



COMMONWEALTH OF PENNSYLVANIA

September 11, 2017

**E-FILED**

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

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

Dear Secretary Chiavetta:

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

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

Mr. Robert D. Knecht  
Industrial Economics Incorporated  
2067 Massachusetts Avenue  
Cambridge, MA 02140  
(617) 354-0074  
(617) 354-0463 – Fax  
[rdk@indecon.com](mailto:rdk@indecon.com)

The OSBA respectfully requests that all parties serve copies of all documents, including discovery, testimony and briefs, upon Mr. Knecht, simultaneously with service upon the OSBA. Thank you.

Copies of the attached will be served on all known parties in this proceeding, as indicated on the enclosed Certificate of Service. If you have any questions, please do not hesitate to contact me.

Sincerely,

Daniel G. Asmus  
Assistant Small Business Advocate  
Attorney ID No. 83789

*Enclosures*

cc: The Honorable David A. Salapa  
Mr. Robert D. Knecht  
Parties of Record

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

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

<b>Joint Petition of Metropolitan Edison</b>	:	
<b>Company, Pennsylvania Electric</b>	:	<b>Docket Nos. P-2015-2511333</b>
<b>Company, Pennsylvania Power Company</b>	:	<b>P-2015-2511351</b>
<b>And West Penn Power Company For</b>	:	<b>P-2015-2511355</b>
<b>Approval of Their Default Service</b>	:	<b>P-2015-2511356</b>
<b>Programs</b>	:	

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**OFFICE OF SMALL BUSINESS ADVOCATE  
PREHEARING MEMORANDUM**

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**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 (“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 in this matter is Assistant Small Business Advocate Daniel G. Asmus.

Please address all correspondence as follows:

Daniel G. Asmus, Esquire  
Office of Small Business Advocate  
300 North Second Street, Suite 202  
Harrisburg, Pennsylvania 17101  
(717) 783-2525  
(717) 783-2831 (fax)  
[dasmus@pa.gov](mailto:dasmus@pa.gov)

**II. FILING BACKGROUND**

On December 16, 2016, the OSBA intervened in proceedings initiated by the Formal Complaints of Respond Power, LLC (“Respond Power”) against Pennsylvania Electric Company (“Penelec”) at Docket No. C-2016-2576287, and against West Penn Power Company (“West Penn”) at Docket No. C-2016-2576292. Those Complaints were filed with the Commission on November 17, 2016.

Respond Power’s Formal Complaints arise from the Settlement of the FirstEnergy Companies’ most recent Default Service proceedings noted at the P-dockets in the caption above. The Office of Small Business Advocate was a signatory to that Settlement.

**III. IDENTIFICATION OF WITNESSES AND TENTATIVE ISSUES**

Assisting in the development and presentation of the OSBA’s case in this proceeding will be: Mr. Robert D. Knecht

Industrial Economics Incorporated  
2067 Massachusetts Avenue  
Cambridge, MA 02140  
(617) 354-0074  
(617) 354-0463 – Fax  
[rdk@indecon.com](mailto:rdk@indecon.com)

After a review of the materials submitted by Respond Power, Penelec and West Penn the OSBA agrees that the issue of calculation of clawback charges may be germane. The OSBA reserves the right to pursue additional issues as they arise throughout the proceeding. However, the OSBA does not anticipate that it will file testimony or briefs in this matter. The OSBA will participate in this case to assure that the interests of small business customers from both Penelec and West Penn are adequately represented and protected.

#### **IV. SERVICE OF DOCUMENTS**

The OSBA requests that all parties serve a hard copy of any document filed in this case upon the OSBA and the OSBA 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. Service by electronic mail only is not acceptable.


#### **V. SETTLEMENT**

The OSBA notes its willingness to enter into settlement discussions at the appropriate phase of this proceeding and will actively participate in the scheduled mediation.

**VI. HEARING AND BRIEFING SCHEDULE**

In light of the Governor's desire to limit the travel of State Offices under his jurisdiction, the OSBA respectfully requests that evidentiary hearings take place in Harrisburg. A schedule has yet to be determined in this proceeding.

Respectfully submitted,

  
Daniel G. Asmus  
Attorney ID No. 83789  
Assistant Small Business Advocate

For:

John R. Evans  
Small Business Advocate

Office of Small Business Advocate  
300 North Second Street, Suite 202  
Harrisburg, PA 17101

Dated: September 11, 2017

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**Joint Petition of Metropolitan Edison** :  
**Company, Pennsylvania Electric** : **Docket Nos. P-2015-2511333**  
**Company, Pennsylvania Power Company** : **P-2015-2511351**  
**And West Penn Power Company For** : **P-2015-2511355**  
**Approval of Their Default Service** : **P-2015-2511356**  
**Programs** :

**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 David A. Salapa  
Administrative Law Judge  
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DATE: September 11, 2017

  
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