

**COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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<b>Joint Petition of Metropolitan Edison Company,</b>	:	<b>Docket Nos. P-2015-2511333</b>
<b>Pennsylvania Electric Company, Pennsylvania</b>	:	<b>P-2015-2511351</b>
<b>Power Company and West Penn Power</b>	:	<b>P-2013-2391375</b>
<b>Company For Approval of Their Default Service</b>	:	<b>P-2013-2391378</b>
<b>Programs</b>	:	

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**PREHEARING MEMORANDUM OF  
EXELON GENERATION COMPANY, LLC**

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Before the Pennsylvania Public Utility Commission (the “Commission”), pursuant to 52 Pa. Code §§ 5.222, Exelon Generation Company, LLC (“ExGen”), by its undersigned counsel, hereby respectfully submits this Prehearing Memorandum:

**I. INTRODUCTION**

On November 3, 2015, Metropolitan Edison Company (“Met-Ed”), Pennsylvania Electric Company (“Penelec”), Pennsylvania Power Company (“Penn Power”), and West Penn Power Company (“West Penn”) (collectively, “Joint Applicants” or “FirstEnergy”) filed a Joint Petition for Approval of their Default Service Implementation Plans (“Plans” or “DSPs”) pursuant to Section 2807(e) of the Public Utility Code. As averred in its petition to intervene, Exelon Generation Company, LLC (“ExGen”) seeks to become a party to this proceeding to ensure that its interests as a wholesale supplier of electricity are adequately represented through the Commission’s review of FirstEnergy’s DSP.

**II. SERVICE ON EXGEN**

ExGen consents to accept electronic delivery documents on the deadlines for their filing. ExGen respectfully requests that service be made to the following individual:

H. Rachel Smith  
Asst. General Counsel

Exelon Business Services Corp.  
100 Constellation Way, Suite 500C  
Baltimore, MD 21202  
Telephone: (410) 470-3713  
[holly.smith@exeloncorp.com](mailto:holly.smith@exeloncorp.com)

with a courtesy copy sent electronically to [lael.campbell@constellation.com](mailto:lael.campbell@constellation.com).

### **III. IDENTIFICATION OF ISSUES**

ExGen is at this time still formulating its position on the issues presented by the Plans. Based on a preliminary review of the Plans, ExGen expects that potential issues in this proceeding will include but not be limited to: (i) the manner in which the Joint Applicants are proposing to conduct default service procurements for various customer classes under the Plans; (ii) the manner in which the Plans hinder or support the development of competition in the Joint Applicant's service territories, while preserving benefits from well-developed default service offerings for customers; (iii) whether the Plans are consistent with Act 129, the Commission's recent orders regarding the retail markets, and other applicable rules; and (iv) default service supply contract and other operational and data issues and their impact on wholesale suppliers. ExGen reserves the right to address other issues as it deems appropriate.

### **III. WITNESSES AND DISCOVERY**

ExGen reserves the right to present in this proceeding direct, rebuttal, and surrebuttal fact and expert testimony, to the extent it deems necessary. ExGen expects to present expert testimony by:

Lael E. Campbell  
Director, Regulatory Affairs  
Exelon Corporation  
101 Constitution Ave., NW  
Washington, DC 20001  
Phone: 202-637-0350  
[lael.campbell@constellation.com](mailto:lael.campbell@constellation.com)

Given the voluminous materials filed in this matter, ExGen is in the process of formulating its position on FirstEnergy's Default Service Plan. It is likely that Witness Campbell will cause pre-filed testimony to be filed that includes recommendations to modify certain aspects of the proposed RFP process and Master Supplier Agreement in an effort to encourage broader participation and more competitive offers by potential bidders. In the event ExGen chooses a different expert witness, it will notify the Administrative Law Judge and all parties as soon as practicable. Once discovery has begun and the positions of all parties to this proceeding have been made known, ExGen will notify the Administrative Law Judge and all parties of the identities of any additional witnesses it intends to call.

ExGen agrees to adhere to the discovery procedures set forth in 52 PA Code §§ 5.321-5.373, and is willing to the extent it is able, to cooperate and exchange information on an informal basis, per the ALJ's request.

#### **IV. REMAINING PRE-HEARING CONFERENCE ISSUES**

Settlements often represent expeditious and less costly means of resolving issues raised in petitions before this Commission. At the request of the petitioning parties, ExGen, per the Pre-Hearing Conference Order, states its willingness to participate in settlement discussions. At the time of filing, ExGen is in agreement with Joint Petitioner's proposed schedule for testimony and hearings in this matter. To the extent alternative schedules are proposed, ExGen is amenable subject to availability of ExGen Witness Campbell, whose schedule to the extent practicable will be modified to meet the needs of the Commission and parties.

**V. CONCLUSION**

WHEREFORE, for all the foregoing reasons, Exelon Generation Company, LLC respectfully requests that its Prehearing Memorandum be entered in to the record of this proceeding.

Respectfully submitted,

*/s/ H. Rachel Smith*

Asst. General Counsel

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*Counsel to Intervenor Exelon Generation Company,  
LLC.*

Dated: November 25, 2015