

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

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November 9, 2010

Rosemary Chiavetta  
Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

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  
Docket No. M-2009-2093215

Dear Secretary Chiavetta:

Enclosed for filing is the Prehearing Memorandum of the Office of Consumer Advocate,  
in the above-referenced proceeding.

Copies have been served as indicated on the enclosed Certificate of Service.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Jennedy S. Johnson".

Jennedy S. Johnson  
Assistant Consumer Advocate  
PA Attorney I.D. # 203098

Enclosures

cc: Honorable Dennis J. Buckley  
Honorable Elizabeth H. Barnes

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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

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PREHEARING MEMORANDUM  
OF THE  
OFFICE OF CONSUMER ADVOCATE

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Pursuant to Section 333 of the Public Utility Code, 66 Pa.C.S. § 333, and in response to the Prehearing Conference Order issued in the above-captioned matter, the Office of Consumer Advocate (OCA) provides the following information:

**I. INTRODUCTION AND PROCEDURAL HISTORY**

On July 1, 2009, PECO Energy Company (PECO or Company) filed its Petition and Energy Efficiency and Conservation Plan (Plan) with the Pennsylvania Public Utility Commission (Commission). The Company's filing was assigned to the Office of Administrative Law Judge (OALJ) and further assigned to Administrative Law Judge Marlane R. Chestnut for investigation. In October 2009, the Commission entered an Order approving, in part, and rejecting, in part, PECO's Plan. On Nov. 12, 2009, OSBA filed a Petition for Reconsideration that was granted, and on December 23, 2010, the Commission entered an Order requiring PECO to file a red-lined version of its Revised Plan. The OCA was the only party to file Comments on the revised plan and on February 17, 2010, the Commission entered an Order approving PECO's revised Plan.

On September 15, 2010, PECO filed an annual report and proposed changes to its approved Plan. The Company proposed to modify the approved EE&C Plan to reflect the additional

experience the Company has obtained since the February approval of its Plan. On October 5, 2010, the OSBA filed an Answer to the Company's annual report requesting that the Plan be referred to the OALJ for hearings. On November 5, 2010, a Secretarial Letter was issued referring the matter to the OALJ, and ALJs Buckley and Barnes issued a Prehearing Conference Order. The OCA submits this prehearing memo in accordance with that Prehearing Conference Order.

## **II. ISSUES AND SUB-ISSUES**

The OCA anticipates that it will examine the reasonableness of the Company's proposed revisions to its energy conservation and demand response plan and the individual program design for meeting Act 129. The OCA specifically reserves the right to raise additional issues as may be necessary.

## **III. WITNESSES**

If the OCA determines that testimony will be necessary, the OCA identifies the following as potential witnesses:

Shawn Enterline  
Scudder Parker  
Vermont Energy Investment Corporation  
255 S. Champlain Street, Suite 7  
Burlington, VT 05401  
Phone: 802-658-6060  
Email: [senterline@veic.org](mailto:senterline@veic.org)  
[sparker@veic.org](mailto:sparker@veic.org)

## **IV. SERVICE ON OCA**

The OCA will be represented in this case by Assistant Consumer Advocate, Jennedy S. Johnson and Senior Assistant Consumer Advocate, Tanya J. McCloskey. Two copies of all documents should be served on the OCA as follows:

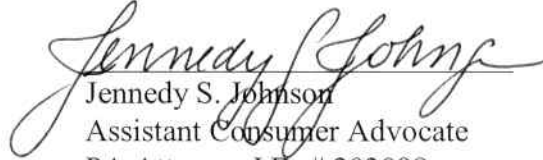
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As a courtesy, the OCA requests that all electronic correspondence be copied to

Jessica J. Horner ([JHorner@paoca.org](mailto:JHorner@paoca.org)).

Respectfully Submitted,



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Dated: November 9, 2010  
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CERTIFICATE OF SERVICE

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

I hereby certify that I have this day served a true copy of the foregoing document, Prehearing Memorandum of the Office of Consumer Advocate, 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 and upon the persons listed below:

Dated this 9<sup>th</sup> day November 2010.

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