



COMMONWEALTH OF PENNSYLVANIA

January 8, 2016

**E-FILED**

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

**Re: Petition of PECO Energy Company for Approval of its  
Act 129 Phase III EE&C Plan - Docket No. M-2015-2515691**

Dear Secretary Chiavetta:

I am delivering for filing today the Prehearing Memorandum, on behalf of the Office of Small Business Advocate, in the above-captioned proceeding.

Copies have been served on Administrative Law Judge Angela Jones, on Administrative Law Judge Darlene Heep, as well as on all known parties in this proceeding, as indicated on the attached Certificate of Service.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Elizabeth Rose Triscari".

Elizabeth Rose Triscari  
Deputy Small Business Advocate  
Attorney ID No. 306921

Enclosures

cc: The Honorable Angela T. Jones  
The Honorable Darlene D. Heep  
Mr. Robert Knecht  
Parties of Record

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition of PECO Energy Company for** :  
**Approval of its Act 129 Phase III Energy** : **Docket No. M-2015-2515691**  
**Efficiency and Conservation Plan** :

**OFFICE OF SMALL BUSINESS ADVOCATE**  
**PREHEARING MEMORANDUM**

**I. INTRODUCTION**

The Office of Small Business Advocate (“OSBA”) is authorized to represent the interests of small business consumers of utility services before the Pennsylvania Public Utility Commission (the “Commission”) pursuant to the provisions of the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§399.41 – 399.50 (“the Act”). In order to discharge this statutory duty, the Office of Small Business Advocate deems it necessary to participate as a party to this proceeding. Please address all correspondence as follows:

Elizabeth Rose Triscari, Esquire  
Deputy Small Business Advocate  
Office of Small Business Advocate  
300 North Second Street, Suite 202  
Harrisburg, PA 17101  
(717) 783-2525  
(717) 783-2831 (fax)  
[etriscari@pa.gov](mailto:etriscari@pa.gov)

## **II. PROCEDURAL BACKGROUND**

On November 30, 2015 PECO Energy Company (“PECO” or “Company”) filed a Petition for Approval of its Act 129 Phase III Energy and Conservation Plan (“Phase III Plan”).

On December 18, 2015, the OSBA filed a Notice of Intervention and Public Statement in each proceeding.

A Notice of Intervention and Public Statement was also filed by the Office of Consumer Advocate (“OCA”) on December 10, 2015.

Petitions to intervene have been filed by Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (“CAUSE-PA”), Wal-Mart Stores East LP and Sam’s East Inc. (together, “Wal-Mart”), Retail Energy Supply Association (“RESA”), Philadelphia Area Industrial Energy Users Group (“PAIEUG”), and Nest Labs Inc. (“Nest”).

The OSBA timely filed Comments to PECO’s Phase III Plan on January 4, 2015, as directed by Notice in the Pennsylvania Bulletin on December 12, 2015.

Administrative Law Judges (“ALJs”) Angela T. Jones and Darlene D. Heep have been assigned to this proceeding. On December 9, 2015, a Prehearing Conference Notice was issued scheduling a prehearing conference for January 12, 2016. ALJs Jones and Heep issued a Prehearing Conference Order on December 23, 2015. The OSBA submits this Prehearing Memorandum in accordance with that Order.

### **III. WITNESS**

Assisting in the development and presentation of the OSBA's position in this proceeding will be:

Mr. Robert D. Knecht  
Industrial Economics Incorporated  
2067 Massachusetts Avenue  
Cambridge, MA 02140  
(617) 354-0074  
(617) 354-0463 – Fax  
[rdk@indecon.com](mailto:rdk@indecon.com)

The OSBA requests that all parties provide courtesy copies of all documents, including discovery, testimony and briefs, to Mr. Knecht, simultaneously with service upon the OSBA.

### **IV. IDENTIFICATION OF ISSUES**

The OSBA is participating in this case to ensure that the interests of small business customers of the Company are adequately represented and protected.

At this time, the OSBA is concentrating on the following issues:

1. Whether the overall level of utility costs for the various rate classes is reasonably commensurate to distribution voltage energy consumption, or an adequate explanation for any major variation is provided by the Company;
2. Whether program beneficiaries for small business programs bear a reasonable share of the cost of each program, both in absolute terms (*i.e.*, greater than 50%) and relative to the statistics for programs targeted to other rate class groups;

3. Whether the tariff charges per kWh for Residential and Small C&I customer classes are similar in magnitude, or an adequate explanation for any major variation is provided by the Company;
4. Whether the benefit-cost ratios, measured both with and without a NTG adjustment, for programs targeted at Small C&I customers are similar or greater in magnitude than those targeted at other rate class groups.

The OSBA reserves the right to pursue additional issues as they may arise throughout the course of the proceeding.

#### V. **DISCOVERY**

Discovery is ongoing. The OSBA will cooperate with the ALJs and other parties to arrive at any mutually agreeable discovery modifications.

#### VI. **SERVICE OF DOCUMENTS**

The OSBA agrees to accept electronic delivery of documents on the due date as satisfying the in-hand requirement, *provided that such documents are followed by hard copy delivery to OSBA and to its witness identified above by first class mail*. Service by electronic mail *only* is not acceptable.

In addition to hard copies of pleadings, briefs, and exceptions, the OSBA requests hard copies of responses to discovery propounded by the OSBA or any other party. The OSBA also requests that all parties serve an electronic copy of all interrogatory responses upon the OSBA and the OSBA witness identified above.

**VII. SETTLEMENT**

The OSBA is willing to enter into settlement discussions at the appropriate phase of this proceeding.

**VIII. PROCEDURAL SCHEDULE**

The parties have agreed to the following proposed procedural schedule:

January 4      Other Parties' Comments  
January 12     Prehearing Conference / Initial Settlement Discussion  
January 21     Other Parties' Direct Testimony  
January 29     Rebuttal Testimony  
February 2     Hearing  
February 12    Main Brief  
February 22    Reply Comments / Revised Plan  
February 24    Certification of the Record

Respectfully submitted,



Elizabeth Rose Triscari  
Deputy Small Business Advocate  
Attorney ID No. 306921

For:

John Evans  
Small Business Advocate

Office of Small Business Advocate  
300 North Second Street, Suite 202  
Harrisburg, PA 17101

Dated: January 8, 2016

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition of PECO Energy Company           :**  
**for Approval of its Act 129 Phase III       :**       **Docket No. M-2015-2515691**  
**Energy Efficiency and Conservation Plan :**

**CERTIFICATE OF SERVICE**

I hereby certify that true and correct copies of the foregoing have been served via email and/or First-Class mail (unless other noted below) upon the following persons, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

The Honorable Angela T. Jones  
Administrative Law Judge  
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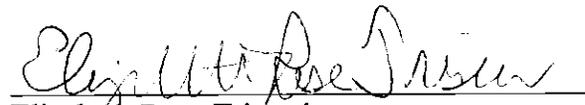
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DATE: January 8, 2016

  
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