**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PPL Electric Utilities for Approval :

of its Act 129 Phase III Energy Efficiency and : M-2015-2515642

Conservation Plan :

**SCHEDULING ORDER**

The Commission's Order in docket no. M-2014-2424864, entered June 19, 2015, requires each electric distribution company to file a plan in Phase III of the Act 129 Energy Efficiency and Conservation Plan (EE&C) series. *Energy Efficiency and Conservation Program,* Docket No. M-2014-2424864 (*Implementation Order* entered June 19, 2015).

On November 30, 2015, PPL Electric Utilities Corporation (PPL Electric or Petitioner) filed with the Pennsylvania Public Utility Commission(Commission) its Petition for Approval of its Act 129 Phase III Energy Efficiency and Conservation Plan, asking that the Commission approve the Energy Efficiency and Conservation Plan (EE&C Plan), which is designed to reduce energy consumption and demand in its service territory in accordance with the requirements of Act 129, 66 Pa.C.S.A.§2806.1, and the *Implementation Order*.

The *Implementation Order* sets up the litigation process to be followed. The *Implementation Order* requires publication of notice of the filing, which was accomplished on December 12, 2015, 45 Pa.B. 7078, and set a 20-day deadline for answers with comments and recommendations. Hearings must be held before the 65th day following the filing of the plan, and briefing is to be 10 days after the hearing. The Company has the following ten days to file a revised plan, reply comments or both, and then I will certify the record to the Commission's Office of Special Assistants for preparation of a Commission order. The Commission Order approving or rejecting the plan, in full or in part, is to be adopted within 120 days of the filing of the plan, which from the November 30th filing day, is March 31st.

On December 8, 2015, notice was issued for the prehearing conference set for January 5, 2016 and listed me as the assigned administrative law judge (ALJ). On December 18, 2015, I issued a prehearing order which set forth some of the requirements for participation in a formal proceeding before the Commission, and which included a schedule which would be imposed should an alternative schedule not be presented by party consensus.

On December 10, 2015, the Office of Consumer Advocate (OCA) filed its notice of intervention and public statement, and the Office of Small Business Advocate (OSBA) filed its notice of intervention, public statement and notice of appearance.

On December 11. 2015, PPL Electric filed corrected tables to its Plan.

On December 17, 2015, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) filed its petition to intervene

On December 21, 2015, the Sustainable Energy Fund (SEF) filed its petition to intervene and notice of appearance.

On December 22, 2015, the Commission on Economic Opportunity filed its petition to intervene.

On December 31, 2015, Wal-Mart Stores East and Sam's East, Inc. (Walmart) filed its petition to intervene. Also on that date, CAUSE-PA filed its prehearing memo and letter in lieu of comments.

On January 4, 2016: (1) Nest Labs, Inc., filed its petition to intervene, comments and prehearing memo; (2) the Retail Energy Supply Association (RESA) filed its petition to intervene, comments and prehearing memo; (3) PP&L Industrial Customer Alliance (PPLICA) filed its petition to intervene, answer, comments, and prehearing memo; and (4) OSBA filed its Answer and prehearing memo.

Prehearing memos were also filed by PPL Electric, CEO, OCA (plus comments), SEF (plus comments) and Walmart.

The prehearing conference was held as scheduled, with the following attorneys present: on behalf of PPL Electric, David B. MacGregor, Esq., Paul E. Russel, Esq., Devin T. Ryan, Esq., and Kimberly A. Klock, Esq.; on behalf of OCA, Amy Hirakis, Esq.; on behalf of OSBA, Elizabeth Rose Triscari, Esq.; on behalf of Walmart, Barry A. Naum, Esq.; on behalf of CEO, Joseph Vullo, Esq.; on behalf of CAUSE-PA, Elizabeth Marx, Esq.; on behalf of PPLICA, Adeolu Bakare, Esq.; on behalf of RESA, Sarah Stoner, Esq.; on behalf of SEF, Micah R. Bucy, Esq., and Judith Cassel, Esq.; and, on behalf of Nest Labs, Inc., Scott H. DeBroff, Esq.

The parties agreed to shorten the discovery response time to ten (10) days, and for discovery after January 12, 2016, to seven (7) calendar days. Additional shortened time periods are also included, and parties responding to discovery and filing discovery-related motions or answers are cautioned to pay attention to these modifications in the ordering paragraphs, below.

The parties agreed upon a litigation schedule, which is adopted in the ordering paragraphs below. In addition, the parties agreed to slight modifications to the common briefing outline, attached to this Scheduling Order as Appendix A. While there is no requirement that the parties file briefs, those who do file briefs are required to follow the common outline. Note that there is no requirement that all topics be addressed by all briefing parties, but the parties should adhere to the numbering in the common outline and indicate that topics not addressed are skipped.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the petitions to intervene of the following parties are granted: the Commission on Economic Opportunity, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania, Nest Labs, Inc., the PP&L Industrial Customer Alliance, the Retail Energy Supply Association, the Sustainable Energy Fund, and Wal-Mart Stores East and Sam's East, Inc.

2. That the following litigation schedule is adopted:

Due Date

Other parties' direct January 12, 2016

Settlement discussion January 14, 2016

Rebuttal testimony January 25, 2016

Hearing January 29, 2016

Main briefs February 16, 2016

Reply comment/revised plan February 18, 2016

Record certification February 19, 2016

3. That the Commission's regulations regarding discovery are modified as follows:

A. Answers to written interrogatories shall be served in-hand within ten (10) calendar days of service of the interrogatories. Answers to written interrogatories served after January 12, 2016 shall be served in-hand within seven (7) calendar days of service of the interrogatories.

B. Objections to interrogatories shall be communicated orally within three (3) days of service; unresolved objections shall be served to the ALJ in writing within five (5) days of service of interrogatories.

C. Motions to dismiss objections and/or direct the answering of interrogatories shall be filed within three (3) days of service or written objections.

D. Answers to motions to dismiss objections and/or direct the answering of interrogatories shall be filed within three (3) days of service of such motions.

E. Requests for admissions will be deemed admitted unless answered within ten (10) calendar days or objected to within five (5) calendar days of service of the requests.

F. Discovery served after 12:00 PM on a Friday will be deemed to have been served on the following business day.

G. Discovery due dates are "in-hand." Electronic or fax service on the due date will satisfy the "in-hand" requirement, where such service is immediately followed by a hard copy sent by first-class mail.

6. That discovery disputes may be resolved via telephone conference with the presiding officer without need of a motion to compel, although the propounding party may choose to file a formal motion to compel.

7. Testimony shall be served but not filed.

8. Three days prior to the start of the evidentiary hearings, the Complainant shall provide a completed daily witness listing and cross-examination grid to the presiding officer. Parties shall complete the daily witness listing and cross-examination grid as developed by the Company.

9. Briefs must comply with 52 Pa. Code §§ 5.501 and 5.502, and shall

follow the common briefing outline, attached to this Scheduling Order as Appendix A. The numbering for sections not addresses by a party shall be included and marked as "not addressed." (For example: "V.A.2. Not addressed.")

10. All parties 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 case-in-chief or which substantially varies from the case-in-chief, unless the evidence is introduced in support of a proposed settlement.

Dated: January 7, 2016 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Susan D. Colwell

Administrative Law Judge

**M-2015-2515642 - PETITION OF PPL ELECTRIC UTILITIES CORPORATION FOR APPROVAL OF ITS ACT 129 PHASE III ENERGY EFFICIENCY & CONSERVATION PLAN.**

***Revised 1/6/16***

PAUL E RUSSELL ESQUIREKIMBERLY A KLOCK ESQUIRE

PPL ELECTRIC UTILITIES CORPORATION2 NORTH NINTH STREETALLENTOWN PA 18101**610-774-4254*Accepts e-Service***

DAVID B MACGREGOR ESQUIREPOST & SCHELL PCFOUR PENN CENTER1600 JOHN F KENNEDY BOULEVARDPHILADELPHIA PA 19103-2808**215-587-1197**

DEVIN T RYAN ESQUIREPOST & SCHELL PC17 NORTH 2ND STREET12TH FLOORHARRISBURG PA 17101-1601**717-612-6052*Accepts e-Service***

AMY E HIRAKIS ESQUIRE

OFFICE OF CONSUMER ADVOCATE5TH FLOOR FORUM PLACE555 WALNUT STREETHARRISBURG PA 17101**717-783-5048**

ELIZABETH ROSE TRISCARI ESQUIREOFFICE OF SMALL BUSINESS ADVOCATE300 NORTH SECOND STREET SUITE 202HARRISBURG PA 17101**717-783-2525**

PATRICK CICERO ESQUIREELIZABETH R MARX ESQUIRE

PA UTILITY LAW PROJECT118 LOCUST STREETHARRISBURG PA 17101**717-236-9486***(For CAUSE-PA)*

***Accepts e-Service***

JOSEPH L VULLO ESQUIREBURKE VULLO REILLY ROBERTS

1460 WYOMING AVENUEFORTY FORT PA 18704**570-288-6441***(For Commission on Economic Opportunity)*

***Accepts e-Service***

DERRICK PRICE WILLIAMSON ESQUIRE

BARRY A NAUM *ESQUIRE*

*SPILMAN* THOMAS & BATTLE PLLC1100 BENT CREEK BOULEVARD SUITE 101MECHANICSBURG PA 17050**717-795-2740***(For Wal-Mart Stores East LP & Sam’s East Inc.)*

***Accepts e-Service***

MICAH R BUCY ESQUIRE

JUDITH D CASSEL ESQUIREHAWKE MCKEON AND SNISCAK LLP100 N TENTH STHARRISBURG PA 17101**717-236-1300***(Sustainable Energy Fund of Central Eastern PA)*

***Accepts e-Service***

ADEOULE A BAKARE ESQUIRE

MCNEES WALLACE & NURICK100 PINE STREETPO BOX 1166HARRISBURG PA 17108-1166**717.237.5368**

*(For PPLICA)*

***Accepts e-Service***

SARAH C STONER ESQUIREECKERT SEAMANS

SCOTT DEBROFF ESQUIRETUCKER ARENSBERG PC2 LEMOYNE DRIVE SUITE 200LEMOYNE PA 17043

*(For Nest Labs Inc)*

213 MARKET STREET 8TH FLOORHARRISBURG PA 17101**717-237-6026***(For RESA)*

**APPENDIX A**

**Act 129**

**Generic Outline of Briefs**

1. Introduction
2. Procedural History
3. Description of EDC Plan
4. Legal Standards
5. Summary of Argument
6. Argument

A. Act 129 Conservation and Demand Reduction Requirements

1. Overall Conservation Requirements

2. Overall Demand Reduction Requirements

1. Requirements for a Variety of Programs Equitably Distributed
2. Government/Non-Profit Requirement
3. Low Income Program Requirements
4. Comprehensive Program Requirements
5. Issues Relating to Individual Conservation and Demand Reduction Programs
   1. Residential
   2. Commercial
   3. Industrial
6. Proposals for Improvement of EDC Plan
   1. Residential
   2. Commercial
   3. Industrial
7. Cost Issues

1. Plan Cost Issues

2. Cost Effectiveness/Cost-Benefit Issues

3. Cost Allocation Issues

4. Cost Recovery Issues

1. CSP Issues
2. Implementation and Evaluation Issues
   1. Implementation Issues
   2. QA Issues
   3. Monitoring and Reporting Issues
   4. Evaluation Issues
3. Other Issues
4. Conclusion
5. Proposed Ordering Paragraphs