2012, the Commission issued a Tentative Order in PECO's Universal Service and Energy Conservation ("USEC") Plan proceeding seeking comments on PECO's CAP Plan. Subsequently, the Commission assigned this proceeding to the Office of Administrative Law Judge ("OALJ") for hearings and briefing, and certification of the record by March 1, 2013, and directed PECO to file its CAP Plan or a settlement agreement by March 1, 2013.

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<sup>1</sup> On February 13, 2012, PAIEUG filed a Petition to Intervene in PECO's DSP proceeding. ALJ Dennis J. Buckley approved PAIEUG's Petition to Intervene in his Second Prehearing Order dated March 19, 2012.

To ensure that important decisions about the structure of PECO's CAP Plan are made before PECO files its Shopping Plan (which is due on May 1, 2013, due to an extension of time), the Commission plans to adopt a Final Order on the CAP Plan by April 4, 2013.

## **II. ANTICIPATED ISSUES AND SUB-ISSUES**

PAIEUG is concerned with issues regarding the terms and conditions of its members' electricity service, and therefore, intends to ensure that PECO's CAP Plan, including any allocation of costs, is just and reasonable and consistent with the Commission's default service regulations. PAIEUG anticipates pursuing these issues during this proceeding and reserves the right to raise further issues as necessary and appropriate during the course of the proceeding and to respond to issues raised by other parties.

## **III. PROPOSED WITNESSES**

PAIEUG is in the process of evaluating whether it will sponsor testimony in this proceeding. In the event that PAIEUG decides to sponsor testimony, it will immediately inform the parties and the ALJ of any intended witnesses and topics of testimony. PAIEUG also intends to participate in this proceeding through the submission of discovery, cross-examination of other parties' witnesses, and the submission of briefs, exceptions and reply exceptions, if necessary.

## **IV. PROPOSED SCHEDULE AND DISCOVERY RULES**

PAIEUG will cooperate with ALJ Fordham and the parties at the Prehearing Conference to develop an appropriate procedural schedule and discovery rules in accordance with the Commission's regulations and any ALJ directives.

**V. SETTLEMENT**

PAIEUG is willing to participate in discussions with the other parties to amicably resolve the issues in this proceeding.

Respectfully submitted,

McNEES WALLACE & NURICK LLC

By 

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