



September 11, 2017

VIA Electronic Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
PO Box 3265
Harrisburg, PA 17105-3265

Re:

Respond Power, LLC v. Pennsylvania Electric Company

Docket Nos. C-2016-2576887

Respond Power, LLC v. West Penn Power Company

Docket No. C-2016-2576292

Dear Secretary Chiavetta:

Enclosed please find the Prehearing Memorandum of Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) in the captioned proceedings. As show by the attached Certificate of Service, all parties to these proceedings are being duly served.

Sincerely,

A handwritten signature in blue ink, appearing to read "Patrick M. Cicero".

Patrick M. Cicero
Counsel for CAUSE-PA

CERTIFICATE OF SERVICE

I hereby certify that on I have September 11, 2017, served copies of the forgoing **CAUSE-PA's Petition to Intervene**, via email and/or first-class mail upon the following persons, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

The Honorable David A. Salapa
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Pennsylvania Utility Law Project


Patrick M. Cicero, Esq.
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September 11, 2017

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Respond Power, LLC	:	
	:	
v.	:	C-2016-2576287
	:	
Pennsylvania Electric Company	:	
	:	
Respond Power, LLC	:	
	:	
v.	:	C-2016-2576292
	:	
West Penn Power Company	:	

**PREHEARING MEMORANDUM
OF THE
COALITION FOR AFFORDABLE UTILITY SERVICES
AND ENERGY EFFICIENCY IN PENNSYLVANIA**

The Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (“CAUSE-PA”), through its counsel at the Pennsylvania Utility Law Project, hereby submits this Prehearing Memorandum pursuant to the August 11, 2017, Prehearing Order of Administrative Law Judge David A. Salapa.

I. History of Proceeding

On November 3, 2015, Metropolitan Edison Company (“Met-Ed”), Pennsylvania Electric Company (“Penelec”), Pennsylvania Power Company (“Penn Power”) and West Penn Power Company (“West Penn”) (collectively the “First Energy Companies” or “Companies”) filed a Joint Petition for Approval of their Default Service Programs for the period commencing June 1, 2017 through May 31, 2019.

On November 30, 2015, CAUSE-PA, through its attorneys at the Pennsylvania Utility Law Project, was an active party in those proceedings and signatory to the settlement agreement approved by the Commission at Docket Nos. P-2015-2511333, P-2015-2511351, P-2015-2511355, P-2015-2511356 (“DSP Cases”).

Pursuant to the approved settlement, Penelec and West Penn Power are required to implement a purchase of receivable “clawback” to recover uncollectible costs from electric generation suppliers (EGSs) whose average percentage of write-offs substantially exceeded EGS supplier averages. The settlement was approved by the Commission as a part of Penelec’s and West Penn Power’s Default Services Order at docket numbers P-2015-2511333 and P-2015-2511356, respectively on May 19, 2016.

On November 18, 2016, Respond Power, LLC filed formal complaints against Penelec and West Penn Power requesting the Commission prohibit Penelec and West Penn Power from applying the clawback for purchase of receivables payments totaling \$484,797.69 assessed on September 30, 2016. Those complaints are the subject of this proceeding. In response, on December 2, 2016, Penelec and West Penn Power filed a motion for judgment on the pleadings which was assigned to Administrative Law Judge David A. Salapa, as motion’s judge, for disposition. On January 23, 2017 Judge Salapa granted in part and denied in part Penelec and West Penn Power’s motion on the pleadings. In the granting the motion, Judge Salapa found that Respond Power had in fact received adequate notice of the proceeding, and did not timely object to proposed settlement in the DSP Cases.

Respond Power filed a Petition for Interlocutory Review pursuant to 52 Pa. Code § 5.302. By Order dated July 13, 2017, the Commission granted this petition and remanded Respond Power’s complaints back to the Office of Administrative Law Judge for further proceedings.

On August 11, 2017, Judge Salapa issued a Prehearing Conference Order scheduling a Prehearing Conference for September 13, 2017 at 10:00 a.m. The Prehearing Conference Order directed that on or before September 11, 2017, all parties are to file and serve a Prehearing Conference Memoranda. This Prehearing Conference Memoranda is filed in accordance with Judge Salapa's Order.

II. Service on CAUSE-PA

CAUSE-PA consents to accept electronic delivery documents on the deadlines for their filing as follows:

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III. Settlement

CAUSE-PA is willing to work with the other parties in this proceeding in order to come to a full or partial settlement of the litigated issues.

IV. Discovery, Submission of Testimony, In-Person Hearing, and Submission of Briefs

CAUSE-PA will work with the other parties to come to a schedule which suits the needs of all of the parties and the Commission. CAUSE-PA supports submission of testimony in written, pre-filed format with in-person hearings for purposes of cross examination and briefing, if necessary.

V. Witnesses and Testimony

CAUSE-PA has not yet determined whether it will submit testimony in this proceeding, but reserves the right to present testimony to the extent is necessary to protect its interests. If CAUSE-PA determines that it will submit testimony, it will promptly notify the parties as well as the Administrative Law Judge of this fact along with its identified witness.

VI. Issues to be Presented

CAUSE-PA has not yet identified whether it will be necessary to present evidence or testimony in this proceeding, but CAUSE-PA believes that it is essential that the settlements reached in the DSP Cases are not disrupted or undermined.

VII. Evidence to be Presented

CAUSE-PA reserves the right to present evidence on any of the issues identified by the other parties to this proceeding. While CAUSE-PA has not yet identified its witness for this proceeding, it intends to thoroughly review the evidence presented by the other parties in this proceeding, as well as fully participate in discovery. Any and all evidence presented by CAUSE-

PA will be directed so as to ensure that low-income customers are adequately protected in the continue provision of default service.

VIII. Conclusion

CAUSE-PA respectfully requests that its Prehearing Memorandum be entered into the record of this proceeding.

Respectfully submitted,

PENNSYLVANIA UTILITY LAW PROJECT
Counsel for CAUSE-PA



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