

Kathy J. Kolich
Senior Corporate Counsel330-384-4580
Fax: 330-384-3875*Via Federal Express*

August 20, 2012

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120**RECEIVED**

AUG 20 2012

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUILDING

Dear Secretary Chiavetta:

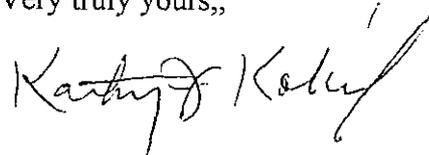
Re: Joint Petition of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company for an Evidentiary Hearing on the Energy Efficiency Benchmarks Established for the Period June 1, 2013 through May 31, 2016; Docket No.

Enclosed for filing please find the original of the above-referenced Petition for an Evidentiary Hearing submitted on behalf of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company. Please date stamp the additional copy, identify the docket number and return it to me in the enclosed, postage-prepaid envelope.

As indicated on the Certificate of Service, copies have been served on the parties in the manner indicated.

Please contact me with any questions regarding this matter.

Very truly yours,,

kag
Enclosures

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition of Metropolitan Edison Company, :
Pennsylvania Electric Company, :
Pennsylvania Power Company and West :
Penn Power Company for an Evidentiary :
Hearing on the Energy Efficiency :
Benchmarks Established for the Period :
June 1, 2013 through May 31, 2016 :**

Docket No: P-2012-_____

RECEIVED

AUG 20 2012

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

I. INTRODUCTION

Pursuant to the Implementation Order entered on August 3, 2012, in Docket Nos. M-2012-2289411 and M-2008-2069877,¹ Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company (collectively, “the Companies”) submit this Petition for an Evidentiary Hearing.

II. BACKGROUND

1. The Petitioners are each electric public utilities that provide retail electric service to customers within their respective franchised service territories throughout Pennsylvania. Pursuant to the Electricity Generation Customer Choice and Competition Act, 66 Pa.C.S. § 2801, *et seq*, the Companies each serve as an “electric distribution company” as defined therein, and also as the electric default service provider to retail customers within their service territories who do not choose an alternate electric generation supplier.

¹ *In re Energy Efficiency and Conservation Program*, Docket No. M2012-2289411 et al, Implementation Order (August 3, 2012).

2. The name and address of the Petitioners' attorney with respect to this matter is Kathy J. Kolich, FirstEnergy Corp., 76 South Main Street, 15th Floor, Akron, Ohio 44308, who can also be reached at 330-384-4580 or via email at kjkolich@firstenergycorp.com.

III. REQUEST FOR EVIDENTIARY HEARING

1. Act 129 of 2008 ("Act 129") charged the Pennsylvania Public Utility Commission ("Commission") with the task of developing an energy efficiency and conservation program ("EE&C Program.").

2. The Act also established energy efficiency ("EE") and peak demand reduction ("PDR") targets that each electric distribution company ("EDC") with at least 100,000 customers had to meet by May 31, 2011 and/or May 31, 2013.

3. Pursuant to Section 2806.1(C)(3) of Act 129, the Commission was also charged with evaluating the costs and benefits of the EE&C Program by November 30, 2013 and every five years thereafter.

4. To help fulfill this statutory obligation, the Commission adopted a tentative order in the above captioned proceeding on May 10, 2012, outlining its proposed standards for a Phase II EE&C Program which is currently scheduled to begin June 1, 2013.

5. After receiving comments and reply comments from the Companies and other interested parties, the Commission entered its Implementation Order on August 3, 2012 ("August 3 IO"), in which it established energy efficiency ("EE") (but not peak demand reduction ("PDR")) targets for the period June 1, 2013 through May 31, 2016 ("Phase II Period").

6. In the August 3 IO, the Commission indicated that an EDU must submit a petition for an evidentiary hearing no later than August 20, 2012, if it desires to challenge the established energy efficiency benchmarks.² Otherwise, the energy efficiency benchmarks would be deemed accepted.³

7. The Companies cannot be certain if they can achieve these energy efficiency benchmarks until after they have assessed programs, analyzed potential participants and participation rates, and developed combinations of programs and measures that will comply with established targets within the 2% spending cap. This is an on-going process that must be performed through an iterative process that takes several months with a goal of having a recommended Phase II EE&C Plan submitted no later than November 1, 2012.

8. Therefore, in order to preserve their rights to challenge the energy efficiency benchmarks as set forth in the August 3 IO until such a time as they can make an informed decision as to the reasonableness of the same, they submit this Petition for an Evidentiary Hearing.⁴

9. Should the Companies subsequently determine that they believe the energy efficiency targets are reasonable, they will withdraw this Petition at a later date.

² *In re Energy Efficiency and Conservation Program*, Docket No. M2012-2289411 et al, Implementation Order, p. 31 (August 3, 2012).

³ *Id.*

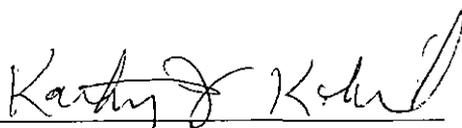
⁴ The Companies are filing contemporaneously with this Petition a separate Petition for Reconsideration and Clarification in Docket Nos. M2012-2289411 and M-2008-2069877, asking the Commission to combine the evidentiary hearing contemplated herein with the hearing that will evaluate the overall sufficiency of the Companies' Phase II EE&C Plans. Should the Commission grant this request, or should the Companies subsequently determine that the benchmarks included in the August 3 IO are reasonable, this Petition will be withdrawn.

IV. CONCLUSION

WHEREFORE, in light of the foregoing, Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company respectfully request that the Pennsylvania Public Utility Commission grant this Petition for an Evidentiary Hearing and proceed consistent with the procedural schedule as outlined in the August 3 IO, unless subsequently modified by the Commission through the Companies' Petition for Reconsideration and Clarification submitted in Docket Nos. M-2012-2289411 and M-2008-2069877.

Respectfully submitted,

Dated: August 20, 2012


Kathy J. Kolich
Attorney No. 92203
FirstEnergy Service Company
76 S. Main Street
Akron, OH 44308
Phone: (330) 384-4580
Fax: (330) 384-3875
Email: kjkolich@firstenergycorp.com

Counsel for:
Metropolitan Edison Company,
Pennsylvania Electric Company,
Pennsylvania Power Company and
West Penn Power Company

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition of Metropolitan Edison Company, :
Pennsylvania Electric Company, Pennsylvania :
Power Company and West Penn Power : Docket No: P-2012-_____
Company for an Evidentiary Hearing on the :
Energy Efficiency Benchmarks Established for :
the Period June 1, 2013 through May 31, 2016 :**

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing document upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Service by overnight delivery, as follows:

Rosemary Chiavatta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

RECEIVED

AUG 20 2012

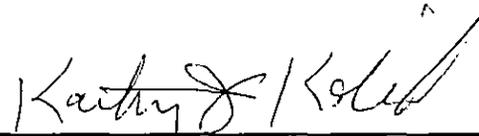
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Service by electronic mail, as follows:

David T. Evrard, Esquire
Tanya J. McCloskey, Attorney
Office of Consumer Advocate
555 Walnut Street
Harrisburg, PA 17101-1923
717-783-5048
717-783-7152 (fax)
devrard@paoca.org
tmccloskey@paoca.org

Sharon E. Webb, Attorney
Office of Small Business Advocate
1102 Commerce Building
300 North Second Street
Harrisburg, PA 17101
717-783-2525
717-783-2831 (fax)
swebb@state.pa.us

Charles Daniel Shields, Esquire
Adeolu A. Bakare, Esquire
Office of Trial Staff
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265
717-787-1976
717-772-2677
chshields@state.pa.us
abakare@state.pa.us



Kathy J. Kolich, Esq.
Attorney No. 92203
Dated: August 20, 2012

From: (330) 384-5801
 KATHY GRANT
 FIRSTENERGY CORP
 LEGAL DEPARTMENT - 15TH FLOOR
 78 SOUTH MAIN STREET
 AKRON, OH 44308

Origin ID: CAKA



Ship Date: 20AUG12
 ActWgt: 1.0 LB
 CAD: 4458302/INET3300

Delivery Address Bar Code



SHIP TO: (717) 772-7777 **BILL SENDER**
Rosemary Chiavetta, Secretary
Pennsylvania PUC
Commonwealth Keystone Bldg.
400 North Street, 2nd Floor
Harrisburg, PA 17120

Ref # 503001 503001 560600
 invoice #
 PO #
 Dept #

2 of 2

TUE - 21 AUG A1
PRIORITY OVERNIGHT

MPS# 7987 8184 9037

0263

Mstr# 7987 8184 9151

0201

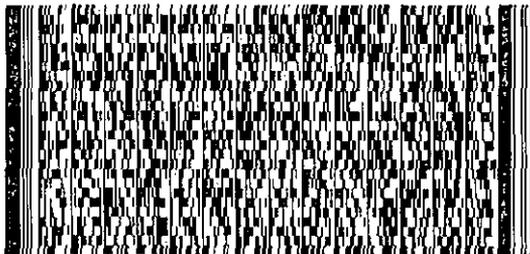
ASR

17120

PA-US

MDT

NA MDTA



515G20C34AA44

After printing this label:

1. Use the 'Print' button on this page to print your label to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

Warning: Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your FedEx account number. Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on fedex.com. FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$500, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.