

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Pennsylvania Power Company)
For an Evidentiary Hearing on the Energy) P-2012-2320480
Efficiency Benchmarks Established for the Period)
June 1, 2013 through May 31, 2016)

**CITIZENS FOR PENNSYLVANIA’S FUTURE’S
PREHEARING CONFERENCE MEMORANDUM**

Now comes Citizens for Pennsylvania’s Future (hereinafter “PennFuture”), by counsel, and, in accordance with Administrative Law Judge, Elizabeth Barnes’s August 29, 2012 Prehearing Conference Order, submits the following Prehearing Conference Memorandum, addressing verbatim the required items.

(a) Consolidation of the above-referenced docket numbers or coordination of the hearings:¹

It is PennFuture’s position that these docket numbers should be consolidated. Some of the same evidence will need to be presented in each of these matters. Accordingly, consolidation would favor judicial economy, prevent duplicative testimony, and discourage inconsistent rulings.

(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):

As noted above, these matters should be consolidated. To the extent consolidation proves to be impracticable, these matters should be coordinated as much as possible to promote judicial economy, prevent duplicative testimony, and discourage inconsistent rulings.

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

¹ It is assumed that the docket numbers referred to are actually listed in subsection (b) or the Order. These docket numbers consist of 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).

Again, it is PennFuture's position that these matters should be consolidated. Nonetheless, should these matters proceed under separate docket numbers as separate actions, it would be preferable for the hearings to take place back-to-back. Given the number of interested parties involved and all of the issues raised, it is likely, however, that multiple days will be required to address each matter. PennFuture objects to the consideration of any issue outside of the limited scope of review set forth in the Commission's Implementation Order, i.e. the consumption reduction requirement issue.

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

While PennFuture is amicable to engaging in settlement discussions, it will not agree to any settlement requiring a lowered agreed upon Phase II savings goals from those set forth in the Commission's Implementation Order. PennFuture objects to consideration of any matters outside of the limited review set forth in the Commission's Implementation Order.

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

PennFuture submits that this matter should be decided upon 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:

At this time, it is unknown whether some or all of these matters will be consolidated or coordinated. Accordingly, it is impossible for PennFuture to speculate as to the amount of time it may take to resolve all or a portion of these matters. Presumably, once a decision is made on the consolidation and/or coordination issues, PennFuture will be in a better position to address this matter.

(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:

It is suggested that the name and subject matter of each witness be exchanged prior to the hearing (if a hearing is deemed the appropriate avenue to resolve this matter, which PennFuture maintains should be decided upon legal briefs). Depending on the date of the hearing, it is suggested that these be exchanged at least one week prior to the hearing. Procedure over discovery in this matter, given the compressed timeline, should be agreed upon by all parties at the Prehearing Conference.

(h) Other matters that may aid in expediting the orderly conduct and disposition of the proceeding and the furtherance of justice, including, but not limited to the following: (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; and (iv) Discovery rules modifications:

(i) Should a hearing be required, it is recommended that exhibits be exchanged one week before the hearing; (ii) No stipulations of fact or stipulations as to the authenticity of documents are suggested at this time, however, PennFuture will cooperate in stipulating as to these items where appropriate with the goal of shortening the hearing(s), should they be required. It is further believed that this hearing would be shortened extensively should submission of the evidence be limited to the narrow scope of review set forth in the Commission's Implementation Order, i.e. limited to the consumption reduction issue; (iii) PennFuture does not propose any limitations at this time as the consolidation and/or

coordination of these matters is currently unknown; and (iv) no discovery rules modifications are suggested at this time, subject to resolution of the consolidation and/or coordination of these matters and issuance of any hearing date(s).

Respectfully submitted,



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DATED: September 7, 2012

CERTIFICATE OF SERVICE

I, Heather M. Langeland, do hereby certify that a true and accurate copy of the foregoing **CITIZENS FOR PENNSYLVANIA'S FUTURE'S PREHEARING CONFERENCE MEMORANDUM** was served upon the following this 7th day of September, 2012, by depositing a copy of the same in the United States mail, postage prepaid and addressed to:

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