



GOVERNOR'S OFFICE OF GENERAL COUNSEL

November 9, 2010

717-787-7060

Fax: 717-783-7911

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

RE: Petition of PECO Energy Company for Approval
of Its Act 129 Energy Efficiency and Conservation Plan
and Expedited Approval of its Compact Fluorescent Lamp Program
PUC Docket No. M-2009-2093215

Dear Secretary McNulty:

Please find for electronic filing the Prehearing Memorandum on behalf of the Commonwealth of Pennsylvania, Department of Environmental Protection in the above referenced matter. Copies have been served on all parties listed on the enclosed Certificate of Service.

Sincerely,

/s/ Kurt E. Klapkowski

Kurt E. Klapkowski
Assistant Counsel

Enclosures

cc: Service List



BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of PECO Energy Company :
for Approval of its Act 129 Energy :
Efficiency and Conservation Plan : **Docket No. M-2009-2093215**
and Expedited Approval of its :
Compact Fluorescent Lamp Program :

PREHEARING MEMORANDUM OF THE PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Section 333 of the Public Utility Code, 66 Pa.C.S. § 333, and in response to the Prehearing Order issued in the above-captioned proceeding, the Commonwealth of Pennsylvania, Department of Environmental Protection (“Department”) provides the following information:

I. INTRODUCTION AND PROCEDURAL HISTORY

Pursuant to Act 129 of 2008 and the Pennsylvania Public Utility Commission's (“Commission”) Energy Efficiency and Conservation Program Implementation Order at Docket No. M-2008-2069887, on July 1, 2009, PECO Energy Company (“PECO”) filed its Petition for Approval of its Act 129 Energy Efficiency and Conservation Plan and Expedited Approval of its Compact Fluorescent Lamp Program (“original EE&C Plan”) with the Commission. The Department filed its petition to intervene in that proceeding on July 16, 2009. On February 17, 2010, PECO’s original EE&C Plan, as refiled, was approved by the Commission. On September 15, 2010, PECO proposed revisions to its Energy Efficiency and Conservation Plan (“amended EE&C Plan”) pursuant to the Commission’s annual review process. The Company's amended EE&C Plan filing was assigned to the Office of Administrative Law Judge and further assigned

to Administrative Law Judge Dennis J. Buckley for investigation. On November 5, 2010, a Prehearing Conference Order was issued by ALJ Dennis Buckley. On November 10, 2010, a preheating conference will be held in Harrisburg.

II. ISSUES AND SUB-ISSUES

The Department participated and raised concerns in the proceeding relating to PECO's original EE&C Plan. The Department also has participated in informal discussions and stakeholder meetings relating to the amended EE&C Plan. Regarding the company's amended EE&C plan, the Department is primarily concerned that the changes made by PECO are effective and will allow PECO to comply with the mandates of Act 129.

III. WITNESSES

If the Department determines that testimony is necessary, the Department will provide testimony from the following witness:

Maureen Guttman, AIA
Executive Director
Governor's Green Government Council
Rachel Carson State Office Building
P.O. Box 8772
Harrisburg, PA 17105-8772
717-772-8946

The Department reserves the right to provide testimony from additional witnesses if necessary to address issues raised through discovery.

IV. SERVICE ON THE DEPARTMENT

The Department will be represented in this matter by Assistant Counsel Kurt E. Klapkowski. All documents should be served on the Department as follows:

Kurt E. Klapkowski
Pa. ID No. 70281
kklapkowski@state.pa.us

Commonwealth of Pennsylvania
Department of Environmental Protection
RCSOB, 9th Floor
400 Market Street
Harrisburg, PA 17101-2301
717-787-7060
717-783-7911 (Fax)

V. SCHEDULE

The Department will work with all parties to attempt to resolve any scheduling issues, and will work diligently to achieve a settlement in this matter if possible.

Respectfully submitted,

/s/ Kurt E. Klapkowski

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Assistant Counsel
Pa. ID No. 70281
kklapkowski@state.pa.us

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Dated: November 9, 2010

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document, Prehearing Memorandum of the Commonwealth of Pennsylvania, Department of Environmental Protection, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code Section 1.54 (relating to service by a participant), in the manner indicated upon the persons listed below:

FIRST CLASS AND ELECTRONIC MAIL

Tanya J. McCloskey, Esquire Jennedy S. Johnson, Esquire Office of Consumer Advocate 555 Walnut Street 5th Floor, Forum Place Harrisburg, PA 17101-1923	Scott H. Debroff, Esquire Rhoads & Sinon LLP One South Market Square, 12 th Floor P.O. Box 1146 Harrisburg, PA 17108-1146
Sharon E. Webb, Esquire Daniel G. Asmus, Esquire Office of Small Business Advocate Suite 1102, Commerce Building 300 North Second Street Harrisburg, PA 17101	Anthony E. Gay, Esquire Romulo Diaz, Jr., Esquire Exelon Business Services Company 2301 Market Street, S 23-1 Philadelphia, PA 17103

<p>Carrie B. Wright, Esquire Richard A. Kanaskie, Esquire Office of Trial Staff PA Public Utility Commission P.O. Box 3265 Harrisburg, PA 19105-3265</p>	<p>Philip L. Hinerman, Esquire A. Wesley Bridges, Esquire Philadelphia Area Government Entities Fox Rothschild Attorneys at Law 2000 Market Street, 10th Floor Philadelphia, PA 17103-3291</p>
<p>Daniel Clearfield, Esquire Kevin J. Moody, Esquire Eckert Seamans Cherin & Mellott LLC 213 Market Street, 8th Floor P.O. Box 1248 Harrisburg, PA 17108-1248</p>	<p>Shelby A. Linton-Keddie, Esquire Charis Mincavage, Esquire Barry Naum, Esquire McNees Wallace & Nurick LLC 100 Pine Street P.O. Box 1166 Harrisburg, PA 17108-1166</p>
<p>J. Barry Davis, Esquire Scott J. Schwarz, Esquire City of Philadelphia Law Department 1515 Arch Street, 16th Floor Philadelphia, PA 19102-1595</p>	<p>Spencer Finch Pennsylvania Environmental Counsel 130 Locust Street Harrisburg, PA 17101</p>
<p>Mark B. Cohen House of Representatives 128 Main Capitol P.O. Box 202074 Harrisburg, PA 17101-2301</p>	<p>Kevin J. Moody, Esquire Eckert Seamans 213 Market Street, 8th Floor Harrisburg, PA 17108-0865</p>
<p>Maureen Mulligan Keystone Energy Efficiency Alliance 33 Greening Life Lane Shermans Dale, PA 17090</p>	<p>Jonathan Stein, Esquire Thu B. Tran, Esquire Philip A. Bertocci, Esquire Community Legal Services, Inc. 1424 Chestnut Street Philadelphia, PA 19102</p>
<p>Richard G. Webster, Jr. PECO Energy Company 2301 Market Street, S15 Philadelphia, PA 19103</p>	<p>Kathleen Greely PA Home Energy 297 1/2 Chestnut Street Meadville, PA 16335</p>
<p>Jeanne J. Dworetzky PECO Energy Company 2301 Market Street, S 23-1 P.O. Box 8699 Philadelphia, PA 19101-8699</p>	<p>Christopher A. Lewis, Esquire Christopher R. Sharp, Esquire Melanie Tambolas, Esquire Blank Rome, LLP One Logan Square Philadelphia, PA 19103-6998</p>

<p>Rob Shulman, Esquire Law Office of Rob Shulman 326 S. Camac Street Philadelphia, PA 19107</p>	<p>Peter J. Krajsa AFC First Financial Corporation Great Bear Center at Brookside 1005 Brookside Road P O Box 3558 Allentown, PA 18106</p>
<p>Barry Seymour, Executive Director Delaware Valley Regional Planning Commission 190 North Independence Mall West 8th Floor Philadelphia, PA 19106-1520</p>	<p>Roger E. Clark The Reinvestment Fund 718 Arch Street, Suite 300 North Philadelphia, PA 19106-1591</p>
<p>Divesh Gupta, Esquire Constellation Energy 111 Market Place, Suite 500 Baltimore, MD 21202</p>	<p>Richard Karton 735 South Settlers Circle Warrington, PA 18976</p>
<p>John K. Baillie, Esquire PennFuture 425 Sixth Avenue, Suite 2770 Pittsburgh, PA 15219</p>	<p>Charles McPhedran, Esquire Tom Tuffey Courtney Lane PennFuture 1518 Walnut Street, Suite 1100 Philadelphia, PA 19102</p>
<p>Harry S. Geller, Esquire John Gerhard, Esquire PA Utility Law Project 118 Locust Street Harrisburg, PA 17101</p>	<p>John F. Povilaitis Ryan, Russell, Ogden & Seltzer Suite 101 800 North Third Street Harrisburg, PA 17102-2025</p>
<p>Reuben S. Brown The E Cubed Company LLC 1700 New York Avenue New York, PA 10128</p>	<p>Donald D. Gilligan National Association of Energy Service Companies 1615 M Street NW, Suite 800 Washington, DC 20036</p>
<p>Thomas P. Gadsen, Esquire Anthony DeCusatis, Esquire Kenneth M. Kulak Morgan Lewis & Bockius 1701 Market Street Philadelphia, PA 19103-2921</p>	<p>Bill Toffey Kristin Sullivan Office of Sustainability City of Philadelphia Municipal Services Building 1401 JFK Boulevard Philadelphia, PA 19102</p>

Dwight Price The Electrical Association of Philadelphia 527 Plymouth Road, Suite 408 Plymouth Meeting, PA 19462	Liz Robinson Energy Coordinating Agency 1921 Arch Street Philadelphia, PA 19102
Paul E. Russell PPL Services Corporation Two North Ninth Street Allentown, PA 18101	Joseph Smith, Esquire Steven Hershey, Esquire Christina Coltro, Esquire Philadelphia Gas Works 800 West Montgomery Avenue Philadelphia, PA 19112
John L. Munsch Allegheny Power 800 Cabin Hill Drive Greensburg, PA 15601	Rob Graff Delaware Valley Regional Planning Commission 190 North Independence Mall West Philadelphia, PA 19106

Respectfully submitted,

/s/ Kurt E. Klapkowski

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Assistant Counsel
Pa. No. 70281
kklapkowski@state.pa.us

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