

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of PECO Energy Company :
Pursuant to Chapters 11, 19, 21, 22 and 28 of :
the Public Utility Code for Approval of (1) a :
Plan of Corporate Restructuring, Including :
the Creation of a Holding Company and (2) :
the Merger of the Newly Formed Holding :
Company and Unicom Corporation :

DOCUMENT
FOLDER
Docket No. A-00110550F0147

PREHEARING ORDER

DOCKETED
FEB 08 2000

A prehearing conference was held in this proceeding on January 20, 2000. The presiding officer was Administrative Law Judge Charles E. Rainey, Jr. Present were PECO Energy Company (PECO); Office of Consumer Advocate (OCA); Mid-Atlantic Power Supply Association (MAPSA); Office of Small Business Advocate (OSBA); Eric Epstein; National Railroad Passenger Corporation (AMTRAK); PP&L, Inc. (PP&L); Conectiv Energy (Conectiv); Shell Energy Services, Inc. (Shell); Senator Vincent J. Fumo; Consumers Education and Protective Association, Association of Community Organizations for Reform Now, Action Alliance of Senior Citizens, and Tenants' Action Group (CEPA, et al.); Enron Energy Services, Inc. (Enron); Councilman David Cohen; Gregory J. Pastore; East Brandywine Township; Allegheny Power and Allegheny Energy Supply Company, LLC (Allegheny); Citizens for Pennsylvania's Future (PennFuture, et al.); Clean Air Council, et al.; Patricia McNamara; Office of Trial Staff (OTS); Philadelphia Area Industrial Energy Users Group (PAIEUG); and Industrial Energy Consumers of Pennsylvania (IECPA).

During the course of the prehearing conference, the following matters were addressed.

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I. Protests and Petitions to Intervene

As of the prehearing conference, a number of protests and/or petitions to intervene had been filed in this case. No objections were made to the participation of any of those persons or entities as formal parties to this proceeding. Those persons or entities who had filed by the date of the prehearing conference, protests and/or petitions to intervene in these proceedings, were granted the right to participate in these proceedings as formal parties. As of the prehearing conference, the following persons and entities had filed protests and/or petitions to intervene in this proceeding: PennFuture, et al.; Eric Epstein; Senator Vincent J. Fumo; Enron; Shell; PAIEUG; PP&L; Conectiv; East Branchwyne Township; Clean Air Council, et al.; AMTRAK; Wallace Township; MAPSA; OCA; Gregory J. Pastore; CEPA, et al.; Patricia McNamara; Allegheny; IECPA; OSBA and Councilman David Cohen.

II. Motions for Admission Pro Hac Vice

The motion for admission pro hac vice filed by Shell on behalf of Paul F. Forshay, Esquire and Gregory K. Lawrence, Esquire was granted.

The motion for admission pro hac vice filed by PP&L on behalf of David A. Kaplan, Esquire and Leanne M. Bober, Esquire, was granted.

III. Discovery

The following discovery rules were adopted for this proceeding, effective January 20, 2000:

- (a) Answers to written interrogatories shall be served within 10 calendar days¹ after service of the interrogatories.
- (b) The answering participant must make any objections orally to the participant submitting the interrogatories within 3 calendar days after service of the interrogatories.
- (c) Written objections shall be served on the parties, filed with the Commission, and submitted to the presiding officer, within 5 calendar days after service of the interrogatories.
- (d) Motions to compel answers to the interrogatories shall be served on the parties, filed with the Commission, and submitted to the presiding officer within 5 calendar days after service of the written objections.
- (e) The participant against whom the motion to compel is directed may file an answer within 3 calendar days after service of the motion.²
- (f) Responses to written requests for document production, entry for inspection, or other purposes shall be served within 10 calendar days after the written request was made.
- (g) Written requests for admissions shall be deemed admitted unless answered within 10 calendar days or objected to within 5 calendar days after service of the written request.
- (h) Answers to on-the-record data requests shall be served within 5 calendar days after the request.

¹ If a due date falls on a Saturday, Sunday or holiday observed by the Commonwealth of Pennsylvania, then the following business day will be considered the due date.

² This discovery rule was added subsequent to the prehearing conference in this proceeding.

- (i) Discovery may be conducted until the close of evidentiary hearings.
- (j) The parties are encouraged to exchange information on an informal basis.
- (k) The parties are encouraged to amicably resolve discovery disputes among themselves.
- (l) Parties seeking protective orders must comply with 52 Pa. Code §5.362 or §5.423, whichever is applicable.

IV. Hearing and Briefing Schedule

The following hearing and briefing schedule was adopted:

<u>DATE</u>	<u>ACTIVITY</u>
March 24, 2000	Intervenor Direct Testimony Due In-Hand
April 10, 2000	PECO/Unicom Rebuttal Testimony Due In-Hand
April 21, 2000	Intervenor Surrebuttal Testimony Due In-Hand
April 25-28, 2000	Evidentiary Hearings
May 18, 2000	Main Briefs Due In-Hand
May 31, 2000	Reply Brief Due In-Hand to the presiding officer, filed with the Commission, and served on the parties

All evidentiary hearings will be held in the Philadelphia State Office Building, Broad and Spring Garden Streets, 13th Floor, Hearing Room 1, Philadelphia, Pennsylvania. All evidentiary hearings will begin at 10:00 a.m.

V. Public Input Hearing Schedule

Public input hearings will be held in the counties of Philadelphia, Bucks, Montgomery, Delaware and Chester. The public input hearing schedule is as follows:

Monday, March 27, 2000 at 1:00 p.m. and 7:00 p.m.

Philadelphia State Office Building
1302 Philadelphia State Office Building
1400 West Spring Garden Street
Philadelphia, PA 19130
Phone: (215) 560-2105

Tuesday, March 28, 2000 at 7:00 p.m.

Radisson Hotel
Spruce Room
2400 East Old Lincoln Highway
Trevose, Pennsylvania
Point of Contact: Nicole DiMattia
Phone: (215) 638-8300 Ext. 153

Wednesday, March 29, 2000 at 7:00 p.m.

Norristown Borough Hall
Council Chambers
235 E. Airy Street
Norristown, Pennsylvania
Point of Contact: Anthony Biondi
Phone: (610) 270-0421

Thursday, March 30, 2000 at 1:00 p.m. and 7:00 p.m.

Glenmoore Fire Company
571 Fairview Road
Glenmoore, PA
Point of Contact: Rev. David Hicks
Phone: (610) 873-9345

Friday, March 31, 2000 at 7:00 p.m.

Delaware County Government Center Building
Council Meeting Room
201 W. Front Street
Media, Pennsylvania
Point of Contact: Tina Madden
Phone: (610) 891-4459

VI. Transcripts

Several parties expressed concern about their ability to access transcripts of the hearings if they do not purchase the transcripts. The Commission will make available to the parties, for reading only in its offices in Harrisburg and Philadelphia, copies of its transcripts of the hearings in this proceeding.

VII. Official Service List

For the purpose of developing an official service list in this proceeding, parties represented by multiple counsel located at different addresses were directed to file with the Commission, submit to the presiding officer, and serve on the parties, the name and address of counsel located at one address to whom all documents associated with this proceeding should be sent. This filing was to be made by January 25, 2000.

January 28, 2000
DATE

Charles E. Rainey, Jr.
CHARLES E. RAINEY, JR.
Administrative Law Judge

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