



COMMONWEALTH OF PENNSYLVANIA

January 14, 2013

E-Filed, E-Mail, and First-class Mail

Hon. Cynthia Williams Fordham
Administrative Law Judge
Pa. Public Utility Commission
801 Market Street - #4063
Philadelphia, PA 19107

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

**PECO Energy Company's Universal Service and Energy Conservation Plan for 2013-2015 Submitted in Compliance with 52 Pa. Code §§54.74 and 62.4
Docket No. M-2012-2290911**

Dear Judge Fordham:

Enclosed are two copies of the Prehearing Memorandum, on behalf of the Office of Small Business Advocate, in the above-captioned proceedings.

As evidenced by the enclosed certificate of service, all parties have been served as indicated.

Sincerely,

A handwritten signature in cursive script that reads "Elizabeth Rose Triscari".

Elizabeth Rose Triscari
Assistant Small Business Advocate
Attorney ID No. 306921

Enclosures

cc: Parties of Record

Brian Kalcic

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PETITION OF PECO ENERGY COMPANY	:	
FOR APPROVAL OF ITS DEFAULT	:	Docket No. P-2012-2283641
SERVICE PROGRAM	:	
PECO ENERGY COMPANY UNIVERSAL	:	
SERVICE AND ENERGY CONSERVATION	:	Docket No. M-2012-2290911
PLAN FOR 2013-2015	:	

**OFFICE OF SMALL BUSINESS ADVOCATE
PREHEARING MEMORANDUM**

I. INTRODUCTION

The Office of Small Business Advocate (“OSBA”) is authorized to represent the interests of small business consumers of utility services before the Pennsylvania Public Utility Commission (the “Commission”) pursuant to the provisions of the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§399.41 – 399.50 (“the Act”). In order to discharge this statutory duty, the Small Business Advocate deems it necessary to participate as a party to this proceeding. Please address all correspondence as follows:

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II. BACKGROUND

On January 13, 2012, PECO Energy Company (“PECO” or “the Company”) filed a petition seeking approval of its proposed second Default Service Program to secure default service supply for the Company’s customers for the period from June 1, 2013 through May 31, 2015 (“PECO Default Service Proceeding”).

The Commission entered an Opinion and Order on October 12, 2012 in the PECO Default Service Proceeding that, among other things, directed PECO to develop a plan to allow its CAP customers to purchase generation supply from electric generation suppliers (“EGSs”) by January 1, 2014 (“CAP Plan”).

On November 8, 2012, the Commission issued a Tentative Order seeking comments on PECO’s CAP Plan. In response, interested parties filed comments and reply comments. Certain parties requested that evidentiary hearings be held and/or that issues be addressed through a collaborative process.

In a Secretarial Letter issued on January 3, 2013, the Commission stated its intent to adopt a Final Order with regard to PECO’s Cap Plan by April 4, 2014, and assigned the CAP Plan to the Office of Administrative Law Judge to conduct any necessary hearings and briefing, and certify the record to the Commission by March 1, 2013. The Commission also encouraged the parties to concurrently engage in collaborative discussion to resolve CAP Plan issues.

This matter was assigned to Administrative Law Judge (“ALJ”) Cynthia Williams Fordham who issued a Prehearing Order on January 9, 2013. The Prehearing Order scheduled a telephonic prehearing conference on January 15, 2013.

The OSBA submits this prehearing memorandum consistent with the Prehearing Order.

III. WITNESS

Assisting in the development and presentation of the OSBA's position in this proceeding will be:

Mr. Brian Kalcic
Excel Consulting
Suite 720
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excel.consulting@sbcglobal.net

The OSBA requests that all parties serve copies of all documents, including discovery, testimony and briefs, upon Mr. Kalcic, simultaneously with service upon the OSBA.

IV. IDENTIFICATION OF ISSUES

The OSBA is participating in this case to ensure that the interests of small business customers of PECO are adequately represented and protected. As appropriate and necessary, the OSBA will investigate and analyze the claims and proposals of the Company and other parties, primarily through discovery, cross-examination of witnesses appearing for those parties, filing of testimony, and briefing of the issues that arise in this proceeding. The OSBA reserves the right to pursue additional issues as they may arise throughout the course of the proceeding.

V. SERVICE OF DOCUMENTS

The OSBA agrees to accept electronic delivery of documents on the due date as satisfying the in-hand requirement, *provided that such documents are followed by hard copy delivery to OSBA by first class mail*. Service by electronic mail *only* is not acceptable. The OSBA requests that such hard copies are also provide to its witness identified above.

In addition to hard copies of pleadings, briefs, and exceptions, the OSBA requests hard copies of responses to discovery propounded by the OSBA or any other party. The OSBA also requests that all parties serve an electronic copy of all interrogatory responses upon the OSBA and the OSBA witness identified above.

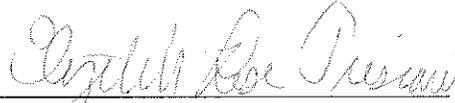
VI. SETTLEMENT

The OSBA is willing to enter into settlement discussions at the appropriate phase of this proceeding.

VII. DISCOVERY AND PROCEDURAL SCHEDULE

The OSBA will cooperate with the presiding officer and the other parties to develop a mutually acceptable procedural schedule and discovery modifications.

Respectfully submitted,



Elizabeth Rose Triscari
Assistant Small Business Advocate
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For:

Steven C. Gray
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Attorney ID No. 77538

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Dated: January 14, 2013

**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's Universal :
Service and Energy Conservation Plan : Docket No. M-2012-2290911
for 2013-2015 Submitted in Compliance :
with 52 Pa. Code §§54.74 and 62.4 :**

CERTIFICATE OF SERVICE

I certify that I am serving two copies of the Prehearing Memorandum, on behalf of the Office of Small Business Advocate, by e-filing, e-mail, and/or first-class mail (unless otherwise noted) upon the persons addressed below:

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