

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)

IRWINA. POPOWSKY
Consumer Advocate

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

September 7, 2012

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


Re: Petition of PECO Energy For an Evidentiary
Hearing on the Energy Efficiency
Benchmarks Established for the Period June
1, 2013 through May 31, 2016
Docket No. P-2012-2320334

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,


Jennedy S. Johnson
Assistant Consumer Advocate
PA. Attorney ID# 203098

Enclosures

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

160191

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of PECO Energy :
For an Evidentiary Hearing on the Energy : Docket No. P-2012-2320334
Efficiency Benchmarks Established for the :
Period June 1, 2013 through May 31, 2016 :

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, PECO Energy Company (PECO or Company) filed a Petition for an Evidentiary Hearing in response to the Commission's August 3, 2012 Implementation Order at Docket No. M-2012-2284911. Pursuant to Act 129 of 2008 (Act 129), 66 Pa.C.S. Section 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 new 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 Comverge, Inc., Citizens for Pennsylvania's Future (PennFuture), Community Action Association of Pennsylvania (CAAP), Duquesne Light Co., the Philadelphia Area Industrial Energy Users Group (PAIEUG), Clean Air Council/Sierra Club, and the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA).

The case was assigned to the Office of Administrative Law Judge and further assigned to ALJ Elizabeth H. Barnes. On August 30, 2012, ALJ Barnes issued a Prehearing Conference Order, and the Prehearing Conference was set in this matter for September 10, 2012 at 1:00PM. The OCA files this prehearing memorandum in accordance with ALJ Barnes' Prehearing Conference Order.

III. ISSUES AND SUB-ISSUES

The Company filed its direct testimony in this matter on September 5, 2012. Pursuant to the Commission's August 3rd Order, the scope of this proceeding will be limited to consumption reduction requirements. The OCA will examine this issue. The Consumer Advocate seeks to protect the interests of PECO'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 Jennedy S. Johnson and Aron J. Beatty. Two copies of all documents should be served on the OCA as follows:

Jennedy S. Johnson
Aron J. Beatty
Assistant Consumer Advocates
Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101-1923
Telephone: 717-783-5048
Fax: 717-783-7152
Email: jjohnson@paoca.org
abeatty@paoca.org

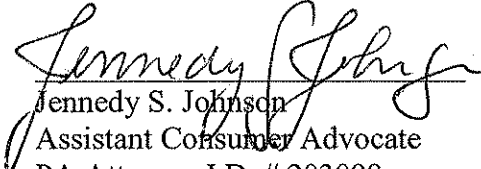
As a courtesy, the OCA requests that all electronic correspondence be copied to Cammie Shoen (cshoen@paoca.org).

VII. PROPOSED SCHEDULE

The OCA does not object to the proposed schedule put forth by the Company in

its Petition for Evidentiary Hearing. The OCA does request, however, that the hearings in the PECO, FirstEnergy Companies, and PPL cases be coordinated to avoid the need for any witnesses, including the SWE, to make multiple trips for the hearings.

Respectfully Submitted,



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

E-Mail: jjohnson@paoca.org

Aron J. Beatty

Assistant Consumer Advocate
PA Attorney I.D. # 86625

E-Mail: abeatty@paoca.org

Counsel for:

Irwin A. Popowsky
Consumer Advocate

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

Dated: September 7, 2012
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CERTIFICATE OF SERVICE

Re: Petition of PECO Energy For an Evidentiary Hearing on the Energy Efficiency Benchmarks Established for the Period June 1, 2013 through May 31, 2016
Docket No. P-2012-2320334

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

Thomas P. Gadsden, Esq.
Kenneth M. Kulak, Esq.
Anthony C. DeCusatis, Esq.
Brooke E. Leach, Esq.
Morgan, Lewis & Bockius, LLP
1701 Market Street
Philadelphia, PA 19103-1921
Counsel for: PECO

Romulo L. Diaz, Jr., Esq.
Anthony E. Gay, Esq.
Jack R. Garfinkle, Esq.
PECO Energy Co.
2301 Market Street
P.O. Box 8699
Philadelphia, PA 19101-8699
Counsel for: PECO

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

Harry S. Geller, Esq.
Patrick M. Cicero, Esq.
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101
Counsel for: CAUSE-PA

Jeffrey J. Norton, Esq.
Carl R. Shultz, Esq.
Eckert Seamans Cherin & Mellott, LLC
213 Market St., 8th Floor
P.O. Box 1248
Harrisburg, PA 17101
Counsel for: Comverge Inc.

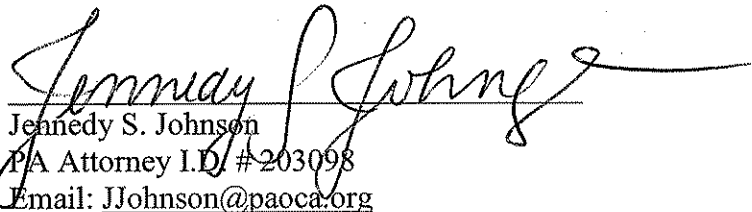
Charis Mincavage, Esq.
Adeolu A. Bakare, Esq.
McNees Wallace & Nurick LLC
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
Counsel for: PAIEUG

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

Heather M. Langeland, Esq.
425 Sixth Avenue, Suite 2770
Pittsburgh, PA 15219
Counsel for: PennFuture

Tishekia Williams, Esq.
Duquesne Light Company
411 Seventh Avenue, 16th Fl.
Pittsburgh, PA 15219
Counsel for: Duquesne Light Co.

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



Kennedy S. Johnson
PA Attorney I.D. #203098
Email: KJohnson@paoca.org

Aron J. Beatty
Assistant Consumer Advocate
PA Attorney I.D. # 86625
Email: ABeatty@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
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