**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joint Default Service Plan for Citizens’ Electric :

Company of Lewisburg and Wellsboro Electric : P-2020-3019383

Company for the Period of June 1, 2021 through : P-2020-3019384

May 31, 2025 :

**SCHEDULING ORDER**

On March 31, 2020, Citizens’ Electric Company of Lewisburg, PA (Citizens’) and Wellsboro Electric Company (Wellsboro) filed a joint petition seeking approval of their respective fifth Default Service Plans (DSPs). The DSPs will cover the period June 1, 2021 through May 31, 2025. The DSPs were filed pursuant to the Electric Generation Customer Choice and Competition Act, 66 Pa.C.S. §§ 2801, *et seq.*, as amended by Act 129 of 2008, the Commission’s Default Service Regulations, 52 Pa.Code §§ 54.181-54.189, and the Commission’s Policy Statement on Default Service, 52 Pa.Code §§ 69.1801-69.1817.

On April 18, 2020, notice of the filings was published in the Pennsylvania Bulletin, with a deadline to file an answer, protest or petition to intervene of May 8, 2020.

On April 20, 2020, the Commission issued a call-in pre-hearing conference notice hearing notice scheduling a pre-hearing conference for May 18, 2020 at 10:00.

On April 20, 2020, the Office of Small Business Advocate (OSBA) filed an answer to the joint petition as well as a notice of intervention and public statement.

 On April 29, 2020, the Office of Consumer Advocate (OCA) filed an answer to the joint petition as well as a notice of intervention and public statement.

The prehearing conference convened on May 18, 2020 as scheduled. The following counsel entered their appearance: Adeolu Bakare and Pamela Polacek on behalf of Citizens/Wellsboro; Erin Fure on behalf of OSBA and David Evrard on behalf of OCA.

During the prehearing conference, various procedural matters were discussed. The parties agreed that given the nine-month suspension period, the Commission must act on the joint petition no later than its December 17, 2020 public meeting. Pursuant to that confirmation, the following procedural schedule will be put in place:

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| --- | --- |
| Other Parties’ Direct Testimony | June 18, 2020 |
| All Parties’ Rebuttal Testimony | July 16, 2020 |
| All Parties’ Surrebuttal Testimony | July 31, 2020 |
| Oral Rejoinder / Hearing | August 6-7, 2020 |
| Main Briefs | August 31, 2020 |
| Reply Briefs | September 11, 2020 |

The hearings will be held in Harrisburg in a hearing room in the Commonwealth Keystone Building and will begin at 10:00 a.m.

 Additionally, there was an agreement among the parties for modifications to the Commission’s discovery rules for this case. Those modifications include:

 a. Answers to written interrogatories are due within 10 days of service on a best-efforts basis.

 b. Objections to interrogatories will be communicated orally within three days of service of the interrogatories; unresolved objections shall be served to the ALJ in writing within four days of service of the interrogatories.

 c. Motions to dismiss objections and/or compel the answering of interrogatories will be filed within four days of service of written objections.

 d. Answers to motions to dismiss objections and/or compel the answering of interrogatories will be filed within three days of service of such motions.

 e. Interrogatories, objections or motions to compel served after noon on a Friday will be considered to have been served on the next business day for purposes of determining the response deadlines.

 f. Service of documents by e-mail is acceptable; hard copies of documents are not required.

 The parties have indicated that no protective order is being sought at this time.

Finally, the parties are reminded that Commission policy promotes settlements. 52 Pa.Code § 5.231(a). The parties are encouraged to commence settlement discussions as early as possible. Even if the parties are unable to settle this case, they may still resolve some of the questions or issues during their discussions. If the parties reach an agreement on all issues, a formal hearing will not be necessary and the scheduled hearing will be cancelled. Any settlement, however, must be supported by substantial record evidence. 2 Pa.C.S. § 704.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the following schedule is adopted for this proceeding:

|  |  |
| --- | --- |
| Other Parties’ Direct Testimony | June 18, 2020 |
| All Parties’ Rebuttal Testimony | July 16, 2020 |
| All Parties’ Surrebuttal Testimony | July 31, 2020 |
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1. That the parties shall receive all documents and shall copy all other parties on documents they file with the Commission or serve on the undersigned. The parties are expected to conduct discovery, attend hearings, or present or cross-examine witnesses, as appropriate. The parties shall serve the documents listed above no later than 4:00 p.m. on the dates listed, unless otherwise indicated. Parties may serve the documents via e-mail; hard copies of documents are not required. Parties shall not file testimony with the Commission, but shall file a certificate of service.
2. That written testimony shall comply with the requirements of 52 Pa.Code § 5.412 and shall be marked with numerical, sequential statement numbers. Parties serving pre-served testimony pursuant to 52 Pa.Code § 5.412(f) are required, within thirty (30) days after the final hearing, to either eFile with or provide to the Secretary’s Bureau a Compact Disc (CD) containing all testimony furnished to the court reporter during the proceeding, consistent with the Commission’s Implementation Order, dated January 10, 2013, at Docket No. M-2012-2331973.
3. That all parties shall comply with the provisions of 52 Pa.Code §5.243(e) which prohibits the introduction of evidence during rebuttal which should have been included in the party’s case-in-chief or which substantially varies from the party’s case-in-chief, unless the party is introducing evidence in support of a proposed settlement.
4. That the parties shall conduct discovery pursuant to 52 Pa.Code §§5.321-5.373 as modified consistent with the discussion above. The parties are encouraged to cooperate and exchange information on an informal basis. The parties shall cooperate rather than engage in numerous or protracted discovery disagreements that require formal resolution. There are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa.Code §§ 5.361, 5.371-5.372.
5. That the evidentiary hearing will be held in Harrisburg and will commence at 10:00 a.m. on August 6-7, 2020, unless changed by the presiding officer.
6. That the parties shall stipulate to any matters they reasonably can to expedite this proceeding, lessen the burden of time and expenses in litigation on all parties and conserve administrative hearing resources. 52 Pa.Code §§ 5.232 and 5.234.
7. That the evidentiary hearings in this matter constitute a formal legal proceeding and will be conducted in accordance with the Commission’s Rules of Administrative Practice and Procedure, as well as the rules of evidence as applied to administrative hearings.
8. That any provision of this Order may be modified upon motion and good cause shown by any party in interest in accordance with 52 Pa.Code § 5.223(a).

Date: May 19, 2020

 /s/

 Benjamin J. Myers

 Administrative Law Judge

**P-2020-3019383 & P-2020-3019383 - Citizens Electric Company of Lewisburg Joint Petition for Default Service**

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