



Business Services
Company

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March 31, 2009

Via Federal Express

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

**Re: Crescent Hotel – Plymouth Meeting, LP v. PECO Energy Company, PUC Docket No.
C-2008-2068258**

Dear Mr. McNulty:

Enclosed please find an original and three copies of the Prehearing Conference Memorandum of PECO Energy Company for filing in the above referenced matter. Kindly return a time-stamped copy of the same to me in the self-addressed stamped envelope.

Please do not hesitate to contact me should you have any question.

Very truly yours,

Ward L. Smith
Assistant General Counsel

WLS/zr

Enc.

cc: Administrative Law Judge Guy M. Koster (Via E-Mail and Overnight Delivery)
Service List (Via Overnight Delivery)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Crescent Hotel - Plymouth Meeting:

v.

:

Docket No. C-2008-2068258

PECO Energy Company

:

**PREHEARING CONFERENCE MEMORANDUM
OF PECO ENERGY COMPANY**

PECO Energy Company ("PECO"), pursuant to the March 12, 2009 Order of Administrative Law Judge Guy M. Koster, hereby submits its prehearing conference memorandum, and states as follows:

(a) Service List Entry

1. PECO's entry on the service will be its attorney:

Ward L. Smith
Michael Swerling
Assistant General Counsel
Exelon Corporation
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(b) Consolidation

2. PECO has no objection to the this Complaint being consolidated for hearing, briefing and decision with the Crescent Hotel-Plymouth Meeting complaints against UGI

Energy Services (Docket No. C-2008-2068267), and Celeren Corporation (Docket No. 2009-2089563).

(c) and (d) Discovery

3. PECO proposes that the normal Commission discovery rules and procedures, as set forth at 52 Pa. Code § 5.321 et seq., should be used in this docket. To PECO's knowledge, discovery has not yet begun in this proceeding. PECO is prepared to begin discovery, both informal and formal, at this time. Pursuant to normal Commission practice, PECO will aim to send its discovery inquiries as soon as possible after the initial prehearing conference.

4. PECO has no other proposed orders with respect to discovery at this time. It reserves the right to raise such objections as may be appropriate toward any discovery requests that it receives in the future.

(e) Witnesses

5. PECO believes that this proceeding primarily involves legal, rather than factual, issues. As needed, however, PECO intends to call the following witnesses:

Ms. Teresa A. Ferrier
PECO Energy Company
2301 Market Street
Philadelphia, PA 19103
215-841-4000

Ms. Ferrier is a Regulatory Assessor at PECO who will testify regarding the Crescent Hotel – Plymouth Meeting, LP account and billing history.

Mr. Sam Melendez
PECO Energy Company
2301 Market Street
Philadelphia, PA 19103
215-841-4000

Mr. Melendez is an Account Manager/Executive at PECO who will testify with regard to the Crescent Hotel – Plymouth Meeting account and service history, as well as certain matters related to PECO practice in interacting with Electricity Generation Suppliers and with customer agents.

Mr. Scott Neumann
PECO Energy Company
2301 Market Street
Philadelphia, PA 19103
215-841-4000

Mr. Neumann is a Rates Engineer at PECO who will testify with regard to PECO's tariff and to PECO practice in interacting with Electricity Generation Suppliers and with customer agents.

Mr. John McCawley
PECO Energy Company
2301 Market Street
Philadelphia, PA 19103
215-841-4000

Mr. McCawley is PECO's Manager of Energy Acquisition and will testify regarding PECO practice in interacting with Electricity Generation Suppliers and with customer agents.

PECO may substitute other witnesses with the requisite technical expertise, depending upon scheduling availability. PECO also may supplement this list if additional issues surface in this proceeding.

(f) and (g) List of Issues and Sub-Issues

6. PECO believes that the following are the primary issues and sub-issues that will be addressed in this proceeding.

(a) Whether PECO provided service to Crescent Hotel – Plymouth Meeting, and whether PECO received payment for those services. PECO expects to address this issue by having its Ms. Ferrier present the Crescent Hotel – Plymouth Meeting account statement, which will demonstrate that PECO provided utility service to the customer but has not yet received payment for that service.

(b) What are the relevant rules and procedures for utility interaction with Electric Generation Suppliers (EGS) and how those rules have been implemented. PECO expects to address this issue by having Mr. Neumann and/or Mr. McCawley present testimony as to PECO's procedures for interacting with EGS's, its Tariff regarding the same, and the source of those procedures in Commission law and practice. This testimony will show that, in order to qualify as an EGS, an entity must register with the Commission and that the interaction with between the EGS and the utility is thereafter primarily conducted pursuant to a clearly defined electronic data interchange (EDI) protocol.

(c) What are the relevant rules and procedures for utility interaction with customer agents who fill a role other than Electric Generation Supplier and how those rules have been implemented. PECO expects to address this issue by having Mr. Neumann and/or

Mr. Melendez present testimony as to PECO's procedures for interacting with non-EDS agents of customers. This testimony will show that customers frequently designate a third party to act as their agent other than as an EGS, and that in those situations the interactions do not occur through the EGS/EDI protocol, but rather take place with the customer's management agent effectively stepping into the customer's shoes for communication and interaction with the utility.

(d) Whether Celeren was acting as an Electric Generation Supplier or as a non-EGS agent. PECO expects to address this issue through the testimony of Mr. McCawley, Mr. Neumann and/or Mr. Melendez, with that testimony demonstrating that Celeren did not register as an EGS or engage in transactions through the EDI protocol, but that Celeren instead simply acted as a management agent for the customer.

Additional issues or sub-issues may develop as PECO conducts discovery in this case or upon review of the other parties' testimony.

Conclusion

PECO respectfully requests that the ALJ issue an Order establishing the procedural matters and schedule as set forth in this prehearing conference memorandum.

Respectfully submitted,



Ward Smith
Michael Swerling
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Counsel for PECO Energy
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March 31, 2009

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Crescent Hotel - Plymouth Meeting:

v. : **Docket No. C-2008-2068258**
PECO Energy Company :

CERTIFICATE OF SERVICE

I, Ward Smith, hereby certify that I have this day served a copy of PECO Energy Company's Prehearing Conference Memorandum in the above matter upon all interested parties by mailing a copy, properly addressed and postage prepaid to:

Paul A. Bucco, Esq.
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Conshohocken PA 19428
(Attorney for Crescent Hotel Plymouth Meeting, L.P.)

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UGI Corporation
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George Miller
Trustee for Celeren Corporation
C/O Linda Richenderfer, Esq.
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(Attorney for Celeren Corporation)

Dated at Philadelphia, Pennsylvania, March 31, 2009.



Counsel for PECO Energy Company
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