

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

|  |   |            |
|--|---|------------|
| Pennsylvania Public Utility Commission | : | Docket No. |
|  | : |            |
| v.                                     | : | R-00973953 |
|  | : |            |
| PECO Energy Company                    | : |            |
|  | : |            |
| Petition of ENRON Energy Services      | : | Docket No. |
|  | : |            |
| Power, Inc.                            | : | P-00971265 |

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**PREHEARING ORDER #5**

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At the prehearing conference which was held prior to the start of the technical hearing on October 14, 1997, the following procedural matters were addressed:

- (1) The Motion of Michael D. Klein, Esq., for admission pro hac vice of Bruce V. Miller, Esq., for the purpose of representing Enron Energy Services, Inc. in this proceeding was granted.
- (2) The Motion of Michael D. Klein, Esq., for admission pro hac vice of John G. Klauberg, Esq., for the purpose of representing Enron Energy Services, Inc. in this proceeding was granted.
- (3) Lance Haver's request to be put on the active service list was granted.
- (4) The stipulation between PECO Energy Company (PECO) and Indianapolis Power & Light Company (IPL) was admitted by stipulation into the record without objection.

**DOCKETED**  
OCT 24 1997

**DOCUMENT  
FOLDER**

(5) The testimony of witnesses Crist (MIG Sts. 1, 2), Hopkins (MIG St. 3), Pratzon (PECO St. 21R), and Coles (Enron Sts. 7, 7R) was admitted.

(6) Pursuant to an agreement between Community Legal Services, Inc. (CLS) and Enron Power Marketing, CEPA Exh. 2 was admitted into the record.

(7) The following schedule was adopted:

|                      |   |
|----------------------|---|
| October 20           | Answer to Enron's Petition  |
| October 24 (by noon) | Testimony in support of the Petition  |
| October 27           | Reply Answer to Petition  |
| November 7           | Responsive testimony (opposing Petition)  |
| November 12          | Rebuttal testimony (supporting Petition)  |
| November 14          | Hearing on "unsettled" issues identified in Commission's Oct. 2, 1997 Tentative Order |
| November 17-19       | Hearings on Enron Petition  |
| December 2           | Briefs (scope, format to be determined later)   |
| December 11          | Commission order  |

It should be noted in connection with the schedule that: (1) it was agreed that one or more parties would seek reconsideration or clarification from the Commission of the scheduling directives contained in the Commission Order dated October 9, 1997 as corrected; (2) testimony and brief due dates are dates of receipt not dates of mailing. Pursuant to the Commission's regulations, faxing is not permitted as a means of filing; and (3) consistent

with the manner in which the proceeding has been conducted, hearings will be held in Philadelphia.

At the technical evidentiary hearing held on October 16, 1997, the statements and exhibits identified on revised Appendix H were admitted into the record. A copy of that revised appendix is attached to this Prehearing Order #5. All parties are directed to ensure that the listing is accurate, and that the appropriate number of copies of those documents are properly filed with the Commission within ten days of the date of this Order.

DATE: Oct. 17, 1997

Marlane R. Chestnut  
MARLANE R. CHESTNUT  
Administrative Law Judge

CHARLES E. RAINEY, JR.  
Administrative Law Judge

## REVISED APPENDIX H

Reflects additional testimony in italics

| <u>Issues Resolved By Settlement**</u>                    | <u>Applicable PECO Testimony</u>   | <u>Applicable Intervenor Testimony*</u>   |
|---|--|---|
| <b>1. Stranded Investment Recovery and Securitization</b> | <ol style="list-style-type: none"> <li>1. Thomas P. Hill, Jr. Direct, Rebuttal and <i>Rejoinder</i> (PECO St. Nos. 1, 1-R, <i>1-R-Sup</i>, <i>1-RJ</i>, <i>1-RJ-Sup</i>)</li> <li>2. Alan B. Cohn Direct, Rebuttal and <i>Rejoinder</i> (PECO St. Nos. 3, 3-R, and <i>3-RJ</i>)</li> <li>3. John F. Bustard (PECO St. Nos. 4 and 4-R)</li> <li>4. Bangalore S. Venkateshwara (PECO St. No. 5)</li> <li>5. William H. Hieronymous (PECO St. Nos. 6, 6-R, and <i>6-RJ</i>)</li> <li>6. John Doering, Jr. (PECO St. No. 7)</li> <li>7. Thomas S. Laugardia (PECO St. Nos. 8 and 8-R)</li> <li>8. James I. Warren (PECO St. Nos. 9, 9-R, and <i>9-RJ</i>)</li> <li>9. J. Gregory Sidak (PECO St. No. 10; PECO St. No. 10-R, p. 39 line 17 through p. 64, and all exhibits of PECO St. No. 10-R except pp. 495-534 of Exhibit JGS-1)</li> <li>10. Joseph F. Brennan (PECO St. Nos. 11 and 11-R)</li> <li>11. J. Barry Mitchell (PECO St. No. 20-R)</li> <li>12. Benjamin A. McKnight III (PECO St. No. 19-R)</li> <li>13. Judah L. Rose (PECO St. No. 22-R)</li> <li>14. James W. Sharpe (PECO St. No. 23-R)</li> <li>15. William M. Stout, P.E. (PECO St. No. 24-R)</li> </ol> | <ol style="list-style-type: none"> <li>1. Kevan L. Deardorff (OTS-St. 2, 2A, SR-2)</li> <li>2. Darren D. Gill (OTS-St. 4)</li> <li>3. Paul D. Metro (OTS-Sts. 1, <i>SR-1</i>)</li> <li>4. Charles T. Weakley, III (OTS-Sts. 3, SR-3)</li> <li>5. Richard La Capra (OCA-St. 1)</li> <li>6. Douglas C. Smith (OCA-St. 2)</li> <li>7. Thomas S. Catlin (OCA-St. 3)</li> <li>8. Brian Kalcic (OSBA-Sts. 1, 1-R)</li> <li>9. Stephen J. Baron (PAIEUG-Sts. 1, 1-R, 1-SS)</li> <li>10. Randall J. Falkenberg (PAIEUG-St. 2)</li> <li>11. Lane Kollen (PAIEUG-St. 3)</li> <li>12. John W. Mayo (Enron- Sts. 2, 2-SR)</li> <li>13. David Schoengold (Environmentalists-Sts. 2, <i>1-S</i>)</li> <li>14. Bruce Bicwald (Environmentalists-Sts. 3, 2-S)</li> <li>15. Richard H. Silkman (Fumo/CEPA-Sts. 1, 2)</li> <li>16. Ralph C. Smith (Navy-St. 1)</li> <li>17. John B. Legler (Navy-St. 3)</li> <li>18. John R. Brehm (IPL-1)</li> <li>19. Wilbur G. Lewellen (IPL-2)</li> <li>20. Mark N. Cooper (AARP-St. 1)</li> <li>21. <i>Richard K. Douglas (PECC-St. 4 – testimony in opposition to joint petition)</i></li> <li>22. <i>Paul R. Reising (PECC-St. 3 – testimony in opposition to joint petition)</i></li> <li>23. <i>B. Jeanine Hull (PECC-St. 2 – testimony in opposition to joint petition)</i></li> <li>24. <i>Steven A. Mitnick (PECC-St. 1 – testimony in opposition to joint petition)</i></li> </ol> |

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\*Some testimony of some witnesses may concern issues not resolved by the settlement - see other document

\*\* Categories are for organization and not intended to limit the use of testimony

| <u>Issues Resolved By Settlement**</u>   | <u>Applicable PECO Testimony</u>   | <u>Applicable Intervenor Testimony*</u>  |
|--|--|--|
| <b>2. CTC/ITC Recovery Method/Recovery from Self-Generators/Reconciliation</b>                     | <ol style="list-style-type: none"> <li>1. Stephen R. Xander (PECO St. No. 14, pp. 1-3; 8-14; PECO St. No. 14-R, pp. 13-17)</li> </ol>  | <ol style="list-style-type: none"> <li>1. Lee Smith (OCA-St. 4)</li> <li>2. Stephen J. Baron (PAIEUG-St. 1-SS)</li> <li>3. Nicholas Phillips, Jr. (Navy-St. 2)</li> <li>4. Paul J. Metro (OTS-St. 1)</li> </ol>  |
| <b>3. Rate Unbundling/Cost of Service/Treatment of Special Contracts</b>                           | <ol style="list-style-type: none"> <li>1. Robert A. Clemmer (PECO St. No. 12; PECO St. No. 12-R, pp. 1-16 and all exhibits, and 12-RJ)</li> <li>2. William F. Sundermeir (PECO St. No. 13; PECO St. No. 13-R, pp. 1-13)</li> <li>3. Alfred A. Miller (PECO St. No. 2, pp. 3-6, 13-15; PECO St. No. 2-R, pp. 1-7, 13-16)</li> <li>4. Michael S. Freeman (PECO St. No. 26-RJ)</li> </ol> | <ol style="list-style-type: none"> <li>1. Lee Smith (OCA-St. 4)</li> <li>2. Brian Kalcic (OSBA-Sts. 1, 1-R)</li> <li>3. Stephen J. Baron (PAIEUG-Sts. 1, 1-R)</li> <li>4. Michael D. Dirmeier (Enron-St. 6)</li> <li>5. Paul D. Reising (Enron-Sts. 3, 3-SR except p. 7 l. 8 to p. 8 l. 17)</li> <li>6. Nicholas Phillips, Jr. (Navy-St. 2)</li> <li>7. David M. Boonin (NEV-St. 1)</li> <li>8. James L. Crist (Municipal Intervenors Group-Sts. 1 and 2)</li> <li>9. Cornell Hopkins (Municipal Intervenors Group-St. 3)</li> <li>10. Donald E. Johnstone (MAPSA-Sts. 1, 1-R, 1-S)</li> <li>11. Mark N. Cooper (AARP-St. 1)</li> <li>12. Richard K. Douglas (PECC-St. 4 – testimony in opposition to joint petition)</li> <li>13. Paul R. Reising (PECC-St. 3 – testimony in opposition to joint petition)</li> <li>14. B. Jeanine Hull (PECC-St. 2 – testimony in opposition to joint petition)</li> <li>15. Steven A. Mitnick (PECC-St. 1 – testimony in opposition to joint petition)</li> </ol> |
| <b>4. Universal Service/Cost Recovery for Universal Service/Supplier of Last Resort Obligation</b> | <ol style="list-style-type: none"> <li>1. Stephen R. Xander (PECO St. No. 14, pp. 3-8; PECO St. No. 14-R, pp. 1-13)</li> <li>2. Marilyn C. Kray (PECO St. Nos. 16 and 16-R)</li> <li>3. Gregory A. Cucchi (PECO St. No. 15, pp. 54-56)</li> </ol>  | <ol style="list-style-type: none"> <li>1. Lee Smith (OCA-St. 4)</li> <li>2. Nancy Brockway (OCA-St. 6)</li> <li>3. Barbara Alexander (OCA-St. 5)</li> <li>4. Raymond W. Bowen, Jr. (Enron-St. 5)</li> <li>5. Roger Colton (Environmentalists-St. 1)</li> <li>6. Mark N. Cooper (AARP-St. 1)</li> </ol>   |

|  |  |   |
|--|--|---|
|  |  | <ul style="list-style-type: none"> <li>7. Stephen J. Baron (PAIEUG-Sts. 1, 1-R, 1-SS)</li> <li>8. Paul J. Metro (OTS-Sts. 1, SR-1)</li> </ul>   |
| <b>5. Impact on Community/Economic Development</b> | <ul style="list-style-type: none"> <li>1. Robert A. Leone (PECO St. No. 18-R)</li> </ul>           | <ul style="list-style-type: none"> <li>1. Richard H. Silkman (Senator Fumo, CEPA-Sts. 1, 2)</li> <li>2. Lance Haver Sts. 1 and 2</li> </ul>   |
| <b>6. Consumer Education</b>                       | <ul style="list-style-type: none"> <li>1. Gwendolyn S. King (PECO St. Nos. 17 and 17-R)</li> </ul> | <ul style="list-style-type: none"> <li>1. Barbara Alexander (OCA-St. 5)</li> <li>2. Raymond W. Bowen, Jr. (Enron-St. 5)</li> <li>3. Roger Colton (Environmentalists-St. 1)</li> <li>4. Mark N. Cooper (AARP-St. 1)</li> </ul> |
| <b>7. FERC Jurisdictional Issues</b>               | <ul style="list-style-type: none"> <li>2. David Pratzon (PECO St. No. 21-R)</li> </ul>             | <ul style="list-style-type: none"> <li>5. Paul D. Reising (Enron-St. 3-SR, pp. 1-7 l.7; p. 8 l. 18 to end)</li> <li>6. Lynn S. Coles (Enron-Sts. 7, 7- SR)</li> <li>7. Richard Tabor (Enron St. 8)</li> </ul>                 |
| <b>8. General</b>                                  |  | <ul style="list-style-type: none"> <li>1. Steven Kean (Enron St. 1)</li> </ul>  |

\*Some testimony of some witnesses may concern issues not resolved by the settlement - see other document

Pennsylvania Public Utility Commission v. PECO Energy Company  
Docket No. R-973953  
October 17, 1997

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