

Brian J. Knipe
717 237 4820
brian.knipe@bipc.com

409 North Second Street,
Suite 500
Harrisburg, PA 17101-1357
T 717 237 4800
F 717 233 0852
www.bipc.com

January 14, 2013

VIA E-FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

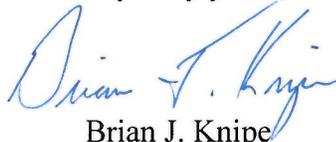
Re: *Petition of PECO Energy Company for Approval of its Default Service Program,*
Docket No. P-2012-2283641

PECO Energy Company Universal Service and Energy Conservation Plan for
2013-2015; Docket No. M-2012-2290911

Dear Secretary Chiavetta:

On behalf of FirstEnergy Solutions Corp., I have enclosed for electronic filing the *Prehearing Conference Memorandum of FirstEnergy Solutions Corp.*. Copies of this document have been served in accordance with the attached Certificate of Service.

Very truly yours,



Brian J. Knipe

For BUCHANAN INGERSOLL & ROONEY, P.C.

BJK/kra

Enclosures

cc: The Honorable Cynthia Williams Fordham (via Email and First Class Mail)
Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company For : Docket No. P-2012-2283641
Approval of Its Default Service Program :

PECO Energy Company Universal Service : Docket No. M-2012-2290911
and Energy Conservation Plan for 2013- :
2015 :

**PREHEARING CONFERENCE MEMORANDUM OF
FIRSTENERGY SOLUTIONS CORP.**

TO ADMINISTRATIVE LAW JUDGE CYNTHIA WILLIAMS FORDHAM:

FirstEnergy Solutions Corp. ("FES"), by and through its undersigned attorneys, hereby submits this Prehearing Conference Memorandum in accordance with the Prehearing Order issued by Administrative Law Judge Cynthia Williams Fordham ("ALJ") on January 9, 2013.

I. INTRODUCTION

FES, a subsidiary of FirstEnergy Corp., offers wholesale and retail energy and related products to customers located throughout the Mid-Atlantic and Midwest regions. FES is a licensed electric generation supplier ("EGS") authorized to serve all categories of retail customers throughout the Commonwealth,¹ and has actively participated in the default service proceeding of PECO Energy Company ("PECO") at Docket No. P-2012-2283641 ("DSP II"). In its Opinion and Order entered on October 12, 2012 in DSP II, the Pennsylvania Public Utility Commission ("Commission") directed PECO to develop a plan to allow its CAP customers to shop for electric generation supply from EGSs ("CAP Shopping Plan"). FES supports the ability of CAP customers to purchase electric generation supply from an EGS.

For purposes of the service list in the proceeding, communications to FES may be directed to its attorneys as follows:

¹ Docket No. A-110078.

Amy M. Klodowski
FirstEnergy Solutions Corp.
800 Cabin Hill Drive
Greensburg, PA 15601
Telephone: (724) 838-6765
Facsimile: (234) 678-2370
aklodow@firstenergycorp.com

Brian J. Knipe
Buchanan Ingersoll & Rooney, PC
409 North Second Street, Suite 500
Harrisburg, PA 17101-1357
Telephone: (717) 237-4820
Facsimile: (717) 233-0852
brian.knipe@bipc.com

II. PROPOSED PLAN AND SCHEDULE OF DISCOVERY

At this time, FES has not identified any need to take discovery. FES reserves the right to do so, however, if as the proceeding progresses it determines that any proposed changes to PECO's CAP Shopping Plan may negatively impact CAP customers' ability to shop for electric generation supply, non-CAP customers' ability to shop or EGS's ability to serve PECO customers generally. FES will work with PECO and the other parties to establish any necessary modifications to the Commission's rules governing discovery.

III. POSSIBILITY OF SETTLEMENT

The January 9, 2013 Secretarial Letter encouraged PECO to engage the parties in collaborative discussions about the CAP Shopping Plan, and to the extent a consensus is reached, to file a revised CAP Shopping Plan or settlement agreement with the Commission by March 1, 2013. FES is interested in settling as many issues as possible and will engage in discussions with PECO and all parties to establish consensus.

IV. ISSUES

FES, as an EGS licensed to serve Residential customers in PECO's service territory, is interested in the impact of any changes to PECO's CAP Shopping Plan on the ability of CAP customers to purchase electric generation supply from an EGS, the ability of non-CAP customers to purchase electric generation supply from an EGS, or the ability of EGSs to serve PECO customers in general. FES reserves the right to address additional issues it identifies during the course of this proceeding. As this proceeding progresses, PECO and other parties submit written

testimony (if any), and information becomes available through discovery (if any), FES may expand or modify its issues of interest.

V. AMOUNT OF HEARING TIME NEEDED

At this time, FES is not aware of any need for hearings. To the extent hearings are needed, FES will work with PECO and the other parties to establish a mutually agreeable schedule of witnesses and cross-examination.

VI. WITNESSES

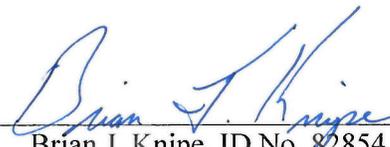
At this time, FES has not identified any witnesses. FES reserves the right to do so, however, if as this proceeding progresses it determines that any proposed changes to PECO's CAP Shopping Plan may negatively impact CAP customers' ability to shop for electric generation supply, non-CAP customers' ability to shop or EGSs' ability to serve PECO customers generally.

VII. SCHEDULE FOR SUBMISSION OF TESTIMONY, HEARINGS AND BRIEFS

FES will work with PECO and the other parties to establish a mutually agreeable procedural schedule that allows the ALJ to conduct any necessary evidentiary hearings and briefing, and certify the record (if any) to the Commission by March 1, 2013.

Respectfully submitted,

Amy M. Klodowski, ID No. 28068
FirstEnergy Solutions Corp.
800 Cabin Hill Drive
Greensburg, PA 15601
Telephone: (724) 838-6765
Facsimile: (234) 678-2370
aklodow@firstenergycorp.com

By: 
Brian J. Knipe, ID No. 82854
Buchanan Ingersoll & Rooney, P.C.
409 North Second Street, Suite 500
Harrisburg, PA 17101-1357
Telephone: (717) 237-4820
Facsimile: (717) 233-0852
brian.knipe@bipc.com

Dated: January 14, 2013

Attorneys for FirstEnergy Solutions Corp.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company for : Docket No. P-2012-2283641
Approval of its Default Service Program :

PECO Energy Company Universal Service and :
Energy Conservation Plan for 2013-2015 : Docket No. M-2012-2290911

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of § 1.54 (relating to service by a party).

Via E-Mail and First-Class U.S. Mail

Ward Smith, Esquire
Assistant General Counsel – Exelon
2301 Market Street
Philadelphia, PA 19101

Kenneth M. Kulak, Esquire
Brooke E. Leach, Esquire
Morgan Lewis & Bockius, LLP
1701 Market Street
Philadelphia, PA 19103-2921

Candis Tunilo, Esquire
Christy M. Appleby, Esquire
Office of Consumer Advocate
5th Floor Forum Place
555 Walnut Street
Harrisburg, PA 17101-1923

Elizabeth Rose Triscari, Esquire
Office of Small Business Advocate
1102 Commerce Building
300 North 2nd Street
Harrisburg, PA 17101

Todd S. Stewart, Esquire
Hawke McKeon & Sniscak, LLP
100 North Tenth Street
Harrisburg, PA 17101

Melanie J. Elatieh, Esquire
UGI Corporation
460 North Gulph Road
King of Prussia, PA 19406

Tori L. Giesler, Esquire
FirstEnergy Service Company
2800 Pottsville Pike
PO Box 16001
Reading, PA 19612-6001

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

Divesh Gupta, Esquire
Constellation Energy
111 Market Place
Suite 500
Baltimore, MD 21202

Andrew S. Tubbs, Esquire
Post & Schell, PC
12th Floor
17 North Second Street
Harrisburg, PA 17101-1601

Charis Mincavage, Esquire
Adeolu A. Bakare, Esquire
McNees Wallace & Nurick, LLC
100 Pine Street
PO Box 1166
Harrisburg, PA 17108

Charles E. Thomas, III, Esquire
Thomas Long Niesen & Kennard
212 Locust Street
PO Box 9500
Harrisburg, PA 17108-9500

Jeffrey Norton, Esquire
Carl Shultz, Esquire
Eckert Seamans Cherin & Mellot, LLC
213 Market Street
8th Floor
Harrisburg, PA 17101

Steven Larin
Acting Executive Director
Nationalities Service Center
1216 Arch Street, 4th Floor
Philadelphia, PA 19107

H. Gil Peach, Ph.D.
H. Gil Peach & Associates, LLC
16232 NW Oak Hills Drive
Beaverton, Oregon 97006

Thu B. Tran, Esquire
Robert W. Ballenger, Esquire
George D. Gould, Esquire
Community Legal Services, Inc.
1424 Chestnut Street
Philadelphia, PA 19102

Stephen L. Huntoon, Esquire
Nextera Energy Inc.
801 Pennsylvania Avenue NW
Suite 220
Washington, DC 20004

Daniel Clearfield, Esquire
Edward G. Lanza, Esquire
Eckert Seamans Cherin & Mellot, LLC
213 Market Street
8th Floor
Harrisburg, PA 17101

Scott DeBroff, Esquire
Rhoads & Sinon, LLP
One South Market Square
PO Box 1146
Harrisburg, PA 17101

Amy E. Hamilton, Esquire
Noel Trask, Esquire
Exelon Business Services Co.
300 Exelon Way
Kennett Square, PA 19348

Will Gonzalez, Executive Director
CEIBA
149 W. Susquehanna Avenue
Philadelphia, PA 19122

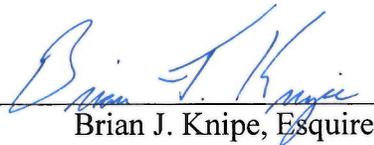
Veronica Ludt, Legal Center Director
109 E. Price Street
Philadelphia, PA 19144

Maripat Pileggi, Esquire
Community Legal Services, Inc.
1424 Chestnut Street
Philadelphia, PA 19102

Laurie Baughman, Esquire
Elizabeth Marx, Esquire
3605 Vartan Way, Suite 101
Harrisburg, PA 17110

Natasha Kelemen, Executive Director
Pennsylvania Immigration &
Citizenship Coalition
2100 Arch Street, 7th Floor
Philadelphia, PA 19103

Dated this 14th day of January, 2013.



Brian J. Knipe, Esquire