

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission

v.

PECO Energy Company

DOCKETED

SEP 22 1997

KJR

Docket No. R-00973953

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PREHEARING ORDER #4

A third prehearing conference in this proceeding was held in Harrisburg on September 10, 1997. The presiding officers were Administrative Law Judges Marlane R. Chestnut and Charles E. Rainey, Jr. Present were PECO Energy Company (PECO), the Commission's Office of Trial Staff (OTS), Office of Consumer Advocate (OCA), Office of Small Business Advocate (OSBA), Enron Corp. (Enron), Consumers Education and Protective Association (CEPA), Tenants' Action Group (TAG), John W. Long, Jr. through Community Legal Services (CLS) as their joint counsel, State Senator Vincent J. Fumo, Jr. (through counsel), Indianapolis Power & Light Company (IPL), Mid-Atlantic Power Supply Association (MAPSA), Municipal Intervenors Group (MIG), American Association of Retired Persons (AARP), Philadelphia Area Industrial Energy Users Group (PAIEUG), Pennsylvania Power & Light Company (PP&L), "Environmentalists" consisting of the Delaware Valley Citizens' Clean Air Council (Clean Air Council), the Sierra Club, Citizen Action, Pennsylvania Public Interest Research Group (PennPIRG), Grass Roots Alliance for a Solar Pennsylvania (GRASP), Nonprofit Energy Savings Investment Program (NESIP), and the Philadelphia Solar Energy Association (PSEA), Allegheny Power, GPU Energy, the

Department of Navy, Pennsylvania Petroleum Association and Pennsylvania Association of Plumbing, Heating and Cooling Contractors, Inc., NorAm Energy Management, Inc. (NorAm), Duke Energy Trading and Marketing, L.L.C. (DETM), Electric Clearinghouse, Inc. (ECI), Vastar Power Marketing, Inc. (Vastar),<sup>1</sup> Connectiv Energy,<sup>2</sup> Lance Haver (pro se) and New Energy Ventures (NEV).

Prehearing Memoranda were submitted by PECO, OTS, OCA, OSBA, AARP, the Environmentalists, MIG, MAPSA, the Pennsylvania Electric Competition Coalition (PECC),<sup>3</sup> IPL, PAIEUG, Allegheny Power and jointly by NorAm, DETM, ECI and Vastar.

The following procedural matters were addressed:

(1) The Application of the Action Alliance of Senior Citizens for Leave to Withdraw Complaint at Docket No. R-00973953C0004 was granted.

(2) Statements in Support of the Joint Petition for Partial Settlement of PECO Energy Company's Proposed Restructuring Plan and Application for a Qualified Rate Order filed on August 27, 1997 were received from PECO, OTS, OCA, OSBA, AARP, CLS (on behalf of its various clients), PAIEUG, Senator Fumo and Mr. Haver. Subsequent to the prehearing conference, Allegheny Power filed Comments on September 15, 1997. By letter dated August 28, 1997, the Pennsylvania Petroleum Association and Pennsylvania

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<sup>1</sup> NorAm, ECI, DETM and Vastar were jointly represented.

<sup>2</sup> Connectiv Energy is a division of Delmarva Power & Light Company, a party to this proceeding.

<sup>3</sup> The coalition is comprised of Enron, Connectiv and NEV.

Association of Plumbing, Heating and Cooling Contractors, Inc. indicated that they did not oppose the settlement. By letter dated September 8, 1997, the Pennsylvania Retailers Association withdrew its support of the proposed settlement.

(3) The following hearing and briefing schedules were adopted:

As to the Joint Petition for Partial Settlement:<sup>4</sup>

Sept. 17	Filing of testimony or designation of testimony supporting the settlement
Sept. 29	Filing of testimony or designation of testimony opposing the settlement
Oct. 8	Filing of surrebuttal testimony
Oct. 14-17	Evidentiary hearings in Philadelphia
Oct. 22	Public input hearings: - 11:00 a.m. Philadelphia - 7:00 p.m. Media
Oct. 29	Main briefs

As to the issues not included in the Joint Petition for Partial Settlement:<sup>5</sup>

Oct. 10	Filing of surrebuttal testimony on unsettled issues
Nov. 12-14	Evidentiary hearings in Philadelphia
Dec. 5	Main briefs
Dec. 16	Reply briefs
Jan. 16, 1998	Recommended Decision
Jan. 26	Exceptions
Feb. 2	Reply exceptions

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<sup>4</sup> This schedule assumes that the unopposed Petition of the Joint Signatories to Forego the Use of a Recommended Decision in Evaluating the Joint Petition for Partial Settlement Recently Filed in This Docket, filed on September 10, 1997, will be granted by the Commission.

<sup>5</sup> On September 10, 1997, the settling parties filed a Petition of the Joint Signatories To Suspend Consideration of Certain Issues Pending a Commission Determination of Proper Forum. If that Petition is granted, this schedule would be unnecessary.

Feb. 19  
March 5

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Commission Order

The following should be noted with respect to the schedules:

(A) There are two changes from the schedule which was adopted at the September 10, 1997 prehearing conference concerning the Joint Petition of Partial Settlement. First, please note the change in time for the public input hearings scheduled to be held on October 22, 1997, which is consistent with the proposed schedule presented by the settling parties in their various Prehearing Memoranda. Second, the filing of reply briefs has been eliminated, as the Commission has scheduled November 6, 1997 as the date for its consideration of the proposed settlement. Finally, please be aware that the Commission may change any of the dates above, especially in regard to the proposed public input hearings and briefing schedule. Of course, all parties will be notified of any changes to the above schedules.

(B) The dates listed above for the filing of testimony and pleadings are dates of receipt, not dates of service. Pursuant to the Commission's regulations, faxing is not permitted as a means of filing. The presiding officers will not accept faxed briefs, testimony or long documents.

(C) All evidentiary hearings will be held at the Philadelphia State Office Building, and will start each day at 10:00 a.m. unless changed by order of the presiding officers.

(D) PECO is directed to publish a notice in a newspaper of general circulation at least three weeks in advance of the scheduled public input hearings. This notice must be in plain language, and must include the date, time and location of each public input hearing, a toll-free company contact number to call to request information and a statement that persons with disabilities may contact the Commission if they need alternative arrangements to participate in the public input hearing.

(4) On September 10, 1997, a Motion for Admission Pro Hac Vice was filed by IPL on behalf of Michael G. Banta, Esq., and Daniel W. McGill, Esq. This Motion is granted.

DATE: Sept 16, 1997

  
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CHARLES E. RAINEY, JR.  
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September 15, 1997

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