

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission <i>et al.</i>	)	
v.	)	<b>Docket No. R-2010-2161575</b>
PECO Energy Company – Electric Division	)	
	)	
	)	

**PETITION TO INTERVENE OF THE COMMERCIAL GROUP  
PREHEARING CONFERENCE MEMORANDUM**

**AND NOW**, comes the Commercial Group (“CG”) by and through its counsel, Holly Rachel Smith, PLLC, and hereby petitions to intervene in the above-captioned matter pursuant to 52 Pa. Code §§ 5.72, *et seq.* In support of its petition to intervene, CG avers as follows:

1. On or about March 31, 2010, PECO Energy Company (“PECO” or “the Company”) submitted a request for a general rate increase in the amount of \$316 million dollars in the above-captioned proceeding. PECO’s filing entails a rate increase to commercial customers. Specifically, PECO proposes to increase electric rates for commercial customers, in some cases, by up to 9.4 percent.

2. Petitioner is the Commercial Group (“CG”). The CG members are listed on Attachment A. CG reserves the right to modify Attachment A throughout the course of this proceeding, as necessary. The attorney authorized to represent CG in this proceeding is:

Holly Rachel Smith  
Attorney ID No. 202006  
Holly Rachel Smith, PLLC  
Hitt Business Center  
3803 Rectortown Road  
Marshall, VA 20115  
Telephone: (540) 364-0150  
E-Mail: holly@raysmithlaw.com

CG requests that the above-listed counsel be served with copies of all documents in this proceeding.

3. CG is an ad-hoc group of large commercial customers who take electric service from multiple rate schedules, including schedules HT and GS. CG's members are national retailers of goods and/or services throughout the United States that have the privilege of providing retail services in the Commonwealth of Pennsylvania. Collectively, CG members have 33 facilities in PECO's territory and CG members procure substantial volumes of electricity from PECO -- a collective amount that is greater than 80 million kWh. Electricity is one of the single highest operating costs faced by CG members. As a result, any modification to PECO's electric rates and rate structure has the potential to substantially impact CG member operations in Pennsylvania.

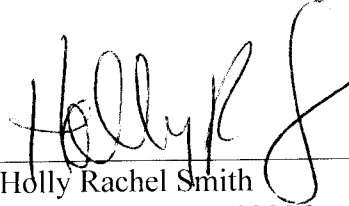
4. The matters to be decided by the Commission in this case may have a significant impact on the rates paid by CG members for electricity. CG's participation in this proceeding seeks to ensure that the rates, revenue allocation and rate design approved by this Commission are just and reasonable for commercial customers. CG is attaching its prehearing memorandum as Attachment B to this motion, which further describes its interests herein. CG, as a group of large commercial customers on schedules HT and GS, has an interest in this proceeding that is not represented by any other party, including other intervention groups. Accordingly, CG satisfies the standards for intervention under Section 5.72 of the Commission's regulations. *See* 52 PA Code § 5.72.

5. CG's intervention is timely as the date for intervention in this proceeding has not yet been set by Commission order or notice in the PA Bulletin.

**WHEREFORE**, the Commercial Group respectfully requests that it be granted full intervenor status in the above-captioned proceeding.

DATED: June 7, 2010

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Holly R. Smith", written over a horizontal line.

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*Attorney for Commercial Group*

ATTACHMENT A


LIST OF COMMERCIAL GROUP MEMBERS

BJ's Wholesale Club, Inc.

Sam's East, Inc.

Wal-Mart Stores East, LP

ATTACHMENT B  
PREHEARING MEMORANDUM

To: Administrative Law Judge Marlane R. Chestnut  
Administrative Law Judge Christopher Pell  
From: Holly Rachel Smith, Esq. on behalf of the Commercial Group   
cc: Service List  
RE: Docket No. R-2010-2161575  
Date: June 7, 2010

In conformance with PA Code § 5.222(d), the Commercial Group provides:

The Commercial Group plans to address the following issues in testimony:

- Cost of Service
- Rate Design
- Revenue Allocation
- Annualized Depreciation Accrual
- Return on Equity

The Commercial Group's witness, who will cover all of the listed issues, is:

James T. Selecky  
Brubaker & Associates, Inc.  
PO Box 41200  
St Louis MO 63141-2000  
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## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by mailing a true and correct copy via electronic mail (when available) and by first-class postage prepaid mail, to all parties on this 7<sup>th</sup> day of June, 2010.

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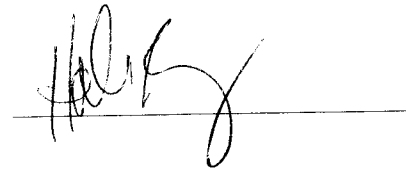
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A handwritten signature in black ink, appearing to be "H. Miller", is written over a horizontal line.