

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy :
For an Evidentiary Hearing on the Energy : P-2012-2320334
Efficiency Benchmarks Established for the Period :
June 1, 2013 through May 31, 2016 :

**Pre-Hearing Memorandum
of the
Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania**

The Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (“CAUSE-PA”), through its counsel at the Pennsylvania Utility Law Project, hereby files this Pre-Hearing Memorandum pursuant to the Pre-Hearing Conference Order of August 29, 2012, issued by Elizabeth H. Barnes, Administrative Law Judge, Pennsylvania Public Utility Commission (“the Commission”).

I. History of the Proceeding

1. On August 3, 2012, the Commission entered an Implementation Order regarding the *Energy Efficiency and Conservation Program* at Docket Nos. M-2012-2289411 and M-2008-2069887. The Commission established energy efficiency (“EE”) (but not peak demand reduction (“PDR”)) benchmarks for the period June 1, 2013 through May 31, 2016 (“Phase II Period”). The Commission gave the electric distribution companies until August 20, 2012, within which time to accept the Commission’s proposed consumption reduction benchmarks, or to file a petition for an evidentiary hearing, otherwise the energy efficiency benchmarks would be deemed accepted.

2. On August 20, 2012, PECO Energy Company (“PECO” or “the Company”) filed a Petition for an Evidentiary Hearing.

3. On August 30, 2012 CAUSE-PA filed a Petition for Intervention.

4. On August 29, 2012, a Prehearing Conference Order was issued scheduling an initial

prehearing conference on the above-captioned case for Monday, September 10, 2012 at 10:00 a.m. in Hearing Room #2, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA.; Elizabeth H. Barnes, Administrative Law Judge, Presiding.

II. **Issues Directed to be Addressed in the Prehearing Conference Memorandum**

5. The August 29, 2012 Prehearing Conference Order directed that the Prehearing Conference Memorandum address each of the following matters:

(a) Consolidation or coordination of the hearings.

CAUSE-PA, an organization of extremely limited resources, appreciates the opportunity to conserve those resources and to avoid the expense and time required for multiple proceedings and would be amenable to consolidation.

(b) Coordination of this case with other petitions for evidentiary hearing filed at Docket Nos. P-2012-2320369 (PPL); (2) P-2012-2320450 (Met-Ed); (3) P-2012-2320480 (Penn Power); (4) P-2012-2320484 (West Penn); and (5) P-2012-2320468 (Penelec).

CAUSE-PA is therefore amenable to coordination of this case with other petitions for evidentiary hearing filed at Docket Nos. P-2012-2320369 (PPL); (2) P-2012-2320450 (Met-Ed); (3) P-2012-2320480 (Penn Power); (4) P-2012-2320484 (West Penn); and (5) P-2012-2320468 (Penelec).

CAUSE-PA is amenable to coordination of this case with other petitions for evidentiary hearings filed to the above referenced dockets.

(c) Whether the hearings should be held separately, but back-to-back.

CAUSE-PA supports the determination of this matter on legal briefs and submits that no hearing is needed. However, if the determination of the issues in (e) below regarding the determination of this matter upon legal briefs or the necessity for a hearing, is for hearings, CAUSE-PA would support the coordination of the hearings by holding them separately, but back-to back. CAUSE-PA would be amenable, in the first proceeding, to addressing common issues of law regarding the Petitions submitted at the dockets noted in sub-paragraph b above, and to addressing any specific issues of fact in back-to back hearings.

(d) The possibility for settlement of the proceeding, subject to the Commission's approval.

CAUSE-PA is willing to participate in settlement negotiations concerning all issues raised by this case.

(e) Whether the matter should be decided upon legal briefs, or whether a hearing is necessary.

CAUSE-PA believes that a hearing is not necessary and that the matter may be resolved upon the filing of legal briefs.

(f) If a hearing is required, a procedural schedule will be discussed including the amount of hearing time necessary to dispose of the proceeding.

CAUSE-PA is not presently proposing a schedule in this matter, but intends to amicably address scheduling matters with the Administrative Law Judge and parties in order to efficiently meet all required deadlines.

(g) Arrangements for the submission of direct testimony of witnesses in writing in advance of the hearing to the extent practicable, and for the submission in advance of hearing of written requests for information which a party contemplates asking another party to present at hearing.

If hearings are deemed necessary, CAUSE-PA is amenable to making arrangements with the parties submission of direct testimony of witnesses in writing in advance of the hearing to the extent practicable, and for the submission in advance of hearing of written requests for information which a party contemplates asking another party to present at hearing.

(h) Other matters that may aid in expediting the orderly conduct and disposition of the proceeding and the furtherance of justice.

CAUSE-PA is amenable to working with the parties to develop procedures for:

- i. The exchange and acceptance of exhibits proposed to be offered into evidence.

- (ii) The obtaining of admissions as to, or stipulations of, facts not remaining in dispute, or the authenticity of documents which might properly shorten the hearing.
- (iii) The limitation of the number of witnesses.
- (iv) Discovery rules modifications.

III. **Service on CAUSE-PA**

The Pennsylvania Utility Law Project, by Harry S. Geller, Esq. and Patrick M. Cicero, Esq., represents CAUSE-PA in this matter. Electronic service and one hard copy of all documents should be served on CAUSE- PA as follows:

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Respectfully submitted,

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September 7, 2012