

January 7, 2021

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

VIA ELECTRONIC FILING

Re: Petition of PECO Energy Company for Approval of its Act 129 Phase IV Energy Efficiency and Conservation Plan; Docket No. M-2020-3020830

Dear Secretary Chiavetta:

Please find enclosed for filing with the Pennsylvania Public Utility Commission ("PUC" or "Commission") the Prehearing Memorandum of the Industrial Energy Consumers of Pennsylvania ("IECPA"), in the above-referenced matter.

This document was filed electronically with the Commission on this date. All parties are being served a copy of this document in accordance with the enclosed Certificate of Service.

Please contact the undersigned if you have any questions concerning this filing.

Sincerely,

SPILMAN THOMAS & BATTLE, PLLC

By 

Derrick Price Williamson
Barry A. Naum

BAN/sds
Enclosures

c: Deputy Chief Administrative Law Judge Mark A. Hoyer (via E-mail)
Administrative Law Judge Emily DeVoe (via E-mail)
Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company for :
Approval of its Act 129 Phase IV Energy : **Docket No. M-2020-3020830**
Efficiency and Conservation Plan :

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the following parties to this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by participant).

VIA E-MAIL

Richard Kanaski, Esquire
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
400 North Street, 2nd Floor
P.O. Box 3265
Harrisburg, PA 17105-3265
rkanaskie@pa.gov

Aron J. Beatty, Esquire
Laura J. Antinucci, Esquire
Office of Consumer Advocate
5th Floor, Forum Place
555 Walnut Street
Harrisburg, PA 17101
abeatty@paoca.org
lantinucci@paoca.org

Steven C. Gray, Esquire
Office of Small Business Advocate
300 North Second Street
Suite 202
Harrisburg, PA 17101
sgray@pa.gov

Anthony E. Gay, Esquire
Jack R. Garfinkle, Esquire
PECO Energy Company
2301 Market Street
P.O. Box 8699
Philadelphia, PA 19101-8699
Anthony.gay@exeloncorp.com
jack.garfinkle@exeloncorp.com

Kenneth M. Kulak, Esquire
Catherine G. Vasudevan, Esquire
Morgan, Lewis & Bockius LLP
1701 Market Street
Philadelphia, PA 19103-2921
ken.kulak@morganlewis.com
Catherine.vasudevan@morganlewis.com

John W. Sweet, Esquire
Elizabeth R. Marx, Esquire
Ria M. Pereira, Esquire
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101
pulp@palegalaid.net

Certificate of Service
Docket No. M-2020-3020830
Page 2

Mark C. Szybist, Esquire
Natural Resources Defense Council
1152 15th St. NW, Suite 300
Washington, DC 20005
mszybist@nrdc.org

James M. Van Nostrand, Esquire
Keyes & Fox LLP
320 Fort Duquesne Blvd., Suite 15K
Pittsburgh, PA 15222
jvannostrand@keyesfox.com



Barry A. Naum

Dated: January 7, 2021

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company for :
Approval of its Act 129 Phase IV Energy : Docket No. M-2020-3020830
Efficiency and Conservation Plan :

**PREHEARING MEMORANDUM OF
THE INDUSTRIAL ENERGY CONSUMERS OF PENNSYLVANIA**

Pursuant to the Prehearing Conference Order issued on December 30, 2020, by Deputy Chief Administrative Law Judge ("DCALJ") Mark A. Hoyer, the Industrial Energy Consumers of Pennsylvania ("IECPA"), hereby submits this Prehearing Memorandum in the above-captioned proceeding.

I. HISTORY OF THE PROCEEDING

On November 30, 2020, PECO Energy Company ("PECO" or "Company") filed with the Pennsylvania Public Utility Commission ("PUC" or "Commission") a Petition for approval of the Company's Phase IV Energy Efficiency and Conservation ("EE&C") Plan ("Phase IV Plan" or "Plan"), pursuant to the requirements of Act 129 of 2008, 66 Pa. C.S. § 2806.1 ("Act 129") and the PUC's Implementation Order entered on June 18, 2020, at Docket No. M-2020-3015228. On January 7, 2021, IECPA filed a Petition to Intervene to participate in this proceeding. A description of IECPA is set forth in its Petition to Intervene.

II. REPRESENTATION AND SERVICE CONTACT

IECPA is represented by counsel with contact information as follows:

Derrick Price Williamson
Barry A. Naum
SPILMAN THOMAS & BATTLE, PLLC
1100 Bent Creek Boulevard, Suite 101
Mechanicsburg, PA 17050
Phone: (717) 795-2742
Fax: (717) 795-2743
dwilliamson@spilmanlaw.com
bnaum@spilmanlaw.com

III. ANTICIPATED ISSUES

IECPA is still evaluating PECO's Phase IV Plan and anticipates being informed by the record created in these cases. At this preliminary stage, however, IECPA plans to explore the issue of how PECO intends to allocate and collect the costs associated with its "Non-Residential Program" from the various and discrete Commercial and Industrial ("C&I") classes that are eligible to participate in this program and who are subject to the paying the associated charges. IECPA anticipates pursuing this issue during these proceedings and reserves the right to raise further issues and to respond to all matters raised by other parties.

IV. PROPOSED WITNESSES AND EVIDENCE

IECPA is still in the process of evaluating whether it will sponsor testimony in this proceeding. Regardless, IECPA reserves the right to participate in this proceeding and adduce evidence through the submission of discovery, cross-examination of other parties' witnesses, and the submission of briefs, exceptions, and reply exceptions, if necessary.

V. PROPOSED SCHEDULE AND DISCOVERY RULES

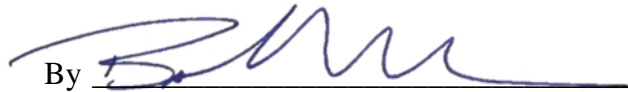
IECPA will cooperate with the DCALJ and the parties to formulate a reasonable procedural schedule and discovery rules in accordance with the Commission's regulations and DCALJ

directives. To that end, IECPA believes that the parties have already conferred on a schedule that is agreeable to all parties, including IECPA.

VI. SETTLEMENT

IECPA is willing to participate in settlement discussions so as to narrow or resolve issues in dispute among the parties.

Respectfully submitted,

By 

Derrick Price Williamson (Pa. I.D. No. 69274)

Barry A. Naum (Pa. I.D. No. 204869)

SPILMAN THOMAS & BATTLE, PLLC

1100 Bent Creek Boulevard, Suite 101

Mechanicsburg, PA 17050

Phone: (717) 795-2742

Fax: (717) 795-2743

dwilliamson@spilmanlaw.com

bnaum@spilmanlaw.com

Counsel to Industrial Energy Consumers of Pennsylvania

Dated: January 7, 2021