

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

555 Walnut Street, 5th Floor, Forum Place
Harrisburg, Pennsylvania 17101-1923
(717) 783-5048
800-684-6560 (in PA only)

FAX (717) 783-7152
consumer@paoca.org

IRWINA. POPOWSKY
Consumer Advocate

September 7, 2012

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17101

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 For the Period June 1, 2013
through May 31, 2016
Docket Nos. P-2012-2320450; P-2012-
2320468; P-2012-2320480; P-2012-2320484

Dear Secretary Chiavetta:

Enclosed please find the Office of Consumer Advocate's Prehearing Memorandum in the above-captioned proceeding.

Copies have been served upon all parties of record as shown on the attached Certificate of Service.

Sincerely,

A handwritten signature in cursive script that reads "Christy M. Appleby".

Christy M. Appleby
Assistant Consumer Advocate
PA. Attorney ID# 85824

Enclosures
cc: Hon. Elizabeth H. Barnes, ALJ
Certificate of Service
160185

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Joint Petition of Metropolitan Edison Company,	:	
Pennsylvania Electric Company,	:	
Pennsylvania Power Company and	:	Docket Nos. P-2012-2320450
West Penn Power Company for an Evidentiary	:	P-2012-2320468
Hearing on the Energy Efficiency Benchmarks	:	P-2012-2320480
For the Period June 1, 2013 through May 31, 2016	:	P-2012-2320484

PREHEARING MEMORANDUM
OF THE
OFFICE OF CONSUMER ADVOCATE

Pursuant to Section 333 of the Public Utility Code, the Office of Consumer Advocate (OCA) provides the following information:

I. INTRODUCTION

On August 20, 2012, Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company (collectively the Companies) filed a Joint Petition for an Evidentiary Hearing on the Energy Efficiency Benchmarks Established for the Period June 1, 2013 through May 31, 2016. Pursuant to Act 129 of 2008 (Act 129), 66 Pa. C.S. § 2801, *et seq.*, the August 3rd Implementation Order (Order) established the requirements for Phase II of the Act 129 Energy Efficiency plans, including the establishment of consumption reduction targets for the period June 1, 2013 through May 31, 2016. The Order stated that an EDC could submit a Petition for Evidentiary Hearing no later than August 20, 2012 for the limited purpose of challenging these consumption reduction requirements. If no Petition was filed, the consumption reduction requirements would be deemed accepted. Order at 31.

II. HISTORY OF THE PROCEEDING

On August 30, 2012, the Office of Consumer Advocate (OCA) filed an Intervention and Public Statement. On August 30, 2012, Shaun A. Sparks and Krystle J. Sacavage filed a Notice of Appearance on behalf of the Statewide Evaluator (SWE). Also on August 30, 2012, Petitions to Intervene were filed by Citizens for Pennsylvania's Future (PennFuture), Clean Air Council/Sierra Club, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA), and the Joint Petition to Intervene of the Met-Ed Industrial Users Group (MEIUG), the Penelec Industrial Customer Alliance (PICA), the Penn Power Users Group (PPUG) and the West Penn Power Industrial Intervenors (WPPII).

The case was assigned to the Office of Administrative Law Judge and further assigned to ALJ Elizabeth H. Barnes. On August 29, 2012, ALJ Barnes issued a Prehearing Conference Order, and the Prehearing Conference was set in this matter for September 10, 2012 at 10:00 a.m. The OCA files this prehearing memorandum in accordance with ALJ Barnes' Prehearing Conference Order.

III. ISSUES AND SUB-ISSUES

Pursuant to the Commission's August 3rd Implementation Order, the scope of this proceeding is limited to consumption reduction requirements. The OCA will examine this issue. The Consumer Advocate seeks to protect the interests of FirstEnergy's customers and to ensure that the consumption reduction requirements are in accordance with Act 129.

IV. SETTLEMENT

The OCA is willing to engage in settlement discussions with the Parties.

V. WITNESSES

The OCA may present the direct, rebuttal and surrebuttal testimony of Mr. Geoffrey Crandall in this proceeding. If necessary, Mr. Crandall will present testimony in written form and also will attach various exhibits and explanatory documents which will assist in the presentation of the OCA's case. In order to expedite the resolution of this proceeding, the OCA requests that copies of all interrogatories, testimony, and answers to interrogatories be mailed directly to Mr. Crandall at the following address, as well as mailing copies to counsel for the OCA.

Geoffrey Crandall
MSB Energy Associates, Inc.
Suite 204
1800 Parmenter Street
Middleton, WI 53562-1127
E-mail: Crandall@msbnrg.com

The OCA specifically reserves the right to call additional witnesses, as necessary. As soon as the OCA has determined whether an additional witness or witnesses will be necessary for any portion of its case, all parties of record will be notified.

VI. SERVICE ON THE OFFICE OF CONSUMER ADVOCATE

The OCA will be represented in this case by Christy M. Appleby and Candis A. Tunilo. Two copies of all documents should be served on the OCA as follows:

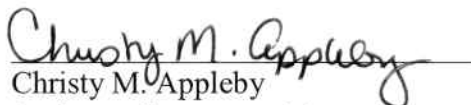
Christy M. Appleby
Candis A. Tunilo
Assistant Consumer Advocates
Office of Consumer Advocate
5th Floor, Forum Place
555 Walnut Street
Harrisburg, Pa. 17101-1923
Telephone: (717) 783-5048
Fax: (717) 783-7152
E-mail: cappleby@paoca.org
ctunilo@paoca.org

As a courtesy, the OCA requests that all electronic correspondence be copied to Cammie Shoen (cshoen@paoca.org).

VII. PROPOSED SCHEDULE

The OCA is willing to work with all parties to develop a mutually agreeable procedural schedule. The OCA does request, however, that the hearings in the FirstEnergy Companies case be coordinated with other pending cases regarding this issue (Petition of PPL Electric Utilities Corporation for an Evidentiary Hearing at Docket No. P-2012-2320369 and Petition of PECO Energy Company for an Evidentiary Hearing at Docket No. P-2012-2320334) to avoid the need for witnesses, including the Statewide Evaluator, to make multiple trips for the hearings.

Respectfully submitted,



Christy M. Appleby
Assistant Consumer Advocate
Pa. Attorney Id. No. 85824
E-mail: cappleby@paoca.org
Candis A. Tunilo
Assistant Consumer Advocate
Pa. Attorney Id. No. 89891
E-mail: ctunilo@paoca.org

Counsel for:
Irwin A. Popowsky
Consumer Advocate

Office of Consumer Advocate
5th Floor, Forum Place
555 Walnut Street
Harrisburg, Pa. 17101-1923
Telephone: (717) 783-5048
Fax: (717) 783-7152
DATE: September 7, 2012
160480.doc

CERTIFICATE OF SERVICE

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 For the Period June 1, 2013 through May 31, 2016
Docket Nos. P-2012-2320450; P-2012-2320468; P-2012-2320480; P-2012-2320484

I hereby certify that I have this day served a true copy of the foregoing document, the Office of Consumer Advocate's Prehearing Memorandum, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 7th day of September 2012.

SERVICE BY E-MAIL & INTER-OFFICE MAIL

Johnnie Simms, Esq.
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
Commonwealth Keystone Bldg.
P.O. Box 3265
Harrisburg, PA 17120

Shaun A. Sparks, Esq.
Krystle J. Sacavage, Esq.
Law Bureau
Pennsylvania Public Utility Commission
Commonwealth Keystone Bldg.
P.O. Box 3265
Harrisburg, PA 17120

SERVICE BY E-MAIL & FIRST CLASS MAIL, POSTAGE PREPAID

Kathy J. Kolich, Esq.
FirstEnergy Service Company
76 S. Main Street
Akron, OH 44308

Steven Gray, Esq.
Office of Small Business Advocate
Suite 1102, Commerce Bldg.
300 North Second Street
Harrisburg, PA 17101

Harry S. Geller, Esq.
Patrick M. Cicero, Esq.
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101

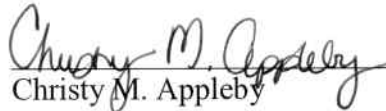
Susan E. Bruce, Esq.
Charis Mincavage, Esq.
Vasiliki Karandrikas, Esq.
Teresa K. Schmittberger, Esq.
McNees Wallace & Nurick LLC
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108

Zachary Max Fabish, Esq.
Sierra Club
50 F Street, 8th Fl.
Washington, DC 20001

Joseph Otis Minott, Esq.
Clean Air Council
135 S. 19th Street
Suite 300
Philadelphia, PA 19103

Heather M. Langeland, Esq.
PennFuture
425 Sixth Ave., Suite 2770
Pittsburgh, PA 15219

John Povilaitis, Esq.
Buchanan Ingersoll Rooney PC
17 N. Second Street, 15th Fl.
Harrisburg, PA 17101-1503



Christy M. Appleby
PA Attorney I.D. # 85824
Email: CApplby@paoca.org
Candis A. Tunilo
Assistant Consumer Advocate
PA Attorney I.D. # 89891
Email: CTunilo@paoca.org

Counsel for
Office of Consumer Advocate
555 Walnut Street 5th Floor, Forum Place
Harrisburg, PA 17101-1923
Phone: (717) 783-5048
Fax: (717) 783-7152
*160209