**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company for :

Approval of Its Default Service Program for : P-2020-3019290

the Period From June 1, 2021 Through :

May 31, 2025 :

**PREHEARING ORDER**

On March 13, 2020, PECO Energy Company (“PECO”) filed a Petition requesting that the Commission approve its fifth Default Service Program in accordance with its responsibilities as the default service provider for its certificated service territory for the period from June 1, 2021 through May 31, 2025, following the expiration of its current default service program.

Notice of PECO’s Petition and Prehearing Conference was published in the *Pennsylvania Bulletin* on April 18, 2020, 50 Pa.B. 2164. A deadline of May 1, 2020 was established for the filing of formal protests, petitions to intervene and answers. The prehearing conference was set for May 5, 2020.

The prehearing conference was held as scheduled. This order memorializes certain procedural matters addressed at the prehearing conference.

THEREFORE,

IT IS ORDERED:

1. The Petition to Intervene filed by Philadelphia Area Industrial Energy Users Group on April 1, 2020 is granted.

2. The Petition to Intervene filed by Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania, on April 1, 2020 is granted.

3. The Petition to Intervene filed by the Tenant Union Representative Network and Action Alliance of Senior Citizens of Greater Philadelphia on April 10, 2020 is granted.

4. The Petition to Intervene filed by Calpine Retail Holdings, LLC on April 14, 2020 is granted.

5. The Petition to Intervene filed by StateWise Energy Pennsylvania LLC and SFE Energy Pennsylvania, Inc. on April 30, 2020 is granted.

6. The Petition to Intervene filed by Clean Air Council, Sierra Club/PA Chapter, and Philadelphia Solar Energy Association on May 1, 2020 is granted.

7. The Petition to Intervene filed by NRG Energy, Inc., Direct Energy Services LLC, Interstate Gas Supply, Inc. d/b/a IGS Energy, Vistra Energy Corp., Shipley Choice LLC, ENGIE Resources LLC and WGL Energy Services, Inc. on May 1, 2020 is granted.

8. Devin McDougall, Esquire is admitted *pro hac vice* as co-counsel to Clean Air Council, Sierra Club/PA Chapter, and Philadelphia Solar Energy Association in this matter.

9. E. Logal Welde, Esquire shall continue to be responsible as counsel of record for the conduct of this matter on behalf of Clean Air Council, Sierra Club/PA Chapter, and Philadelphia Solar Energy Association.

10. James Laskey, Esquire is admitted *pro hac vice* as co-counsel to Calpine Retail Holdings, LLC in this matter.

11. John F. Lushis, Jr., Esquire shall continue to be responsible as counsel of record for the conduct of this matter on behalf of Calpine Retail Holdings, LLC.

12. Kevin C. Blake, Esquire and Thomas F. Puchner, Esquire are admitted *pro hac vice* as co-counsel to StateWise Energy Pennsylvania LLC and SFE Energy Pennsylvania, Inc.

13. Gregory L. Peterson, Esquire shall continue to be responsible as counsel of record for the conduct of this matter on behalf of StateWise Energy Pennsylvania LLC and SFE Energy Pennsylvania, Inc.

14. The parties of record as of this date are PECO, Office of Consumer Advocate (OCA), Office of Small Business Advocate (OSBA), Clean Air Council Sierra Club/PA Chapter, and Philadelphia Solar Energy Association (collectively, (the “Environmental Stakeholders”)), Pennsylvania Public Utility Commission is the Prehearing Memorandum of the Philadelphia Area Industrial Energy Users Group ("PAIEUG"), The Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (“CAUSE-PA”), Calpine Retail Holdings, LLC (“Calpine”), NRG Energy, Inc., Direct Energy Services LLC, Interstate Gas Supply, Inc. d/b/a IGS Energy, Vistra Energy Corp., Shipley Choice LLC, ENGIE Resources LLC and WGL Energy Services, Inc. (collectively, (the “Electric Supplier Coalition”)), and The Tenant Union Representative Network and Action Alliance of Senior Citizens of Greater Philadelphia (collectively, (“TURN *et al.”*)).

15. The following litigation schedule is adopted:

Public Input Hearing(s) June 9, 2020

Direct testimony of other parties June 16, 2020

Rebuttal testimony July 9, 2020

Surrebuttal testimony July 23, 2020

Evidentiary hearing (with oral rejoinder) July 29-30, 2020

Main Briefs August 20, 2020

Reply Briefs September 8, 2020

16. The court reporting company will be directed to provide transcripts of the evidentiary hearings to the parties on a one-day turnaround.

17. Answers to written interrogatories are to be served in-hand within ten (10) calendar days of service of the interrogatories.

18. Objections to interrogatories are to be communicated orally within three (3) days of service; unresolved objections are to be served on the Administrative Law Judge in writing within five (5) days of service of the interrogatories.

19. Motions to dismiss objections and/or direct the answering of interrogatories are to be filed within three (3) calendar days of service of written objections.

20. Answers to motions to dismiss objections and/or directing the answering of interrogatories shall be filed within three (3) calendar days of service of such motions.

21. Responses to requests for documents production, entry for inspection, or other purposes are to be served in-hand within ten (10) calendar days of service.

22. Requests for admission are deemed admitted unless answered within ten (10) calendar days or objected to within five (5) calendar days of service.

23. When an interrogatory, request for production, request for admission or motion is served after 12:00 p.m. on a Friday or the day before a holiday, the appropriate response period is deemed to start on the next business day.

24. Interrogatories, requests for production and requests for admissions that are objected to but which are not made the subject of a motion to compel will be deemed withdrawn.

25. Pursuant to 52 Pa. Code §5.341(b), neither discovery requests nor responses thereto are to be served on the Commission or the Administrative Law Judge, although a certificate of service may be filed with the Commission’s Secretary.

26. Discovery requests, motions to compel and responses are to be served electronically and will only be served on paper upon request.

Dated: May 8, 2020

/s/

Eranda Vero

Administrative Law Judge

**P-2020-3019290- PECO PETITION FOR DEFAULT SERVICE PLAN**

**REVISED ON 5-08-2020**

CRAIG WILLIAMS ESQUIRE

PECO ENERGY COMPANY

2301 MARKET STREET

LEGAL DEPARTMENT S23-1

PHILADELPHIA PA 19103

215.841.5974

**Accepts E-Service**

ANTHONY GAY ACCOCIATE GENERAL

COUNSEL FOR EXELON

2301 MARKET STREET

LEGAL DEPARTMENT S23-1

PHILADELPHIA PA 19103

215.841.4635

**Accepts E-Service**

JACK GARINKLE ESQUIRE

PECO ENERGY COMPANY

2301 MARKET STREET

LEGAL DEPARTMENT S23-1

PHILADELPHIA PA 19103

215.841.5974

**Accepts E-Service**

KENNETH M KULAK ESQUIRE

MORGAN LEWIS & BOCKIUS LLP

1701 MARKET STREET

PHILADELPHIA PA 19103-2921

215.963.5384

**Accepts E-Service**

BROOKE E MCGLINN ESQUIRE

MORGAN LEWIS & BOCKIUS LLP

1701 MARKET STREET

PHILADELPHIA PA 19103-2921

215.963.5404

**Accepts E-Service**

RICHARD KANASKI

DIRECTOR & CHIEF PROSECTOR

BUREAU OF INVESTIGATION & ENFORCEMENT

PENNSYLVANIA PUBLIC UTILITY COMMISSION

400 NORTH STREET

2ND FLOOR

HARRISBURG PA 19105-3265

**Accepts E-Service**

ARON J BEATTY

DEVID T EVRARD

OFFICE OF CONSUMER ADVOCATE

FORMUM PLACE

1ST FLOOR

FORUM PLACE

HARRISBURG PA 17101

**Accepts E-Service**

CHRISTPHER O’HARA

VICE PRESIDENT GENERAL COUNSEL

LAW & CHIEF COMPLIANCE OFFICER

PJM INTERCONNECTION

2750 MONROE BOULEVARD

AUDUBON PA 19403-2497

[christopher.ohara@pjm.com](mailto:christopher.ohara@pjm.com)

ELIZABETH R MARX

JOHN SWEET

RIA PEREIRA

PENNSLVANIA UTILITY LAW PROJECT

1158 LOCUST STREET

HARRISBURG PA 17101

COUNSEL FOR CAUSE PA

[pulp@palegalaid.net](mailto:pulp@palegalaid.net)

CHARIS MINCAVAGE

ADEOLU A BAKARE

JO-ANNE S THOMPSON

MCNEES, WALLACE & NURICK LLC

100 PINE STREET

HARRISBURG PA 17108 1166

COUNSEL FOR PAIEUG

[cmincavage@mcneeslaw.com](mailto:cmincavage@mcneeslaw.com)

[abakare@mcneeslaw.com](mailto:abakare@mcneeslaw.com)

[jthompson@mcneeslaw.com](mailto:jthompson@mcneeslaw.com)

DEANNE M. O’DELL

KAREN O MOURY

ECKERT SEAMANS CHERIN & MELLOTT, LLC

213 MARKET STREET

8TH FLOOR

HARRISBURG, PA 17101

COUNSEL FOR RESA

[dodell@eckertseamans.com](mailto:dodell@eckertseamans.com)

kmoury@eckertseamans.com

ERIN FURE

DANIEL G. ASMUS

OFFICE OF SMALL BUSINESS ADVOCATE

555 WALNUT STREET

FORUM PLACE

1 ST FL

HARRISBURG PA 17101

717.783.2525

[efure@pa.gov](mailto:efure@pa.gov)

KENNETH M KILAK

ANTHONY C DECUSATIS

CATHERINE G VASUDEVAN

BROOKE E MCGLINN

MORGAN LEWIS & BOCKIUS

1701 MARKET STREET

PHILADELPHIA PA 19103

[ken.kulak@morganlewis.com](mailto:ken.kulak@morganlewis.com)

[anthony.decusatis@morganlewis.com](mailto:anthony.decusatis@morganlewis.com)

[catherine.vansudevan@morganlewis.com](mailto:catherine.vansudevan@morganlewis.com)

[brook.mcglinn@morganlewis.com](mailto:brook.mcglinn@morganlewis.com)

ROBERT W BALLENGER

JOSIE B H PICKENS

JOLINE R PRICE

COMMUNITY LEGAL SERVICE INC

1424 CHESTNUT STREET

PHILADELPHIA PA 19102

COUNSEL FOR TURN AND ACTION ALLIANCE

215.981.3700

[rballenger@clsphila.org](mailto:rballenger@clsphila.org)

[jprice@clsphila.org](mailto:jprice@clsphila.org)

[jpickens@clsphila.org](mailto:jpickens@clsphila.org)

JOHN F. LUSHIS, JR.

NORRIS MCLAUGHLIN, P.A.

515 W. HAMILTON STREET, SUITE 502

ALLENTOWN, PA 18101

COUNSEL FOR CALPINE RETAIL HOLDINGS, LLC

484 765-2211

[jlushis@norris-law.com](mailto:jlushis@norris-law.com)

LOGAN WELDE

CLEAN AIR COUNCIL

135 S 19TH STREET

SUITE 300

PHILADELPHIA PA 19103

215.567.4004

[lwelde@cleanair.org](mailto:lwelde@cleanair.org)

DEVIN MCDOUGAIL

EARTH JUSTICE

476 CLINTON AVENUE

APT 6 F

BROOKLYN NY 11238

646.397.837

[d874164@gmail.com](mailto:d874164@gmail.com)

KEVIN C. BLAKE

THOMAS F PUCHNER

GREGORY PETERSON

PHILLIPS LYTLE LLP

201 WEST THIRD STREET

SUITE 205

JAMESTOWN NY 14701 4907

716.664.3906

[kblake@phillipstyle.com](mailto:kblake@phillipstyle.com)

[tpuchner@phillipstyle.com](mailto:tpuchner@phillipstyle.com)

JAMES LASKEY

NORRIS MCLAUGHLIN

400 CROSSING BLVD

8TH LOOR

BRIDGWATER NJ 08807

908.252.42324

[jlaskey@norris-law.com](mailto:jlaskey@norris-law.com)