

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

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September 11, 2017

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

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:

Attached please find the Office of Consumer Advocate's Prehearing Memorandum in the above-captioned proceeding.

Please contact me if you have any questions. Thank you.

Respectfully Submitted,

/s/ Kristine E. Marsilio
Kristine E. Marsilio
Assistant Consumer Advocate
PA Attorney I.D. #316479

Enclosures

cc: Honorable David A. Salapa, ALJ
Certificate of Service

239794

CERTIFICATE OF SERVICE

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	:	

I hereby certify that I have this day served a true copy of the following document, the Office of Consumer's Advocate 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 11th day of September 2017.

SERVICE BY E-MAIL and FIRST CLASS MAIL

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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
OFFICE OF CONSUMER ADVOCATE

Pursuant to the Prehearing Conference Order of Administrative Law Judge David A. Salapa issued on August 11, 2017, Section 333 of the Public Utility Code, 66 Pa. C.S. § 333, and in anticipation of the Prehearing Conference scheduled for Wednesday, September 13, 2017, the Office of Consumer Advocate (OCA) provides the following information:

I. INTRODUCTION

On November 17, 2016, Respond Power LLC (Respond Power) filed a Formal Complaint against Pennsylvania Electric Company (Penelec), Docket No. C-2016-2576287, and a Formal Complaint against West Penn Power Company (West Penn), Docket No. C-2016-2576292, requesting that the Commission prohibit Penelec and West Penn from applying the September 2016 Clawback Charge in the Supplier Tariff to Respond Power and prohibit Penelec and West Penn from applying a September 2017 Clawback Charge in the Supplier Tariff to Respond

Power for any months during which Respond Power does not have access to the information upon which the charge is based. The “Clawback Charge” mechanism was approved by the Commission in Penelec’s and West Penn’s recent Default Service Plan proceeding. Under the approved Settlement, Penelec and West Penn are required to implement a Purchase of Receivables “Clawback Proposal” to recover uncollectible costs from electric generation suppliers (EGSs) whose average percentage of write-offs substantially exceeded EGS supplier averages. These Formal Complaint filings were assigned to Administrative Law Judge David A. Salapa for investigation.

II. ISSUES AND SUB-ISSUES

The OCA is a signatory to the Settlement of Penelec’s and West Penn’s Default Service Plan proceeding, approved by the Commission at Docket Nos. P-2015-2511333, P-2015-2511351, P-2015-2511355 and P-2015-2511356 (DSP Settlement). The Formal Complaint filings raise the issue of whether the provisions approved in the DSP Settlement are appropriately implemented and whether consumers are adequately protected.

III. WITNESSES AND EVIDENCE

At this time, the OCA does not intend to present testimony in this proceeding. Should the OCA, however, determine to present testimony in this proceeding, the OCA will promptly notify the ALJ and other parties and provide the name(s) and contact information of any witness(es).

IV. SERVICE ON THE OCA

The OCA will be represented in this case by Senior Assistant Consumer Advocate Aron Beatty and Assistant Consumer Advocate Kristine E. Marsilio. Two copies of all documents should be served on the OCA as follows:

Kristine E. Marsilio
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ABeatty@paoca.org

VI. PROPOSED SCHEDULE

The OCA will work with Your Honor and the parties to establish a procedural schedule.

V. DISCOVERY

At present, the OCA is not proposing any discovery modifications. The OCA will abide by the Commission's regulations regarding discovery.

VI. SETTLEMENT

The OCA will participate in settlement discussions as appropriate.

Respectfully submitted,



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DATED: September 11, 2017
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