**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of All Choice Energy MidAmerica LLC :

for approval to supply electricity or electric :

generation services as a supplier of electricity to the : A-2021-3024563

public in the service territories of PECO Energy :

Company and PPL Electric Utilities Corporation :

Application of All Choice Energy MidAmerica LLC :

for approval to supply natural gas services as a :

supplier or aggregator engaged in the business : A-2021-3024607

of supplying natural gas services in the service :

territories of PECO Energy Company, Philadelphia :

Gas Works and UGI Utilities

**PREHEARING ORDER**

AND NOW, this 20th day of April 2021, it is hereby ORDERED:

1. **DATE AND TIME OF HEARING.** An initial telephonic hearing will be held in the above-captioned consolidated proceeding on Thursday, May 20, 2021 beginning at 10:00 a.m.

To participate in the hearing, you must dial the toll-free number listed below. You will be prompted to enter a PIN number, which is also listed below. You will be asked to speak your name, press the # key, and then the telephone system will connect you to the hearing. If you have any witnesses you want to have present during the hearing who are participating from a separate phone, you must provide them with the telephone number and PIN Number.

Toll-free Bridge Number: 877.931.1680

PIN Number: 55872942

**FAILURE TO APPEAR**: You may lose the case if you do not take part in this hearing and present evidence on the issues raised. Your protest(s) may be dismissed “with prejudice” which means that you will be barred from filing another protest raising the same claim(s) and issue(s) presented in the dismissed protest(s).

1. **CONTINUANCES.** You may request a continuance of the hearing if you have a good

reason. Continuances will be granted only for good cause. To request a continuance, you must

submit a written request (a “motion”) at least five (5) days before the hearing. Your motion

should include:

1. The case name(s), case number(s), and hearing date;
2. The reason you are requesting a continuance; and
3. State whether the other party(s) agrees to the request (or if you do not know).

You must submit the motion to me at:

Elizabeth H. Barnes, Administrative Law Judge

Email address: ebarnes@pa.gov

You must submit the motion to the other party(s) at their email address.

1. **PRESENTING EXHIBITS.** If you intend to present any documents or exhibits at the

hearing, you must email one (1) copy to the Administrative Law Judge at [ebarnes@pa.gov](mailto:ebarnes@pa.gov) and one (1) copy each must be sent to every other party.  All copies must be received at least five (5) business days before the hearing. Proposed exhibits should be properly pre-marked for identification purposes.

Please be sure to have all pre-served exhibits with you at the time of the hearing. This hearing may be your only opportunity to present evidence in support of your protest.

1. **FILING AND SERVING DOCUMENTS DURING COVID-19**

FILING WITH THE PUC.

**COVID-19**. Currently the PUC’s buildings are closed due to the COVID-19 pandemic. However, the PUC remains fully functional and continues to work remotely. Because the PUC does not have access to regular U.S. Mail, the PUC shall only accept e-filings for all documents. Therefore, a party who wishes to file a document with the PUC must sign-up for e-Filing and e-Service as indicated below.

**E-FILING**. The PUC offers a free e-Filing Subscription Service. This service allows a user to file documents electronically and receive an automatic email notification whenever a document is added, removed, or changed on the PUC website in a specific case. For information and to subscribe to this service, visit the PUC’s website at:

<https://www.puc.pa.gov/filing-resources/efiling/>

**PAPER FILING.** If you do not have the capability to open and use an e-Filing account, you may file paper documents with the Secretary of the Commission. Filing of paper documents must be sent by overnight delivery to:

Secretary of the Commission  
400 North Street  
Harrisburg, PA 17120

It is important that you retain the tracking information as proof of submission because during the pandemic emergency, the PUC has limited access to mail delivery.

## SERVING OTHER PARTIES. When you file documents with the PUC, you must also

serve a copy on the other party. During COVID-19, you can serve a copy by e-Service or e-mail. [For your convenience, a copy of the PUC’s current service list of all parties to this proceeding is enclosed with this Order].

SERVING THE PRESIDING OFFICER. Be sure that you serve me directly with a copy of any document that you file in this proceeding at the time of its filing. You must email one (1) copy at ebarnes@pa.gov. If you send me any correspondence or document, you must also send a copy of that correspondence or document to every other party.

1. **REPRESENTATION.** If you are an individual, you may represent yourself or you may

have an attorney represent you. All others, including a partnership, limited liability company, corporation, trust, association, or governmental agency or subdivision, must be represented by an attorney licensed to practice law in Pennsylvania, or admitted *pro hac vice*.[[1]](#footnote-1) And, unless you are an attorney, you may not represent someone else.

1. **BURDEN OF PROOF.**  The Applicant (the one filing the Complaint) bears the burden

of proof and must present evidence sufficient to demonstrate that the utility has violated the Public Utility Code, or a regulation or order of the PUC.[[2]](#footnote-2)

1. **CONTACT INFORMATION.** If your e-mail address or telephone number changes

during the course of the proceeding, you must immediately update OALJ by calling 717-787-1399.

1. **ACCOMMODATION.**  Any party who needs an accommodation for a disability in

order to participate in this hearing process may request one. Please call the PUC scheduling office at least five (5) business days prior to your hearing to submit your request.

If you require an interpreter to participate in the hearing, we will have an interpreter present. Please call the scheduling office at the PUC at least ten (10) business days prior to your hearing to submit your request.

Scheduling Office: (717) 787-1399

The AT&T Relay Service number for persons who are deaf or hearing-impaired is:

1-800-654-5988.

1. **SETTLEMENT.** The PUC’s policy is to encourage settlements.[[3]](#footnote-3) The Applicant shall

contact the Protestant at least one week before the scheduled hearing to talk over a possible settlement of this case. Even if you are unable to settle this case, you may still resolve many questions or issues during your talks. If an agreement is reached on all the issues, a formal hearing will not be necessary and the scheduled hearing will be cancelled. As this proceeding is before the Office of Administrative Law Judge pursuant to 52 Pa. Code Section 54.36(c).

**10.**  Protestant should be prepared to begin presentation of its direct case immediately upon the conclusion of the presentation of the applicant’s direct case. Applicant has the burden of proof with respect to need for the service and technical and financial fitness. Protestant has the burden of proof with respect to assertions that entry of a new carrier endangers or impairs the existing carrier’s operation, thus rendering the grant of the application contrary to the public interest.

**11. HEARING PROCEDURES.** Although the hearing is being conducted telephonically for the convenience of the parties, it is still a formal hearing and will be conducted in accordance with the PUC’s Rules of Practice and Procedure at 52 Pa Code Chapters 1, 3, and 5.

Please be sure to participate from a location, and using a phone, where background noise will be minimized, and the reception is clear.

Dated: April 20, 2021 \_\_\_\_\_\_\_\_\_\_/s/\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Elizabeth H. Barnes

Administrative Law Judge

**A-2021-3024563 - APPLICATION OF ALL CHOICE ENERGY MIDAMERICA LLC FOR APPROVAL TO SUPPLY ELECTRICITY OR ELECTRIC GENERATION SERVICES AS A SUPPLIER OF ELECTRICITY TO THE PUBLIC IN THE SERVICE TERRITORIES OF PECO AND PPL**

**A-2021-3024607 - APPLICATION OF ALL CHOICE ENERGY MIDAMERICA LLC**

**FOR APPROVAL TO SUPPLY NATURAL GAS SERVICES AS A SUPPLIER OR AGGREGATOR ENGAGED IN THE BUSINESS OF SUPPLYING NATURAL GAS SERVICES IN THE SERVICE TERRITORIES OF PECO, PHILADELPHIA GAS WORKS AND UGI UTILITIES**

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*Representing All Choice Energy MidAmerica LLC*JOHN D COYLE ESQUIRE COYLE LAW GROUP LLP55 MADISON AVENUESUITE 400MORRISTOWN NJ 07960**973.801.0454**jcoyle@coylelawgroup.comAccepts eService  
*Representing Choice Energy LLC*

1. 52 Pa. Code §§ 1.21 & 1.22. [↑](#footnote-ref-1)
2. 66 Pa.C.S. §332(a). [↑](#footnote-ref-2)
3. 52 Pa. Code § 5.231(a). [↑](#footnote-ref-3)