



July 18, 2014

VIA ELECTRONIC AND FIRST CLASS MAIL

David P. Zambito

Direct Phone 717-703-5892
Direct Fax 215-989-4216
dzambito@cozen.com

Honorable Susan D. Colwell
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street – 2 West
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Petition of PPL Electric Utilities Corporation for Approval of a Default Service Program and Procurement Plan for the Period June 1, 2015 through May 31, 2017; Docket No. P-2014-2417907; LETTER MOTION FOR RECONSIDERATION OF PROTECTIVE ORDER ENTERED JULY 16, 2014

Dear Administrative Law Judge Colwell:

Pursuant to 52 Pa. Code § 5.103, please allow this letter to serve as a Motion for Reconsideration of Your Honor's Protective Order, entered July 16, 2014, (the "Protective Order") for the following reasons. On or about June 10, 2014, PPL Electric Utilities Corporation ("PPL"), filed a motion for a protective order (the "Motion"). The form of the proposed protective order attached to the Motion was negotiated between the parties prior to the Motion being filed and represented the agreement between the parties for dealing with potentially sensitive information. In that proposed protective order, Section 6(i) provides *inter alia*:

6. Information deemed as 'HIGHLY CONFIDENTIAL PROTECTED MATERIAL', may be provided to a "Reviewing Representative" who has signed a Non-Disclosure Certificate and who is:

(i) An attorney for a statutory advocate pursuant to 52 Pa. Code § 1.8 or a counsel who has made an appearance in this proceeding for a party;

(Motion, proposed order, p. 3) (emphasis added).

In the Protective Order, Your Honor noted that "[t]he time for filing a response [to the Motion] has run, and no party responded. Accordingly, it is approved without modification." (Protective Order, p. 2)(emphasis added). Despite this description, Section 6(i) of the Protective Order provides *inter alia*:

6. Information deemed as 'HIGHLY CONFIDENTIAL PROTECTED MATERIAL', may be provided to a "Reviewing Representative" who has signed a Non-Disclosure Certificate and who is:

(i) an attorney for a statutory advocate pursuant to 52 Pa. Code § 1.8 or an outside counsel who has made an appearance in this proceeding for a party;

(Protective Order, p. 4) (emphasis added). The language in the Protective Order could be construed to prohibit the dissemination of "HIGHLY CONFIDENTIAL PROTECTED MATERIAL" to in-house counsel and would serve to dampen the ability of outside counsel to fully discuss the nuances of the instant case with in-house counsel. FirstEnergy Solutions Corp. ("FES") seeks to have the Protective Order reconsidered as to this one specific section to ensure that the Protective Order fully reflects the terms agreed to by the parties and that FES and other parties are in full compliance with the same.

As the inclusion of the modified Section 6(i) appears to be a clerical or administrative mistake and as swift action on the instant motion will prevent that mistake from delaying the progress of the case (including delay caused by execution of the incorrect non-disclosure certificates), FES requests that the 20-day response time provided under 52 Pa. Code § 5.103(c) (regarding "Response to motions") be waived or significantly shortened.

Thank you for your attention to this matter. Please do not hesitate to contact me with any question or concerns.

Sincerely,

COZEN O'CONNOR



By: David P. Zambito
Counsel for *FirstEnergy Solutions Corp.*

DPZ

cc: Rosemary Chiavetta, Secretary
Certificate of Service

CERTIFICATE OF SERVICE
Petition of PPL Electric Utilities Corporation for Approval of Its Default Service Program
for the Period from June 1, 2015 through May 31, 2017
Docket No. P-2014-2417907

I hereby certify that I have this day served a true copy of FirstEnergy Solutions Corp.'s Letter Motion for Reconsideration of Protective Order entered July 16, 2014, upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

VIA E-MAIL and FIRST CLASS MAIL:

Honorable Susan D. Colwell
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street – 2 West
P.O. Box 3265
Harrisburg, PA 17105-3265
scolwell@pa.gov

Paul E. Russell, Esquire
PPL Electric Utilities Corporation
2 North Ninth Street
Allentown, PA 18101
perussell@pplweb.com
Counsel for PPL Electric Utilities Corporation

Michael W. Hassell, Esquire
Christopher T. Wright, Esquire
David B. MacGregor, Esquire
Post & Schell P.C.
17 North Second Street
12th Floor
Harrisburg, PA 17101-1601
mhassell@postschell.com
cwright@postschell.com
dmacgregor@postschell.com
Counsel for PPL Electric Utilities Corporation

Hobart J. Webster, Esquire
Aron J. Beatty, Esquire
Amy E. Hirakis, Esquire
Cammie A. Shoen, Esquire
Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101-1923
hwebster@paoca.org
abeatty@paoca.org
ahirakis@paoca.org
cshoen@paoca.org
Counsel for Office of Consumer Advocate ("OCA")

Adeolu A. Bakare, Esquire
Pamela C. Polacek, Esquire
McNees Wallace & Nurick LLC
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
abakare@mwn.com
ppolacek@mwn.com
Counsel for PP&L Industrial Customer Alliance ("PPLICA")

Kenneth L. Mickens, Esquire
Kenneth L. Mickens, Esquire LLC
316 Yorkshire Drive
Harrisburg, PA 17111-6933
kmickens11@verizon.net
Counsel for Sustainable Energy Fund ("SEF")

Elizabeth R. Marx, Esquire
Patrick M. Cicero, Esquire
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101
emarxpulp@palegalaid.net
pciceropulp@palegalaid.net
**Counsel for Coalition for Affordable
Utility Services and Energy Efficiency in
Pennsylvania ("CAUSE-PA")**

Carrie B. Wright, Esquire
Pennsylvania Public Utility Commission
Bureau of Investigation & Enforcement
Commonwealth Keystone Building, 2 West
400 North Street
P.O. Box 3265
Harrisburg, PA 17105-3265
carwright@pa.gov
**Counsel for Bureau of Investigation &
Enforcement**

Heather M. Langeland, Esquire
Citizens for Pennsylvania's Future
200 First Avenue, Suite 200
Pittsburgh, PA 15222
Langeland@pennfuture.org
**Counsel for Citizens for Pennsylvania's
Future ("PennFuture")**

Thomas J. Sniscak, Esquire
Todd S. Stewart, Esquire
Hawke McKeon & Sniscak LLP
100 North Tenth Street
P.O. Box 1778
Harrisburg, PA 17105-1778
tjsniscak@hmslegal.com
tsstewart@hmslegal.com
**Counsel for NextEra Energy Power
Marketing, LLC**

Steven C. Gray, Esquire
Office of Small Business Advocate
Commerce Building, Suite 1102
300 North Second Street
Harrisburg, PA 17101-1303
sgray@pa.gov
**Counsel for Office of Small Business
Advocate**

Charles E. Thomas, III, Esquire
Thomas, Long, Niesen & Kennard
212 Locust Street, Suite 600
P.O. Box 9500
Harrisburg, PA 17108-9500
cet3@tntlawfirm.com
**Counsel for Noble Americas Energy
Solutions LLC**

Daniel Clearfield, Esquire
Deanne M. O'Dell, Esquire
Sarah C. Stoner, Esquire
Eckert Seamans Cherin & Mellott, LLC
213 Market Street, 8th Floor
Harrisburg, PA 17101
dclearfield@eckertseamans.com
dodell@eckertseamans.com
sstoner@eckertseamans.com
Counsel for Direct Energy Services, LLC

Daniel Clearfield, Esquire
Deanne M. O'Dell, Esquire
Sarah C. Stoner, Esquire
Eckert Seamans Cherin & Mellott, LLC
213 Market Street, 8th Floor
Harrisburg, PA 17101
dclearfield@eckertseamans.com
dodell@eckertseamans.com
sstoner@eckertseamans.com
**Counsel for Retail Energy Supply
Association**

Divesh Gupta, Esquire
Constellation Energy
100 Constellation Way
Suite 500C
Baltimore, MD 21202
divesh.gupta@constellation.com
**Counsel for Exelon Generation
Company, LLC**

Lael E. Campbell, Director
Government and Regulatory Affairs
Exelon Corporation
101 Constitution Avenue, N.W.
Washington, DC 20004
lael.campbell@exeloncorp.com
**Consultant for Exelon Generation
Company, LLC**

DATED: July 18, 2014



David P. Zambito Esquire
Counsel for FirstEnergy Solutions Corp.