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November 30, 2015

VIA ELECTRONIC FILING

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

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 Nos. P-2015-2511333; P-2015-2511351; P-2015-2511355;
P-2015-2511356

Dear Secretary Chiavetta:

Enclosed for filing please find the Prehearing Conference Memorandum of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company the in the above-referenced matter.

As indicated on the attached Certificate of Service, copies have been served on the parties in the manner indicated.

Please contact me with any questions regarding this matter.

Very truly yours,



Tori L. Giesler

dln
Enclosures

c: As Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joint Petition of Metropolitan Edison	:	
Company, Pennsylvania Electric	:	Docket No. P-2015-2511333
Company, Pennsylvania Power Company	:	P-2015-2511351
and West Penn Power Company for	:	P-2015-2511355
Approval of their Default Service	:	P-2015-2511356
Programs	:	

**PREHEARING CONFERENCE MEMORANDUM OF
METROPOLITAN EDISON COMPANY, PENNSYLVANIA
ELECTRIC COMPANY, PENNSYLVANIA POWER COMPANY AND
WEST PENN POWER COMPANY**

Pursuant to the November 6, 2015 First Prehearing Order issued by Administrative Law Judge David A. Salapa (the "ALJ") and the Pennsylvania Public Utility Commission's ("Commission") regulations at 52 Pa. Code § 5.222(d), 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") hereby submit their Prehearing Conference Memorandum in the above-referenced proceeding.

I. HISTORY OF THE PROCEEDING

On November 3, 2015, the Companies filed the above-captioned joint petition (the "Joint Petition") requesting that the Commission approve their Default Service Programs (the "Program(s)"), which are designed to procure a prudent mix of long-term, short-term and spot market generation supplies and ensure that default service customers have access to an adequate and reliable supply of generation at the least cost over time. The Companies currently provide

default service pursuant to Commission-approved default service plans that will expire on May 31, 2017.¹

The Joint Petition requests that the Commission approve the proposed Programs, including the Companies' procurement plans, contingency plans, rate design changes and tariffs, and a *pro forma* supplier master agreement ("SMA"), for default supply service for the period beginning June 1, 2017 through May 31, 2019. The Companies also request that the Commission specifically find, pursuant to 66 Pa.C.S. § 2807(e)(3.7), that: (1) the Programs include prudent steps necessary to negotiate favorable generation supply contracts; (2) the Programs include prudent steps necessary to obtain least-cost generation supply on a long-term, short-term and spot market basis; and (3) neither the Companies nor their affiliates have withheld from the market any generation supply in a manner that violates federal law.

The Joint Petition was served on the Office of Consumer Advocate ("OCA"), the Office of Small Business Advocate ("OSBA"), the Commission's Bureau of Investigation and Enforcement ("I&E"), PJM Interconnection, LLC, the Met-Ed Industrial Users Group ("MEIUG"), the Penelec Industrial Customer Alliance ("PICA"), the Penn Power Users Group ("PPUG"), the West Penn Power Industrial Intervenors (individually "WPPII" and together with MEIUG, PICA and PPUG, the "Industrials"), the Retail Energy Supply Association ("RESA"), The Pennsylvania State University ("PSU"), and all electric generation suppliers ("EGSs") registered to provide service in the Companies' service territories. In addition, notice of the Companies' filing was published in the *Pennsylvania Bulletin* on November 14, 2015. As of this date, the Company has been served with Answers, Notices of Intervention, and Public Statements by both the OCA and OSBA; a Notice of Appearance by I&E; a Joint Petition

¹ Docket Nos. P-2013-2391368 (Met-Ed), P-2013-2391372 (Penelec), P-2013-2391375 (Penn Power), and P-2013-2391378 (West Penn).

to Intervene by the Industrials; and Petitions to Intervene by PSU, Exelon Generation Company, LLC (“ExGen”), Nobel Americas Energy Solutions LLC (“NAES”), TransCanada Power Marketing Ltd., NextEra Energy Power Marketing, LLC (“NEPM”) and RESA.

II. STATEMENT OF ISSUES

The issue before the Commission is whether the Programs are in the public interest and are consistent with the Electricity Generation Customer Choice and Competition Act, 66 Pa.C.S. § 2801, *et seq.* (the "Competition Act"), as amended by Act 129 of 2008 ("Act 129"), the Commission's default service regulations at 52 Pa. Code §§ 54.181-54.189 ("Regulations"), and the Commission's Policy Statement on Default Service at 52 Pa. Code §§ 69.1801-1817 ("Policy Statement").

As explained in the Joint Petition and supporting testimony filed therewith, the Companies are proposing very limited changes to their existing, Commission-approved default service programs. The principal components of the Programs are described below.

A. Default Service Product and Procurement Class Design

The Companies have proposed to continue the use of three default service procurement classes: residential, commercial, and industrial. While the default service product specifications are customized for each procurement class, the generation supply for all classes will consist of full-requirements, load-following energy and energy-related products.

B. Procurement Methodology and Contingency Plans

The Companies propose to procure their full-requirements default service products through simultaneous, multiple-round, descending-price clock auctions similar to those used, and being used, by the Companies under their current default service plans. The Companies also propose that CRA International, Inc. d/b/a Charles River Associates ("CRA") serve as the independent third-party evaluator for the Companies' default supply procurements. Finally, the

Companies propose contingency plans to cover supply deficiencies resulting from: (i) an individual solicitation that is not fully subscribed; (ii) the Commission's rejection of bid results from a solicitation; or (iii) a winning supplier default.

C. Supplier Master Agreement

The Companies propose to continue the use of the uniform SMA approved by the Commission under their currently effective default service programs which is based on the Commission's Office of Competitive Market Oversight's Collaborative Procurement Working Group-developed draft.

D. AEPS Act Requirements

The Companies propose to satisfy most of their requirements under the Alternative Energy Portfolio Standards ("AEPS") Act, 73 P.S. § 1648.1, *et seq.*, as part of the solicitation process to obtain generation supplies for default service. With respect to non-solar photovoltaic requirements, winning suppliers of full-requirements default service products in the Met-Ed, Penelec and Penn Power service territories will be responsible for meeting all non-solar Tier I and Tier II requirements. Winning suppliers in West Penn's service territory will be responsible for those same requirements less any Tier I alternative energy credits ("AECs") that are allocated to the suppliers on a load ratio basis from existing long-term purchases made by West Penn.

With respect to solar photovoltaic requirements, Met-Ed, Penelec and Penn Power will conduct a request for proposals ("RFP") to solicit bids for the provision of a fixed number of solar photovoltaic alternative energy credits ("SPAECs") based on each Company's most recent distribution load forecasts. The Companies propose that The Brattle Group serve as the independent third-party evaluator for the solar RFP process. In the West Penn service territory, default service suppliers will be responsible for all solar photovoltaic requirements less any

SPAECs that are allocated to the suppliers on a load ratio basis from existing long-term purchases made by West Penn.

In addition, the Companies propose to enable additional flexibility for Met-Ed and Penelec to make market-priced sales of excess AECs acquired under existing Commission-approved non-utility generator ("NUG") contracts to their Pennsylvania affiliates for use in meeting the Companies' AEPS requirements.

E. Rate Design and Tariff Changes

The Companies propose to recover default service costs primarily through two default service riders: the Price to Compare Default Service Rate ("PTC") Rider and the Hourly Pricing ("HP") Default Service Rider. The PTC Rider will recover the cost of providing default service to the residential and commercial classes, as defined in the Rider.

The HP Default Service Rider will recover the cost of providing default service to industrial customers, and to qualifying commercial customers with smart metering technology that elect, on a voluntary basis, to take default service under the HP Default Service Rider.

The Companies' DSS Riders impose non-bypassable charges to recover costs such as Non-Market Based Transmission Charges, for which the Companies will continue to assume responsibility on behalf of both default service suppliers and EGSs that serve load in the Companies' service areas, the costs for which will be recovered from customers under the DSS Riders.

Met-Ed, Penelec and Penn Power propose to recover the costs of procuring SPAECs through their existing non-bypassable Solar Photovoltaic Requirements Charge Rider applicable to all rate schedules.

Finally, each Company currently offers an optional TOU pricing rate to residential customers through their respective Residential TOU Default Service Riders.

The Companies are not proposing modifications to any of the PTC, HP Default Service, DSS, or TOU Riders as part of this proceeding and instead propose to continue their operation as in effect today.

F. Customer Referral Program

Each Company currently has a Customer Referral Program ("CRP") for residential and small commercial customers and proposes to continue offering the CRP from June 1, 2017 to May 31, 2019, subject to limited program modifications. Consistent with the current CRP and the Companies' existing tariffs, the Companies propose to continue to recover CRP costs through an EGS participant fee not to exceed \$30 per enrolled customer with any remaining program costs recovered through the Companies' applicable DSS Riders.

G. Affiliate Relations

The Companies request that the Commission approve the *pro forma* SMA as an affiliated interest agreement as required under 66 Pa.C.S. §§ 2102 and 2807(e)(3.1). The Regulations and Policy Statement permit affiliates of default service suppliers to participate in competitive procurements. Because the Companies' affiliate, FirstEnergy Solutions Corp., may participate in the proposed procurements, advance approval of the SMA as an affiliated interest agreement is appropriate.

H. Purchase of Receivables

Each Company has an established purchase of receivables ("POR") program for residential and small commercial accounts served by EGSs as outlined by the terms of their respective supplier tariffs. The Companies have proposed revisions to their supplier tariffs in order to add a clawback clause related to EGS write-offs under the PORs. In addition, the Companies have proposed revisions which would require that any EGS refunds issued to customers served under the Companies' PORs would be sent directly to the Companies so that those such refunds could

be first applied to the customer's account balance, if necessary.

III. WITNESSES

The Companies have submitted direct testimony and exhibits sponsored by the witnesses identified below. The Companies may present additional witnesses to address the direct testimony of other parties; however, such witnesses cannot be identified until the direct testimony of such parties is reviewed and evaluated.

a. Robert B. Reeping is employed by FirstEnergy Service Company as a Manager for the Regulated Commodity Sourcing Department. His business address is 800 Cabin Hill Drive, Greensburg, Pennsylvania 15601. In Met-Ed/Penelec/Penn Power/West Penn Statement No. 1, Mr. Reeping provides testimony concerning: (i) the proposed default service products; (ii) procurement process and schedule; (iii) the proposed Default Service Supplier Master Agreement; (iv) compliance with the AEPS Act; and (v) contingency plans.

b. James D. Reitzes is a Principal of The Brattle Group. His business address is 1850 M Street NW, Washington, DC 20036. In Met-Ed/Penelec/Penn Power/West Penn Statement No. 2, Mr. Reitzes discusses the proposed procurement of full-requirements service for default service customers and explains why the nature of the products being procured, as well as the procurement method itself, will produce the "least cost over time" and satisfy other applicable provisions of Act 129.

c. Kimberlie Bortz is employed by FirstEnergy Service Company as a Rates Advisor in the Rates and Regulatory Affairs Department for Pennsylvania. Her business address is 2800 Pottsville Pike, P.O. Box 16001, Reading, Pennsylvania 19612. In Met-Ed/Penelec/Penn Power/West Penn Statement No. 3, Ms. Bortz provides a summary of the Programs and describes: (i) customer notice; (ii) the proposed rate design and cost recovery

plan; (iii) the continuation of the Customer Referral Program; (iv) the proposed modifications to the Companies' purchase of receivables programs; and (v) related tariff issues.

IV. CONSOLIDATION

The Companies believe that the four dockets assigned to this matter should be consolidated pursuant to 52 Pa. Code § 5.81 because the proceedings involve common questions of law and fact. The Companies have filed, concurrent with this Prehearing Conference Memorandum, a Motion for Consolidation of these proceedings.

V. PROCEEDING SCHEDULE

In their Joint Petition, the Companies proposed a schedule for the proceeding. In coordination with the statutory advocates involved in this proceeding, the Companies revise their proposal to the schedule reflected below.² To the extent this schedule is not acceptable, the Companies are willing to work with the parties to develop an alternative schedule.

Other Parties' Direct Testimony	January 14, 2016
Rebuttal Testimony	February 9, 2016
Surrebuttal Testimony	February 19, 2016
Oral Rejoinder and Hearings	February 24-25, 2016
Main Briefs	March 18, 2016
Reply Briefs	April 1, 2016
Recommended Decision	May 6, 2016
Exceptions	May 23, 2016
Reply Exceptions	June 2, 2016
Commission Order	July 31, 2016

² The revised schedule outlined in this Prehearing Memorandum has been agreed to by each of the OCA, I&E, OSBA, and Industrials.

VI. DISCOVERY

The Companies propose that the ALJ issue a Protective Order in the form attached hereto as Appendix A,³ which is similar to the Protective Order entered in the Companies' most recent default service program proceeding.⁴

VII. SETTLEMENT

The Companies are willing to pursue with the parties the possible stipulation of individual issues and/or more far-ranging settlement discussions that might lead to a comprehensive resolution of this matter.

VIII. CONCLUSION

WHEREFORE, the Companies respectfully submit this Prehearing Conference Memorandum.

Respectfully submitted,

Dated: November 30, 2015



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*Counsel for Metropolitan Edison Company,
Pennsylvania Electric Company, Pennsylvania
Power Company, and West Penn Power Company*

³ This proposed Protective Order has been agreed to by each of the OCA, OSBA, I&E, and Industrials.

⁴ Docket Nos. P-2013-2391368 (Met-Ed), P-2013-2391372 (Penelec), P-2013-2391375 (Penn Power), and P-2013-2391378 (West Penn).

APPENDIX A

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joint Petition of Metropolitan Edison	:	
Company, Pennsylvania Electric	:	Docket No. P-2015-2511333
Company, Pennsylvania Power Company	:	P-2015-2511351
and West Penn Power Company for	:	P-2015-2511355
Approval of their Default Service	:	P-2015-2511356
Programs	:	

PROTECTIVE ORDER

IT IS HEREBY ORDERED THAT:

1. This Protective Order is granted with respect to all materials identified in Ordering Paragraph Nos. 2 and 3, below, which are filed with the Commission, produced in discovery or otherwise presented during this proceeding. All persons now, and hereafter, granted access to the information identified in Ordering Paragraph Nos. 2 and 3 shall use and disclose such information only in accordance with this Order.

2. The information subject to this Order includes all correspondence, documents, data, studies, methodologies, and all other materials or information that any party or an affiliate of any party (“the producing party”) furnishes in this proceeding pursuant to filing, discovery or evidentiary procedures, or otherwise may provide as a courtesy to other active parties in this proceeding, which are claimed to be of a security-sensitive, proprietary or other confidential nature and which are designated “CONFIDENTIAL INFORMATION” or “HIGHLY CONFIDENTIAL INFORMATION.” Such materials are referred to in this Order as “Proprietary Information.”

3. For purposes of this Protective Order there are two categories of Proprietary Information: “CONFIDENTIAL INFORMATION” and “HIGHLY CONFIDENTIAL INFORMATION.” A producing party may designate as “CONFIDENTIAL INFORMATION”

materials concerning electric service facilities, inspection or maintenance practices or policies that may be security-sensitive, proprietary or otherwise confidential, and any other information that is either specified as confidential by its terms or pertains to business practices, operations or financial matters that are commercially sensitive or that is ordinarily considered and treated as confidential by the producing party. A producing party may designate as “HIGHLY CONFIDENTIAL INFORMATION” those materials that the producing party deems to be of such a commercially sensitive nature, relative to the business interests of itself or other parties to this proceeding, or of such a private or personal nature, that the producing party determined that a heightened level of confidential protection with respect to those materials is appropriate. The parties shall endeavor to limit the information designated as “HIGHLY CONFIDENTIAL INFORMATION.”

4. Confidential Information shall be disclosed solely to the Commission, its Staff, counsel to the parties in this proceeding, parties’ employees, officers and members (as applicable) who are directly responsible for reviewing, preparing or presenting evidence, cross-examination or argument in this proceeding and outside expert consultants retained by the parties’ counsel for this proceeding. Confidential Information shall be specifically marked “CONFIDENTIAL INFORMATION.”

5. Highly Confidential Information shall be provided solely to other parties’ counsel. Such highly sensitive information may be copied only for the limited purpose of review by a party’s expert or consultant in this case. Such specific prohibition from copying such Highly Confidential Information shall be clearly designated on the face of the information. In such cases, the producing party shall permit other parties’ counsel to take custody of such Highly Confidential Information, provided that it shall not be copied, except as provided for in this Ordering Paragraph, and shall be returned or destroyed as provided for in Ordering Paragraph No. 11, below. The

producing party may designate certain Highly Confidential Information that, absent the express agreement of the producing party, may not be viewed by the employees of an inspecting party who are involved in competitive activities or by employees of an outside expert or consultant that provide services to any person or entity involved in such competitive activities. Further, in accordance with the provisions of Sections 5.362 and 5.431(e) of the Commission's Rules of Practice and Procedure (52 Pa. Code §§ 5.362, 5.431(e)) and Sections 2209(f)(3) and 2811(c)(3) of the Public Utility Code (66 Pa.C.S. §§ 2209(f)(3), 2811(c)(3)), any party may, by objection or motion, seek further protection with respect to Highly Confidential Information, including, but not limited to, total prohibition of disclosure or limitation of disclosure only to particular parties. Highly Confidential Information shall be specifically marked "HIGHLY CONFIDENTIAL INFORMATION – DO NOT COPY OR DISTRIBUTE EXCEPT IN ACCORDANCE WITH PROTECTIVE ORDER."

6. Proprietary Information shall be made available to the Commission and its Staff for use in this and any related proceeding and for all internal Commission analyses, studies or investigations related to the same. For purposes of filing, to the extent that Proprietary Information is placed in the Commission's report folders, testimony folders or other document folders, such information shall be separately bound, conspicuously marked, and accompanied by a copy of this Order. The Proprietary Information shall be considered and treated as "confidential proprietary information" as defined in the Pennsylvania Right-to-Know Law, 65 P.S. § 67.101, *et seq.* Public inspection of the Proprietary Information shall be permitted only in accordance with this Protective Order.

7. Proprietary Information shall be made available only as permitted by this Order and only for purposes of reviewing, preparing or presenting evidence, cross-examination or argument

in this proceeding. No counsel, expert, employee, officer or member (as applicable) will be afforded access to Proprietary Information until a signed acknowledgement of this Protective Order in the form attached to this Order, from each such individual, has been returned to the producing party. Upon return of a signed acknowledgment, parties will receive access to Proprietary Information consistent with this Order. In recognition of the unique status of all I&E expert witnesses in this proceeding as full time Commonwealth employees, an acknowledgement signed by the I&E Prosecutor and returned to the producing party also binds all I&E expert witnesses to all requirements of this Order, thereby eliminating the necessity for each assigned I&E expert witness to provide an individually signed acknowledgement. In addition to the I&E personnel identified above, Proprietary Information shall also be made available to the statutory Consumer Advocate and Small Business Advocate to the extent required and for the limited purpose of participation in the above-captioned proceedings. No other persons may have access to the Proprietary Information, except as specifically authorized by further order of the Commission or the Administrative Law Judge. No person may be entitled to receive, or if afforded access to any Proprietary Information shall possess, use or disclose Proprietary Information for the purpose of business or competition or any purpose other than the preparation for, and conduct of, this proceeding or any administrative or judicial review thereof.

8. The producing parties shall designate data or documents as constituting or containing Confidential Information or Highly Confidential Information by affixing an appropriate stamp or typewritten designation on all such data or documents. Where only part of a compilation or multi-page document constitutes or contains Confidential Information or Highly Confidential Information, the producing party shall designate only the specific data or pages of documents which constitute or contain Confidential Information or Highly Confidential Information. Upon

request from another party, the producing party shall produce a redacted (public) version of any such partially confidential compilation or multi-page document within a reasonable period of time.

9. Any public reference to Proprietary Information by the Commission or by counsel or persons afforded access thereto shall be to the title or exhibit reference in sufficient detail to permit persons with access to the Proprietary Information to understand the reference fully and not more. Proprietary Information shall remain a part of the record, to the extent admitted, for all purposes of administrative or judicial review. Part of any record of this proceeding containing Proprietary Information, including but not limited to all exhibits, writings, direct testimony, cross-examination, argument, and responses to discovery, and including reference thereto as mentioned in the above Ordering Paragraphs, shall be sealed for all purposes, including administrative and judicial review, unless such Proprietary Information is released from the restrictions of this Order, either through the agreement of the parties or pursuant to a further order of the Administrative Law Judge or the Commission.

10. The parties affected by the terms of this Order shall retain the right to question or challenge the confidential nature of the Proprietary Information; to question or challenge the admissibility of Proprietary Information; to refuse or object to the production of Proprietary Information on any proper ground, including but not limited to irrelevance, immateriality, or undue burden; and to seek additional measures of protection of Proprietary Information beyond those provided in this Order. If a challenge is made to the designation of a document or information as Proprietary Information, the party claiming that the information is proprietary or otherwise confidential retains the burden of demonstrating that the designation is necessary and appropriate.

11. Upon completion of this proceeding, including any administrative or judicial review, all copies of all documents and other materials, including notes, whether written or oral,

which contain any Proprietary Information, shall be immediately returned to the party furnishing such Proprietary Information or destroyed. This provision, however, shall not apply to the Commission or its Staff, the Office of Consumer Advocate, the Office of Small Business Advocate, or any other party receiving the consent of the producing party; except, however, that Highly Confidential Information provided to any party pursuant to Ordering Paragraph No. 5, above, shall be returned to the producing party or destroyed in all cases. In the event that a party elects to destroy all copies of documents and other materials containing Proprietary Information instead of returning the copies to the producing party, that party shall certify in writing to the producing party that all copies of the documents and other materials containing Proprietary Information have been destroyed.

Dated: December __, 2015

David A. Salapa
Administrative Law Judge

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joint Petition of Metropolitan Edison	:	
Company, Pennsylvania Electric	:	Docket No. P-2015-2511333
Company, Pennsylvania Power Company	:	P-2015-2511351
and West Penn Power Company for	:	P-2015-2511355
Approval of their Default Service	:	P-2015-2511356
Programs	:	

TO WHOM IT MAY CONCERN:

The undersigned is the expert, counsel, employee, member or officer of _____ (the retaining party).

The undersigned has read and understands the Protective Order issued in the above-captioned proceeding deals with the treatment of Proprietary Information. The undersigned agrees to be bound by, and comply with, the terms and conditions of said Order. The undersigned agrees that any Proprietary Information shall be used or disclosed only for purposes of preparation for, and conduct of the above-captioned proceeding, and any administrative or judicial review thereof, and shall not be disclosed or used for purposes of business or competition.

Signature

Print Name

Address

Date: _____

Employer

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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-2015-2511333
			P-2015-2511351
			P-2015-2511355
			P-2015-2511356

CERTIFICATE OF SERVICE

I hereby certify and affirm that I have this day served a copy of the Joint Petition of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company for Approval of Their Default Service Programs on the following persons in the matter specified in accordance with the requirements of 52 Pa. Code § 1.54:

VIA FIRST CLASS AND ELECTRONIC MAIL

The Honorable David A. Salapa
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Dated: November 30, 2015



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