**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Metropolitan Edison Company, :

Pennsylvania Electric Company, Pennsylvania : M-2015-2514767

Power Company and West Penn Power Company : M-2015-2514768

For Approval of their Act 129 Phase III Energy : M-2015-2514769

Efficiency and Conservation Plan : M-2015-2514772

**PREHEARING CONFERENCE ORDER**

On June 19, 2015, the Commission entered an Implementation Order regarding the *Energy Efficiency and Conservation Program* at Docket Nos. M-2014-2424864. With this Implementation Order, the Commission tentatively adopted additional incremental reductions in electric consumption and peak demand for the period of June 1, 2016 through May 31, 2021.

Specifically, the Commission held:

The Act requires EDCs to file a new EE&C Plan with the Commission every five years or as otherwise required by the Commission. Such new plans must set forth the manner in which the EDC will meet the required reductions in consumption under subsections (c) and (d) of the Act. *See* 66 Pa. C.S. § 2806.1(b)(1)(ii). Therefore, we proposed that the EDCs file new EE&C Plans outlining how they will implement measures/programs necessary to attain the consumption and peak demand reduction targets proposed in our Tentative Implementation Order. Additionally, we proposed, for the approval of the EDCs’ Phase III EE&C Plans, the same process that was utilized in Phase II. We expressed a belief that this process balanced the needs of all stakeholders while recognizing the time constraints and resource allocation required in the litigation of the Plans.

Id. at 89-90.

Metropolitan Edison Company (Met-Ed), Pennsylvania Electric Company (Penelec), Pennsylvania Power Company (Penn Power), and West Penn Power Company (West Penn) jointly filed a Joint Petition for Consolidation of Proceedings and Approval of Energy Efficiency and Conservation Plans Phase III on November 23, 2015. The Joint Petition was assigned four separate docket numbers by the Secretary’s Bureau as follows: 1) M-2015-2514767 (Met-Ed); 2) M-2015-2514768 (Penelec); 3) M-2015-2514769 (Penn Power); and 4) M-2015-2514772 (West Penn).

A proposed certified record date in these proceedings is depicted in the following table.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Company** | **Docket No.** | **Filed** | **Proposed certification date** | **120-day Deadline** | **Last Public Meeting Date Prior to 120-day deadline** |
| Met. Ed. | M-2015-2514767 | 11/23/15 | 2/12/16 | 3/22/16 | 3/10/16 |
| Penelec | M-2015-2514768 | 11/23/15 | 2/12/16 | 3/22/16 | 3/10/16 |
| Penn Power | M-2015-2514769 | 11/23/15 | 2/12/16 | 3/22/16 | 3/10/16 |
| West Penn | M-2015-2514772 | 11/23/15 | 2/12/16 | 3/22/16 | 3/10/16 |

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. Although the Notice dated December 8, 2015, indicates ALJ Steven Haas and ALJ Elizabeth Barnes are the presiding officers, ALJ Haas is no longer assigned to this matter.

ORDER

THEREFORE,

IT IS ORDERED:

1. That an Initial Prehearing Conference shall be held at 1:30 p.m. on Tuesday, January 5, 2016, in Hearing Room #3, 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 cause 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 such that records including any revised plans may be certified to the Commission on or before February 12, 2015.
3. Coordination of these cases’ hearing date(s) with Duquesne Light’s, PECO Energy Company’s and PPL Electric Utilities Corporation’s evidentiary hearing dates.
4. The possibility for settlement of the proceeding, subject to the Commission’s approval.

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

(e) 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.

(f) 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.

(v) A briefing outline.

1. That on or before **Wednesday, December 30, 2015,** the parties shall serve Administrative Law Judge Elizabeth Barnes and each other with a Prehearing Conference Memorandum addressing each of the subjects included in Paragraph 7 above.

Date: December 18, 2015

Elizabeth H. Barnes

Administrative Law Judge

**PETITION OF:**

**M-2015-2514767 – METROPOLITAN EDISON COMPANY**

**M-2015-2514768 – PENNSYLVANIA ELECTRIC COMPANY**

**M-2015-2514769 – PENNSYLVANIA POWER COMPANY**

**M-2015-2514772 – WEST PENN POWER COMPANY - FOR APPROVAL OF ITS ACT  129 PHASE III ENERGY EFFICIENCY AND CONSERVATION PLAN.**

***Revised 12/18/15***

KATHY J KOLICH ESQUIREKOLICH & ASSOCIATES LLC1521 HIGHTOWER DRIVEUNIONTOWN OH 44685**330-316-2378**

JOHN L MUNSCH ESQUIREFIRST ENERGY CORP800 CABIN HILL DRIVEGREENSBURG PA 15601**724-838-6210**

CHRISTY M APPLEBY ESQUIRE

DARRYL LAWRENCE ESQUIRE

OFFICE OF CONSUMER ADVOCATE

555 WALNUT STREET

5TH FLOOR FORUM PLACE

HARRISBURG PA 17101-1932

***Accepts e-Service***

OFFICE OF SMALL BUSINESS ADVOCATE

300 NORTH 2ND STREET SUITE 202

HARRISBURG PA 17101

PA PUBLIC UTILITY COMMISSION

BUREAU OF INVESTIGATION & ENFORCEMENT

PO BOX 3265

HARRISBURG PA 17105-3265

THOMAS J SNISCAK ESQUIREWILLIAM E LEHMAN ESQUIRE

HAWKE MCKEON AND SNISCAK LLP100 N TENTH STREETHARRISBURG PA 17101**717-236-1300*Accepts e-Service***

PATRICK M CICERO ESQUIRE

JOLINE PRICE ESQUIRE

ELIZABETH MARX ESQUIRE

PA ULITITY LAW ROJECT

118 LOCUST STREET

HARRISBURG PA 17101

***Accepts e-Service***