

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

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May 23, 2013

Rosemary Chiavetta, Secretary  
PA Public Utility Commission  
Commonwealth Keystone Bldg.  
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 please find the Office of Consumer Advocate's Prehearing Memorandum in the above-captioned proceeding.

Copies have been served upon all parties of record as shown on the attached Certificate of Service.

Sincerely,

A handwritten signature in cursive script that reads "Christy M. Appleby".

Christy M. Appleby  
Assistant Consumer Advocate  
PA Attorney I.D. # 85824

Enclosures

cc: Hon. Cynthia Williams Fordham, ALJ  
Certificate of Service

\*169481



The Commission determined to retain PECO's CAP Rate tiered discount structure and directed PECO to develop a CAP Shopping Plan utilizing the CAP Rate design.

On May 21, 2013, the OCA, Community Legal Services, and CAUSE-PA filed Answers to the Petition.

The matter was assigned to the Office of Administrative Law Judge for investigation and review and was further assigned to Administrative Law Judge Cynthia Williams Fordham. A Prehearing Conference Notice was issued on May 21, 2013 and set a dual location Prehearing Conference in Philadelphia and by telephone in Harrisburg. On May 16, 2013, ALJ Fordham issued the Prehearing Order in this matter.

## **II. Issues and Sub-issues**

Based upon a preliminary review of the Company's filing, the OCA has compiled a list of issues that it anticipates will be included in its investigation of PECO's CAP Shopping Plan. It is anticipated that other issues will arise and may be pursued as discovery proceeds.

The OCA has preliminarily identified several issues which it will continue to explore. These issues include, but are not limited to:

- (1) CAP customers' continuing ability to meet the payment obligations of CAP;
- (2) The terms and conditions for serving CAP customers, including exemption from cancellation fees;
- (3) Treatment of CAP customers at the end of any EGS contract term;
- (4) Calculation and application of CAP discounts;
- (5) Impact on non-CAP residential ratepayers;
- (6) Non-discriminatory treatment of CAP customers;
- (7) Education initiatives for CAP customers;
- (8) Appropriate consumer protections; and
- (9) Proposed cost recovery and reconciliation mechanism.

The OCA anticipates that these issues and others will need to be thoroughly explored. The OCA reserves the right to address additional issues in response to formal and informal discovery responses and issues raised by other parties to the proceeding.

### **III. Witnesses**

The OCA will present the Direct, Rebuttal and Surrebuttal Testimonies of Roger D. Colton in this proceeding. Mr. Colton will present testimony in written form and also will attach various exhibits and explanatory documents which will assist in the presentation of the OCA's case. In order to expedite the resolution of this proceeding, the OCA requests that copies of all interrogatories, testimony, and answers to interrogatories be mailed directly to Mr. Colton at the following address, as well as mailing copies to counsel for the OCA.

Roger D. Colton  
Fisher, Sheehan and Colton  
34 Warwick Road  
Belmont, MA. 02478  
Telephone: (617) 484-0597  
Fax: (617) 484-0594  
E-mail: [roger@fsconline.com](mailto:roger@fsconline.com)

The OCA specifically reserves the right to call additional witnesses, as necessary. As soon as the OCA has determined whether an additional witness or witnesses will be necessary for any portion of its case, the OCA will notify Administrative Law Judge Fordham and all parties of record.

### **IV. Service on the OCA**

The OCA will be represented in this case by Assistant Consumer Advocates Christy M. Appleby, Candis A. Tunilo and Amy Hirakis. Two copies of the documents should be served on the OCA as follows:

Christy M. Appleby  
Candis A. Tunilo

Amy Hirakis  
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[ahirakis@paoca.org](mailto:ahirakis@paoca.org)

## V. Discovery

The OCA proposes the following discovery rule modifications which were adopted for a similar expedited schedule in the PECO Universal Service and Energy Conservation Plan for 2013-2015 Submitted in Compliance with 52 Pa. Code §§ 54.74 and 62.4 proceeding at Docket No. M-2012-2290911:

- A. Answers to written interrogatories be served in-hand within seven (7) calendar days of service of the interrogatories.
- B. Objections to interrogatories be communicated orally within three (3) calendar days of service; unresolved objections be served to the ALJ in writing within five (5) days of service of interrogatories.
- C. Motions to dismiss objections and/or direct the answering of interrogatories be filed within three (3) calendar days of service of written objections.
- D. Answers to motions to dismiss objections and/or direct the answering of interrogatories be filed within three (3) calendar days of service of such motions.
- E. Responses to requests for document production, entry for inspection, or other purposes be served in-hand within seven (7) calendar days.
- F. Requests for admission be deemed admitted unless answered within seven (7) calendar days or objected to within five (5) calendar days of service.

## **VI. Procedural Schedule**

The OCA can accept PECO's proposed procedural schedule:

June 12, 2013	Other Parties Direct Testimony Due
June 26, 2013	Rebuttal Testimony Due
July 2, 2013	Surrebuttal Testimony Due
July 10-11, 2013	Hearings
July 26, 2013	Main Briefs
August 9, 2013	Reply Briefs
August 12, 2013	Certification of Record to the Commission

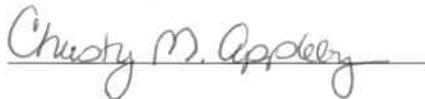
## **VII. Settlement**

The OCA is willing to participate in settlement discussions regarding this matter.

## VIII. Transcripts

Due to the expedited nature of this proceeding, the OCA respectfully requests that Your Honor order a one-day turnaround for transcripts.

Respectfully Submitted,



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DATE: May 23, 2013  
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CERTIFICATE OF SERVICE

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

I hereby certify that I have this day served a true copy of the foregoing document, the Office of Consumer Advocate's Prehearing Memorandum, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 23rd day of May 2013.

SERVICE BY INTER-OFFICE MAIL

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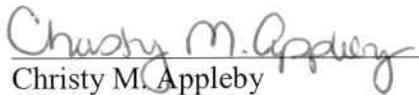
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