

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	R-2024-3046931
	:	
	:	
Office of Consumer Advocate	:	C-2024-3048362
Office of Small Business Advocate	:	C-2024-3048467
Alan McCarthy	:	C-2024-3048475
Philadelphia Area Industrial Energy Users Group	:	C-2024-3048671
	:	
v.	:	
	:	
PECO Energy Company (Electric)	:	

Pennsylvania Public Utility Commission	:	R-2024-3046932
	:	
	:	
Office of Consumer Advocate	:	C-2024-3048363
Office of Small Business Advocate	:	C-2024-3048456
State Representative Christina Sappey	:	C-2024-3048631
Alan McCarthy	:	C-2024-3048497
	:	
v.	:	
	:	
PECO Energy Company (Gas)	:	

BRIEFING ORDER

The evidentiary hearings were held as scheduled on August 8, 2024 and August 12, 2024. During the hearing, PECO, I&E, OCA, OSBA, PAIEUG, TURN/CAUSE-PA, Amtrak, Walmart, EVgo, Electrify America, City of Philadelphia, Philadelphia Energy Alliance, SEPTA, and IBEW presented their witnesses for cross-examination. The parties were directed to file a Stipulation regarding all evidence, including written testimony, that was admitted into the record without objection by Wednesday, August 14, 2024. The hearing date on August 13, 2024 was cancelled.

The record will be held open until September 12, 2024, when the parties' Reply Briefs are due. This Briefing Order memorializes the instructions for the briefing in this case.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the parties must provide the presiding officers with a status update on settlement discussions on or before Friday, August 23, 2024;
2. That the presiding officers are available any time before August 23, 2024, to assist the parties with settlement negotiations, if requested by the parties;
3. That the parties are to provide a Stipulation regarding the statements and exhibits that are entered into the record in these matters no later than, Wednesday, August 14, 2024;
4. That Main Briefs of the parties on any litigated issues are due on or before Friday, August 30, 2024;
5. That the Reply Briefs are due on or before Thursday, September 12, 2024;
6. That the briefs must substantially comply with the Commission's regulations at 52 Pa.Code §§ 5.501, 5.502;
7. That the briefs must contain: (a) a concise statement or counter-statement of the case; (b) an argument, with sufficient citations to record evidence, preceded by a summary; (c) a conclusion with requested relief; (d) proposed Findings of Fact, together with

page references to statements of testimony and exhibits; (e) proposed Conclusions of Law, together with legal citations and (f) proposed Ordering Paragraphs;

8. That the parties must use the Rate Case Tables provided via email on June 5, 2024, if necessary to address unresolved issues in this case;

9. That the parties must use a common outline for Main and Reply Briefs and provide that outline to the presiding officers no later than Friday, August 16, 2024;

10. That the parties are to provide separate briefs in the Electric and Gas Base Rate Cases;

11. **That the parties are limited to 100 pages for each of the Main Briefs and 70 pages for each of the Reply Briefs;**

12. **That the parties shall file the original copies of the Main Briefs with the Commission no later than 4:00 p.m. on the date due;**

13. **That the parties shall file the original copies of the Reply Briefs with the Commission no later than 2:00 p.m. on the date due;**

14. That any brief not filed and served on or before the date set forth above will not be accepted except by special permission;

15. That the parties are required, within thirty (30) days after the final hearing, to upload to SharePoint all testimony and exhibits identified and admitted into the record during the proceeding;

16. That the parties will receive an email from Deana Schleig, from the Harrisburg Office of Administrative Law Judge with the information regarding the SharePoint;

17. That the parties are advised not to include any extra-record evidence in their briefs;

18. That if a brief contains a citation to an unreported decision which is not available on WESTLAW or the Commission's website, a copy of that unreported decision must be appended to the brief;

19. That the parties are reminded that they are to e-mail me a copy of their as-filed briefs in a WORD-formatted document in addition to ADOBE or other compatible PDF format; and

20. That if the parties resolve the issues in these cases that results in a full or partial settlement, then the settlements documents and statements in support are due on or before Thursday, September 12, 2024;

21. That the statements in support must contain proposed findings of fact, conclusions of law, and proposed ordering paragraphs;

22. That any statements in support must contain citations to the record to support the parties' positions;

23. That if there is any party not joining in the settlement, in whole or in part, must submit a letter on or before Thursday, September 12, 2024 indicating their position on the settlement.

Date: August 13, 2024

_____/s/
Darlene Heep
Administrative Law Judge

_____/s/
Marta Guhl
Administrative Law Judge

R-2024-3046931, R-2024-3046932 - PA PUBLIC UTILITY COMMISSION v. PECO ENERGY COMPANY – ELECTRIC AND GAS

Revised 7/25/2024

JACK GARFINKLE ESQUIRE
ANTHONY GAY ESQUIRE
JENNEDY JOHNSON ESQUIRE
CAROLINE S CHOI ESQUIRE
ADESOLA K ADEGBESAN ESQUIRE
PECO ENERGY COMPANY
2301 MARKET STREET S23-1
PHILADELPHIA PA 19103
267.533.1999
jack.garfinkle@exeloncorp.com
anthony.gay@exeloncorp.com
caroline.choi@exeloncorp.com
Jennedy.johnson@exeloncorp.com
Adesola.Adegbesan@exeloncorp.com
Accepts eService
(*Counsel for PECO*)

KENNETH M KULAK ESQUIRE
MARK A LAZAROFF ESQUIRE
CATHERINE G VASUDEVAN ESQUIRE
BROOKE E MCGLINN ESQUIRE
MORGAN LEWIS & BOCKIUS LLP
2222 MARKET STREET
PHILADELPHIA PA 19103
215.963.5384
215.963.4603
215.963.5952
215.963.5404
ken.kulak@morganlewis.com
mark.lazaroff@morganlewis.com
catherine.vasudevan@morganlewis.com
bmcglinn@morganlewis.com
(Accepts eService)

CARRIE B WRIGHT ESQUIRE
BUREAU OF INVESTIGATION AND
ENFORCEMENT
SECOND FLOOR WEST
400 NORTH STREET
HARRISBURG PA 17120
717.783.6156
717.787.4887
carwright@pa.gov
Accepts eService

BARRETT SHERIDAN ESQUIRE
ERIN L GANNON ESQUIRE
GINA L MILLER ESQUIRE
JACOB GUTHRIE ESQUIRE
OFFICE OF CONSUMER ADVOCATE
555 WALNUT STREET 5TH FLOOR
FORUM PLACE
HARRISBURG PA 17101
717.783.5048
bsheridan@paoca.org
egannon@paoca.org
gmliller@paoca.org
jguthrie@paoca.org
Accepts eService

NICHOLAS J ENOCH ESQUIRE
LUBIN & ENOCH PC
349 NORTH FOURTH AVENUE
PHOENIX AZ 85003
602.234.0008
nick@lubinandenoch.com
Accepts eService
(*Counsel for IBEW Local 614*)

CHARLES T JOYCE ESQUIRE
SAMUEL SHOPP ESQUIRE*
SPEAR WILDERMAN PC
230 S BROAD STREET SUITE 1400
PHILADELPHIA PA 19102
215.732.0101
215.732.7790

Ctjoyce@spearwilderman.com
sshopp@spearwilderman.com

Accepts eService
**Served via email and first-class mail
(Counsel for IBEW Local 614)*

NAZAARAH SABREE ESQUIRE
SHARON E WEBB ESQUIRE
REBECCA LYTTLE ESQUIRE
OFFICE OF SMALL BUSINESS
ADVOCATE
FORUM PLACE
555 WALNUT STREET 1ST FLOOR
HARRISBURG PA 17101

717.783.2525

717.783.2831

swebb@pa.gov
relyttle@pa.gov
ra-sba@pa.gov

Served via email

JONATHAN NASE ESQUIRE
DAVID P ZAMBITO ESQUIRE
COZEN O'CONNOR
17 NORTH SECOND STREET
SUITE 1410
HARRISBURG PA 17101

717.773.4191

717.703.5892

jnase@cozen.com
dzambito@cozen.com

Accepts eService
(Counsel for UPENN)

CHARIS MINCAVAGE ESQUIRE
ADEOLU A BAKARE ESQUIRE
BRIGID LANDY KHURI ESQUIRE
MCNEES WALLACE & NURICK
100 PINE STREET
PO BOX 1166
HARRISBURG PA 17108

717.237.5437

717.232.8000

cmincavage@mwn.com
abakare@mcneeslaw.com

bkhuri@mcneeslaw.com

Accepts eService
(Counsel for PAIEUG)

CHARLOTTE EDELSTEIN ESQUIRE
JOLINE R PRICE ESQUIRE
VIKRAM A PATEL ESQUIRE
ROBERT W BALLENGER ESQUIRE
1410 W. ERIE AVE
PHILADELPHIA PA 19140

215.227.4732

cedelstein@clsphila.org

Accepts eService
(Counsel for TURN and CAUSE-PA)

BERNICE I CORMAN ESQUIRE
BICKY CORMAN LAW
1250 CONNECTICUT AVE
NW #700
WASHINGTON DC 20036

202.213.1672

bcorman@bickycormanlaw.com

Accepts eService
(Counsel for EVgo Service LLC)

BARRY A NAUM ESQUIRE
DERRICK P WILLIAMSON ESQUIRE
STEVEN W LEE ESQUIRE
SPILMAN THOMAS & BATTLE
1100 BENT CREEK BLVD
MECHANICBURG PA 17050
717.795.2742
717.795.2740
717.791.2012
bnaum@spilmanlaw.com
dwilliamson@spilmanlaw.com
slee@spilmanlaw.com
Accepts eService
(*Counsel for Walmart, Inc.*)

LAURA ANTINUCCI ESQUIRE
PHILADELPHIA LAW DEPT
1515 ARCH ST
16TH FLOOR
PHILADELPHIA PA 19102
215.683.8452
laura.antinucci@phila.gov
Accepts eService

ALAN SELTZER ESQUIRE
JOHN F POLVILAITIS ESQUIRE
BUCHANAN INGERSOLL & ROONEY
409 N SECOND STREET, SUITE 500
HARRISBURG PA 17101-1357
717.237.4862
717.237.4825
alan.seltzer@bipc.com
john.povilaitis@bipc.com
(*Counsel for Constellation Energy
Generation LLC and Constellation
NewEnergy, Inc.*)

WILLIAM LESSER ESQUIRE
COZEN O'CONNOR
3 WTC
175 GREENWICH STREET
55th FLOOR
NEW YORK NY 10007
212.509.9400
wlesser@cozen.com
(*Representing Electrify America, LLC*)

STEPHEN BRIGHT ESQUIRE
ELECTRIFY AMERICA, LLC
1950 OPPORTUNITY WAY SUITE 1500
RESTON, VIRGINIA 20190
Steve.Bright@electrifyamerica.com
Served via email and first class mail

C BAIRD BROWN ESQUIRE
ECO(N)LAW LLC
230 S BROAD ST
17TH FLOOR
PHILADELPHIA PA 19102
215.586.6615
baird@eco-n-law.net
Accepts eService
(*Counsel for Philadelphia Energy Authority*)

ROBERT A WEISHAAR JR ESQUIRE
MCNEES WALLACE & NURICK LLC
1200 G STREET NW
SUITE 800
WASHINGTON DC 2000
202.898.5700
rweishaa@mwn.com
Accepts eService
(*Counsel for Amtrak*)

REP. CHRISTINA SAPPEY
698 UNIONVILLE ROAD
KENNETT SQUARE PA 19348
484.200.8264
RepSappey@pahouse.net
Accepts eService

ALAN MCCARTHY
705 E BARNARD ST
WEST CHESTER PA 19382
484.467.2845
alanmccarthy25@hotmail.com
Accepts eService

PHILLIP D. DEMANCHICK JR.
HAWKE MCKEON & SNISCAK, LLP
100 NORTH 10TH STREET
HARRISBURG, PA 17101
717.236.1300

pddemanchick@hmslegal.com
(Counsel for Grays Ferry Cogeneration
Partnership and Vicinity Energy
Philadelphia, Inc.)

TODD S. STEWART
HAWKE MCKEON & SNISCAK LLP
100 NORTH 10TH STREET
HARRISBURG, PA 17101
tsstewart@hmslegal.com
(Counsel for the Southeastern Pennsylvania
Transportation Authority (“SEPTA”))

REBECCA KIMMEL
MCNEES WALLACE & NURICK LLC
PO BOX 116
HARRISBURG PA 17101
717.232.8000
rkimmel@mcneeslaw.com
(Counsel for Philadelphia Area Industrial
Energy Users Group)