

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Joint Application of PECO Energy Company :  
and Public Service Electric and Gas Company :  
for Approval of the Merger of Public Service : A-110550F0160  
Enterprise Group Incorporated with and Into :  
Exelon Corporation :

**PREHEARING CONFERENCE ORDER**

A prehearing conference in this case is scheduled for March 29, 2005 at 10:00 a.m. Accordingly, the parties are hereby directed to comply with the following requirements:

1. Please review the regulation pertaining to prehearing conferences, 52 Pa. Code §5.222, and in particular, subsection (d) which provides, in part:

(d) Participants and counsel will be expected to attend the conference fully prepared for useful discussion of all problems involved in the proceeding, both procedural and substantive, and fully authorized to make commitments with respect thereto. The preparation should include, among other things, advance study of all relevant materials, and advance informal communication between the participants, including requests for additional data and information, to the extent it appears feasible and desirable. (Emphasis added.)

2. Each party must prepare and distribute, **prior to 12:00 p.m. on March 28, 2005**, a prehearing memorandum which sets forth the history of the proceeding, the issues you intend to present, and a listing of your proposed witnesses and the subject of their testimony. Except for good cause, if you do not present a prehearing memorandum, you will not be permitted to participate in the prehearing conference. Further, witnesses not listed on your prehearing memorandum will not be permitted to participate in the hearing unless permission is obtained from the presiding officer.


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3. Please review the regulations relating to discovery, specifically 52 Pa. Code §5.331(b), which provides, *inter alia*, that “[p]articipants shall endeavor to initiate discovery as early in the proceedings as reasonably possible,” and 52 Pa. Code §5.322, which encourages participants to exchange information on an informal basis. I urge all parties to cooperate in discovery. Such cooperation is preferable to numerous or protracted discovery disagreements, which require the presiding officer’s participation for resolution. Please be aware that there are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa. Code §§5.361, 5.371-3.572.

4. You must serve me directly with a copy of any document that you file in this proceeding. If you send me any correspondence or document, you must send a copy to all other parties. For your convenience, a copy of the Commission’s current service list of the parties to this proceeding is enclosed with this Order.

Date: March 17, 2005



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Marlane R. Chestnut  
Administrative Law Judge

Joint Application of PECO Energy Company and Public Service Electric and Gas Company for  
Approval of the Merger of Public Service Enterprise Group Incorporated with and Into Exelon  
Corporation  
Docket Number A-110550F0160

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