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# RHOADS & SINON LLP

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March 12, 2012

VIA HAND DELIVERY

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

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**Re: Petition of PECO Energy Company for Approval of a Default Service Program**  
**Docket No. P-2012-2283641**

Dear Ms. Chiavetta:

Delivered herewith please find an original and three (3) copies of the "**Prehearing Conference Memorandum on behalf of Washington Gas Energy Services, Inc.**" in the above captioned proceeding. Please enter this into the docket, and timestamp the additional two (2) copies. Copies will be provided to the persons as indicated in the certificate of service.

Should you have any questions, please do not hesitate to contact us at (717) 237-6716.

Sincerely,

RHOADS & SINON LLP

By: 

Scott H. DeBroff, Esq.

Alicia R. Duke, Esq.

Counsel for Washington Gas Energy Services

Enclosure

cc: Certificate of Service

**COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PETITION OF PECO ENERGY COMPANY  
FOR APPROVAL OF A DEFAULT SERVICE  
PROGRAM

DOCKET NO. P-2012-2283641

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**PREHEARING CONFERENCE MEMORANDUM ON BEHALF OF  
WASHINGTON GAS ENERGY SERVICES, INC.**

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

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ALICIA R. DUKE, ESQ.  
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ONE SOUTH MARKET SQUARE  
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DATE: MARCH 12, 2012

COUNSEL FOR WASHINGTON GAS ENERGY SERVICES

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

COMMONWEALTH OF PENNSYLVANIA  
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PREHEARING CONFERENCE MEMORANDUM ON BEHALF OF  
WASHINGTON GAS ENERGY SERVICES, INC.

AND NOW COMES Washington Gas Energy Services, Inc. ("WGES") by and through its counsel, **Scott H. DeBroff, Esquire** and **Alicia R. Duke, Esquire** of Rhoads & Sinon LLP, and files pursuant to 52 Pa. Code §§ 5.222, its Pre-Hearing Conference Memorandum in response to the Notice of Initial Prehearing Conference to be held before Presiding Administrative Law Judge Dennis J. Buckley on Tuesday, March 13, 2012 at 10:00 a.m.:

**I. INTRODUCTION**

On January 13, 2012, PECO Energy Company (PECO or Company) filed a Petition for Approval of its Default Service Implementation Plan in Docket No. P-2012-2283641 to establish the terms and conditions under which the Company will procure default service supply, provide default service to non-shopping customers, and recover all costs on a full and current basis for the period from June 1, 2013 through May 31, 2015. The petition was filed pursuant to Section 2807(e) of the Public Utility Code.

On January 18, 2012, the Commission issued a Notice to be Published stating that Formal Protests, Petitions to Intervene and Answers must be filed by February 13, 2012.

On January 26, 2012, the Commission issued a Notice of Initial Prehearing Conference, in which the Honorable Dennis J. Buckley was assigned as Presiding Administrative Law Judge, and a Prehearing Conference was scheduled for Tuesday, March 13, 2012.

On February 17, 2012, WGES filed its Petition to Intervene Nunc Pro Tunc in this matter.

## II. COUNSEL

WGES is represented in the above-captioned matter by the following counsel:

**Scott H. DeBroff, Esq.**  
PA ID No. 61170  
Rhoads & Sinon LLP  
One South Market Square, 12<sup>th</sup> Floor  
P.O. Box 1146  
Harrisburg PA 17108-1146  
Phone: 717-237-6716  
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Email: [sdebroff@rhoads-sinon.com](mailto:sdebroff@rhoads-sinon.com)

## III. IDENTIFICATION OF ISSUES

- **Whether the matter should be decided upon legal briefs, or whether a hearing is necessary.** WGES is open to the possibility of deciding the case on briefs, but believes it would be prudent to reserve such a determination until parties have had the opportunity to review the testimony that is submitted in the proceeding.
- **Advance submission of written testimony and information requests.** WGES favors advance submission of written testimony, and takes no position on the proposal for advanced submission of written information requests.

- **Other matters.** WGES is amenable to the exchange of exhibits prior to hearing, the obtaining of stipulations of fact, and other similar steps to facilitate the conduct of the hearing.

WGES consents to accept electronic service of all documents on the deadlines for their delivery, followed by hard copy deliveries by first class mail to its counsel.

WGES is at this time still formulating its position on the substantive issues presented by the Petition.

#### **IV. DISCOVERY**

WGES has not yet determined its need, if any, to conduct discovery. WGES is agreeable to reasonable deadlines for discovery, as well as reasonable modifications to the Commission's regulations regarding discovery.

#### **V. WITNESSES**

WGES reserves the right to submit Direct, Rebuttal, and Surrebuttal Testimony regarding all of the issues raised by PECO's Default Service Plan, including, but not limited to, the issues identified in the Petitions to Intervene filed by WGES and the other intervening parties in this proceeding.

Potential Witnesses for WGES are:

Phillip G. Woodyard  
Vice President  
Washington Gas Energy Services, Inc.  
13865 Sunrise Valley Drive, Suite 200  
Herndon, Virginia 20171  
Phone: 703-793-7500  
Email: [pwoodyard@wges.com](mailto:pwoodyard@wges.com)

Melanie Santiago-Mosier  
Director of Regulatory and  
Legislative Affairs  
Washington Gas Energy Services, Inc.  
13865 Sunrise Valley Drive, Suite 200  
Herndon, Virginia 20171  
Phone: 703-793-7565  
Email: [mmosier@wges.com](mailto:mmosier@wges.com)

## **VI. SETTLEMENT**

WGES is amenable to discussing settlement of any and all of the issues raised by the parties in this proceeding.

## **VII. PROCEDURAL SCHEDULE**

WGES is amenable to the procedural schedule proposed by the Applicant.

WHEREFORE, for all the foregoing reasons, Washington Gas Energy Services, Inc. respectfully requests that their Prehearing Memorandum in this proceeding be entered into the record.

Respectfully submitted,

RHOADS & SINON LLP

By: 

**Scott H. DeBroff, Esq.**  
Alicia R. Duke, Esq.  
One South Market Square  
P.O. Box 1146  
Harrisburg, PA 17108-1146  
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Date: March 12, 2012

*Counsel for Washington Gas Energy Services, Inc.*

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DOCKET No. P-2012-2283641

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing "**Prehearing Conference Memorandum on behalf of Washington Gas Energy Services, Inc.**", is being served upon the following persons in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant):

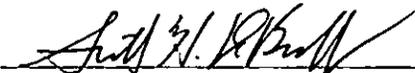
HONORABLE DENNIS J. BUCKLEY ADMINISTRATIVE LAW JUDGE PA PUBLIC UTILITY COMMISSION COMMONWEALTH KEYSTONE BUILDING 400 NORTH STREET, 2 <sup>ND</sup> FLOOR EAST P.O. BOX 3265 HARRISBURG, PA 17105-3265	CARRIE B. WRIGHT, ESQUIRE PENNSYLVANIA PUBLIC UTILITY COMMISSION BUREAU OF INVESTIGATION & ENFORCEMENT 400 NORTH STREET, 2 <sup>ND</sup> FLOOR WEST P.O. BOX 3265 HARRISBURG, PA 17105-3265
TANYA J. MCCLOSKEY, ESQUIRE CANDIS A. TUNILO, ESQUIRE CHRISTY A. APPLEBY, ESQUIRE OFFICE OF CONSUMER ADVOCATE 555 WALNUT STREET FORUM PLACE, 5 <sup>TH</sup> FLOOR HARRISBURG, PA 17101-1923	THOMAS P. GADSDEN, ESQUIRE KENNETH M. KULAK, ESQUIRE BROOKE E. LEACH, ESQUIRE PECO ENERGY COMPANY MORGAN LEWIS & BOCKIUS, LLP 1701 MARKET STREET PHILADELPHIA, PA 19103-2921
ANTHONY E. GAY, ESQUIRE JEANNE J. DWORETZKY, ESQUIRE PECO ASSISTANT GENERAL COUNSEL PECO ENERGY COMPANY 2301 MARKET STREET, S23-1 PHILADELPHIA, PA 19103	ELIZABETH ROSE TRISCARI, ESQUIRE OFFICE OF SMALL BUSINESS ADVOCATE COMMERCE BUILDING, SUITE 1102 300 NORTH SECOND STREET HARRISBURG, PA 17101

<p>ANDREW S. TUBBS, ESQUIRE  POST &amp; SCHELL, P.C.  17 NORTH SECOND STREET, 12<sup>TH</sup> FLOOR  HARRISBURG, PA 17101-1601</p> <p>[ COUNSEL FOR PPL ENERGYPLUS]</p>	<p>CHARIS MINCAVAGE, ESQUIRE  ADEOLU A. BAKARE, ESQUIRE  MCNEES WALLACE &amp; NURICK LLC  100 PINE STREET  P.O. BOX 1166  HARRISBURG, PA 17108-1166</p> <p>[COUNSEL FOR PAIEUG]</p>
<p>BRIAN J. KNIPE, ESQUIRE  BUCHANAN INGERSOLL &amp; ROONEY, PC  17 NORTH SECOND STREET, 15<sup>TH</sup> FLOOR  HARRISBURG, PA 17101-1503</p> <p>[COUNSEL FOR FIRSTENERGY SOLUTIONS]</p>	<p>AMY M. KLODOWSKI, ESQUIRE  FIRSTENERGY SOLUTIONS CORP.  800 CABIN HILL DRIVE  GREENSBURG, PA 15601</p> <p>[COUNSEL FOR FIRSTENERGY SOLUTIONS]</p>
<p>CHARLES E. THOMAS III, ESQUIRE  THOMAS LONG NIESEN &amp; KENNARD  212 LOCUST STREET  P.O. BOX 9500  HARRISBURG, PA 17108-9500</p> <p>[COUNSEL FOR NOBLE AMERICAS ENERGY SOLUTIONS LLC]</p>	<p>JEFFREY J. NORTON, ESQUIRE  CARL R. SHULTZ, ESQUIRE  ECKERT, SEAMANS, CHERIN &amp; MELLOTT, LLC  213 MARKET STREET, 8<sup>TH</sup> FLOOR  P.O. BOX 1248  HARRISBURG, PA 17101</p> <p>[COUNSEL FOR GREEN MOUNTAIN ENERGY AND CHOOSEPA WIND]</p>
<p>THU B. TRAN, ESQUIRE  ROBERT W. BALLENGER, ESQUIRE  GEORGE D. GOULD, ESQUIRE  COMMUNITY LEGAL SERVICES, INC.  1424 CHESTNUT STREET  PHILADELPHIA, PA 19102</p> <p>[COUNSEL FOR TURN, ET AL.]</p>	<p>PATRICK M. CICERO, ESQUIRE  HARRY S. GELLER, ESQUIRE  PENNSYLVANIA UTILITY LAW PROJECT  118 LOCUST STREET  HARRISBURG, PA 17101</p> <p>[COUNSEL FOR CAUSE-PA]</p>
<p>DANIEL CLEARFIELD, ESQUIRE  DEANNE M. O'DELL, ESQUIRE  EDWARD LANZA, ESQUIRE  ECKERT SEAMANS CHERIN &amp; MELLOTT LLC  213 MARKET STREET, 8<sup>TH</sup> FLOOR  P.O. BOX 1248  HARRISBURG, PA 17101</p> <p>[COUNSEL FOR DIRECT ENERGY AND RESA]</p>	<p>DIVESH GUPTA  MANAGING COUNSEL – REGULATORY  CONSTELLATION ENERGY  100 CONSTELLATION WAY, SUITE 500C  BALTIMORE, MD 21202</p> <p>[COUNSEL TO INTERVENORS CONSTELLATION NEW ENERGY, INC. AND CONSTELLATION ENERGY COMMODITIES GROUP, INC.]</p>

<p>AMY E. HAMILTON  DIRECTOR, PUBLIC POLICY  EXELON GENERATION COMPANY  300 EXELON WAY  KENNETT SQUARE, PA 19348</p>	<p>STEPHEN L. HUNTOON, ESQUIRE  NEXTERA ENERGY RESOURCES, LLC  801 PENNSYLVANIA AVE, N.W. SUITE 220  WASHINGTON D.C. 20001</p> <p>[COUNSEL FOR NEXTERA ENTITIES]</p>
<p>TORI L. GIESLER, ESQUIRE  FIRSTENERGY SERVICE COMPANY  2800 POTTSVILLE PIKE  P.O. BOX 16001  READING, PA 19612-6001</p> <p>[COUNSEL FOR MET-ED, PENELEC, PENN  POWER AND WEST PENN]</p>	<p>MELANIE J. ELATICH, ESQUIRE  UGI CORPORATION  460 NORTH GULPH ROAD  KING OF PRUSSIA, PA 19406</p> <p>[COUNSEL FOR UGI ENERGY SERVICES, INC.]</p>
<p>TODD S. STEWART, ESQUIRE  HAWKE MCKEON &amp; SNISCAK LLP  P.O. BOX 1778  100 N. TENTH STREET  HARRISBURG, PA 17105-1778</p> <p>[COUNSEL FOR DOMINION RETAIL, INC. AND  INTERSTATE GAS SUPPLY, INC.]</p>	<p>JESSE A. DILLON  PPL SERVICES CORPORATION  OFFICE OF GENERAL COUNSEL  TWO NORTH NINTH STREET  ALLENTOWN, PA 18106</p> <p>[COUNSEL FOR PPL ENERGYPLUS]</p>
<p>THOMAS MCCANN MULLOOLY, ESQUIRE  TREVOR D. STILES  FOLEY &amp; LARDNER LLP  777 EAST WISCONSIN AVENUE  MILWAUKEE, WI 53202</p> <p>[COUNSEL FOR EXGEN]</p>	

Dated: **March 12, 2012**

By:

  
**SCOTT H. DEBROFF, ESQUIRE**  
**ALICIA R. DUKE, ESQUIRE**

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**COUNSEL FOR WASHINGTON GAS ENERGY SERVICES**

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