



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

September 11, 2017

Secretary Rosemary Chiavetta
Pennsylvania Public Utility Commission
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Respond Power, LLC v. Pennsylvania Electric Company
Docket No. C-2016-2576287

Respond Power, LLC v. West Penn Power Company
Docket No. C-2016-2576292

Dear Secretary Chiavetta:

Enclosed please find an original copy of the Bureau of Investigation and Enforcement's (I&E) **Prehearing Memorandum** in the above-captioned proceeding.

Copies are being served on parties as identified in the attached certificate of service. If you have any questions, please contact me at (717) 783-7998.

Sincerely,

Allison C. Kaster
Senior Prosecutor
Bureau of Investigation and Enforcement
PA Attorney I.D. No.93176

ACK/snc
Enclosure

cc: Certificate of Service

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Respond Power, LLC :
v. : Docket No. C-2016-2576287
Pennsylvania Electric Company :

Respond Power, LLC :
v. : Docket No. C-2016-2576292
West Penn Power Company :

CERTIFICATE OF SERVICE

I hereby certify that I am serving the foregoing **Prehearing Memorandum** dated September 11, 2017, in the manner and upon the persons listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party):

Served via First Class and Electronic Mail

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Allison C. Kaster
Senior Prosecutor
Bureau of Investigation and Enforcement
PA Attorney I.D. No.93176

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Respond Power, LLC	:	
v.	:	Docket No. C-2016-2576287
Pennsylvania Electric Company	:	
	:	
	:	
	:	
Respond Power, LLC	:	
v.	:	Docket No. C-2016-2576292
West Penn Power Company	:	

**PREHEARING MEMORANDUM
OF THE
BUREAU OF INVESTIGATION AND ENFORCEMENT**

TO ADMINISTRATIVE LAW JUDGE DAVID A. SALAPA:

The Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”) respectfully submits the following Prehearing Memorandum in the above-captioned proceeding.

On November 3, 2015, the First Energy Companies filed a Joint Petition for Approval of their Default Service Programs for June 1, 2017 through May 31, 2019. Those default service cases were resolved by settlement, which included a purchase of receivable (“POR”) clawback clause that was designed to recover uncollectible costs from suppliers whose average percentage of write-off’s exceeded supplier averages. The Commission approved the settlement, including the POR clawback term, on May 19, 2016. On November 18, 2016, Respond Power, LLC filed formal complaints against

Penelec and West Penn Power requesting that the Commission prohibit the application of the clawback clause.

I&E filed a notice of appearance in the above captioned dockets on December 14, 2016.

Pursuant to the Prehearing Conference Order issued in this matter on August 11, 2017, a Prehearing Conference is scheduled for September 13, 2017 at 10:00 a.m., with Administrative Law Judge David A. Salapa presiding. I&E submits this Prehearing Memorandum in compliance with the Prehearing Conference Order.

I. SERVICE ON I&E

The I&E Prosecutor in this proceeding is Allison C. Kaster. Contact information is as follows:

By mail: Allison C. Kaster, Esquire
Pennsylvania Public Utility Commission
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Harrisburg, PA 17105-3265

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II. SETTLEMENT

I&E is willing to make a good faith effort to successfully resolve this matter. If settlement discussions do not result in a full and complete resolution of the matter, I&E is prepared to fully or partially litigate this proceeding.

III. PROPOSED PLAN AND SCHEDULE OF DISCOVERY

I&E does not propose any modifications to the Commission's discovery rules.

IV. LITIGATION SCHEDULE

I&E will work with the other parties to develop a mutually agreeable schedule for the submission of testimony, hearings and briefs in this matter.

V. WITNESSES

I&E has not yet determined whether it will submit testimony in this proceeding. If I&E determines that testimony will be submitted, it will promptly notify the parties and the ALJ of the name, business address, telephone number and subject matter of each witness' testimony.

VI. ISSUES

I&E has not yet determined what issues it will address in this proceeding. If I&E determines that testimony will be submitted, it will promptly notify the parties and the ALJ of the subject matter of its testimony.

VII. EVIDENCE

If I&E submits written direct, rebuttal or surrebuttal testimony, it will present all testimony and accompanying exhibits at the evidentiary hearing. To the extent that I&E submits testimony, it will rely on the answers to interrogatories, annual reports and other documents submitted to the Commission, other relevant Commission filings, any other relevant Commonwealth agency letters or reports, general financial market information sources and other public documents and reports.

Respectfully Submitted,



Allison C. Kaster
Deputy Chief Prosecutor
PA Attorney ID #93176

Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
Post Office Box 3265
Harrisburg, Pennsylvania 17105-3265

Dated: September 11, 2017