



COMMONWEALTH OF PENNSYLVANIA

April 21, 2016

E-FILED

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

**Re: Petition of PECO Energy Company for Approval of its
Default Service Program for the Period from June 1, 2017 through
May 31, 2019 - Docket No. P-2016-2534980**

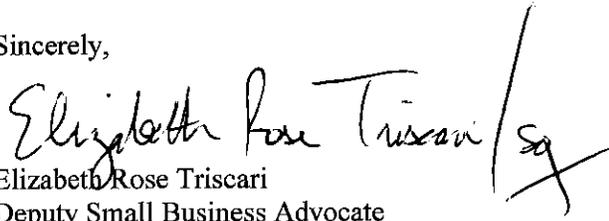
Dear Secretary Chiavetta:

I am delivering for filing today the Prehearing Memorandum, on behalf of the Office of Small Business Advocate, in the above-captioned proceeding.

Copies have been served on Administrative Law Judge Cynthia W. Fordham, as well as on all known parties in this proceeding, as indicated on the attached Certificate of Service.

If you have any questions, please do not hesitate to contact me.

Sincerely,


Elizabeth Rose Triscari
Deputy Small Business Advocate
Attorney ID No. 306921

Enclosures

cc: The Honorable Cynthia W. Fordham
Mr. Brian Kalcic
Parties of Record

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**PETITION OF PECO ENERGY COMPANY :
FOR APPROVAL OF ITS DEFAULT : Docket No. P-2016-2534980
SERVICE PROGRAM FOR THE PERIOD :
FROM JUNE 1, 2017 THROUGH MAY 31, 2019 :**

**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 consumers of utility services before the Pennsylvania Public Utility Commission (the “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 is Deputy Small Business Advocate Elizabeth Rose Triscari. Please address all correspondence as follows:

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Deputy Small Business Advocate
Office of Small Business Advocate
300 North Second Street, Suite 202
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II. BACKGROUND

On March 17, 2016, PECO Energy Company (“PECO” or “the Company”) filed with the Commission the Petition of PECO Energy Company for Approval of Its Default Service Program for the Period From June 1, 2017 Through May 31, 2019 (“Petition”). The Petition seeks approval of PECO’s proposed fourth Default Service Program (“DSP IV”) to secure default service supply for the Company’s customers for the period from June 1, 2017 through May 31, 2019.

On March 28, 2016, the Commission’s Bureau of Investigation and Enforcement (“I&E”) filed Notice of Appearance.

On April 4, 2016, the OSBA intervened and filed an Answer in this proceeding in order to protect the interests of the Company’s small business customers.

The Philadelphia Area Industrial Energy Users Group (“PAIEUG”) filed a Petition to Intervene and Answer on April 8, 2016.

An Answer was filed by the Office of Consumer Advocate (“OCA”) on April 13, 2016.

Petitions to Intervene have been filed by the Coalition for Affordable Utility Service and Energy Efficiency in Pennsylvania (“CAUSE-PA”), Direct Energy Services, LLC, Retail Energy Supply Association (“RESA”), and Noble Americas Energy.

This matter has been assigned to Administrative Law Judge (“ALJ”) Cynthia Williams Fordham. ALJ Fordham issued a Prehearing Order on April 12, 2016, informing the parties that a telephonic prehearing conference will be held on April 22, 2016. The OSBA submits this prehearing memorandum in accordance with that Order.

III. WITNESS

Assisting in the development and presentation of the OSBA's position in this proceeding will be:

Mr. Brian Kalcic
Excel Consulting
Suite 720
225 S. Meramec Ave.
St. Louis, MO 63105
(314) 725-2511
(314) 725-2022 (fax)
excel.consulting@sbcglobal.net

The OSBA requests that all parties provide courtesy copies of all documents, including discovery, testimony and briefs, upon Mr. Kalcic, simultaneously with service upon the OSBA.

IV. IDENTIFICATION OF ISSUES

The OSBA is participating in this case to ensure that the interests of small business customers of PECO 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, primarily through discovery, cross-examination of witnesses appearing for those parties, filing of testimony, and briefing of the issues that arise in this proceeding.

At this time, after an initial review of the materials submitted by PECO, the OSBA is concentrating on the following issues:

1. Whether PECO's default service procurement plan for Small Commercial (below 100 kW) customers consisting of equal shares of one-year and two-year fixed price full requirements products is appropriate;
2. Whether PECO's proposal to consolidate the Medium Commercial (100 kW to 500 kW) and Large Commercial and Industrial (greater than 500 kW) classes into a single Consolidated Large Commercial and Industrial procurement group is appropriate;
3. Whether the Company's proposal for a quarterly default service rate filing schedule for the proposed Consolidated Large Commercial and Industrial procurement group with reconciliation of the GSA over- and under-collections on a semi-annual (rather than monthly) basis should be adopted; and
4. Whether PECO's proposal to extend its Standard Offer Program to small commercial customers during DSP IV should be adopted.

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

V. DISCOVERY

The OSBA will cooperate with the ALJs and other parties to arrive at any mutually agreeable discovery modifications. The OSBA supports the discovery modifications proposed in PECO's prehearing memorandum.

VI. SERVICE OF DOCUMENTS

The OSBA agrees to accept electronic mail delivery of documents on the due date as satisfying the in-hand requirement, *provided that such documents are followed by hard copy delivery to OSBA by first class mail*. Service by electronic mail *only* is not acceptable. The OSBA requests that such hard copies are also provided to its 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. The OSBA also requests that all parties serve an electronic copy of all interrogatory responses upon the OSBA and the OSBA witness identified above.

VII. SETTLEMENT

The OSBA is willing to enter into settlement discussions at the appropriate phase of this proceeding.

VIII. PROCEDURAL SCHEDULE

The OSBA will work with the ALJs and the parties to arrive at a mutually agreeable schedule. The OSBA supports the following procedural schedule proposed by PECO in the Petition:

Other Parties' Direct Testimony	June 3, 2016
Rebuttal Testimony	June 24, 2016
Surrebuttal Testimony	July 8, 2016
Hearings (with Oral Rejoinder)	July 14-15, 2016

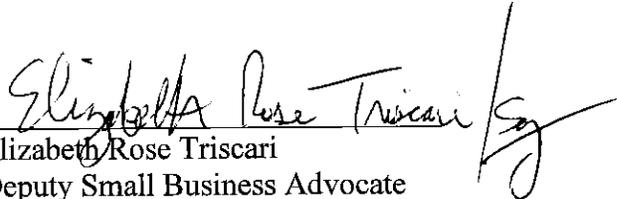
Main Brief

August 5, 2016

Reply Brief

August 19, 2019

Respectfully submitted,


Elizabeth Rose Triscari
Deputy Small Business Advocate
Attorney ID No. 306921

For:

John R. Evans
Small Business Advocate

Office of Small Business Advocate
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Harrisburg, PA 17101

Dated: April 21, 2016

**BEFORE THE
PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company for :
Approval of its Default Service Plan for : **Docket No. P-2016-2534980**
the Period from June 1, 2017 through :
May 31, 2019 :

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing have been served via email and/or First-Class mail (unless other noted below) upon the following persons, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

The Honorable Cynthia W. Fordham
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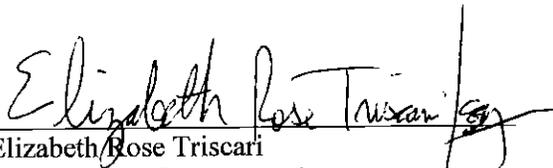
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DATE: April 21, 2016


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Attorney I.D. No. 306921