



COMMONWEALTH OF PENNSYLVANIA

May 12, 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  
Electric Long Term Infrastructure Improvement Plan and to  
Establish a Distribution System Improvement Charge for its  
Electric Operations – Docket No. P-2015-2471423**

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 Darlene Heep, on Administrative Law Judge Christopher P. Pell, 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,

A handwritten signature in cursive script that reads "Elizabeth Rose Triscari".

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

Enclosures

cc: The Honorable Darlene D. Heep  
The Honorable Christopher P. Pell  
Mr. Robert Knecht  
Parties of Record

**BEFORE THE PENNSYLVANIA  
PUBLIC UTILITY COMMISSION**

<b>Petition of PECO Energy Company for</b>	<b>:</b>	
<b>Approval of its Electric Long Term</b>	<b>:</b>	
<b>Infrastructure Improvement Plan and to</b>	<b>:</b>	<b>Docket No. P-2015-2471423</b>
<b>Establish a Distribution System Improvement</b>	<b>:</b>	
<b>Charge for its Electric Operations</b>	<b>:</b>	

**PREHEARING MEMORANDUM  
OF THE OFFICE OF SMALL BUSINESS ADVOCATE**

**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 (“Commission”) pursuant to the provisions of the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 – 399.50. In order to discharge this statutory duty, the Small Business Advocate deems it necessary to participate as a party in the above-captioned proceeding. Representing the OSBA is Deputy Small Business Advocate Elizabeth Rose Triscari.<sup>1</sup> Please address all correspondence in this matter as follows:

Elizabeth Rose Triscari, Esquire  
Deputy Small Business Advocate  
Office of Small Business Advocate  
300 North Second Street, Suite 202  
Harrisburg, PA 17101  
(717) 783-2525  
(717) 783-2831 (fax)  
[etriscari@pa.gov](mailto:etriscari@pa.gov)

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<sup>1</sup> Assistant Small Business Advocate Daniel Asmus has also entered an appearance in this proceeding, but his participation will be limited to appearing on behalf of the OSBA at the telephonic prehearing conference. Mr. Asmus should not be added to the service list.

## **II. PROCEDURAL BACKGROUND**

On March 27, 2015, PECO Energy Company (“PECO” or “Company”) filed a Petition for approval of its Electric Long Term Infrastructure Improvement Plan (“LTIIIP”) and to establish a distribution system improvement charge (“DSIC”) for its electric operations.

The Office of Consumer Advocate (“OCA”) also filed an Answer and formal Complaint on April 10, 2015.

A Petition to Intervene was filed by the Philadelphia Area Industrial Energy Users Group (“PAIEUG”) on April 15, 2015.

The OSBA filed an Answer, Notice of Intervention and Public Statement on April 16, 2015.

The Commission entered an Order dated October 22, 2015, *inter alia*, approving the LTIIIP and DSIC Petition consistent with the Order, but referred certain DSIC-related issues to the Office of Administrative Law Judge (“OALJ”) for hearing and recommended decision.

Administrative Law Judges (“ALJ”) Christopher P. Pell and Darlene Heep have been assigned to this proceeding and issued a Prehearing Conference Order on May 2, 2016, informing the parties that a telephonic initial Prehearing Conference on this case will be held on May 19, 2016. The OSBA submits this prehearing memorandum in accordance with that Order.

### **III. IDENTIFICATION OF WITNESSES**

Assisting in the development and presentation of the OSBA's case in the above-captioned proceeding will be:

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

The OSBA requests that all parties send a courtesy copy of all documents, including discovery, testimony and briefs, to 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 the Company are adequately represented and protected. The issues in this proceeding are those issues specifically referred by the Commission, as follows:

1. Whether customers taking service at transmission voltage rates should be included under the DSIC charge; and
2. If revenues associated with the riders in PECO's tariff are properly included as distribution revenues.

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

**V. DISCOVERY**

The OSBA will cooperate with the ALJs and other parties to arrive at any mutually agreeable discovery modifications.

**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.

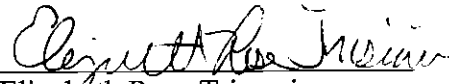
**VII. SETTLEMENT**

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

**VIII. PROCEDURAL SCHEDULE**

The OSBA will work with the ALJs and the parties to arrive at a mutually agreeable schedule.

Respectfully submitted,



Elizabeth Rose Triscari  
Deputy Small Business Advocate  
Attorney ID #306921

For:

John R. Evans  
Small Business Advocate

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Dated: May 12, 2016

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

**Petition of PECO Energy Company for** :  
**Approval of its Electric Long Term** : **Docket No. P-2015-2471423**  
**Infrastructure Improvement Plan and** :  
**To Establish a Distribution System** :  
**Improvement Charge for its Electric** :  
**Operations** :

**CERTIFICATE OF SERVICE**

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

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Date: May 12, 2016