



COMMONWEALTH OF PENNSYLVANIA

January 4, 2021

E-FILED

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

Re: Joint Petition for Consolidation of Proceedings and Approval of the Phase IV Energy Efficiency and Conservation Plan of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company/ Docket Nos. M-2020-3020820, M-2020-3020821, M-2020-3020822, M-2020-3020823

Dear Secretary Chiavetta:

Enclosed for filing please find the Prehearing Memorandum, on behalf of the Office of Small Business Advocate (“OSBA”), in the above-captioned proceedings. I respectfully request that a copy of any documents filed in this case also be shared with our witness at the address below:

Robert D. Knecht
Industrial Economics, Inc.
2067 Massachusetts Avenue
Cambridge, MA 02140
rdk@indecon.com

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,

/s/ Erin K. Fure

Erin K. Fure
Assistant Small Business Advocate
Attorney ID No. 312245

Enclosures

cc: Brian Kalcic
Robert D. Knecht

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joint Petition for Consolidation of	:	
Proceedings and Approval of the Phase IV	:	
Energy Efficiency and Conservation Plan	:	Docket No. M-2020-3020820
of Metropolitan Edison Company,	:	M-2020-3020821
Pennsylvania Electric Company,	:	M-2020-3020822
Pennsylvania Power Company, and West	:	M-2020-3020823
Penn Power Company	:	
	:	
	:	
	:	
	:	

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 customers of utility services before the Pennsylvania Public Utility Commission (“PUC” or 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 in this matter is Assistant Small Business Advocate Erin K. Fure. Please address all correspondence in this matter as follows:

Erin K. Fure
Assistant Small Business Advocate
Office of Small Business Advocate
555 Walnut Street, 1st Floor
Harrisburg, PA 17101
(717) 783-2525
(717) 783-2831 (fax)
efure@pa.gov

II. FILING BACKGROUND

On November 30, 2020 Metropolitan Edison Company (“Met-Ed”), Pennsylvania Electric Company (“Penelec”), Pennsylvania Power Company (“Penn Power”), and West Penn Power Company (“West Penn”) (collectively, “First Energy” or “Companies”) filed a Joint Petition for Consolidation of Proceedings and Approval of the Phase IV Energy Efficiency and Conservation Plan (“EE&C Plan”) (“*Joint Petition*”). On December 11, 2020, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (“CAUSE-PA”) filed an Answer to the *Joint Petition* and also filed a Petition to Intervene.

On December 21, 2020, the OSBA filed a Notice of Appearance, Public Statement, and Notice of Intervention. On December 21, 2020, the Office of Consumer Advocate (“OCA”) filed a Notice of Intervention and Public Statement. The Community Action Association of Pennsylvania (“CAAP”) filed a Petition to Intervene on December 21, 2020.

A Pre-Hearing Conference Order and Notice were issued on December 30, 2020 scheduling a telephonic pre-hearing conference in this matter for January 5, 2021 before Administrative Law Judge (“ALJ”) Mark A. Hoyer.

III. IDENTIFICATION OF WITNESSES AND TENTATIVE ISSUES

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

Robert D. Knecht
Industrial Economics Incorporated
2067 Massachusetts Avenue
Cambridge, MA 02140
(617) 354-0074
(617) 354-0463 – fax
rdk@indecon.com

The OSBA will participate in the case to assure that the interests of small business customers of First Energy 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 through cross-examination of witnesses appearing for those parties and through briefing. The OSBA will particularly focus on any issue where the impact on the interests of the small business consumers would be unjustifiably different than or disproportionate to the impact on another class of customers, or otherwise lacking in reasonableness or basic fairness.

After an initial review of the materials submitted by First Energy, the OSBA has identified the following issues:

1. Whether the EE&C programs for small businesses are cost effective;
2. Whether the overall EE&C budget is reasonably balanced between residential, commercial and industrial rate classes;
3. Whether the proposed spending within the commercial class is reasonably balanced between business and non-business (e.g., multi-family homes, GNI entities) customers;
4. Whether the proposed incentive levels for commercial programs represent a reasonable balance between the need to encourage customer participation in the program and the equity considerations of requiring cross-subsidies from non-participating customers.

The OSBA reserves the right to pursue additional issues after reviewing the testimony of the parties and as issues arise throughout the proceeding.

IV. DISCOVERY

Discovery is ongoing. The OSBA will work with the Presiding Officers and the other parties to develop any mutually acceptable discovery modifications.

V. SERVICE OF DOCUMENTS

In accordance with 52 Pa. Code § 1.54(b)(3)(i), the OSBA agrees to accept electronic mail delivery of documents on the due date¹ as satisfying the in-hand requirement. The OSBA requests that electronic copies are also provided to its witnesses identified above.

The OSBA also requests that all parties serve an electronic copy of all interrogatory responses upon the OSBA and the OSBA witnesses identified above.

VI. SETTLEMENT

The OSBA notes its willingness to enter into settlement discussions at the appropriate phase of this proceeding.

¹ In accordance with 52 Pa. Code § 1.56(a)(5), documents must be received by 4:30 pm.

VII. HEARING AND BRIEFING SCHEDULE

The OSBA will continue to cooperate with other parties to develop a mutually acceptable procedural schedule.

Respectfully submitted,

/s/ Erin K. Fure

Erin K. Fure
Assistant Small Business Advocate
Attorney ID # 312245

Office of Small Business Advocate
555 Walnut Street, 1st Floor
Harrisburg, PA 17101
(717) 783-2525
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Dated: January 4, 2021

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joint Petition for Consolidation of	:	
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Pennsylvania Electric Company,	:	M-2020-3020822
Pennsylvania Power Company, and West	:	M-2020-3020823
Penn Power Company	:	
	:	
	:	
	:	

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing have been served via email (*unless otherwise 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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/s/ Erin K. Fure

Erin K. Fure
Assistant Small Business Advocate
Attorney ID No. 312245

DATE: January 4, 2021