

COMMONWEALTH OF PENNSYLVANIA



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July 3, 2024

Via Electronic Filing

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

Re: Joint Petition of Citizens' Electric
Company of Lewisburg, PA and
Wellsboro Electric Company
For Approval of Default Service Plan
For The Period June 1, 2025 Through May 31, 2029

Docket Nos. P-2024-3049357, P-2024-3049359

Dear Secretary Chiavetta:

Attached for electronic filing please find the Office of Consumer Advocate's Prehearing Memorandum in the above-referenced proceeding.

Copies have been served on the parties as indicated on the enclosed Certificate of Service.

Respectfully submitted,

/s/ Emily A. Farren

Emily A. Farren
Assistant Consumer Advocate
PA Attorney I.D. # 322910
EFarren@paoca.org

Enclosures

cc: The Honorable Conrad Johnson (*via email only*)
Certificate of Service

CERTIFICATE OF SERVICE

Joint Petition of Citizens' Electric :
Company of Lewisburg, PA and :
Wellsboro Electric Company : Docket Nos. P-2024-3049357
For Approval of Default Service Plan : P-2024-3049359
For The Period June 1, 2025 Through :
May 31, 2029 :

I hereby certify that I have this day filed electronically on the Commission's electronic filing system and served a true copy of the following document, the Office of Consumer Advocate's Prehearing Memorandum, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below.

Dated this 3rd day of July 2024.

SERVICE BY E-MAIL ONLY

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Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923

Date: July 3, 2024

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Joint Petition of Citizens’ Electric	:	
Company of Lewisburg, PA and	:	
Wellsboro Electric Company	:	Docket Nos. P-2024-3049357
For Approval of Default Service Plan	:	P-2024-3049359
For The Period June 1, 2025	:	
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PREHEARING MEMORANDUM
OF THE OFFICE OF CONSUMER ADVOCATE

Before the Pennsylvania Public Utility Commission (Commission), pursuant to Section 333 of the Public Utility Code, 66 Pa. C.S. § 333, and in response to the June 20, 2024 Prehearing Conference Order issued by the Honorable Administrative Law Judge (ALJ) Conrad A. Johnson in the above-captioned matter, the Office of Consumer Advocate (OCA) provides hereby submits this Prehearing Conference Memorandum.

I. PROCEDURAL HISTORY

On May 31, 2024, Citizens’ Electric Company of Lewisburg, PA and Wellsboro Electric Company (the Companies) filed their Joint Petition for Approval of Default Service Program (DSP) for the Period from June 1, 2025 through May 31, 2029. The Commission assigned the Company’s Petition to the Office of Administrative Law Judge (OALJ). On June 20, 2024, the OCA filed its Answer to the Petition. On June 20, 2024, the OALJ issued a Notice scheduling a Call-In Telephonic Prehearing Conference for July 9, 2024. Additionally, on June 20, 2024, ALJ Johnson issued a Prehearing Conference Order setting forth the parties’ obligations with respect to the Prehearing Conference and directing the parties to prepare and distribute prehearing memorandums by July 5, 2024.

II. ISSUES

The OCA seeks to ensure that the DSP and any rates approved as a result of this proceeding are reasonable and consistent with Pennsylvania statutes and case law, the Commission's regulations, and Commission orders. Upon a preliminary analysis of the Companies' Petition, the OCA identified several significant issues that require further review. These issues include the following:

- A. Default Service Products and Procurement Methodology: The OCA will examine the type and variety of products that the Companies propose to solicit to determine whether the proposal will provide the least cost over time for residential default service customers in accordance with the Commission's regulations and Act 129 of 2008 (Act 129). The OCA will also examine the Companies' procurement plan to determine whether the proposal is designed to provide the least cost reliable supply, taking into account price stability for customers over time.
- B. Supplier Adder: The OCA will examine the costs included in the Supplier Adder to determine whether it is fully hedgeable over four years.
- C. AEPS Compliance: The OCA will review the Companies' proposal to determine whether it produces the lowest reasonable cost for alternative energy credits and whether it appropriately supports the development of alternative requirements under the AEPS Act.
- D. Contingency Plans: The OCA will review the contingency plans to ensure that the risks to winning full requirements bidders are not overly burdensome.
- E. EV Charging and Prudent Mix Compliance: The OCA submits that the Companies' TOU rate option and proposed procurement plan must be examined to ensure compliance with existing law and the Commission's regulations.
- F. Requests for Waivers: The OCA will examine the Companies' requests for waivers of the Commission's regulations

The OCA anticipates that other issues may arise as its investigation into this matter continues. Therefore, the OCA specifically reserves the right to raise additional issues as this matter proceeds.

III. SERVICE ON THE OCA

The OCA will be represented in this matter by Assistant Consumer Advocate Emily A. Farren. Copies of all documents should be served on the OCA as follows:

Emily A. Farren
Assistant Consumer Advocate
EFarren@paoca.org

Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923
Phone: (717) 783-5048
Fax: (717) 783-7152

IV. WITNESSES

The OCA intends to present the direct, rebuttal, and surrebuttal testimony, as may be necessary, of its witness. The OCA's witness will present testimony in written form and will attach various exhibits, documents, and explanatory information to assist in the preparation of the OCA's cases. In order to expedite the resolution of this matter, the OCA requests that copies of all interrogatories, testimony, and answers to interrogatories be emailed directly to the OCA's witness at the addresses below as well as counsel for the OCA.

Retail Electric Default Service, Procurement Methods, Portfolio Construction, and Related Issues:

Serhan Ogur
Exeter Associates, Inc.
10480 Patuxent Parkway
Suite 300
Columbia, MD 20144
sogur@exeterassociates.com

The OCA specifically reserves the right to call additional witnesses, as necessary. At the time at which the OCA determines that additional witnesses are necessary for any portion of its case, the OCA will promptly notify ALJ Johnson and all parties of record.

V. DISCOVERY

The OCA’s proposed modifications to the Commission’s discovery regulations are attached as Appendix A. The OCA believes that these modifications will assist the parties in clarifying and narrowing issues and developing a complete record for the Commission. Additionally, the OCA respectfully requests that, if adopted, the proposed modifications take effect on the date of the Prehearing Conference.

VI. PUBLIC INPUT HEARINGS

The OCA has received no requests for public input hearings at this time. Should such a request be received, the OCA will promptly advise ALJ Johnson and the parties of the same.

VII. LITIGATION SCHEDULE

The OCA and the Companies recommend the following schedule:

June 28, 2024	Citizens’ and Wellsboro Supplemental Direct Testimony
Aug. 6, 2024	Other Parties’ Direct Testimony
Sept. 9, 2024	All Parties’ Rebuttal Testimony
Sept. 20, 2024	All Parties’ Surrebuttal Testimony
Sept. 25-26, 2024	Hearing (Citizens’ and Wellsboro Oral Rejoinder, if necessary)
Oct. 16, 2024	Main Brief
Oct. 31, 2024	Reply Brief
Dec. 15, 2024	Recommended Decision
Jan. 6, 2025	Exceptions
Jan. 16, 2025	Reply Exceptions
Feb. 20, 2025	PUC Public Meeting

VIII. SETTLEMENT

The OCA will fully participate in settlement discussions with the parties at the appropriate time during this proceeding.

Respectfully Submitted,

/s/ Emily A. Farren

Emily A. Farren
Assistant Consumer Advocate
PA Attorney I.D. # 322910
E-Mail: EFarren@paoca.org

Counsel for:
Patrick M. Cicero
Consumer Advocate

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Phone: (717) 783-5048
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DATE: July 3, 2024

APPENDIX A
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Joint Petition of Citizens' Electric	:	
Company of Lewisburg, PA and	:	
Wellsboro Electric Company	:	Docket Nos. P-2024-3049357
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OCA PROPOSED DISCOVERY
RULE MODIFICATIONS

In conjunction with its proposed schedule, the OCA proposes the following modifications to the Commission's procedural rules regarding discovery. The OCA requests that the Presiding Officer direct that the modifications will take effect when addressed during the on the record prehearing conference and apply to all future discovery requests served as of the day of the prehearing conference.

- A. Answers to written interrogatories and requests for document production, entry for inspection, or other purposes shall be served in-hand within ten (10) calendar days of service.
- B. Objections to interrogatories and/or requests for production shall be communicated orally to the propounding party within three (3) business days of service of the interrogatories; unresolved objections shall be served in writing to the propounding party within five (5) business days of service of the interrogatories and/or requests for production.
- C. Motions to dismiss objections and/or direct the answering of interrogatories and/or requests for production shall be filed within three (3) business days of service of written objections.
- D. Answers to motions to dismiss objections and/or answering of interrogatories and/or requests for production shall be filed within three (3) business days of service of such motions.

- E. Requests for admissions will be deemed admitted unless answered within ten (10) calendar days or objected to within five (5) calendar days of service.
- F. Answers to on-the-record data requests shall be served in-hand within five (5) calendar days of the requests.
- G. Any discovery or discovery-related pleadings (such as objections, motions, and answers to same) served after served after 4:30 p.m. Monday through Thursday or after 12:00 p.m. on a Friday or the day before a holiday will be deemed to have been served on the next business day for purposes of calculating the due date for any responsive filing.

After rebuttal testimony is served, the OCA proposes that the deadlines should be reduced as follows:

- A. Answers to interrogatories and responses to requests for document production, entry for inspection, or other purposes shall be served within five (5) business days of service of the interrogatories or requests for production.
- B. Objections to interrogatories and/or requests for production shall be communicated orally to the propounding party within two (2) business days of service; unresolved objections shall be served on the propounding party in writing within three (3) business days of service of the interrogatories and/or requests for production.
- C. Motions to dismiss objections and/or direct the answering of interrogatories and/or requests for production shall be filed within two (2) business days of service of written objections.
- D. Answers to motions to dismiss objections and/or direct the answering of interrogatories and/or requests for production shall be filed within two (2) business days of service of such motions.
- E. Requests for admission shall be deemed admitted unless answered or objected to within three (3) business days of service.
- F. Discovery requests and discovery related pleadings (such as objections, motions, and answers to same) served after 4:30 p.m. Monday through Thursday or after 12:00 p.m. on a Friday or the day preceding a holiday shall be deemed to have been served on the next business day.