

John F. Povilaitis
717 237 4825
john.povilaitis@bipc.com

409 North Second Street
Suite 500
Harrisburg, PA 17101-1357
T 717 237 4800
F 717 233 0852
www.buchananingersoll.com

September 9, 2014

VIA E-FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

Re: J3 Energy Group, Inc., Complainant v. West Penn Power Company, Respondent,
and UGI Development Company, Indispensable Party;
Docket No. C-2011-2219920

Dear Secretary Chiavetta:

On behalf of West Penn Power Company, enclosed for electronic filing is the Prehearing Memorandum of West Penn Power Company with regard to the above-referenced docket.

Copies have been served as indicated in the attached certificate of service.

Very truly yours,



John F. Povilaitis

JFP/kra
Enclosure
cc: The Honorable Elizabeth H. Barnes
Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

J3 Energy Group, Inc.	:	
	:	
v.	:	Docket No. C-2011-2219920
	:	
West Penn Power Company	:	
	:	
UGI Development Company,	:	
Indispensable Party	:	

**PREHEARING MEMORANDUM
OF
WEST PENN POWER COMPANY**

TO THE HONORABLE ELIZABETH H. BARNES:

Pursuant to the Prehearing Order of the Administrative Law Judge (“ALJ”) dated May 22, 2014, West Penn Power Company (“West Penn”), by and through their counsel, submit this Prehearing Memorandum:

I. Name and Address of West Penn’s Legal Representatives

The attorney authorized to accept service for purposes of the Pennsylvania Public Utility Commission’s (“Commission”) service list is:

John L. Munsch (Attorney I.D. No. 31489)
FirstEnergy Service Company
800 Cabin Hill Drive
Greensburg, PA 15601
(724) 838-6210
jmunsch@firstenergycorp.com

Parties are requested to also serve documents on the following attorneys as a courtesy:

John F. Povilaitis (Attorney I.D. No. 28944)
Buchanan Ingersoll & Rooney, PC
409 North Second Street, Suite 500
Harrisburg, PA 17101-1357
(717) 237-4825
john.povilaitis@bipc.com

II. Procedural Status of Proceeding

In an Initial Decision issued August 17, 2012, the ALJ dismissed J3 Energy Group, Inc.'s ("J3") Complaint. Subsequently the Commission vacated this Initial Decision, joined UGI Development ("UGID") as an indispensable party, and remanded this proceeding to the Office of Administrative Law Judge. The Commission's February 20, 2014 Order on West Penn's reconsideration request and UGID's request for reconsideration and clarification did not modify the decision to vacate and remand. In addition, the February 20, 2014 Order acknowledged the ALJ's discretion and authority to regulate the management and course of the proceeding to ensure efficiency in the conduct of the proceeding.¹ Accordingly, in her May 22, 2014 Prehearing Order, the ALJ set forth the matters that would be considered at this further Prehearing Conference. Those issues include the need for further submission of testimony, the need for a hearing and briefs, and the logistics of matters that could expedite a hearing such as exhibits to be offered into evidence, admissions and stipulations. Two other general matters that could be addressed are the status of J3's Bankruptcy Petition and settlement.

¹ February 20, 2014 Order at 21.

III. Proposed Procedural Schedule

From West Penn's perspective, there is no need to augment the record of this proceeding on the issue of the merits of the J3 Complaint. However the Commission has allowed the Parties to address on remand potential remedies within its jurisdiction. West Penn suggests that a procedural schedule be set that allows the submission of testimony on the issue of remedies in October and that rebuttal testimony on be due approximately one month later. A hearing date, if needed, could be set for early December with the main brief due in mid-January 2015, in view of the holidays, and reply briefs due by the end of the month. Should a hearing be necessary, the Parties will work together to expedite the process through stipulations and other agreements. West Penn is open to discussing settlement of the proceeding should the other parties desire to enter into such discussions.

IV. Witnesses and Subject Matter of Testimony

Should J3 submit testimony on the issue of remedies, West Penn may submit rebuttal testimony, but cannot identify at this time a specific witness that will present testimony on this subject.

V. Settlement

Consistent with its procedural schedule recommendation, West Penn will actively participate in settlement discussions with the other Parties.

Respectfully submitted,

Dated: September 9, 2014



John F. Povilaitis
Buchanan Ingersoll & Rooney, PC
409 North Second Street, Suite 500
Harrisburg, PA 17101-1357
(717) 237-4825
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John L. Munsch
FirstEnergy Service Company
800 Cabin Hill Drive
Greensburg, PA 15601
(724) 838-6210
jmunsch@firstenergycorp.com

Counsel for West Penn Power Company

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

J3 ENERGY GROUP, INC.	:	
	:	
v.	:	
	:	
WEST PENN POWER COMPANY	:	Docket No. C-2011-2219920
	:	
and	:	
	:	
UGI DEVELOPMENT COMPANY,	:	
Indispensable Party	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing document in accordance with the requirements of 52 Pa. Code § 1.54 et seq. (relating to service by a participant).

VIA FIRST CLASS AND ELECTRONIC MAIL

Thomas J. Russial, Esquire
198 Stonewood Drive
Bethel Park, PA 15102
tom.russial@comcast.net

Kriss E. Brown, Esq.
PaPUC Law Bureau
Commonwealth Keystone Building
400 North Street, 3rd Floor
Harrisburg, PA 17120
kribrown@pa.gov

Kent D. Murphy, Group Counsel
UGI Corporation
460 North Gulph Road
King of Prussia, PA 19406
murphyke@ugicorp.com

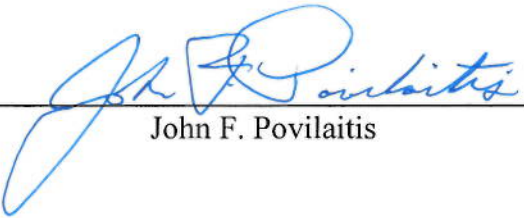
David B. MacGregor, Esq.
Post & Schell, P.C.
Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, PA 19103-2808
dmacgregor@postschell.com

Christopher T. Wright, Esq.
Post & Schell, P.C.
17 North Second Street, 12th Floor
Harrisburg, PA 17101-1601
cwright@postschell.com

VIA FIRST CLASS MAIL

Stephen Russial, President
J3 Energy Group, Inc.
950 East Main Street - Suite 104
Schuylkill Haven, Pa 17972

Date: September 9, 2014



John F. Povilaitis