



COMMONWEALTH OF PENNSYLVANIA

April 27, 2017

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 and Petition of PECO Energy Company for Approval of its Default
Service Plan-Docket Nos. P-2016-2534980 & P-2012-2283641**

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 proceedings.

Copies will be served on all known parties in these proceedings, 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: Parties of Record

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**PETITION OF PECO ENERGY COMPANY :
FOR APPROVAL OF ITS DEFAULT : Docket No. P-2012-2283641
SERVICE PROGRAM (DSP II) :**

**PETITION OF PECO ENERGY COMPANY :
FOR APPROVAL OF ITS DEFAULT : Docket No. P-2016-2534980
SERVICE PROGRAM (DSP IV) :**

**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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II. BACKGROUND

On March 16, 2017, the Commission ordered that the above-referenced dockets be consolidated and referred to the Office of Administrative Law Judge for hearing and decision on PECO Energy Company's ("PECO" or "the Company") 2016 CAP Rule Change Filing, the CAP-SOP proposed in the DSP IV proceeding, and all issues relating to the ability of CAP customers to shop for electric generation supply in PECO's service territory.

This matter has been assigned to Administrative Law Judge ("ALJ") Angela T. Jones. ALJ Jones issued a Prehearing Order on April 12, 2017, informing the parties that a telephonic prehearing conference will be held on May 1, 2017. The OSBA submits this prehearing memorandum in accordance with that Order.

Subsequent to the issuance of the Prehearing Order, certain of the parties agreed to request an abeyance of this proceeding until a decision is entered by the Commonwealth Court in the Retail Energy Supply Association's ("RESA") appeal of the Commission's Final Order in "Petition of PPL Electric Utilities Corporation for Approval of a Default Service Program and Procurement Plan for the Period June 1, 2017 Through May 31, 2021," also dealing with CAP shopping issues. In the interest of judicial economy and efficient use of resources, the OSBA intends to join the motion to be filed requesting an abeyance.

III. WITNESS

The OSBA has not, at this time, engaged a witness in this proceeding and does not anticipate doing so. However, the OSBA will notify the parties immediately if such a

witness is later engaged, and reserves all rights to submit testimony if deemed appropriate.

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. Given that the issues in this proceeding deal solely with shopping by CAP customers, all of whom are residential, the OSBA anticipates it will have limited participation in this matter, but will remain an active party.

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.

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.

VII. SETTLEMENT

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

VIII. PROCEDURAL SCHEDULE

In the event that the to be filed joint motion to hold this proceeding in abeyance is not granted, the OSBA supports the procedural schedule outlined in PECO's prehearing memorandum.

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
300 North Second Street, Suite 202
Harrisburg, PA 17101

Dated: April 27, 2017

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
v.	:	
	:	Docket No. P-2012-2283641
PECO Energy Company for Approval of its	:	P-2016-2534980
Default Service Program	:	

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).

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DATE: April 27, 2017


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