

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

**Re: Petition of PPL Electric Utilities Corporation for Approval of its Act 129
Phase 111 Energy Efficiency and Conservation Plan;
Docket No, M-2015-2515642**

Dear Secretary Chiavetta:

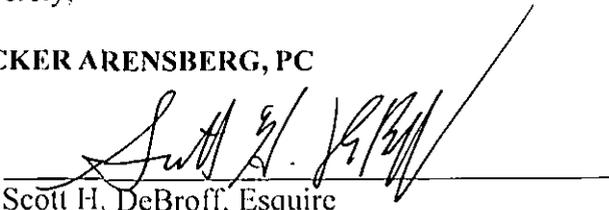
Please find attached for filing with the Pennsylvania Public Utility Commission ("PUC" or "Commission") the **Pre-Hearing Memorandum of Nest Labs, Inc.**, ("Nest"), in the above-referenced matter.

This document was filed electronically with the Commission on this date. All parties are being served a copy of this document in accordance with the enclosed Certificate of Service.

Please contact me if you have any questions concerning this filing.

Sincerely,

TUCKER ARENSBERG, PC

By: 
Scott H. DeBroff, Esquire

SHD/ppt
Enclosure

c: Administrative Law Judge Angela T. Jones (via E-mail and First-Class Mail)
Administrative Law Judge Darlene Heep (via E-mail and First-Class Mail)
Certificate of Service

HBGD13:155017-1 030988-173437

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of PPL Electric Utilities
Corporation For Approval of its Act 129
Phase III Energy Efficiency and
Conservation Plan

DOCKET NO. M-2015-2515642

PREHEARING MEMORANDUM
OF
NEST LABS, INC.

SCOTT H. DEBROFF, ESQUIRE

TUCKER ARENSBERG, PC
2 LEMOYNE DRIVE, SUITE 200
LEMOYNE, PA 17043

1500 ONE PPG PLACE
PITTSBURGH, PA 15222

TEL: (717) 221-7979

FAX: (717)

EMAIL: SDEBROFF@TUCKERLAW.COM

DATED: JANUARY 4, 2015

COUNSEL FOR NEST LABS, INC.

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PREHEARING MEMORANDUM
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TO ADMINISTRATIVE LAW JUDGE SUSAN COLWELL:

AND NOW COMES **Scott H. DeBroff, Esquire** of **Tucker Arensberg, PC**, on behalf of his client, **Nest Labs, Inc.** ("Nest"), and respectfully submits the following Prehearing Memorandum in the above-captioned Energy Efficiency and Conservation Plan filing.

Founded in 2010, Nest Labs is dedicated to reinventing home products like the thermostat and smoke alarm to provide customers with simple, beautiful and thoughtful hardware, software and services helping them reduce energy consumption and keeping families comfortable and safe. Today, Nest products are sold in the United States, Canada, United Kingdom, Ireland,

France, Belgium, and the Netherlands, and are installed in more than 120 countries. Nest is a wholly-owned subsidiary of Google Inc. and is based in Palo Alto, California.

Nest manufactures the Nest Learning Thermostat, a smart thermostat equipped with sensors, Wi-Fi capability, and processors, to help customers consume less energy: it learns their preferences, adjusts the temperature when the house is empty, and automatically lowers AC runtime when humidity conditions permit, helping people lower their energy use without sacrificing comfort. Nest is designed to enable “Do It Yourself” installation, and to date the majority of Nest Learning Thermostat customers have done the installation themselves, most in under 30 minutes.¹ Nest also provides service offerings for utilities to help address load management needs similar to those required under Act 129.

Nest’s interest in this proceeding is that smart thermostats such as the Nest Learning Thermostat could be, and in our view should be, a measure used by utilities to achieve their goals in Phase III of Act 129.

The Prehearing Conference will be held on **Tuesday, January 5, 2016 at 10:00 a.m.** in Hearing Room 3 in the Commonwealth Keystone Building in Harrisburg, Pennsylvania. Nest will be represented by Scott H. DeBroff, Esquire in this proceeding. All correspondence regarding this case should be directed to Mr. DeBroff as follows:

<p>SCOTT H. DEBROFF, ESQUIRE</p> <p>TUCKER ARENSBERG, PC 2 LEMOYNE DRIVE, SUITE 200 LEMOYNE, PA 17043</p> <p>TEL: (717) 221-7979 FAX: (717) 232-6802 EMAIL: SDEBROFF@TUCKERLAW.COM</p>

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¹ Statistics derived from Nest customer surveys.

I. INTRODUCTION

Act 129 of 2008 (“the Act” or “Act 129”) was signed into law on October 15, 2008, and became effective on November 14, 2008. Among other objectives, the Act created an Energy Efficiency & Conservation (“EE&C”) Program, codified in the Pennsylvania Public Utility Code at Sections 2806.1 and 2806.2, 66 Pa. C.S. §§ 2806.1 and 2806.2. This initial program required an Electric Distribution Company with at least 100,000 customers to adopt an EE&C Plan, approved by the Commission, to reduce electric consumption by at least one percent (1%) of its expected consumption for June 1, 2009 through May 31, 2010. By May 31, 2013, consumption was to be reduced by a minimum of three percent (3%). Also, by May 31, 2013, peak demand was to be reduced by a minimum of four-and-a-half percent (4.5%) of the EDC’s annual system peak demand in the 100 hours of highest demand, measured against the EDC’s peak demand during the period of June 1, 2007 through May 31, 2008. By November 30, 2013, and every five years thereafter, the Commission was to assess the cost-effectiveness of the EE&C Program and set additional incremental reductions in electric consumption if the EE&C Program’s benefits exceed its costs.

At its June 11, 2015 Public Meeting, the Commission adopted its Phase III Implementation Order. With its Phase III Final Implementation Order, the Commission adopted additional reductions in electricity consumption and peak demand for the period of June 1, 2016 through May 31, 2021. On November 30, 2015, the EDCs each filed their Phase III Implementation Plans with the Commission.

Nest intends to comment upon PPL’s Implementation Plan (“PPL Plan” or “Plan”).

II. HEARING AND BRIEFING SCHEDULE

A substantial Hearing and Briefing Schedule has been established by the ALJ in this docket and Nest will cooperate with other parties in the event of changes or modifications to this procedural schedule.

This case is being litigated at an extremely expedited basis. The date for the evidentiary hearing has been set for Friday, January 29, 2016 and will not be changed. The record in this case will be compiled and certified to the Commission's Office of Special Assistants for decision. The dates for this litigation will be as follows unless the parties agree upon an alternative but acceptable schedule:

Publication of Notice of Filing	December 12, 2015
Deadline for responses	January 4, 2016
Prehearing conference	January 5, 2016
Evidentiary hearing	January 29, 2016
Briefs due	February 8, 2016
Deadline for revised plan (if any)	February 18, 2016
Certification of record	February 19, 2016
Public meeting	March 10 or 24, 2016

III. ISSUES

The following list represents Nest's present determination of the potential major issues in this case. The listing is as complete as can be made by Nest at this time. Nest specifically reserves the right to address other issues as it deems appropriate when any such relevant issues arise. Our present list of potential issues is as follows:

1. Nest will detail several best practices from other leading utilities.
2. The utility's inclusion of Smart Thermostat component in Demand Response is appropriate.

3. Nest will outline how a PPL pilot can effectively leverage its installed base of smart thermostats to achieve a portion of its demand response targets as well as to learn the most effective outreach strategies for deploying the technology to low income customers.
4. Incentives for Smart Thermostats in the retail pathway should not be limited.
5. Nest will highlight the opportunity to expand the portion of customers benefitting from the smart thermostat technology through the measure's inclusion in low income programs.
6. Any Other Issues that may be revealed through Discovery in the Company's Act 129 Phase III Energy Efficiency & Conservation filing.

IV. WITNESSES

Nest has examined the utility's filings and supporting testimony and has determined that there are potential issues that would be worthy of further discussion. It is currently expected that we may call our following expert witness from Nest without being limited thereto:

1.

Mr. Richard H. Counihan
Head of Energy Regulatory and Government Affairs
Nest Labs, Inc.
3400 Hillview Ave.
Palo Alto, CA 94304

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V. CONCLUSION

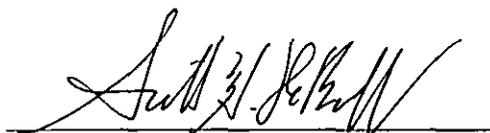
Nest reserves the right to call additional witnesses or delete witnesses listed above. The above listing is provided without the benefit of complete discovery, or analysis of the positions of all parties to this proceeding. Prepared direct comments have been included in our Petition to

Intervene and Initial Comments pleading and the potential exists that there will be additional live direct testimony that may be submitted by our Nest witness during these proceedings.

In addition to the direct testimony and the exhibits presented by Nest witnesses and the evidence adduced through cross-examination of the Company and other parties, Nest intends to rely upon the Company's filing, answers to data requests and interrogatories, annual reports and other documents submitted to the Commission, other relevant Commission filings, general financial market information sources and other public documents and reports.

Respectfully submitted,

Dated: **January 4, 2015**

By: 

SCOTT H. DEBROFF, ESQUIRE
TUCKER ARENSBERG, PC

2 LEMOYNE DRIVE, SUITE 200
LEMOYNE, PA 17043

1500 ONE PPG PLACE
PITTSBURGH, PA 15222

TEL: (717) 221-7979

FAX: (717) 232-6802

EMAIL: SDEBROFF@TUCKERLAW.COM

COUNSEL FOR NEST LABS, INC.

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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 following parties to this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by participant).

VIA E-MAIL & FIRST-CLASS MAIL

Romulo L. Diaz, Jr., Esquire
Jack R. Garfinkle, Esquire
Exelon Business Services Company
2301 Market Street
P.O. Box 8699
Philadelphia, PA 19101-8699
Romulo.diaz@exeloncorp.com
Jack.garfinkler@exeloncorp.com

Thomas P. Gadsden, Esquire
Anthony C. DeCusatis, Esquire
Catherine G. Vasudevan, Esquire
Morgan, Lewis & Bockius LLP
1701 Market Street
Philadelphia, PA 19103-2921
tgadsden@morganlewis.com
adecusatis@morganlewis.com
cvasudevan@morganlewis.com

Patrick M. Cicero, Esquire
Joline Price, Esquire
Elizabeth R. Marx, Esquire
Pa Utility Law Project
118 Locust Street
Harrisburg, PA 17101
pulp@palegalaid.net

Johnnie Simms, Esquire
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265
osimms@pa.gov

Darryl Lawrence, Esquire
Lauren M. Burge, Esquire
Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101
dlawrenceppaoca.org
lburge@paoca.org

Elizabeth Rose Triscari, Esquire
Office of Small Business Advocate
Commerce Building, Suite 202
300 North Second Street
Harrisburg, PA 17101
etriscari@pa.gov

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Charis Mincavage, Esquire
Adeolu A. Bakare, Esquire
McNees Wallace & Nurick LLC
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
emineavage@mwn.com
abakare@mwn.com

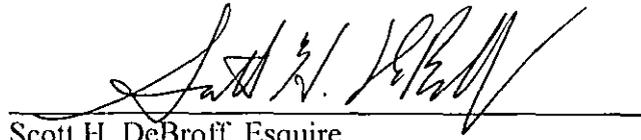
Heather M. Langeland, Esquire
PennFuture
200 First Street, Suite 200
Pittsburgh, PA 15222
Langeland@pennfuture.com

J. Barry Davis, Esquire
City of Philadelphia Law Department
1515 Arch Street, 15th Floor
Philadelphia, PA 19102
j.barry.davis@phila.gov

Carl R. Shultz, Esquire
Eckert Seamans Cherin & Mellott, LLC
214 Market Street, 8th Floor
P.O. Box 1248
Harrisburg, PA. 17101
cshultz@eckertseamans.com

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Respectfully Submitted,



Scott H. DeBroff, Esquire
(Pa. Bar No. 61170)
TUCKER ARENSBURG, PC
2 Lemoyne Drive, Suite 200
Lemoyne, PA 17043

January 4, 2016

Phone: (717) 234-4121
Fax: (717) 232-6802
E-mail: sdebroff@tuckerlaw.com

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