**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PPL Electric Utilities :

Corporation for Approval of a Default :

Service Program and Procurement : P-2016-2526627

Plan for the Period June 1, 2017 :

Through May 31, 2021 :

**SCHEDULING ORDER**

**SECOND PREHEARING ORDER**

On January 29, 2016, PPL Electric Utilities Corporation (PPL Electric or Petitioner or Company) filed its Petition for approval of its default service program and procurement plan for the period June 1, 2017 through May 31, 2021 (Petition), along with the direct testimony of its witnesses.

Notice of the Petition was published in the *Pennsylvania Bulletin* on Saturday, February13, 2016, 46 Pa.B. 836, which set February 29, 2016, as the deadline for the filing of protests, petitions to intervene and answers. The publication also stated that the prehearing conference in the case was set for Wednesday, March 9, 2016 and that the case had been assigned to me.

On February 18, 2016, the Commission's Bureau of Investigation & Enforcement (I&E) filed a notice of appearance. On February 29, 2016, the Office of Consumer Advocate (OCA) and the Office of Small Business Advocate (OSBA) each filed its Notice of Intervention and Answer.

Timely petitions to intervene were filed as follows: on February 26, 2016, by NextEra Energy Power Marketing, LLC; on February 29, 2016, the Sustainable Energy Fund of Central Eastern Pennsylvania (SEF), the PP&L Industrial Customer Alliance (PPLICA), and Noble Americas Energy Solutions LLC (NAES). Additional petitions to intervene were filed on March 3, 2016, by the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA), and by Exelon Generation Company, LLC, and on March 4, 2016 by the Retail Energy Supply Association (RESA). There were no objections to any of the petitions to intervene, and all will be granted in the ordering paragraphs below.

All parties filed prehearing memoranda.

The prehearing conference was held as scheduled with the following in attendance: for PPL Electric, Paul E. Russell, Esq., Michael W. Hassell, Esq., Christopher T. Wright, Esq., and Kimberly A. Klock, Esq. On behalf of the OCA, Brandon Pierce, Esq.; on behalf of the OSBA, Steven C. Gray, Esq.; on behalf of I&E, Gina L. Lauffer, Esq.; on behalf of the SEF, Kenneth L. Mickens, Esq.; on behalf of CAUSE-PA, Elizabeth Marx; on behalf of PPLICA, Alessandra Hylander, Esq.; on behalf of RESA, Sarah Stoner, Esq.; on behalf of NextEra, Todd S. Stewart, Esq.; on behalf of NAES, Charles E. Thomas, III, Esq.; and on behalf of Ex Gen, H. Rachel Smith, Esq.

The parties anticipate that they will need a protective order and will circulate and submit a motion.

The litigation schedule was agreed upon as follows:

|  |  |  |
| --- | --- | --- |
| March 9, 2016 |  | Pre-Hearing Conference |
| April 20, 2016 |  | Opposing Party Testimony |
| May 23, 2016 |  | Rebuttal Testimony |
| June 3, 2016 |  | Surrebuttal Testimony |
| June 16-17, 2016 |  | Oral Rejoinder and Hearings |
| July 8, 2016 |  | Initial Briefs |
| July 19, 2016 |  | Reply Briefs |

From time to time, contact by email is used during the regular course of a proceeding. The following list will be used:

PPL Electric Utilities Corporation [dmacgregor@postschell.com](mailto:dmacgregor@postschell.com)

[mhassell@postschell.com](mailto:mhassell@postschell.com)

[cwright@postschell.com](mailto:cwright@postschell.com)

[perussell@pplweb.com](mailto:perussell@pplweb.com)

[kklock@pplweb.com](mailto:kklock@pplweb.com)

Office of Consumer Advocate [CAppleby@paoca.org](mailto:CAppleby@paoca.org)

[DEvrard@paoca.org](mailto:DEvrard@paoca.org)

[BPierce@paoa.org](mailto:BPierce@paoa.org)

[ABeatty@paoca.org](mailto:ABeatty@paoca.org)

Office of Small Business Advocate [sgray@pa.gov](mailto:sgray@pa.gov)

Bureau of Investigation & Enforcement [ginlauffer@pa.gov](mailto:ginlauffer@pa.gov)

CAUSE – PA [pulp@palegalaid.net](mailto:pulp@palegalaid.net)

PP&L Industrial Customer Alliance [ppolacek@mwn.com](mailto:ppolacek@mwn.com)

[abakare@mwn.com](mailto:abakare@mwn.com)

[ahylander@mwn.com](mailto:ahylander@mwn.com)

Retail Energy Supply Association [dclearfield@eckertseamans.com](mailto:dclearfield@eckertseamans.com)

[dodell@eckertseamans.com](mailto:dodell@eckertseamans.com)

[sstoner@eckertseamans.com](mailto:sstoner@eckertseamans.com)

Noble Americas Energy Solutions LLC [cet3@tntlawfirm.com](mailto:cet3@tntlawfirm.com)

Exelon Generation Company, LLC [Holly.smith@exeloncorp.com](mailto:Holly.smith@exeloncorp.com)

Sustainable Energy Fund [kmickens11@verizon.net](mailto:kmickens11@verizon.net)

NextEra Energy Power Marketing LLC [tsstewart@hmslegal.com](mailto:tsstewart@hmslegal.com)

The parties also agreed to the usual modifications to the discovery rules, which are memorialized in the ordering paragraphs of this Order.

Parties are reminded answers to interrogatories relied upon in briefs must *first* be properly admitted to the record at the evidentiary hearing, a process which includes proper authentication.

Parties are cautioned that they are expected to develop and adhere to a common outline for briefing.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the petitions to intervene filed by NextEra Energy Power Marketing, LLC, the Sustainable Energy Fund of Central Eastern Pennsylvania, the PP&L Industrial Customer Alliance (PPLICA), and Noble Americas Energy Solutions LLC (NAES), the Coalition for Affordable Utility Services and Energy Efficiency in, Exelon Generation Company, LLC, and the Retail Energy Supply Association (RESA) are granted as unopposed.

2. That the following litigation schedule is adopted:

|  |  |  |
| --- | --- | --- |
| March 9, 2016 |  | Pre-Hearing Conference |
| April 20, 2016 |  | Opposing Party Testimony |
| May 23, 2016 |  | Rebuttal Testimony |
| June 3, 2016 |  | Surrebuttal Testimony |
| June 16-17, 2016 |  | Oral Rejoinder and Hearings |
| July 8, 2016 |  | Initial Briefs |
| July 19, 2016 |  | Reply Briefs |

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

a. Answers to written interrogatories served prior to the due date for rebuttal testimony shall be in-hand within ten (10) calendar days of service of the interrogatories.

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

c. Motion to dismiss objections and/or direct the answering of interrogatories shall be filed within three (3) days of service of 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. Responses to requests for document production, entry for inspection, or other purposes shall be served in-hand within ten (10) calendar days.

f. Requests for admission be deemed admitted unless answered within ten (1) days or objected to within five (5) days of service.

g. Discovery served after 12:00 noon on a Friday or after 12:00 pm on any business day preceding a state holiday will be deemed to be served on the next business day.

h. Discovery-related pleadings, i.e., objections, motions, answers to same, served on a Friday or on any business day preceding a state holiday will be deemed served on the next business day.

4. That due dates are in-hand, service of discovery requests, testimony, exhibits and briefs may be by electronic means on the due date if transmission occurs before

4:00 pm and hard copies follow, unless otherwise noted in the litigation schedule. Oversize exhibits or photos or attachments may be served by hard copy only but must be sent by overnight mail if the submission is sent electronically on the due date. Discovery served after 4:00 pm shall be deemed to be served the following business day.

5. Testimony shall be premarked with numerical, sequential statement numbers. All statements must list on the cover sheet the issues addressed in the statement. The Company shall provide a separate list for the testimony which was already served by the date of the filing’s suspension.

6. Testimony shall be served but not filed.

7. That a copy of any document filed with the Secretary or submitted shall be sent directly to the presiding officer. The correct address is: Administrative Law Judge Susan D. Colwell, Office of Administrative Law Judge, P.O. Box 3265, Harrisburg PA 17105-3265; [scolwell@pa.gov](mailto:scolwell@pa.gov).

8. One week prior to the start of the evidentiary hearings, the Company 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 in a cooperative and timely fashion.

9. 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.

10. Briefs must comply with 52 Pa. Code §§ 5.501 and 5.502, and shall comply with the common outline to be developed in this matter.

Dated: March 9, 2016 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Susan D. Colwell

Administrative Law Judge

**P-2016-2526627 – PETITION OF PPL ELECTRIC UTILITIES CORPORATION**

***Revised 3/9/16***

PAUL E RUSSELL ESQUIRE

KIMBERLY A KLOCK ESQUIRE

PPL SERVICES CORPORATION

TWO NORTH NINTH STREET

ALLENTOWN PA 18101

***Accepts e-Service***

DAVID B MACGREGOR ESQUIRE

**\***MICHAEL W HASSELL ESQUIRE

**\***CHRISTOPHER T WRIGHT ESQUIRE

POST & SCHELL

17 N SECOND ST 12TH FL

HARRISBURG PA 17101-1601

**\**Accepts e-Service***

AARON J BEATTY ESQUIRE

BRANDON J PIERCE

CHRISTY APPLEBY ESQUIRE

DAVID EVRARD ESQUIRE

OFFICE OF CONDUMER ADVOCATE

555 WALNUT STREET

5TH FLOOR FORUM PLACE

HARRISBURG PA 17101-1923

***Accepts e-Service***

STEVEN C GRAY ESQUIRE

OFFICE OF SMALL BUSINESS ADVOCATE

300 N SECOND ST SUITE 1102

HARRISBURG PA 17101

GINA L LAUFFER ESQUIRE

PA PUC BUREAU OF INVESTIGATION & ENFORCEMENT

PO BOX 3265

HARRISBURG PA 17105-3265

***Accepts e-Service***

PAMELA C POLACEK ESQUIRE

ADEOLE A BAKARE ESQUIRE

ALESSANDRA L HYLANDER ESQUIRE

MCNEES WALLACE & NURICK

100 PINE STREET

PO BOX 1166

HARRISBURG PA 17108-1166

***Accepts e-Service***

*(FOR PPLICA)*

DANIEL CLEARFIELD ESQUIRE

DEANNE M O’DELL ESQUIRE

SARAH C STONER ESQUIRE

ECKERT SEAMANS CHERIN & MELLOTT

213 MARKET STREET 8TH FL

HARRISBURG PA 17101

***Accepts e-Service***

*(FOR RESA)*

KENNETH L MICKENS ESQUIRE

THE SUSTAINABLE ENERGY FUND

OF CENTRAL EASTERN PA

316 YORKSHIRE DRIVE

HARRISBURG PA 17111

***Accepts e-Service***

*(FOR SUSTAINABLE ENERGY FUND)*

THOMAS J SNISCAK ESQUIRE

TODD S STEWART ESQUIRE

JUDITH D CASSEL ESQUIRE

HAWKE MCKEON & SNISCAK LLP

100 N 10TH STREET

PO BOX 1778

HARRISBURG PA 17101

***Accepts e-Service***

*(FOR NEXTERA ENERGY RESOURCES LLC)*

PATRICK M CICERO ESQUIRE

ELIZABETH R MARX ESQUIRE

JOLINE PRICE ESQUIRE

PENNSYLVANIA UTILITY LAW PROJECT

118 LOCUST STREET

HARRISBURG PA 17101

***Accepts e-Service***

*(FOR CAUSE PA)*

CHARLES E THOMAS III ESQUIRE

THOMAS LONG NIESEN & KENNARD

212 LOCUST ST SUITE 500

PO BOX 9500

HARRISBURG PA 17108-9500

***Accepts e-Service***

*(FOR NOBLE AMERICAS ENERGY SOLUTIONS LLC)*

H RACHEL SMITH ESQUIRE

EXELON BUSINESS SERVICES CORPORATION

100 CONSTELLATION WAY SUITE 500 C

BALTIMORE MD 21202

***Accepts e-Service***

*(For Exelon Generation Company LLC)*