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May 23, 2013

**VIA E-FILING**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor North  
Harrisburg, PA 17120

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

Dear Secretary Chiavetta:

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

Very truly yours,



Amy M. Klodowski  
Attorney  
FirstEnergy Solutions Corp.

AMK:dml

Enclosures

cc: 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 :

**PREHEARING MEMORANDUM OF  
FIRSTENERGY SOLUTIONS CORP.**

TO ADMINISTRATIVE LAW JUDGE CYNTHIA WILLIAMS FORDHAM:

On May 1, 2013 PECO Energy Company (“PECO”) filed a Petition for Approval of Its Customer Assistance Program Shopping Plan (the “Petition”) with the Pennsylvania Public Utility Commission (“Commission”). FirstEnergy Solutions Corp. (“FES”), by and through its undersigned attorneys, hereby submits this Prehearing Memorandum in accordance with the Prehearing Order issued by Administrative Law Judge Cynthia Williams Fordham (“ALJ”) on May 16, 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,<sup>1</sup> and has actively participated in the default service proceeding of PECO at Docket No. P-2012-2283641 (“DSP II”). In its Opinion and Order entered on October 12, 2012 in DSP II, the 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.

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<sup>1</sup> Docket No. A-110078.

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

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## **II. PROPOSED PLAN AND SCHEDULE OF DISCOVERY**

FES reserves the right to take discovery to determine whether PECO's Petition or other parties' proposals 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. FES will work with PECO and the other parties to establish any modifications to the Commission's rules governing discovery that may be necessitated by the expedited procedural schedule proposed by PECO in its Petition.

## **III. POSSIBILITY OF SETTLEMENT**

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 ensuring 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 these issues and additional issues it identifies during the course of this proceeding. As this proceeding progresses, and as PECO and other parties submit written testimony and information becomes available through discovery, FES may expand or modify its issues of interest.

**V. AMOUNT OF HEARING TIME NEEDED**

At this time, FES cannot estimate the amount of time needed for hearing, if any. 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. In the interest of administrative efficiency, FES suggests that the evidence of record previously admitted in other phases of this docket be incorporated into the record in this phase of the proceeding, particularly given the accelerated procedural schedule PECO proposes.

**VI. WITNESSES**

FES has not determined whether it will present a witness in this proceeding. FES may do so if FES determines that PECO's CAP Shopping Plan or other parties' proposals regarding the 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**

As noted in the ALJ's Prehearing Order, PECO proposed a procedural schedule in its Petition. As indicated in Section II above, FES believes some modifications to the discovery

rules may be necessary due to the expedited procedural schedule PECO proposes in its Petition, and will work with PECO and other parties to address this issue. If acceptable modifications are adopted, FES does not object to PECO's proposed procedural schedule.

Respectfully submitted,

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Dated: May 23, 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 :

**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).

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