

April 19, 2007

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, Pennsylvania 17105-3265



Citizens for Pennsylvania's Future
Regional Enterprise Tower
425 Sixth Avenue, Suite 2770
Pittsburgh, PA 15219-1853
P 412.258.6680 / 888.895.4843
F 412.258.6685
info@pennfuture.org
www.pennfuture.org

ORIGINAL

Re: Petition of PECO Energy Company for Approval of (1) A Process To
Procure Alternative Energy Credits During The AEPS Banking Period and
(2) A Section 1307 Surcharge and Tariff to Recover AEPS Costs
Docket No. ~~R-00072260~~ P-00072260

Dear Secretary McNulty:

Enclosed please find an original and three copies of the Petition to Intervene filed on behalf of Citizens for Pennsylvania's Future. Copies are being served on the parties as set forth in the Certificate of Service.

If you have any questions, please contact me at (412) 258-6684.

Sincerely,

George Jugovic Jr.
Senior Attorney

cc: Hon. Marlane Chestnut
Certificate of Service

DOCUMENT
FOLDER

DOCKETED
APR 25 2007

SECRETARY'S OFFICE
2007 APR 25 AM 8:33

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company for :
Approval of (1) A Process to Procure :
Alternative Energy Credits During The AEPS : Docket No. P-00072260
Banking Period and (2) A Section 1307 :
Surcharge and Tariff to Recover AEPS Costs :

PETITION TO INTERVENE

Through counsel, Citizens for Pennsylvania's Future ("PennFuture"), hereby files this Petition to Intervene in the above proceeding pursuant to 52 Pa. Code §§ 5.51-53, 5.73-75 (as amended, 2006). In support, Petitioner asserts as follows:

1. Petitioner is Citizens for Pennsylvania's Future (PennFuture), a Pennsylvania nonprofit corporation with offices in Harrisburg, Philadelphia, West Chester, and Pittsburgh, Pennsylvania (www.pennfuture.org). PennFuture's principal place of business is located at 610 North Third Street, Harrisburg, PA 17101, tel. (717) 214-7920. PennFuture has members who live in the PECO Energy service territory, are customers of PECO Energy, and receive service from PECO Energy. PennFuture engages in policy development, public education, litigation and other strategies to achieve its goals. Among other things, PennFuture promotes the development of clean energy sources to reduce pollution, ensure the safe and reliable delivery of energy to its members.

2. The contact information of counsel for Petitioner is:

George Jugovic, Jr., Senior Attorney
Citizens for Pennsylvania's Future
425 Sixth Avenue, Suite 2770
Pittsburgh, Pennsylvania 15219
Phone: 412-258-6684
Fax: 412-258-6685
Jugovic@pennfuture.org

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3. Petitioner's members are directly and personally affected by the Proceedings, which reasonably may be expected to affect the safety, reliability, cleanliness and affordability of their public utility service. Petitioner's members depend on electric distribution service from PECO Energy to meet their basic needs and risk financial consequences if service is not provided in a safe, reliable, clean, and affordable manner.

4. As ratepayers and members of the public, Petitioner's members have a right and interest in assuring the provision of safe, reliable, clean and affordable public utility service, and participation in this Proceeding is an appropriate way to protect these rights and interests. Petitioners may intervene in this proceeding pursuant to 52 Pa. Code §§ 5.51-53, 5.73-75.

5. This Petition is the first petition filed by a Pennsylvania electric distribution company under the Alternative Energy Portfolio Standards Act of 2004, 73 Pa. C.S. §1648.1 *et seq.* Petitioner's members have interests in and perspectives on issues that are likely to arise in this proceeding that are not adequately represented by the other parties of record.

6. Petitioner's members intend to review and present testimony addressing issues raised by PECO Energy's Petition, including testimony regarding the merits of the early procurement proposed in the Petition.

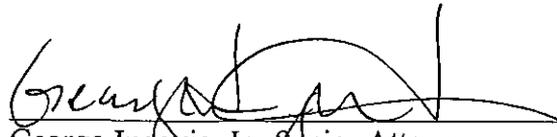
7. Petitioners reserve the right to raise additional issues as necessary and appropriate during the course of the proceeding and to respond to issues raised by other parties.

10. Petitioner understands that the Commission, by practice, seeks to have all Intervenor in the case within sixty (60) days after the filing that initiated the proceeding, which in this case occurred on or about March 19, 2007.

For the foregoing reasons, Petitioner respectfully requests that the Commission grant this Petition and confer status as Intervenor in these Proceedings.

Respectfully submitted,

DATE: 4/19/07



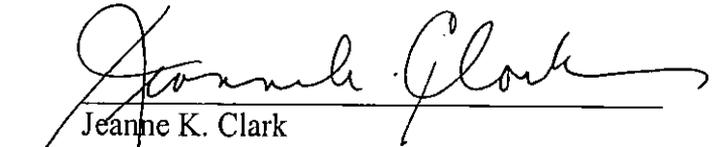
George Jugovic, Jr., Senior Attorney
Pa. Bar Id. No. 39586
Citizens for Pennsylvania's Future
425 Sixth Avenue, Suite 2770
Pittsburgh, Pennsylvania 15219
Phone: 412-258-6684
Fax: 412-258-6685
Jugovic@pennfuture.org

VERIFICATION

I, Jeanne K. Clark, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements made herein are subject to the penalties of 18 Pa.C.S. Section 4907 (relating to unsworn falsification to authorities).

4/19/2007

Date



Jeanne K. Clark
Director of Communications
Citizens for Pennsylvania's Future
425 Sixth Avenue, Suite 2770
Pittsburgh, Pennsylvania 15219
Phone: 412-258-6685

STATEMENT

2007 APR 25 AM 8:33

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served by first class mail, postage prepaid, on the following:

Paul R. Bonney
Andrian D. Newall
PECO Energy Company
2301 Market Street
P.O. Box 8699
Philadelphia, PA 19101-8699

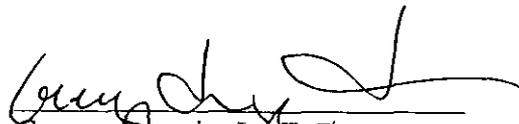
Thomas P. Gadsden
Kenneth M. Kulak
Morgan, Lewis & Bockius LLP
1701 Market Street
Philadelphia, PA 19103-2921

Kenneth L. Mickens, Esq.
Robert V. Eckenrod, Esq.
Office Of Trial Staff
Commonwealth Keystone Building
400 North Street, 3rd Floor West
Harrisburg, PA 17120

Tanya J. McCloskey, Esq.
David T. Evrard, Esq.
Office Of Consumer Advocate
555 Walnut Street
5th Floor Forum Place
Harrisburg, PA 17101-1923

William Lloyd, Esq.
Sharon Webb, Esq.
Office Of Small Business Advocate
Suite 1102, Commerce Building
300 North Second Street
Harrisburg, PA 17101

David Kleppinger, Esq.
McNees, Wallace & Nurick
100 Pine Street
Harrisburg, PA 17108


George Lagovic, Jr., Esq.
Citizens for Pennsylvania's Future
425 Sixth Avenue, Suite 2770
Pittsburgh, Pennsylvania 15219
Phone: 412-258-6685

DATE: 4/19/2007

2007 APR 25 AM 9:33
COMMUNICATIONS UNIT



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Office of Administrative Law Judge
P.O. BOX 3265, HARRISBURG, PA 17105-3265
April 19, 2007

IN REPLY PLEASE
REFER TO OUR FILE

In Re: P-00072260

(SEE ATTACHED LIST)

Petition of PECO Energy Company

For Approval Of (1) A Process To Procure Alternative Energy Credits
During The AEPS Banking Period And (2) A Section 1307 Surcharge And
Tariff To Recover AEPS Costs

N O T I C E

This is to inform you that a Pre-Hearing Conference by
telephone on the above-captioned case will be held as follows:

Date: Friday, May 4, 2007

Time: 10:00 a.m.

Presiding: Administrative Law Judge Marlane R. Chestnut
1302 Philadelphia State Office Building
1400 West Spring Garden Street
Philadelphia, PA 19130
Telephone: 215-560-2105
Fax: 215-560-3133

If you have not provided a current telephone number where
you can be reached for participation in the conference OR YOUR
AREA CODE HAS CHANGED, then you must contact the presiding
officer at least 7 days before the actual conference and provide
the necessary information.

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APR 24 2007

BTL

At the above date and time, the Administrative Law Judge will contact the parties as follows:

Robert V. Eckenrod, Esquire	717-783-6155
Adrian Newall, Esquire	215-841-5974
Tanya McCloskey, Esquire	717-783-5048
Sharon E. Webb, Esquire	717-783-2525
Charis Mincavage, Esquire	717-237-5437

If you are a person with a disability, and you wish to attend the hearing, we may be able to make arrangements for your special needs. Please call the scheduling office at the Public Utility Commission at least (2) two business days prior to your hearing:

- Scheduling Office: 717-787-1399
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1-800-654-5988

pc: Judge Chestnut
Stacy Nolan, Scheduling Officer
Beth Plantz
Docket Section
Calendar File



ORIGINAL

OFFICE OF CONSUMER ADVOCATE

555 Walnut Street, 5th Floor, Forum Place
Harrisburg, Pennsylvania 17101-1923
(717) 783-5048
800-684-6560 (in PA only)

IRWINA. POPOWSKY
Consumer Advocate

FAX (717) 783-7152
consumer@paoca.org

April 20, 2007

James J. McNulty
Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17105-3265

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2007 APR 20 PM 3:35
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SECRETARY'S BUREAU

Re: Petition of PECO Energy Company for
Approval of (1) A Process to Procure Alternative
Energy Credits During the AEPS Banking Period
and (2) A Section 1307 Surcharge and Tariff to
recover AEPS Costs

Docket No. P-00072260

Dear Secretary McNulty:

Enclosed for filing are an original and three (3) copies of the Notice of
Appearance on behalf of the Office of Consumer Advocate, in the above-referenced proceeding.

Copies have been served on the parties of record as indicated on the enclosed
Certificate of Service.

Sincerely,

Christy M. Appleby
Assistant Consumer Advocate
PA Attorney I.D. # 85824

Enclosures

cc: Chief Administrative Law Judge
Office of Special Assistants
Parties of Record

00093673

58

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of PECO Energy Company :
for Approval of (1) A Process to :
Procure Alternative Energy Credits : Docket No. P-00072260
During the AEPS Banking Period and :
(2) A Section 1307 Surcharge and :
Tariff to recover AEPS Costs :

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NOTICE OF APPEARANCE

ORIGINAL

Please enter my appearance in the above-designated matter on behalf of Office of Consumer Advocate. I am authorized to accept service on behalf of said participant in this matter.

X. On the basis of this notice, I request a copy of each document hereafter issued by the Commission in this matter.

____. I am already receiving or have access to a copy of each document issued by the Commission in this matter (alone, or in a consolidated proceeding) and do not on the basis of this notice require an additional copy.

DOCUMENT
FOLDER

Respectfully Submitted,

Christy M. Appleby
Tanya J. McCloskey
Senior Assistant Consumer Advocate
PA Attorney I.D. # 50044
E-Mail: TMcCloskey@paoca.org
Christy M. Appleby
Assistant Consumer Advocate
PA Attorney I.D. # 85824
E-Mail: CAppleby@paoca.org
Counsel for:
Irwin A. Popowsky
Consumer Advocate

Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923
Phone: (717) 783-5048
Fax: (717) 783-7152
Dated: April 20, 2007
00093674

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APR 23 2007

CERTIFICATE OF SERVICE

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PUBLIC
SECRETARY'S BUREAU

Petition of PECO Energy Company :
for Approval of (1) A Process to :
Procure Alternative Energy Credits : Docket No. P-00072260
During the AEPS Banking Period and :
(2) A Section 1307 Surcharge and :
Tariff to recover AEPS Costs :

I hereby certify that I have this day served a true copy of the foregoing document, the Notice of Appearance on behalf of the Office of Consumer Advocate, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 20th day of April 2007.

SERVICE E-MAIL and INTEROFFICE MAIL

Richard Mickens, Esquire
Office of Trial Staff
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17105-3265

Shane Rooney
Law Bureau
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17105-3265

SERVICE BY E-MAIL and FIRST CLASS MAIL

Adrian D. Newall, Esquire
Counsel for PECO Energy Company
2301 Market Street, S23-1
Philadelphia, PA 19103

Roger E. Clark
Sustainable Development Fund
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Philadelphia, PA 19106-1591

Sharon Webb
Assistant Small Business Advocate
Office of Small Business Advocate
Commerce Building, Suite 1102
300 North Second Street
Harrisburg, PA 17101

Richard P. Mather, Esquire
Scott Perry, Esquire
Department of Environmental Protection
Rachel Carson State Office Building
400 Market Street – 9th Floor
Harrisburg, PA 17101-2301

George Jugovic, Jr., Esquire
PennFuture
425 Sixth Avenue, Suite 2779
Pittsburgh, PA 15219-1853

David M. Kleppinger, Esquire
Charis Mincavage, Esquire
McNees Wallace & Nurick, LLP
100 Pine Street
Harrisburg, PA 17108

Eric Epstein
4100 Hillsdale Road
Harrisburg, PA 17112

John Hanger
Penn Future
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Harrisburg, PA 17101

Philip Bertocci, Esquire
Community Legal Services, Inc.
1424 Chestnut Street, 4th Floor
Philadelphia, PA 19102

Daniel Clearfield, Esquire
Kevin Moody, Esquire
Wolf, Block Schorr and Solis-Cohen, LLP
213 Market Street, 9th Floor
P. O. Box 865
Harrisburg, PA 17108-0865

Paul E. Russell, Esquire
PP&L Services Corporation
Two North Ninth Street
Allentown, PA 18101

SERVICE BY FIRST CLASS MAIL

Maureen Mulligan
PV Now
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Shermans Dale, PA 17090

Brent Alderfer
Community Energy/Iberdrola
201 King of Prussia Road, Suite 500
Radnor, PA 19087

Joseph Otis Minott, Esquire
135 South 19th Street
Suite 300
Philadelphia, PA 19103

Daniel Desmond
DEP-OETD
400 Market Street, 16th Floor
Harrisburg, PA 17105-2063



Tanya J. McCloskey
Senior Assistant Consumer Advocate
PA Attorney I.D. # 50044
E-Mail: TMcCloskey@paoca.org
Christy M. Appleby
Assistant Consumer Advocate
PA Attorney I.D. # 85824
E-Mail: CAppleby@paoca.org

Counsel for:
Irwin A. Popowsky
Consumer Advocate
Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923
Phone: (717) 783-5048
Fax: (717) 783-7152
00093353

Legal Department

Exelon Business Services Company
2301 Market Street/S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699

Telephone 215.841.5544
Fax 215.568.3389
www.exeloncorp.com

Business Services
Company

Direct Dial: 215-841-5974

April 30, 2007

VIA FED EX

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APR 30 2007

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd floor
Harrisburg, PA 17120

**Re: Petition to PECO Energy Company for Approval of (1) A Process to Procure
Alternative Energy Credits During the AEPS Banking Period and (2) A
Section 1307 Surcharge and Tariff to Recover AEPS Costs
Docket No. P -00072260**

Dear Mr. McNulty:

Enclosed are an original and three copies of the Reply of PECO Energy Company to New Matter of Office of Small Business Advocate. Kindly file the original of record with your office and acknowledge same by date-stamping and returning the additional copy of this letter in the self-addressed stamped envelope provided.

Thank you for your assistance in this effort.

**DOCUMENT
FOLDER**

Sincerely,



Adrian D. Newall
Assistant General Counsel

ADN/jml
Enclosures

cc Service List

BTL

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ORIGINAL

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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APR 30 2007

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

**PETITION OF PECO ENERGY
COMPANY FOR APPROVAL OF (1) A
PROCESS TO PROCURE
ALTERNATIVE ENERGY CREDITS
DURING THE AEPS BANKING PERIOD
AND (2) A SECTION 1307 SURCHARGE
AND TARIFF TO RECOVER AEPS
COSTS**

DOCKET NO. P-00072260

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MAY 02 2007

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**REPLY OF PECO ENERGY COMPANY TO NEW MATTER OF OFFICE OF SMALL
BUSINESS ADVOCATE**

PECO Energy Company ("PECO" or the "Company") hereby submits the following reply to the new matter of the Office of Small Business Advocate ("OSBA") presented in OSBA's Answer to PECO's *Petition of PECO Energy Company for Approval of (1) A Process to Procure Alternative Energy Credits During the AEPS Banking Period and (2) A Section 1307 Surcharge and Tariff to Recover AEPS Costs* (the "Petition"):

1. Paragraph 27. The averments of Paragraph 27 in OSBA's new matter are conclusions of law to which no response is required; to the extent the averments constitute allegations of fact, they are denied. By way of further response, PECO states that the fact that PECO's Petition is the first to seek Commission approval for procurement of alternative energy credits ("AECs") for banking purposes does not preclude the Commission's determination that PECO's proposed procurement process is sufficiently fair and open and that it will result in reasonable prices for AECs. Indeed, such a determination, without limitation on PECO's ability to recover actual AEC costs, is essential for PECO to proceed with this voluntary procurement.

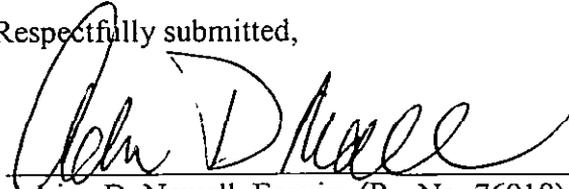
In addition, with respect to establishing a “maximum acceptable bid price,” PECO states that such a cap may cause distortion in the bidding process. Moreover, PECO notes that the Request for Proposal (“RFP”) accompanying the Petition includes provisions to address bid prices that may be excessive. See RFP ¶ 6.3 (providing for Commission approval of final prices); RFP § 7.8 (providing discretion to PECO to not execute alternative energy credit purchase and sale agreements where the costs will result in unreasonably high costs for PECO’s customers).

2. Paragraph 28. The averments of Paragraph 28 in OSBA’s new matter are conclusions of law to which no response is required; to the extent the averments constitute allegations of fact, they are denied, provided, however, that PECO admits that it will not be obtaining title to the electricity associated with AECs under the alternative energy credit purchase and sale agreements entered into with successful bidders.

3. Paragraph 29. The averments of Paragraph 29 in OSBA’s new matter are conclusions of law to which no response is required; to the extent the averments constitute allegations of fact, they are denied.

4. Paragraph 30. The averments of Paragraph 30 in OSBA’s new matter are conclusions of law to which no response is required; to the extent the averments constitute allegations of fact, they are denied, provided, however, that PECO acknowledges that its proposed charge for recovery of all AEC costs is a flat per kWh surcharge which will not vary by customer class.

Respectfully submitted,



Adrian D. Newall, Esquire (Pa. No. 76918)
PECO Energy Company
2301 Market Street
P.O. Box 8699
Philadelphia, PA 19101-8699

Thomas P. Gadsden, Esquire (Pa. No. 28478)
Kenneth M. Kulak, Esquire (Pa. No. 75509)
Morgan, Lewis & Bockius LLP
1701 Market Street
Philadelphia, PA 19103-2921

For PECO Energy Company

April 30, 2007

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PETITION OF PECO ENERGY :
COMPANY FOR APPROVAL OF (1) A :
PROCESS TO PROCURE :
ALTERNATIVE ENERGY CREDITS : DOCKET NO. P-00072260
DURING THE AEPS BANKING PERIOD :
AND (2) A SECTION 1307 SURCHARGE :
AND TARIFF TO RECOVER AEPS :
COSTS :

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APR 30 2007

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a true copy of the enclosed Reply of PECO Energy Company to New Matter of Office of Small Business Advocate upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Service by Federal Express, postage prepaid, addressed as follows:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd floor
Harrisburg, PA 17120

Service by First Class Mail, postage prepaid, addressed as follows:

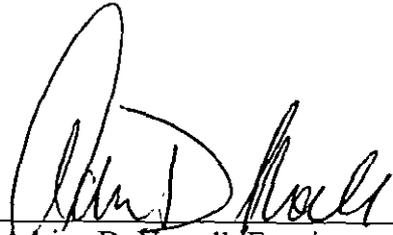
Johnnie Simms, Esquire
Robert V. Eckenrod, Esquire
Pennsylvania Public Utility Commission
Office of Trial Staff
P.O. Box 3265
Harrisburg, PA 17105-3265

Tanya McCloskey, Esquire
Office of Consumer Advocate
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Sharon E. Webb, Esquire
Lauren M. Lepkoski, Esquire
Office of Small Business Advocate
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Harrisburg, PA 17101

David M. Kleppinger, Esquire
Charis Mincavage, Esquire
McNees Wallace & Nurick LLC
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166

Dated: April 30, 2007



Adrian D. Newall, Esquire
Counsel for PECO Energy Company
2301 Market Street; S23-1
Philadelphia, PA 19103
(215) 841-5974
adrian.newall@exeloncorp.com



McNees Wallace & Nurick LLC
attorneys at law

ORIGINAL

CHARIS MINCAVAGE
DIRECT DIAL: (717) 237-5437
E-MAIL ADDRESS: CMINCAVAGE@MWN.COM

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SECRETARY'S BUREAU

May 2, 2007

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
The Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

VIA HAND DELIVERY

Re: Petition of PECO Energy for Approval of (1) A Process to Procure Alternative Energy Credits During the AEPS Banking Period, and (2) A Section 1307 Surcharge and Tariff to Recover AEPS Costs; Docket No. P-00072260

Dear Secretary McNulty:

Enclosed for filing with the Pennsylvania Public Utility Commission, please find the original and three (3) copies of the Prehearing Memorandum of the Philadelphia Area Industrial Energy Users Group ("PAIEUG") in the above-referenced proceeding.

As indicated on the attached Certificate of Service, all parties to this proceeding are being duly served. Please date stamp the extra copy of this transmittal letter and Petition, and kindly return to us for our filing purposes. Thank you.

Very truly yours,

McNEES WALLACE & NURICK LLC

By 
Charis Mincavage
Barry A. Naum

Counsel to the Philadelphia Area
Industrial Energy Users Group

**DOCUMENT
FOLDER**

CM/lhi

Enclosures

c: Administrative Law Judge Marlane R. Chestnut (via e-mail and first class mail)
Certificate of Service

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2007 MAY -2 AM 10:19
SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PETITION OF PECO ENERGY COMPANY :
FOR APPROVAL OF (1) A PROCESS TO :
PROCURE ALTERNATIVE ENERGY :
CREDITS DURING THE AEPS BANKING :
PERIOD AND (2) A SECTION 1307 :
SURCHARGE AND TARIFF TO RECOVER :
AEPS COSTS :

DOCKET NO. P-00072260

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**PREHEARING MEMORANDUM OF THE PHILADELPHIA AREA
INDUSTRIAL ENERGY USERS GROUP**

As requested in Administrative Law Judge ("ALJ") Marlane R. Chestnut's Prehearing Order of April 19, 2007, the Philadelphia Area Industrial Energy Users Group ("PAIEUG") hereby submits this Prehearing Memorandum.

I. HISTORY OF THE PROCEEDING

On March 19, 2007, PECO Energy Company ("PECO" or "Company") filed with the Pennsylvania Public Utility Commission ("PUC" or "Commission") a Petition ("Petition") for approval of the Company's voluntary procurement of non-solar Tier 1 Alternative Energy Credits ("AECs") under the banking provision of the Alternative Energy Portfolio Standards Act ("AEPS" or "Act 213"). As part of its Petition, PECO also seeks approval of its proposed Request For Proposal ("RFP") process, which will be used by the Company to acquire these AECs during the banking period. In addition, the Company requests Commission authorization to implement a Section 1307 surcharge, in order recover the costs of this procurement, pursuant to 73 Pa. C.S. 1648.1, et seq., and 66 Pa. C.S. §§ 1307 and 1308.

On April 5, 2007, PAIEUG filed a Petition to Intervene in this proceeding. A description of PAIEUG is set forth in Paragraph 4 of the Petition to Intervene. At this time, ALJ Chestnut's determination of PAIEUG's Petition to Intervene remains outstanding.

II. ANTICIPATED ISSUES AND SUB-ISSUES

Because PECO's request for approval of its plan to purchase and bank AECs under AEPS is the first such filing in the Commonwealth, this proceeding presents the Commission with important issues that will impact PECO ratepayers, including PAIEUG members. Specifically, although the Company estimates the cost of the Section 1307 surcharge to be in the vicinity of \$0.0011 per kWh, the final cost of PECO's procurement plan remains to be determined. Further, PECO has requested a six percent interest rate on the costs of AECs procured and banked under its proposal; however, the reasonableness of this request remains in question. Finally, the PUC has not finalized either Provider of Last Resort ("POLR") or AEPS regulations, thereby questioning whether PECO's proposal will conform to final POLR and AEPS regulations.

PAIEUG anticipates pursuing these issues during this proceeding, and PAIEUG reserves the right to raise further issues and to respond to all issues raised by other parties.

III. PROPOSED WITNESSES

At this time, PAIEUG is still considering whether to submit testimony in this proceeding. Once PAIEUG reaches such a decision, PAIEUG will inform the ALJ and the other parties as to the identity of this witness and the topics the witness will address. PAIEUG also intends to participate in this proceeding through the submission of discovery, cross-examination of other parties' witnesses, and the submission of briefs, exceptions and reply exceptions, if necessary.

IV. PROPOSED SCHEDULE AND DISCOVERY RULES

PAIEUG will cooperate with the ALJ and the parties at the Prehearing Conference to develop an appropriate procedural schedule and discovery rules in accordance with the Commission's regulations and any ALJ directives.

V. POSSIBILITY OF SETTLEMENT

PAIEUG is willing to participate in discussions with the other parties to amicably resolve the issues in this proceeding.

Respectfully submitted,

McNEES WALLACE & NURICK LLC

By 

David M. Kleppinger (I.D. No. 32091)

Charis Mincavage (I.D. No. 82039)

Barry A. Naum (I.D. No. Pending)

100 Pine Street

P.O. Box 1166

Harrisburg, PA 17108-1166

Phone: (717) 232-8000

Fax: (717) 237-5300

Counsel to the Philadelphia Area Industrial
Energy Users Group

Dated: May 2, 2007

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a true copy of the foregoing document upon the participants listed below in accordance with the requirements of Section 1.54 (relating to service by a participant).

VIA E-MAIL AND FIRST-CLASS MAIL

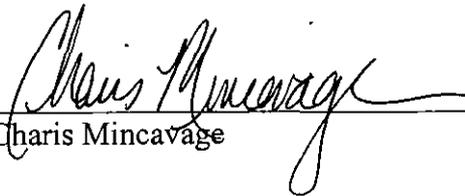
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Charis Mincavage

Dated this 2nd day of May, 2007 in Harrisburg, Pennsylvania.

RECEIVED
2007 MAY -2 AM 10:20
SECRETARY'S BUREAU



OFFICE OF SMALL BUSINESS ADVOCATE
Suite 1102, Commerce Building
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2007 MAY -2 PM 3:18
SECRETARY'S OFFICE
(717) 783-2525
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William R. Lloyd, Jr.
Small Business Advocate

May 2, 2007

E-mail and First Class Mail

Hon. Marlane R. Chestnut
Administrative Law Judge
Pa. Public Utility Commission
Rm. 1302, Philadelphia State Office Building
1400 West Spring Garden Street
Philadelphia, PA 19130

**DOCUMENT
FOLDER**

**Re: Petition of PECO Energy Company for Approval of (1) A Process to Procure Alternative Energy Credits During the AEPS Banking Period and (2) A Section 1307 Surcharge and Tariff to Recover AEPS Costs
Docket No. P-00072260**

Dear Judge Chestnut:

Enclosed are two copies of the Prehearing Memorandum on behalf of the Office of Small Business Advocate in the above-captioned proceeding.

As evidenced by the enclosed certificate of service, all parties have been served as indicated.

Sincerely,

Sharon E. Webb
Assistant Small Business Advocate
Attorney ID No. 73995

Enclosures

cc: ✓ James J. McNulty, Secretary

Parties of Record

Brian Kalcic

BTL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of PECO Energy Company :
For Approval of (1) a Process to Procure :
Alternative Energy Credits During the : Docket No. P-00072260
AEPS Banking Period and (2) a Section :
1307 Surcharge and Tariff to Recover :
AEPS Costs :

**OFFICE OF SMALL BUSINESS ADVOCATE
PREHEARING MEMORANDUM**

I. INTRODUCTION

The Office of Small Business Advocate (“OSBA”) is authorized to represent the interests of small business customers of utility services before the Pennsylvania Public Utility Commission pursuant to the provisions of the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 – 399.50 (“the Act”). In order to discharge this statutory duty, the Small Business Advocate deems it necessary to participate as a party to this proceeding. Representing the OSBA in this matter are Assistant Small Business Advocates Sharon E. Webb and Lauren M. Lepkoski. Please address all correspondence in this matter as follows:

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Lauren M. Lepkoski
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II. FILING BACKGROUND

The PECO Energy Company (“PECO or Company”) filed a Petition on March 19, 2007, seeking Commission approval of (1) a process to purchase and bank alternative energy credits (“AECs”) during the rate cap period and (2) a Section 1307(f) surcharge and tariff to recover the associated costs (“Petition”). In its filing, PECO requests the Commission’s approval of the Petition, pursuant to the Alternative Energy Portfolio Standards Act of 2004, 73 Pa. C.S. § 1648.1 through 1648.8 (“AEPS Act”).

The OSBA filed a Notice of Intervention and Answer on April 9, 2007.

II. IDENTIFICATION OF WITNESSES AND TENTATIVE ISSUES

Assisting in the development and presentation of the OSBA’s case in this proceeding will be:

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The OSBA will participate in the case to assure that the interests of small business customers of the Company are adequately represented and protected.

As appropriate and necessary, the OSBA will investigate and analyze the claims and proposals of the Company and other parties through discovery, through cross-examination of witnesses appearing for those parties, and through briefing. The OSBA will particularly focus on any issue where the impact on the interests of the Company’s small business consumers would be unjustifiably different than or disproportionate to the

impact on another class of customers, or otherwise lacking in reasonableness or basic fairness.

The Petition raises several issues of concern that may require the Commission to reject it or to approve it only after significant modification. These issues include:

- a. Whether the Commission should establish a maximum acceptable bid price and require that PECO either reject all bids to provide AECs above that price or forego the recovery of any amounts paid for AECs above that price;
- b. Whether Section 3(e)(7) of the AEPS Act permits the banking of AECs purchased during the rate cap period for electricity which is not sold either by PECO or another Pennsylvania electric distribution company;
- c. Whether, consistent with the AEPS Act, there is some opportunity to mitigate the impact on 2011 rates caused by recovering all of the costs associated with the banked AECs in one year; and
- d. Whether PECO's proposal will result in interclass subsidization.

The OSBA reserves the right to pursue additional issues as they arise throughout the proceeding.

IV. SERVICE OF DOCUMENTS

The OSBA requests that all parties serve a hard copy of any document filed in this case upon the OSBA and the OSBA witness identified above. In addition to hard copies of pleadings, briefs, and exceptions, the OSBA requests hard copies of responses to discovery propounded by the OSBA or any other party. Service by electronic mail only is not acceptable.

V. SETTLEMENT

The OSBA notes its willingness to enter into settlement discussions at the appropriate phase of this proceeding.

VI. HEARING AND BRIEFING SCHEDULE

The OSBA will cooperate with other parties to develop a procedural schedule.

Respectfully submitted,



Sharon E. Webb
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Attorney ID # 73995

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Dated: May 2, 2007

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of PECO Energy Company for Approval :
of (1) A Process to Procure Alternative Energy :
Credits during the AEPS Banking Period and : DOCKET NO. P-00072260
(2) A Section 1307 Surcharge and Tariff :
to Recover AEPS Costs :

CERTIFICATE OF SERVICE

I certify that I am serving two copies of the Prehearing Memorandum, on behalf of the Office of Small Business Advocate, in the above-captioned proceeding, by e-mail and first class mail (unless otherwise indicated) upon the persons addressed below:

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Date: May 2, 2007



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ORIGINAL

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MAY 03 2007

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

May 2, 2007

VIA FEDERAL EXPRESS

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Commonwealth Keystone Building
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Harrisburg, PA 17105-3265

RE: Petition Of PECO Energy Company For Approval of (1) A Process to Procure Alternative Energy Credits During the AEPS Banking Period And (2) A Section 1307 Surcharge and Tariff to Recover AEPS Costs, Docket No. P-00072260

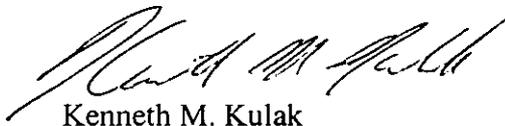
Dear Secretary McNulty:

Enclosed for filing please find an original and three copies of an Entry of Appearance for myself and Thomas P. Gadsden as co-counsel on behalf of PECO Energy Company, pursuant to 52 Pa. Code. § 1.54.

Also enclosed is an additional copy of this filing which we request that you time and date stamp as proof of filing and return to us in the envelope provided.

If you have any questions, please contact me at (215) 963-5384.

Respectfully submitted,


Kenneth M. Kulak

**DOCUMENT
FOLDER**

Enclosure

c: The Honorable Marlane R. Chestnut
Certificate of Service

63

ORIGINAL

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition Of PECO Energy Company
For Approval of (1) A Process to
Procure Alternative Energy Credits
During the AEPS Banking Period and
(2) A Section 1307 Surcharge and
Tariff to Recover AEPS Costs**

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DOCKET NO. P-00072260

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MAY 02 2007

**PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU**

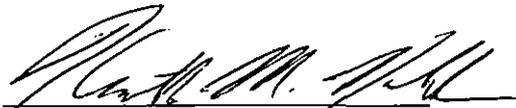
ENTRY OF APPEARANCE

To The Secretary:

Kindly enter my appearance as co-counsel on behalf of Petitioner PECO Energy
Company in the above captioned matter.

**DOCUMENT
FOLDER**

Respectfully Submitted,



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May 2, 2007

DOCKETED
MAY 4 - 2007

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition of PECO Energy Company for
Approval of (1) A Process to Procure
Alternative Energy Credits During the
AEPS Banking Period and (2) A Section
1307 Surcharge and Tariff to Recover
AEPS Costs**

Docket No. P-00072260

RECEIVED

MAY 02 2007

CERTIFICATE OF SERVICE

**PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU**

I hereby certify that I have this day served copies of the Entries of Appearance of
Kenneth M. Kulak and Thomas P. Gadsden upon the persons and in the manner indicated below
in accordance with the requirements of 52 Pa. Code §1.54.

VIA ELECTRONIC AND FIRST CLASS MAIL

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