

BEFORE THE PLEASE DOCKET
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of PPL Electric Utilities Corporation :
: P-00062227
for Approval of a Competitive Bridge Plan :

PREHEARING ORDER #2

A telephonic prehearing conference was held on September 22, 2006. Present through counsel were PPL Electric Utilities Corporation (PPL Electric), the Office of Trial Staff (OTS), the Office of Consumer Advocate (OCA), the Office of Small Business Advocate (OSBA), Citizens for Pennsylvania's Future, Char Magaro, Jan Jarrett (PennFuture), Strategic Energy LLC (Strategic), International Brotherhood of Electrical Workers, Local 1600 (Local 1600), PP&L Industrial Customer Alliance (PPLICA), Retail Energy Supply Association (RESA), Constellation NewEnergy, Inc. and Constellation Energy Commodities Group, Inc. (jointly, Constellation), Reliant Energy Inc. (Reliant), Metropolitan Edison Company (Met Ed) and Pennsylvania Electric Company (Penelec) (jointly, Met Ed/Penelec), Dominion Retail, Inc. (Dominion), Exelon Corporation (Exelon), PECO Energy Company (PECO), Exelon Generation Company, LLC (ExGen)(jointly, Exelon companies), Eric Epstein, the Sustainable Energy Fund of Central Eastern Pennsylvania (SEF), and Direct Energy Services, LLC (Direct Energy).

In accordance with Prehearing Order #1, dated September 11, 2006, I received Prehearing Memoranda from: PPL Electric, Local 1600, Strategic, OTS, Exelon companies, RESA, SEF, Mr. Epstein, OCA, Dominion, PennFuture, OSBA, Met Ed/Penelec, Constellation, Direct Energy, PPLICA, Reliant, and First Energy Solutions Corp. (FES).

This Order discusses the procedural matters addressed at the prehearing conference.

1. The Petition to Intervene filed by PennFuture on August 25, 2006, being unopposed, was granted.
2. The Petition to Intervene filed by Strategic on August 25, 2006, being unopposed, was granted.
3. The Petition to Intervene filed by Local 1600 on August 28, 2006, being unopposed, was granted.
4. The Petition to Intervene filed by PPLICA on August 28, 2006, being unopposed, was granted.
5. The Petition to Intervene filed by RESA on August 28, 2006, being unopposed, was granted.
6. The Petition to Intervene filed by Constellation on August 28, 2006, being unopposed, was granted.
7. The Petition to Intervene filed by Reliant on August 28, 2006, being unopposed, was granted.
8. The Petition to Intervene filed by Met Ed/Penelec on August 28, 2006, being unopposed, was granted.
9. The Petition to Intervene filed by Dominion on August 28, 2006, being unopposed, was granted.
10. The Petition to Intervene filed by FES on August 28, 2006, being unopposed, was granted.

11. The Petition to Intervene Out of Time filed by the Exelon companies on August 29, 2006, being unopposed, was granted.

12. The Out of Time Petition to Intervene of Eric Joseph Epstein, pro se filed on September 12, 2006, being unopposed, was granted.

13. The late-filed Petition to Intervene filed by SEF on September 14, 2006, being unopposed, was granted.

14. The Petition to Intervene/Protest Out of Time filed on September 18, 2006 by Direct Energy, being unopposed, was granted.

15. The Motion to Dismiss filed by Reliant on August 28, 2006 was denied.

16. Petitions to intervene and motions for admission pro hac vice, if not defective on their face, shall be deemed granted if not objected to within three business days after filing. If objected to, such pleadings will be addressed by order.

17. Pursuant to 52 Pa. Code §1.55, each party shall be limited to one entry on the service list, although there can be more than one name listed. Each party, if it has not yet done so, is directed to provide the e-mail address, fax number, telephone number and address of the person or persons they wish to have listed on the service list within five days of the date of this Order.

18. Parties shall be limited to those persons or entities who attended the prehearing conference on September 22, 2006 and any persons or entities granted intervention in accordance with the provisions of 52 Pa.Code §§5.73 - 5.75. Parties will receive all documents and must serve all other parties with all documents filed in the case or submitted to the presiding administrative law judge. Parties may participate by conducting discovery, attending hearing

sessions, sponsor and present witnesses, be allowed to examine other parties' witnesses, and be permitted to file and serve main and reply briefs.

19. My informal e-mail distribution list is as follows. Any changes should be communicated to me, via e-mail (machestnut@state.pa.us) as soon as possible. Please include my secretary, Kathy Niesborella (kniesborel@state.pa.us) on anything you send to me.

Party	Counsel	E-Mail
Constellation	Glenn Thomas	thomas@blankrome.com
Constellation	Christopher Lewis	lewis@blankrome.com
Direct Energy	Kevin Moody	kmoody@wolfblock.com
Dominion	Todd Stewart	tstewart@hmsk-law.com
Exelon companies	Kent Murphy	kent.murphy@exeloncorp.com
Exelon companies	Anthony Gay	anthony.gay@exeloncorp.com
Pro Se	Eric Epstein	ericpstein@comcast.net
FES	Kathy Kolich	kjkolich@firstenergycorp.com
Local 1600	Scott Rubin	scott@publicutilityhome.com
MetEd/Penelec	Linda Evers	levers@firstenergycorp.com
MetEd/Penelec	Stephen Feld	felds@firstenergycorp.com
OCA	James Mullins	jmullins@paoca.org
OCA	Tanya McCloskey	tmccloskey@paoca.org
OSBA	Steven Gray	sgray@state.pa.us
OTS	Kenneth Mickens	smickens@state.pa.us
PennFuture	George Jugovic	jugovic@pennfuture.org
PPL	Paul Russell	perussell@pplweb.com
PPL	David MacGregor	dmacgregor@postschell.com
PPL	Michael Hassell	mhassell@postschell.com
PP&LICA	David Kleppinger	dkleppinger@mwn.com
PP&LICA	Pamela Polacek	ppolacek@mwn.com
Reliant	Brian Knipe	brian.knipe@bipc.com
Reliant	Gretchen Schott	gschott@reliant.com
RESA	Kevin Moody	kmoody@wolfblock.com
RESA	Daniel Clearfield	dclearfield@wolfblock.com
SEF	Thomas Niesen	tniesen@ttanlaw.com
SEF	Michael Swindler	mswindler@ttanlaw.com
Strategic	Julia Coletti	jcoletti@scl.com

20. Pursuant to 52 Pa. Code §5.342(d), the Commission's regulations relating to discovery are modified as follows. It should be noted that when an interrogatory or motion is

served after 12:00 p.m. on a Friday or the day before a holiday, the appropriate response period is deemed to start on the next business day.

- a) The response period for replying to written interrogatories is ten calendar days.
- b) Objections to interrogatories are to be communicated orally to the propounder of the interrogatory within three calendar days of receipt and in writing within five calendar days of receipt of the interrogatory. The parties are directed to confer, by telephone or e-mail, and attempt to resolve the objections.
- c) Motions to dismiss objections and to compel response shall be filed with the Commission and served on me and the other parties within three calendar days of receipt of the objections. Answers to such motions shall be filed and served within three calendar days after filing of the motion.
- d) If the objections are not resolved, counsel will alert the presiding officer by e-mail or telephone of the need for a ruling, and a conference call will be scheduled. The presiding officer will make a ruling over the telephone and not reduce it to writing unless requested to do so.
- e) Interrogatories which are objected to but which are not made the subject of a motion to compel will be deemed withdrawn.
- f) Pursuant to 52 Pa. Code §5.341(b), neither interrogatories nor responses are to be served on the Commission or the presiding officer, although a certificate of service may be filed with the Commission's Secretary.
- g) Interrogatories and responses are to be served electronically as well as on paper.

- h) Responses to requests for document production, entry for inspection, or other purposes shall be served in-hand within ten calendar days; and
- i) Requests for admission shall be deemed admitted unless answered within ten calendar days or objected to within five calendar days of service of the requests.

21. The parties are expected to resolve discovery issues among themselves; motions to compel should be filed only after such efforts have failed. In addition, the parties are urged to use alternative means of discovery such as discovery conferences or depositions.

22. The following schedule was adopted:

PPL direct testimony	September 15, 2006
Other parties direct testimony	November 15, 2006
All parties rebuttal testimony	December 6, 2006
All parties surrebutal	December 15, 2006
Hearings	December 19-21, 2006
Main briefs	January 12, 2007
Reply briefs	January 19, 2007

23. In accordance with the schedule listed above, testimony is to be served and received in-hand by the parties no later than 4:30 p.m. on the dates listed. Parties are directed to also serve their testimony electronically on other parties. Do not file your testimony with the Commission, although you may file a certificate of service. Do not fax or e-mail testimony to me.

24. Testimony should be premarked with numerical, sequential statement numbers. All statements must list on the cover sheet the issues addressed in that statement. On or before November 1, 2006, all parties must serve on the presiding officer and parties the names, business addresses, and telephone numbers of witnesses the participant expects to call and the subject matter of each witness' testimony, if not already provided. Witnesses not identified in a party's prehearing memorandum or not listed in the November 1, 2006 notice will

not be permitted to testify, except by special permission of the presiding Administrative Law Judge for good cause.

25. Any motions with respect to, or objections to, written testimony must be presented in writing no later than three days prior to the day that the witness sponsoring that testimony is scheduled to testify. Oral motions, other than for good cause, shall not be accepted.

26. All participants are directed to comply with the provisions of 52 Pa.Code §5.243(e) which prohibits the introduction of evidence during rebuttal or surrebuttal which should have been included in the active participant's case-in-chief or which substantially varies from the active participant's case-in-chief, unless the evidence is introduced in support of a proposed settlement.

27. All hearings will be held in Harrisburg. The initial day will commence at 10:00 a.m.; subsequent days may or may not start at 9:00 a.m. Parties will complete the daily witness listing and cross-examination grid as directed.

28. An original and nine copies of all briefs must be filed with the Secretary, in accordance with 52 Pa. Code §5.502(a), and one copy received in-hand by me and all parties no later than 4:30 p.m. on the dates listed. In addition, each party is directed to e-mail its briefs in Microsoft Word 2003 or equivalent to all parties and me, and to include a copy on disk with the briefs filed with the Secretary.¹ If you do not e-mail your briefs to me, please include a copy on disk.

29. All briefs shall comply with the requirements of 52 Pa. Code §§5.501 and 5.502, and in addition to the mandatory contents set forth in 52 Pa.Code §5.501(a), all main briefs, regardless of length, must contain:

¹ Parties may also e-mail me a copy of their as-filed briefs in ADOBE or other compatible PDF format in addition to a WORD formatted document.

- A. A table of contents;
- B. A history of the proceeding;
- C. A discussion;
- D. Proposed findings of facts (with record citations to transcript pages or exhibits where supporting evidence appears);
- E. Proposed conclusions of law (with citations to supporting statutes, regulations or relevant case law); and
- F. Proposed ordering paragraphs specifically identifying the relief sought; and

30. If a reply brief is not filed, it will be assumed that the party does not dispute the assertions, contentions, arguments, etc. made by the other parties in their main briefs. While it is not necessary in a reply brief to repeat a particular argument or discussion contained in the main brief, the reply brief should note where the responsive argument is located in the main brief and how it responds to the other parties' assertions, contentions, arguments, etc.

31. Any brief not filed and served on or before the date fixed therefore will not be accepted for filing, except by special permission of the presiding Administrative Law Judge for good cause.

32. The parties are to confer among themselves in an attempt to resolve all or some of the issues associated with the company's filing.

33. All documents filed with the Secretary must be served directly on me and the other parties.

Date: September 22, 2006


MARLANE R. CHESTNUT
Administrative Law Judge