



COMMONWEALTH OF PENNSYLVANIA

May 22, 2013

E-FILED

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**

Dear Secretary Chiavetta:

Enclosed for filing is the Prehearing Memorandum, on behalf of the Office of Small Business Advocate, in the above-captioned proceeding.

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

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 :

**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 ("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.

On November 8, 2012, the Commission issued a Tentative Order at a separate docket considering PECO's proposed Universal Services Three Year Plan for 2013-2015, seeking comments on PECO's CAP Plan ("Universal Services Proceeding").

In a Secretarial Letter issued on January 3, 2013 at both the Default Service Proceeding and Universal Services Proceeding dockets, the Commission stated its intent to adopt a Final Order on the Three Year Plan by April 4, 2013, and directed PECO to file a CAP shopping plan on or around May 1, 2013, which would allow CAP customers to begin shopping on April 1, 2014.

On May 1, 2013, PECO filed a petition requesting that the Commission enter an Order: (1) approving the proposed CAP Shopping Plan; (2) approving the proposed changes to the Company's Electric Tariff and Electric Generation Supplier Coordination Tariff (the "Supplier Tariff") to implement the Plan and achieve full and current recovery of Plan costs; (3) granting a waiver of the quarterly reconciliation provisions of the Commission's regulations (52 Pa. Code §§ 54.187(i) and (j), to the extent necessary, to

implement an annual reconciliation of the over/under collection component of the Generation Supply Adjustment ("GSA") for residential customers; and (4) approving a short delay in the commencement date of the Plan from April 1, 2014, to April 15, 2014, to accommodate the Company's information technology ("IT") programming and integrated software schedule.

This matter has been assigned to Administrative Law Judge ("ALJ") Cynthia Williams Fordham who issued a Prehearing Order on May 16, 2013. The Prehearing Order scheduled a telephonic prehearing conference on May 28, 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
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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 provided 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. The OSBA has no objection to the litigation schedule proposed in PECO's petition.

Respectfully submitted,



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

For:

John R. Evans
Small Business Advocate

Office of Small Business Advocate
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Dated: May 22, 2013

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

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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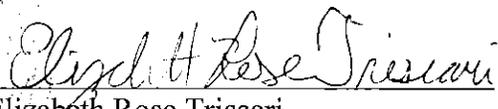
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