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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

**DOCKETED**  
APR 28 2000

Application of PECO Energy Company :  
Pursuant to Chapters 11, 19, 21, 22 and 28 of :  
the Public Utility Code for Approval of (1) a : Docket No.  
Plan of Corporate Restructuring, Including :  
the Creation of a Holding Company and (2) : A-~~00~~10550F0147  
the Merger of the Newly Formed Holding :  
Company and Unicom Corporation :

PREHEARING ORDER #2

On March 23, 2000, PECO Energy Company (PECO or Applicant) filed with the Pennsylvania Public Utility Commission, on behalf of itself and a number of other parties to this proceeding, a Joint Petition for Settlement (Settlement Petition). In light of the Settlement Petition, by Order dated March 28, 2000, I revised the original procedural schedule established in this case.<sup>1</sup> The revised procedural schedule required parties to file Objections or Comments to the Settlement Petition by April 13, 2000, and Replies to Objections or Comments by April 18, 2000.

PPL Electric Utilities Corporation (PPL) filed Objections to the Settlement Petition on April 12, 2000. PPL requested that evidentiary hearings be held in regard to the Settlement Petition. PPL Objections at 33. Philadelphia City Councilman David Cohen filed Comments and Objections to the Settlement Petition on April 12, 2000. Councilman Cohen also requested that evidentiary hearings be held in regard to the Settlement Petition. Councilman Cohen Objections at 7.

The following parties filed Replies to the Comments and/or Objections of PPL and/or Councilman Cohen: the Office of Consumer Advocate (OCA); the Office of Small Business Advocate (OSBA); the Office of Trial Staff (OTS); Philadelphia Area Industrial Energy Users Group (PAIEUG); Industrial Energy Consumers of Pennsylvania

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<sup>1</sup> The original procedural schedule in this case was established at the prehearing conference held on January 20, 2000.

(IECPA)<sup>2</sup>; Clean air Council, et al; Eric Joseph Epstein; Consumer Education and Protective Association, et al. (CEPA, et al.); and the National Railroad Passenger Corporation (Amtrak).

The following parties filed Replies and testimony: PECO; and Citizens for Pennsylvania's Future, et al. (PennFuture, et al.).

The following parties filed testimony in lieu of Replies: the City of Philadelphia (City); Senator Vincent Fumo; and East Brandywine Township.

In light of the requests for evidentiary hearings by Councilman Cohen and PPL, and my belief that evidentiary hearings may be necessary and helpful in the adjudication of this matter, evidentiary hearings will be held. The following new procedural schedule will be followed:

May 3, 2000	Pre-filed Written Testimony in Support of the Settlement Petition <sup>3</sup> due in-hand
	Pre-filed Written Testimony in Opposition to the Settlement Petition <sup>4</sup> due in-hand
May 3, 2000	Prehearing memoranda due in-hand
May 10-11, 2000	Evidentiary hearings
May 17, 2000	Initial briefs due in-hand
May 24, 2000	Reply briefs due in-hand

The prehearing memoranda of each party must include in regard to the Settlement Petition and the Comments, Objections, and Replies filed in regard thereto:

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<sup>2</sup> IECPA filed a letter in support of the Reply of PAIEUG.

<sup>3</sup> Based on the Replies to Comments and/or Objections previously filed in this case.

<sup>4</sup> Based on the Comments and/or Objections previously filed in this case.

(1) a list of the factual issues the party will address; (2) a list of the legal issues the party will address; (3) a list of the party's witnesses and the issues each witness will address in his or her testimony; (4) the identification of documents which will be introduced into evidence by the party; and (5) any stipulations.

Parties are advised to review the Commission's rules of evidence at 52 Pa. Code §§5.401-5.409, and pay particular attention to 52 Pa. Code §§5.405(a) and (b) which provide in pertinent part that while applications are considered as part of the record as pleadings, applications or any part thereof are "not considered evidence of a fact other than of filing thereof unless offered and received into evidence."

Those parties which have already submitted testimony with or in lieu of their Replies to Comments and/or Objections, are not required to pre-file additional testimony. Parties are not to submit testimony which merely repeats the testimony provided by another party.

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

Briefs must include transcript page references and proposed findings of fact and conclusions of law. Unpublished decisions which are referenced in the brief must be attached to the brief. Initial briefs are limited to 50 pages and reply briefs are limited to 25 pages.

April 25, 2000  
DATE

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CHARLES E. RAINEY, JR.  
Administrative Law Judge

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