

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

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

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

May 4, 2016

Rosemary Chiavetta, Secretary
PA Public Utility Commission
Commonwealth Keystone Bldg.
400 North Street
Harrisburg, PA 17120

Re: International Brotherhood of Electrical Workers,
Local 614
v.
PECO Energy Company
Docket No. C-2016-2525801

Dear Secretary Chiavetta:

Attached for electronic filing please find the Office of Consumer Advocate's Prehearing Memorandum in the above-referenced proceeding.

Copies have been served per the attached Certificate of Service.

Respectfully submitted,

/s/ Darryl Lawrence
Darryl Lawrence
Senior Assistant Consumer Advocate
PA Attorney I.D. # 93682

Attachment

cc: Honorable Cynthia Williams Fordham, ALJ
Certificate of Service

220533

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

International Brotherhood of Electrical Workers, :
Local 614 : Docket No. C-2016-2525801
v. :
PECO Energy Company :

PREHEARING MEMORANDUM
OF THE
OFFICE OF CONSUMER ADVOCATE

Pursuant to Section 333 of the Public Utility Code, 66 Pa. C.S. Section 333, and in response to the April 22, 2016 Prehearing Order issued in the above-captioned proceeding, the Office of Consumer Advocate (OCA) hereby submits this Prehearing Memorandum.

I. INTRODUCTION

On January 25, 2016, the International Brotherhood of Electrical Workers Local 614 (IBEW) filed a formal complaint with the Pennsylvania Public Utility Commission (Commission) against PECO Energy Company (PECO or Company). The complaint was filed pursuant to 52 Pa.Code Section 121.8 to enforce compliance with the Company’s Long Term Infrastructure Improvement Plan (“LTIIIP”). IBEW alleged that PECO’s failure to comply with the LTIIIP is having a direct and immediate adverse effect on the safety of Local 614’s members. Local 614 alleged that PECO’s use of unqualified Contractors of Choice (“COC”) and PECO’s failure to sufficiently supervise the COC does not provide “adequate, efficient, safe and reasonable service and facilities” as required by Section 1501 of the Public Utility Code. 66 Pa.C.S. § 1501.

The OCA filed a Notice of Intervention and Public Statement in this proceeding on February 12, 2016. On February 16, 2016, the Company filed an Answer, New Matter and

Preliminary Objections to IBEW's formal complaint. On February 26, 2016, IBEW filed its Answer to Preliminary Objections, and on March 7, 2016, filed an Answer to New Matter and Affirmative Defenses. On March 2, 2016, the case was assigned to Administrative Law Judge Cynthia Williams Fordham. An order was issued on March 31, 2016 by ALJ Fordham denying the Company's Preliminary Objections. On April 18, 2016, IBEW asked for the hearing scheduled for May 5, 2016 be converted to a Prehearing Conference. ALJ Fordham granted the request for a Prehearing Conference in the April 22, 2016, Prehearing Order.

II. ISSUES

The OCA intervened in this proceeding in order to participate in any proceedings that the Commission orders as a result of the complaint filed by IBEW and to protect the interests of PECO's customers under the applicable sections of the Public Utility Code and Commission regulations.

III. WITNESSES

The OCA has not currently retained a witness for this proceeding. In the event that the OCA does retain a witness, prompt notification of same will be provided to ALJ Fordham and the other parties.

IV. PROPOSED SCHEDULE

The OCA will cooperate with the ALJ and the other parties to establish a litigation schedule for this proceeding.

V. SERVICE ON THE OCA

The OCA will be represented in this case by Senior Assistant Consumer Advocate Darryl Lawrence. The OCA requests that one copy of all documents be served on the OCA as follows:

Darryl A. Lawrence
Senior Assistant Consumer Advocate
Office of Consumer Advocate
555 Walnut Street, 5th Floor Forum Place
Harrisburg, PA 17101-1923
Telephone: (717) 783-5048
Fax: (717) 783-7152
E-mail: DLawrence@paoca.org

The OCA requests that Rebecca Nace (rnace@paoca.org) be included on the e-mail distribution list. The OCA will extend the same courtesy to any other parties requesting that additional persons be included on the e-mail distribution list.

VI. PUBLIC INPUT HEARINGS

The OCA is unaware of any specific consumer requests for public input hearings in this matter to date. However, if the OCA becomes aware of substantial consumer interest, the OCA will promptly notify ALJ Fordham and the other parties of such consumer interest and request a public input hearing.

VII. SETTLEMENT

The OCA is willing to participate in settlement discussions.

Respectfully Submitted,

/s/ Darryl Lawrence
Darryl Lawrence
Senior Assistant Consumer Advocate
PA Attorney I.D. # 93682
E-mail: DLawrence@paoca.org

Counsel for:
Tanya J. McCloskey
Acting 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: May 4, 2016
220531

CERTIFICATE OF SERVICE

International Brotherhood of Electrical Workers :
Local 614 : Docket No. C-2016-2525801
v. :
PECO Energy Company :

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

Dated this 4th day of May 2016.

SERVICE BY E-MAIL and FIRST CLASS MAIL

Scott J. Rubin, Esq.
333 Oak Lane
Bloomsburg, PA 17815-2036
Counsel for IBEW, Local 614

Charles T. Joyce
Spear Wilderman, P.C.
230 South Broad Street, Suite 1400
Philadelphia, PA 19102

Karl A. Fritton, Esquire
Reed Smith LLP
1717 Arch Street, Suite 3100
Philadelphia, PA 19103
Co-Counsel for PECO Energy Company

Romulo L. Diaz, Jr. Esquire
Jack R. Garfinkle, Esquire
Michael S. Swerling, Esquire
Exelon Business Services
2301 Market Street S23-1
PO Box 8699
Philadelphia, PA 19101
Counsel for PECO Energy Company

/s/ Darryl Lawrence
Darryl Lawrence
Senior Assistant Consumer Advocate
PA Attorney I.D. # 93682
E-Mail: DLawrence@paoca.org

Counsel for
Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923
Phone: (717) 783-5048
Fax: (717) 783-7152
220532